

A Meeting of the Meridian City Council was called to order at 6:01 p.m. Tuesday, November 12, 2024, by Mayor Robert Simison.

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

Members Absent: Doug Taylor.

Other Present: Chris Johnson, Bill Nary, Sonya Allen, Nick Napoli, Brian Caldwell, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call this meeting to order. For the record it is November 12th, 2024, at 6:01 p.m. We will begin this evening's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: We had no one sign up for the -- under the community invocation.

ADOPTION OF AGENDA

Simison: So, we will move on to adoption of the agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No changes this evening, so I move we adopt the agenda as presented.

Strader: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PROCLAMATIONS [Action Item]

1. Veteran and Spouse Small Business Week Proclamation

Simison: Next item up is a proclamation. Is Mindy here? Yes. Okay. Well, good. We will go ahead and -- come on down and do a proclamation. So, Council, this -- yesterday we were able to celebrate Veteran's Day and this time of year we also do a lot of stuff promoting our businesses, Chamber of Commerce, Small Business Saturday is coming up, amongst other things, but tonight we are here specifically to celebrate Veterans and Spouse Small Business Week. So, with that I will read the proclamation and turn it over for any comments you have. Whereas nearly one out of ten small businesses across the United States is veteran owned and are a pillar of our economy and contribute to the foundation of our nation from Main Street store fronts to virtual high tech startups and whereas the veterans and spouse small business owners are resilient, disciplined and mission oriented thanks to their military service and commitment to serving our country and communities and whereas when we resolve ourselves to strengthen the communities we must empower and support the giants that veteran and spouse entrepreneurs are in the economy and whereas Idaho Veteran and Small Business Week highlights the programs and services available to veteran and spouse entrepreneurs through so many resource partners at the state and federal level and whereas the state of Idaho and the City of Meridian support and join in this national effort to help America's veterans and spouse small businesses start, grow and recover from businesses after disaster and help our community thrive. Therefore, I, Mayor Robert E. Simison, hereby proclaim November 11th through 17th, 2024, as Veterans and Spouse Small Business Week in the City of Meridian and call upon the citizens to join me and recognizing and celebrating the veteran-owned businesses in our community, dated this 12th day of November 2024. On behalf of the City of Meridian please accept this proclamation on our behalf.

McKinney: I want to thank you for being such a great supporter. From the very beginning you have been such a great advocate for our services and what we are doing across, you know, the state of Idaho, especially in this area. I -- we really appreciate everything that you have done to support our initiatives and our navigation services that we offer for veterans and their family for free. We are a 501(c)(3) and we provide navigation resources and that's for veteran aligned, veteran parallel, veteran adjacent people that are also looking to connect with the military community that aren't military attached themselves. So, shop small, shop local, shop veteran. We have a really really great member directory on our website idahoveterans.org, where you can locate and find veteran-owned businesses wherever you happen to be shopping in Meridian or across the state of Idaho. So, thank you very much. I appreciate your time.

PUBLIC FORUM – Future Meeting Topics

Simison: Next item up is public forum. Mr. Clerk, do we have anyone to signed up on this item?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

2. Public Hearing for Proposed 2025 Lakeview Golf Course Fee Schedule of the Meridian Parks and Recreation Department

Simison: Okay. Then with that we will move on to our Action Items this evening. First item up Item 2 is a public hearing proposed 2025 Lakeview golf course fee schedule of the Meridian Parks and Recreation Department. Open this public hearing with staff comments from Mr. White.

White: Mr. Mayor, Members of Council, thanks for having me tonight. The fees in front of you were presented by Steve Siddoway, our director, on October 22nd for you guys recommendations and feedback. So, really, the fees in front of you tonight are those fees with -- that included updated senior military discount, that reflect the greens fee adjustments and overall the greens fee adjustments and everything else were really to bring us up to -- just to recap -- bring us up to the middle of everybody else of the comparables that we had. So, with that I will stand for questions.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. Just real quick. I know we have got a very vocal and enthusiastic set of fans at the golf course. I assume any time somebody whispers Lake View in Meridian that group hears about it. So, any feedback from that group about what was proposed or were there any changes as a result of any of the feedback they offered?

White: Mr. Mayor, Councilman Cavener, thanks for the question. To my understanding Ryan's been -- Ryan, our golf pro out there, has been communicating all these changes and potential changes coming to them and the feedback that Ryan has given me that they all kind of expected. It's not out of the ordinary and it's fair I would say, if that makes any sense. Thanks for the question.

Simison: Counsel, any additional questions?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Garrett, just maybe appreciation by making it easier for some of us older folks -- I noticed weekday senior nine holes. You have rounded it out so that I can just write a check for 30 dollars and that includes the tax, instead of \$29.68. That makes the math in the checkbook work a little bit easier for me, so thank you for doing that.

White: You are welcome.

Simison: Well, good. Well, thank you, Garrett, and I don't suppose you want to answer which one of your daughters did this to you.

White: I wish I had a really good story, but no.

Simison: Fair enough. Okay. Thank you. Mr. Clerk, do we have any sign-ups to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Is there anybody present who would like to come forward and provide testimony on this public hearing? Or if you are online you can use the raise your hand feature. Seeing no one raising their hand and no one coming forward, Council, do I have a motion?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mayor, I move we close the public hearing on the proposed 2025 Lake View Golf Course fee schedule.

Overton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Resolution 24-2489: A Resolution Adopting the 2025 Lakeview Golf Course Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

Simison: Next item up is Item 3, Resolution 24-2489.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Mayor, I move we approve Agenda Item No. 3, Resolution 24-2489, a resolution adopting the 2025 legislative golf course fees.

Overton: Second.

Simison: May have jumped the gun there. And do I have a second? I thought I heard a second. Okay. I did not hear that. Okay. We have a motion and a second to approve Resolution 24-2489. Is there discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the resolution is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

4. Public Hearing for Epic Shine at Overland (H-2024-0056) by The Land Group, located at 151 W. Overland Rd.

- A. Request: Vacation to vacate a portion of the 10-foot permanent easement for public utilities, pressurized irrigation and lot drainage encumbering Lots 2 and 3, Block 1 of the Medina Subdivision.

Simison: With that we will move on to Item 4, which is a public hearing for Epic Shine at Overland, H-2024-0056. We will open this public hearing with staff comments.

Napoli: Mr. Mayor, Members of the Council, next item on the agenda is a public utility and easement vacation for Epic Shine Car Wash. The site consists of 1.69 acres of land, zoned C-G, located at 151 West Overland Road. The applicant is requesting to vacate a portion of a ten foot permanent easement for public utilities, pressurized irrigation and lot drainage covering subject Lots 2 and 3 in Block 1 of the Medina Subdivision. These easements were established as far as -- of the approved final plat Medina Subdivision. Currently the existing car wash is constructed over the platted easement, which was assumed to have been adjusted with the prior -- with the approval of the property boundary adjustment in 2021. However, per the UDC a property boundary adjustment does not vacate any public utility easements created through the subdivision process. Vacating easements will bring the existing car wash into conformance. Relinquishment letters were received from Lumen, CenturyLink, Intermountain Gas, Nampa-Meridian Irrigation District and Idaho Power for the portion of the easement proposed to be vacated. Staff is recommending approval and has received written testimony from the applicant Tamara Thompson in support for the staff report and recommendation. I will stand for any questions at this time.

Simison: Thank you, Nick. Council, any questions for staff? Is the applicant here? Would you like to make any comments? Okay. Applicant waives and says that they

agree with all the terms and conditions. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present who would like to provide testimony on this item, either in the -- in the room or online? Seeing no one coming forward and no one raising their hand --

Cavener: Mr. Mayor?

Simison: -- does the applicant waive any final comments? Applicant waives any final comments. Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I move we close the public hearing on Item 4.

Strader: Second.

Simison: Motion and second to close the public hearing on Item 4. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move that we approve the vacation request for Epic Shine application number H-2024-0056, as presented in the staff report tonight.

Strader: Second.

Simison: Have a motion and a second to approve Item H-2024-0056. Is there any discussion on the motion? If not, Clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, absent; Whitlock, yea.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

- 5. Public Hearing continued from September 17, 2024 for Timbercreek Recycling (H-2024-0032) by Engineering Solutions, LLP., generally located at the NW corner of S. Locust Grove Rd. and E. Columbia Rd.**

- A. Request: Modified Development Agreement to the existing development agreement (H-2018-0042), Inst. #2019-053058) to further clarify the current and future permitted uses and timelines, create guidelines to allow for efficient and continued use of the property, and ensure the operation is meeting all State and Federal guidelines.

Simison: Next item is Item 5 a public hearing continued from September 17th, 2024, for Timbercreek Recycling, H-2024-0032. We will continue this public hearing with any comments from staff.

Allen: Thank you, Mr. Mayor, Members of the Council. This project was heard by City Council on the 17th of September and continued to tonight's hearing in order for the applicant to come up with an accelerated timeline to eliminate the processing of waste activated sludge and other problematic materials, including building materials that are creating silica dust, to alleviate health impacts to surrounding neighbors in as short a time frame as possible. The public hearing was left open in order to accept public testimony on the new information that's presented at tonight's hearing. Since the last hearing the applicant has met with the neighbors and based on testimony presented at the Council meeting and feedback from the neighbors came up with a phase transition plan for the next three years for all operations to be completed by December 2027. The plan focuses on the following issues. Odor, dust, volume and accountability and proposes a timeline for addressing these issues. An amended proposed development agreement was also submitted based on the phase transition plan and recommendations from the legal department. The applicant is here tonight to provide testimony and staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff at this time? Okay. Then would the applicant like to come forward? Good evening. State your name and address for the record, please.

Lakey: Caleb Lakey. 16933 Northside Boulevard, Nampa, Idaho. Mr. Mayor, Members of the Council, thank you again for the opportunity to be here tonight. Appreciate the opportunity to come back and present to you our plan -- accelerated plan for vacation of our current operations in Meridian. We appreciate again the opportunity and feel we have a solid plan to present to you tonight and talk through it, certainly answer any of your questions. You may recall I spoke last time. I do work directly for the owner of the company Mr. Murgoitio as his vice-president of Timbercreek Recycling and I'm an environmental engineer by -- by degree and I think what we are doing is really -- really interesting and fascinating. So, I'm happy to represent that. Our intent is to fully transition our composting operation from Meridian to Nampa. We want to maintain a continuity of operations as we do so and certainly implement any additional control measures we can do to make that as seamless and as -- minimize any impacts from that process. So, what I would like to cover tonight is simply, you know, what we heard, both what we took away from this Council, we took away from other actions with neighbors and other property owners, what we have heard from regulatory agencies,

what we have accomplished since we last met with you and, then, I would like to summarize our plan to make sure that there is clarity on what we intend to do and how we intend to do that. We -- as mentioned last time we -- we need a runway out of this property. We recognize that what we are doing at Timbercreek, albeit a valuable amenity to the community and waste restoration in the valley, it's not compatible with the foreplanning of the city of Nampa -- or city of Meridian, excuse me, and the land development in the area. So, we recognize that and last time we were here we talked about a five year plan. We mentioned the three year plan. We have come back tonight, as staff pointed out, with a three year plan to get ourselves fully decommission off that site. I would like to point out to the -- to the Council, though, that within our plan we are really proposing within two years to have stopped receiving any of the cheese WAS, which is one of the most contentious items that we receive at our property, the final year to decommission moving remaining inventory off site, et cetera. We did also rescind from our DA -- so, to be clear we are proposing December 31st of 2027 as our termination date in the modified DA. Also we rescinded our request to delete the accepted materials, which was noted in the DA and we also rescinded our request to remove the truckload limits and I think that -- that may have been overlooked in the staff report, but that also has been taken out of the DA, so we are no longer requesting that and we added Section 9.5 talking about penalties and I will discuss that a little bit further in my presentation tonight. So, what did we hear? And this just mirrors what you will see in our plan. These were the four big topics. There is concerns about dust. You heard testimony last time about dust, concerns about odor, the volume of cheese WAS, the cheese WAS. The cheese WAS itself, a lot of discussion about that and, then, lastly, about accountability and how we can develop a plan that would hold ourselves accountable and have checkmarks that the WAS -- in three years be gone and we get to three years and we say, well, we didn't quite make it, that there would be checkpoints along the way, milestones if you will, opportunities to check in, certainly could check back in with this Council if need be and provide updates on where we are at to see progress towards ultimate goal of vacating the site. The dust and odors share that they are both nuisances. We understand that. We respect that concern. The dust -- they asked for some increased control. On October 4th we posted a sign at our scale house in Meridian that said effective October 31st -- end of October we would no longer accept concrete, tile, brick, asphalt, et cetera, at our facilities and we have done so. City code enforcement was on site earlier this week -- or last week and verified we have not received any concrete, tile, brick, et cetera, in the month of November and that will continue. The odor -- we have been working with the cheese plant on ways that we can modify the odor. We have really focused on trying to modify the odor at the source. We think that's the most effective way to do this. We have already done several odor mitigation factors on our site. We have worked through that as we have evolved into -- to processing this material. We have been focused on how can we control the odor in the product itself before it even comes to our site and I will talk more about that. So, there has been a change to our process in that regard. As far as cheese WAS volume, we have continued to divert cheese to our Nampa site and I will talk more about that in our plan and we -- opportunity to divert more of that as we move forward and we have the capacity to do so, to do so responsibly, both environmentally and professionally to move that product and take care of it for the supplier and for -- again for the -- for the

valley here. And, then, accountability. I have talked about inspections and I mentioned -- and I will talk more about -- point you to Section 9.5 where we have proposed penalties if we don't comply with the plan that we are proposing in an effort to be transparent and hold ourselves accountable we have proposed that in our -- in our DA. I do want to clarify, because there has been a lot of conversation about this WAS. The definition of the WAS, what the WAS means. I still see some comments -- I reviewed some comments -- public comments about what WAS is. WAS is a process. It's not a product. So, that the cheese whey WAS is the -- is the waste activated sludge resulting from the cheese whey at the cheese factory. It's not toxic waste or nuclear waste, it's waste activated sludge, which is a result of that process -- a biological process. The other is the definition of industrial waste. If I had a -- if I was in a tortilla factory and had a tortilla in my hand and I dropped on the floor of the factory it would, then, be industrial waste from that process. So, I think those terminologies of waste activated sludge and industrial waste have been used a lot and by definition they could be applicable, but I want to make sure there is clarity in what they can mean and what all they can encompass as we talk about this. So, what have we accomplished since our last meeting. On the 17th we had our public hearing. Shortly thereafter on the 24th we met with Public Works director of the City of Meridian to discuss what we heard in the -- in this hearing. Comments were talked about, what this could mean for the solid waste disposal system for -- for Meridian, for recycling in Meridian, et cetera. Had a good meeting and appreciate her time. In the month of October we were really busy. We started with meeting with Meridian code enforcement the first for a site tour. We also responded to a letter sent by the Central District Health. On the 2nd, 9th, 23rd and 30th we met, we started a group with the Central District Health representatives, the Department of Environmental Quality, our consultants from Green Mountain Technology. We also had representative from the Sorrento cheese plant on -- periodically on these calls to talk about our progress, talk about what we are working on, what we are trying to get accomplished and how that was influencing our plan that we are putting forward and we appreciate their participation in those meetings. On the 22nd we did hold this voluntary meeting with our neighbors in the area and -- and had feedback from them. That meeting was held at the lineman college there and received their feedback. The 31st was the last day, as I mentioned earlier, for concrete, asphalt and brick in Meridian and, then, on -- in November, again, we met with the same group, talked about progress and, then, on the 7th we met with code enforcement again back on site. So, let's focus a little bit on the cheese whey WAS and some highlights from this. Since our last meeting we have diverted over 1,100 tons of cheese WAS to Nampa. We were able -- there was -- two things have happened. Number one, we have been looking for efficiency. We talked about that last time I believe with this body about how can we get better. We are learning how to operate that pad as best as it can be operated. It is a flow through system, so you just -- it can't take an unlimited amount; right? What goes on that process, goes across the pad, comes back out and you are trying to catch your rhythm where you are getting stuff on, the appropriate volume, it's cooking across the pad, it's coming off, you are screening it and you are selling it. There is a whole process there and a hiccup in any one of those processes can set everything back. If you can't get the process across the pad you can't accept more -- more products. So, my point is that we have tried to refine that and get better about what expectations are and we have

found some efficiency there. We also have other products on that pad and there was some space that opened up this last month and we took the opportunity to open space. We put more cheese on it and so we were able to divert 1,100 tons to -- to Nampa. I think that's -- that's credible and notable. We did three -- what I would call formal odor investigation since we last met. Those were based off of complaints or observations where we responded out, we -- we did a full site tour, looked at the weather, examined what factors could be there, if there is more things we could do and responded to that and documented that. I mentioned we worked with a Sorrento cheese plant to mitigate the odor at this source. They have spoken with their chemical supplier Dober and they can source -- I will talk a little about this -- the lime -- the calcium hydroxide that we are using to mitigate the pH for the organic acids in our -- in our cheese WAS. They can source that through their chemical supplier and they can find that in a liquid or powder form. The way it leaves the plant is through a screw press and up a conveyor into the back of a delivery truck and they are very confident they can easily dose that in that screw press, which would, then, mix it on site, deposit in the back of this trailer and, then, by the time it got to our site that material would have been treated with the lime calcium hydroxide and we think that would greatly help to reduce the odor on the site even further than we have reduced it already through our operations. This would be a reduction actually in the product itself. So, we are -- we are excited about that. To expound on that, we did five what I call bucket tests and what I -- I show a picture here of what that means and simply we took -- to see how that -- that this product would respond to the lime, which was a recommendation for the Department of Environmental Quality, lime is used in stabilization of bio solids. So, let's -- let's -- it's been used successfully other places, let's use this with the cheese. So, we did. We took a sample in a bucket and we added a percentage by weight of lime to that bucket. I was there when the experiment was done all five times and the change in the odor is -- is immediate. So, it doesn't eliminate the order, but it modifies the odor greatly and that's -- that's very encouraging to what could be done as we further refine this. So, let me show you some of the results. We start on the 25th, we did one percent by weight in the bucket. Again the effects were immediate on the odor. The starting pH of that bucket -- remember seven -- seven is neutral, so we are slightly on the acidic side. As we add that calcium hydroxide we expect to create a more basic scenario and, again, we are trying to neutralize those organic acids that are probably -- or not probably -- that are the source of the odor. You think about organic odors, the ones that really strike you and turn your nose. Think about a skunk, for example. You know that smell when you smell it, that's that organic compound, it really -- it hits you. So, those organic acids are what we are targeting by neutralizing those with the calcium hydroxide. We went to a pH of 11.5. That's too basic for us. That's going to impact the way our compost behaves. Again in composting you want good bacteria in there. You want this stuff to -- to make the compost happen. So, that's too high. We came back. You see we tried a half a percent and a quarter percent. The half a percent got us to 8.4, quarter percent got 7.3 and didn't mitigate the odor as much. So, we are targeting a half a percent. You see we have done that two more times with very similar results. We plan to do that a few more times with loads to demonstrate consistency with the loads that we are receiving and, then, roll that into a pilot program of actually composting that product on a full -- full scale and, then, moving forward to continue the implementation. So, we are

very encouraged by these results and happy to share them with you. I would like to conclude by just stepping through our transition plan with you. I know you received a copy of this, but I would like to make a few highlights for you tonight. Phase one to be completed by the end of this year. You see they are all marked in quarter four. So, stop receiving regular receiving cheese WAS on the weekends. Now, I use the word regularly because, as I mentioned to you earlier, there is some variability in capacity, in staffing on weekends, et cetera. So, we did show that. I -- since we had this last meeting there has only been one weekend where we received cheese back in Meridian. So, I'm confident we continue to do that. Dust. As I mentioned effective November 1st no more concrete, asphalt, tile, porcelain, brick accepted in Meridian and we will continue our regular dust control as we always have. Volume. At least 25 percent of our inbound cheese WAS diverted from the Meridian site to the Nampa site on the existing infrastructure and, then, accountability, presenting this transition plan to the Meridian City Council. You can see on the right I have noted how much -- what percentage of the cheese WAS we can get diverted by the end of the year. So, 25 percent in phase one end of this year. Phase two. I mentioned earlier the pilot of this calcium hydroxide. So, we are doing the bucket test now, going into a full scale pilot of that, would be treating a whole load of the waste activated sludge coming from the cheese plant and, then, composting that. Keep in mind the compost process in Meridian is about a 90 day process. So, you can see why I put Q1 and Q2 to accomplish that in Meridian and, then, in Q2 make a decision and fully implement, commit to odor -- additional odor control measures. Dust in Q1 of next year. We are not accepting any more product. We have a pile that needs to be crushed. There would be one more crushing in Q1 of 2025. That's a good time to crush. That's the wet season. Helps mitigate the dust. We can also do additional dust control measures, but there would be one more crushing event and, then, completely done with any sort of concrete asphalt recycling. As far as volume goes, we will continue to work towards completion of the engineering on the new ASP pad in Q2. That additional ASP pad, the first of two to be added, so one of two under construction in Q3 and, then, moving an additional 25 percent of the cheese WAS to Nampa by the end of the year. So, now you see a total of 50 percent by the end of next year, end of 2025, 50 percent of the cheese WAS diverted to Nampa and accountability I show in every quarter we are very amenable to a quarterly, or more frequent if you would like, inspection by your code enforcement team. Phase three is by the end of 2026 ongoing cheese WAS order controls with the successful implementation of that, continued regular dust all throughout the year, but no additional crushing. The volume -- can put -- the same process; right? But this is for pad two of two. So, we have one pad now. We build one next year and the additional one the second year, significant investment in that to make that possible, so that by the end of 2026 one hundred percent of the cheese WAS is diverted to Nampa and, again, we continue with quarterly inspections. I would like to note to the Council that, you know, under our current DA there is the expiration -- you are well aware of the expiration of 2029 or the thousand foot trigger. Based on the development across the street we anticipate that coming up in the next -- in the next year. So, we are asking for a year extension on that to -- to finalize our completion of another pad and, then, the final year as I showed you on the last slide, is to decommission the site and so notably you will see there is no cheese WAS there.

Regular dust operations. The volume is simply sale or transfer the remaining inventory, movement of any of our infrastructure off the site. You know, we have a screen plant there, small out building, some other pieces of equipment that we would be demobilizing. And, then, a final site walk through with the City of Meridian code enforcement. So, Mr. Mayor, Members of the Council, we -- again we are excited about this plan. We think this is a reasonable, professional, responsible approach to how we can decommission the site with the material we have on site and we -- we really think this jives with several letters I read where, you know, there was proposals of a multi-phased approach or a multi-year approach. There was a proposal for a 2027 deadline even in April. We are pretty close to that where this is right here. That was from the development across the street, which is potentially going to trigger this whole thing. So, we are certainly interested in your feedback tonight and any questions you might have for us. Thank you.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I -- one thing I'm concerned about -- so, we have identified the WAS as being problematic and we have identified the -- basically construction materials as being problematic. Can you give me a -- you have been pretty specific about what's going to happen with the WAS and with the construction materials, but could you give me a complete list of all the materials in the meantime that would be accepted at this site, whether it's like leaves, wood product, what -- what exactly could be accepted that's not in those two categories before you decommission your facility?

Lakey: Sure. Mr. Mayor, Council Woman Strader, appreciate your question. I certainly can provide you a written list of all -- all of our products, but as you started to mention there, you know, leaves, grass, branches, tree trimmings, sheetrock, construction -- clean construction wood. So, plywood, clean two by fours. There is no -- just again to be clear, there is no bio solids, so no -- no WAS or aka bio solids from a wastewater treatment plant are coming to the Meridian site. That's happening in Nampa, because the facility we have and the permitting we have there. So, no bio solids are being accepted -- or will be accepted in Meridian and have not been accepted in Meridian. As I mentioned, the concrete, all of the crushing activities would cease. There is an opportunity for a limited amount of food waste. So, we are talking like lettuce, apples, bananas, waste produce, for example. I know I saw some pumpkins come through after -- after Halloween. Those are the -- those are the big highlights. I can certainly provide a detailed list to you if you like, Council Woman.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: This is helpful. I think ultimately for me to be comfortable you would have to provide a list and I think part of the reason is that the existing development agreement is not very specific. It refers to agricultural materials, which as we have discovered, was not really a sufficient set of guardrails in my opinion for what's happening here and I think we have a disagreement on -- with me personally anyway on the characterization of the WAS. So, I kind of wanted to understand that. I believe Central District Health is one of your regulators and I have a letter from them stating that it is an industrial waste and not an agricultural waste. Could you help me understand your perspective a little more on -- on that. You kind of give an example of somebody dropping like something in a factory, but help me understand that.

Lakey: Sure. Mr. Mayor, Council Woman Strader. So, the example I gave was a broad definition of an industrial waste is a waste from an industrial process. So, if I was -- the example I gave was if I was in a tortilla factory producing tortillas and I drop a tortilla on the floor that's now waste. It's industrial waste from industrial process. So, when we talk about industrial waste, it's a broad category. So, define the WAS as an industrial waste from an industrial process or -- is it an agricultural waste from an agricultural process? Is it coming from the Meridian cheese plant? Yes. Is that an industrial process? One could argue, yes, that's an industrial process. I don't think that definition changes the way we treat the material or how we handle it. My intent was to clarify that -- I think when we hear the term industrial waste it can elicit other images of what industrial waste is. I just want to make the point that it can be a variety of things.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I understand that. That's helpful. I -- I think it would be good to know if there is a representative here from Central District Health or the Department of Environmental Quality. Okay. Great. Thank you, ma'am. I'm sure we will come to you at some point to discuss a little bit. I kind of -- we are a land use agency in terms of how we are acting this evening and I think what's tricky, though, is we have an intersection of different issues and a lot of concerns from the public around health and so I'm just trying to just see who is in the room that we can kind of have different discussions with. Okay. Regarding your lime addition -- Mr. Mayor, do you mind if I continue to ask questions?

Simison: Go ahead.

Strader: Thank you. Regarding the addition of -- of the lime, I understand the pH, but is there an objective way to measure odor? Is there, you know, a way to do so in a scientific way? I'm just curious about how you would -- at least what a couple of people's opinion would be about what type of odor reduction could be expected with this pilot. If you have any feedback about that.

Lakey: Mr. Mayor, Council Woman Strader, this is the crux of -- of really the debate, obviously, is -- is what your nose smells and my nose smells may not be the same and

what's offensive to me may not be offensive to you. Sure, there is extreme categories where that falls into the bucket. To be objective in this, to answer your question, there is a machine that's called a Nasal Ranger that literally is a machine that can quantify odor to an extent. I mean that has its constraints, but it would be more objective than, you know, me and you -- or me and anybody else saying, well, I smell this and what do you smell and the possibility of being able to document if there is a reduction in that odor. You know, as you transition -- as you push that pH up you are going to create more ammonia and so ammonia has an odor to it. The difference is that ammonia tends to -- it doesn't last long in the environment. It tends to dissipate very quickly and so that's another reason why we don't want to push the pH too high and create an over amount of ammonia, but we are -- we are transitioning from the organic acids to the -- to the ammonia. So, your question was about can we quantify it? We believe there is some technology to do that. There is some constraints and some variability in that, but is that better than, you know, a debate of noses? I would say yes.

Strader: Just one more, Mr. Mayor. You explained that there may be an inconsistency between the -- I guess the staff report and the red line to the development agreement in terms of what you feel you have agreed to. You said that you are in agreement to remove the request for the change to the limitation on the amount of truck loads that could come to the site and, then, you named one other item, but I did not catch that. Would you mind going over that again real quick?

Lakey: Mayor, Council Woman Strader, so I pointed out that we did rescind our request to delete the list of acceptable materials. We had asked previously to delete that list and go with what is acceptable through DEQ and CDH. So, we left the list as was previously dictated. You made a great comment about further expounding that list potentially to very clearly state what is currently accepted and that's the list and the other red line was that previously we had asked to remove the truckload limit, which is 56 truckloads a day. We verbally rescinded in that last meeting -- we rescinded that from our red lines and you will see that in our -- in our proposed DA, but it didn't make it into the staff report. At least from my review I didn't see that in the staff summary, so I wanted to highlight that to you that we were not requesting that to be removed any longer. I did see that comment in some public comment as well and I wanted to make sure that that was clear, that we are not expanding operations, we are not asking for more truck loads, we already tracked the truck loads, every truck that comes in goes across your scale, the type of waste that's being deposited is -- is quantified and qualified and, then, that -- that truck counts there. I will point out that it is very clear in our operations plan that that is -- or, excuse me, the DA that that is large trucks, it's not vehicle count. It's large truck count. Ten yards or larger, which is a typical dump truck.

Strader: Thank you. I will noodle on that for a little bit. I may have some additional questions later. Thanks.

Simison: Council, additional questions for the applicant?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Thank you for the presentation. And, again, just to clarify, you have stopped receiving the concrete and brick and tile and porcelain and you intend, if this is approved, only have one more crushing cycle or episode, I guess. Describe for me what that cycle looks like. How long is it? And you mentioned during the winter months it's the wet months and so it helps keep some of the dust down. But one more crushing. I just need some guardrails around a timeline for that.

Lakey: Mr. Mayor, Councilman Whitlock, thank you. So, we -- we own and operate a mobile crushing unit. It's a tracked unit and so we mobilize that unit on site with an excavator with a thumb to feed that -- that machine. Based on the size -- the size of that pile that's going to be a week or two of crushing activities, which is during regular operating hours they start to crush. The crusher does have an on-board dust suppression system where we can connect that to a water system and it basically has a spray bar inside that tries to help suppress the dust. The struggle with concrete is that you can spray water on concrete all day long, but as soon as you crack it -- it's -- it's dry; right? It doesn't absorb any water. So, you are continuously adding water to the process. We have in the past staged a water truck with a water cannon or an outside water sprinkler and just continue to dust -- or sprinkle the whole -- the whole operation. So, to answer your question we are looking at about probably I would say a week or two of crushing. Now we are mobilizing on site. We don't have a stationary crusher on site. It's not something we continuously do. Even before City Council hearing last time -- we -- we accumulate the pile. That crusher is out on other job sites doing the same thing. It mobilizes to our site for internal work. It's on site for a couple weeks. It's back out working for other people. So, in a typical cycle maybe we were in there once, twice a year, but it's not a daily or weekly or monthly activity, we are talking quarterly, you know, semi-annually at best to be in there crushing and so there will be one more episode like that. Does that answer your question, Councilman?

Whitlock: Yes. Thank you.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just a couple quick questions at this point. When the development agreement was first approved by the previous council, how much of what you are processing today were you originally processing?

Lakey: Mr. Mayor, Mr. -- Councilman, I don't know if I'm the best person to answer that question. I did not work for the company at that time and I can't definitely answer your question on that. I would have to get back to you or invite someone else to answer the question for you.

Overton: If someone can answer that later and be fine. It doesn't have to be answered right now. Second question. Mayor, follow up. Who officially defines whether it's agricultural waste or industrial waste, where we seem to have almost a standoff on who defines what it is. What's the official agency that when they say what this is that's what it is?

Lake: Mr. Mayor, Mr. -- Councilman Overton, again, I don't know that I'm -- I'm the best resource to answer that question for the agencies. We -- we have an operations plan approved by the Department of Environmental Quality, but the Department of -- Central District Health has worked in close partnership with Department of Environmental Quality, especially on these -- these odor investigations, et cetera. So, that might be a question better suited for -- for their explanation. I don't feel like I'm the appropriate person to answer them. I apologize.

Overton: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Lakey, I likely will have additional questions for you after the public hearing. Because you brought up the regulatory side of Central District Health I did want to at least give you and your client an opportunity to respond. I asked your client last meeting about if Timbercreek had received any violations. Was told no. And, then, after our public hearing I received a letter from Central District Health that stated otherwise. It's not great. Nobody loves to find out that you were told one thing on Tuesday and learn something different on Wednesday. So, I would like to give you at least the opportunity to respond. I assume you have seen the letter from Central District Health. It's included in the public record. Help me understand who is -- who is correct and who is not being upfront with me?

Lakey: So, Mr. Mayor, Councilman Cavener, there is a process for notification when -- when a permit holder -- or a -- I will just go with permit holder -- is in violation of an agreed to permit. There is a notice of violation that's a formal process to notify someone that they have violated their agreement. There is one letter that precedes that. There could be conversations about the potential of violation, but Timbercreek has not received a violation -- or a notice of violation to date.

Cavener: Mr. Mayor, follow up?

Simison: Councilman Cavener.

Cavener: So, when Central District Health sends us a letter that says this is not accurate, as the facility was found in violation of spring in 2023, which prompted the processing changes and the described transition plan to the Nampa facility. Central District Health is incorrect?

Lakey: Mr. Mayor, Mr. Councilman, I do not have a record that a notice of violation was issued to the -- to the Timbercreek Recycling.

Cavener: Okay. Thank you.

Simison: Counsel, any additional questions for the applicant? Okay. Thank you very much.

Johnson: Mr. Mayor, first is Lori Badigan.

Simison: And as a reminder the purpose was held open to speak to what we just witnessed or heard here in the room. So, if you can direct any of your comments directly to what Timbercreek has presented here today that is the purpose of taking additional public testimony. Lori.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Lori is with Central District Health? Mr. Mayor, I would maybe ask if we would be willing to waive the three minutes and give the department an opportunity to provide a little bit more context than just given the official three minutes.

Simison: How much time would you like?

Cavener: Let's start with ten. If we need more --

Simison: Without objection -- okay. Recognized for up to ten minutes. If you would state your name and address for the record.

Badigan: My name is Lori Badigan. I work for Central District Health. Address is 707 North Armstrong Place in Boise.

Simison: If you can speak --

Badigan: Closer? Is that better?

Simison: Yep.

Badigan: Need me to say it again?

Simison: Maybe just -- yeah, so --

Badigan: Lori Badigan with Central District Health. 707 North Armstrong Place, Boise, Idaho. So, I wrote just a brief summary to kind of go over how the health district gets involved with solid waste and the operations and the regulatory process of it. So, as I

said, I'm Lori Badigan. I am the environmental health specialist senior and I regulate the on-site wastewater program, land program and solid waste programs for Ada county. Central District Health is tasked with regulating these programs, including the operations and closure plans of solid waste facilities based on an MOU between DEQ and the health districts within Idaho and a little bit of background on how a solid waste facility gets approved, at least through DEQ and CDH. So, when somebody wants to become a regulated solid waste facility they will submit an application to DEQ and they go through all of the engineering and siting approval, public announcements, whatever it is that DEQ approves or requires. Once DEQ has approved the site they issue an approval letter and that begins the operation plan review. So, the facility, then, develops an operation plan, which follows IDAPA and all the sections that are outlined in IDAPA that they are required to outline. For me, Central District Health, we collaborate with DEQ on the review of that operations plan just to make sure -- you know, DEQ is really the expertise, so we will collaborate on the review of the operations plan and, then, ultimately Central District Health is the agency that approves it and, then, we will issue an approval letter and, then, once the facility is open Central District Health does the annual site investigations or we go out and do an annual inspection just to see how operations are going to make sure that they are following with the operations plan. Prior to the spring of 2023 the DEQ Air Quality Division had regular -- regulatory control over odor complaints. As a part of the governor's zero based regulation order the DEQ removed their responsibility of the odor complaints from the regulations, which shifted all the responsibility to the health districts in Idaho. So, right around April of 2023 I started receiving complaints from the public and complaints referred to me from DEQ regarding odors that were coming from Timbercreek Recycling and at that time in spring of 2023 those complaints were found to be valid. So, just to clarify, there is a notice of violation process, but that's not our first step, that's usually the last step before we either -- if -- so when I received these complaints I notified Timbercreek of the complaints. I notified them in letter writing. I called them on the phone. I did an investigation. I sent a letter to them indicating that, yes, I did find these odors when I was out and about. I did find it to be valid. We needed to work on it. So, it wasn't a formal notice of violation. That's not our first step in the process. That's typically our last step that says you have a very specific period of time before we refer it on to the Ada county prosecuting attorney. So, no, I never did issue a formal notice of violation, but we did issue -- have conversations and issue letters saying that these odor complaints were valid and that initiated a plethora of conversations between DEQ, the City of Meridian code enforcement, Timbercreek and their consultants at that time.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't want to interrupt, but -- because you touched on that, I -- with all due respect I think that's contrary to the letter that you sent us and so help me understand that, because your -- your letter specifically states -- I will just read it. Mr. Murgoitio was asked by Council if the facility had received an odor complaint that received a violation.

Mr. Murgoitio stated we have not received an odor complaint that resulted in a violation. Then you reply: This is not accurate. He has received a violation.

Badigan: He has. He did in -- in April of 2023 and in that spring -- those spring months when we were given, if you will, regulatory control over odor complaints when DEQ gave it up, then, I went out and investigated and found the complaints to be valid. When I went out on site there was a definite odor and I followed up with that by notifying Timbercreek, both verbally and in writing, that an investigation had been done, we had received complaints, we did an investigation, the investigation found these complaints to be valid and, then, that prompted lots of meetings and e-mails and Mr. Murgoitio -- that is when they -- I don't know if that's exactly when they hired -- but a consultant came on board for them to adjust their composting and windrowing process.

Cavener: Mr. Mayor, real quick if I may.

Simison: Councilman Cavener.

Cavener: Thank you. And I guess I must have misunderstood you, because I thought you previously said before the question that there wasn't a violation issued. You are saying there was a violation?

Badigan: There was not a formal notice of violation issued. So, it's two different things. So, I believe what Mr. Lakey was talking about was there is a very formal -- it has very specific IDAPA language, it has very specific -- this violation warrants a misdemeanor. It's a form that comes from DEQ. It's titled notice of violation. It's a very formal letter that says you have this very specific timeline and if this timeline isn't met or you don't get into some kind of compliance agreement we refer it on for further prosecution. That formal letter has not been issued to them. Instead we always start with the lesser contact we call. We send a letter saying we have gotten this, please provide us this information. We did find the complaints to be valid -- a valid complaint makes you in violation of your odor control plan.

Cavener: So, when Mr. Murgoitio told us that he had not received a violation he was being accurate then, because you had not issued a formal violation.

Badigan: I did issue -- and I just didn't issue it on that formal letterhead, but he did get a letter that stated we received complaints, these complaints were found to be valid -- I mean I went out there and it was smelly.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess I would be requesting the letter of what you sent, because with all due respect what I'm hearing you say is I issued a violation, but I didn't issue a violation and both of those statements can't be true.

Badigan: No, I issued a violation in a -- in a letter format -- and I can provide that to you and I believe that it was provided to Ms. Kane last, because she was copied on some of the letters that I sent out, so -- so, they were found to be in violation of their odor plan and it's drawn out in that letter, but it wasn't a letter that says your next step is prosecution with Ada county. The next step was provide me this information, so that we can move forward on how we can mitigate these odorous things. If Timbercreek didn't act on that, then, that would have taken the next step to this formal letter that Mr. Lakey had talked about. I didn't -- we didn't get to that step in our process yet. There is a procedure that you go through before you get there, but they were in violation of the odor plan, because the odors were found to be valid. It was -- when I went out on site it was -- it was valid.

Simison: It's essentially our code enforcement process. We -- the grass is over eight inches, we tell them cut the grass and you either go out and cut it or if you don't, then, we come and do it for you to bring you into compliance. Same basic principle. I don't -- I'm not going to speak if I thought they get a violation, if they, you know, get that, but that's what it is.

Cavener: Okay. Mr. Mayor, I'm probably not well equipped for public health, because with our code enforcement department -- they send a warning and, then, a violation. What I'm hearing is there is lots of different types of violations and maybe we are not delineating them appropriately and so -- I don't want to belabor this point. It just -- it's very -- I can appreciate if I'm a member of the public and I hear somebody say they got a violation, that's a big deal and, then, when I hear you say, well, it wasn't really a violation -- they were in violation, but we didn't issue a violation --

Badigan: I didn't say that.

Cavener: I -- we can go back and review and it's -- we don't need to re-argue this, but that's where my question came from is that your first comment was that you didn't issue a violation.

Badigan: No. My first comment was that I didn't issue the formal notice of violation letter, but they did get -- it's almost like a warning letter. It's the first -- it's -- it would be like Mr. Mayor's example that, yes, hey, I'm going to call you and let you know that we received this complaint. I drove by the site, I found the complaint to be valid, that allows for Timbercreek to address it right away if it's happening right then and, then, it was followed up with a letter saying -- it was very specific and I can provide that to you tomorrow, but the letter was very specific. On these dates I got these complaints. I validated the complaints to be valid. I went out, I found the odor, I smelled it, please provide this information to me and let's move forward to see how we can mitigate those odors and that started that process. So, they were in violation, because the odor was there. It was validated. He did get a letter indicating that. But it wasn't a formal -- we are going to fine you 10,000 dollar letter. So, with that -- with that spring of 2023, that's when I had reached out to the City of Meridian and to DEQ to try to collaborate some efforts to figure out what we could do with this material and was working with

Timbercreek at that time as well to try to figure out that -- their consultant got on board and modified some of their windrowing process. At that time DEQ provided a definition of what this material is. So, DEQ is the agency that defines what this material is and I can read you what that definition is and this is from the -- I don't know her title, but she is a wastewater engineer with DEQ. So, this is most definitely industrial waste. It is not even from food production process, it is from the wastewater treatment process. It is WAS, which equals Waste Activated Sludge. The WAS is the excess biomass from the wastewater treatment process, along with a chemically precipitated phosphorus and polymer added, so that the water can be removed in the belt process. It's a biological product suitable as a soil amendment, but it -- and -- and has even been fed to cattle, but it is waste from an industrial process. So, that's from DEQ and that's really all I can speak on that, because they are the defining agency, but that's what -- so, Valerie Greear is the employee with DEQ who works with these larger plants and their sludge. She's the gal that suggested the lime treatment to try to knock down the odors at the Sorrento plant.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Did you have more testimony or are you okay with answering questions?

Badigan: I can answer questions.

Strader: Mr. Mayor. Thank you -- first of all, thank you for coming. It's extremely helpful to hear from another agency that has been involved here and I kind of just wanted to understand a few things. So, we are a land use agency and we are hearing about public health concerns, but we are not really the primary regulator of these types of facilities and so I just wanted to check, first of all, that you have an independent -- it's not for the public to understand it, but I want to make sure this is correct -- that you have an independent regulatory function aside from the City of Meridian, you are independently working with the applicant on it sounds like an operations plan and an odor plan and you can take separate action aside from the City of Meridian if you hear there are valid odor complaints; is that correct?

Badigan: Yes.

Strader: And I am curious -- and you may not have an opinion, but do you have an opinion about this mitigation plan that the applicant has proposed? Would it align with the remediation that you were requesting of the applicant or does it differ in significant ways?

Badigan: So, the health district doesn't -- or -- and DEQ does not give a timeline on a solid waste facility. So, once the facility is approved they follow their operations plan until they go into closure phase and, then, they follow their closure plan. So, as far as a timeline goes don't have an opinion necessarily, because we don't Institute timelines. I

can tell you that since September we have had regular meetings with DEQ and with Timbercreek and Sorrento was online one of the times and Timbercreek's consultants, in trying to figure out how to knock this odor down before it gets to the site, because that's the biggest problem is it's foul, it's stinky material. That's -- it's just what it is. It leaves the site and it's foul until it's properly mixed and covered when it gets on site. So, what can they do to knock that down so that it's not foul on their site at all and, then, they can continue to process it. So, I think right now that's -- you know, I don't know what -- they are in the very, very beginning stages of testing that, I don't know what that's going to mean or if it's going to change the odor enough to where it's not creating an issue for the neighbors or if it's going to create a different kind of odor, but our goal is to make sure that they are following their operations plan and not having these nuisance complaints.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, in your professional capacity dealing with these types of facilities, have you seen lime used specifically as like an amendment to an industrial waste? Do you have an opinion about the viability of that in reducing the odor? I'm just curious. And it could be that you don't have enough information, but I do want to hear from you if you have any opinions about that.

Badigan: I don't have an opinion. I don't have enough knowledge with that. So, that guidance has come from DEQ and from Valerie, who was the gal who gave the definition of the WAS. That recommendation came from her in something that she had seen used at a different facility to try to mitigate their odors. So, when we started having these conversations in mid-September about it, Timbercreek ran with that suggestion and met with Sorrento and so I don't know -- I have an upcoming inspection that's due on site where I will -- I ask them to perform their bucket test when I go out there to see for myself what it does on just a small -- I mean it's a bucket compared to however many times they get furloughed, but -- so, I haven't seen it myself. I don't know a whole lot about it, so I don't -- it's something that DEQ recommended and I don't think that Valerie would recommend it if she didn't see it successful elsewhere.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just have one more question for myself. I'm sure others may have questions. Is there anything else that you feel is relevant information for our land use decision, which is a DA modification that we are considering, that you may think we are not aware of? Is there anything else you wanted to mention, something that you think is relevant? I'm just checking. I read the letters. I appreciated the background information. I just kind of wanted to give you the opportunity if you felt like there was anything else that we needed to be aware of in our capacity as decision makers this evening.

Badigan: Double check.

Strader: Okay.

Badigan: Mr. Mayor, Council Woman Strader, so I don't -- I don't think that there is anything additional that I need to add. I think the biggest question was the definition of what this material is and, you know, I think that it would be -- it would be good for them if they can knock this odor down before they leave the site, because, otherwise, I believe that the odor complaints are going to continue, but I don't -- I don't think there is anything additional that I need to --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just one more thing. You did state that you felt like odor concerns were -- were driving a lot of the complaints and it certainly seems to be something that you are focused on a lot. Do you have health concerns around the crushing of the construction materials, concrete, porcelain -- the reason I'm asking I was not researching this issue particularly, but I recently saw, you know, a news article about workers who deal with solid surface countertops that have been exposed to large amounts of silica and that, you know, gave me a lot of pause. I don't know, you know, if that's a similar process to what is happening here, I just wanted to give you an opportunity if you feel like there was a public health concern around the construction materials that are being crushed to articulate that.

Badigan: Mr. Mayor, so I'm not -- the majority of -- so, I have only received just recently complaints regarding -- so, the complaints that I have gotten coming in have been specific to the odors and some of them have also mentioned dust, but nothing specific on the silica test. I don't have a lot of experience with that or knowledge. I don't know -- my supervisor is here with me and I don't know if he might have some knowledge that I don't have, if he wants to come and speak -- or if you want to ask him that, but I don't have knowledge specifically about silica dust, other than just some brief stuff that I have read about exposure to it could cause -- could be a public health hazard, but I don't know what that limit may be, I don't -- I don't have that knowledge.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. It's kind of tricky. We are taking public testimony primarily focused around this plan that's been put forward. I don't know, Mr. Mayor, you are running the meeting, but if you have an opinion about hearing from her supervisor, but I would like to hear if he does have concerns around that specifically that he would like to articulate, because I think it does speak to the appropriate transition plan and timeline that's being put together.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm certainly supportive as well. I -- I think also sticking with what the environmental health impacts is to the cheese WAS being stored on that site and what the environmental -- or what the public health impact is in the aroma, so if either folk from Central Health can help us articulate that, because certainly we wouldn't want to make a land use decision that would allow a use that would negatively impact public health. So, I get from the odor standpoint that is unpleasant and unsettling and that certainly falls within the reign of our code enforcement, but if Central District Health believes there is a public health issue as a result of the aroma or the storage of either of those materials, to me that would be very very helpful. That was something I would want to consider before I would make a decision tonight.

Badigan: Can my supervisor come up?

Simison: Yeah. Come on up. State your name and address for the record, please.

Reno: I'm Michael Reno. Public Health Program Manager for Central District Health. 707 North Armstrong Place, Boise, Idaho. 83704. There is no public health threat associated with the odor. The odor is more of a nuisance and they have an odor control plan as part of their operations plan that they are required to meet and that's what they are -- they are not meeting with -- with this odor. As far as the silica dust from the concrete, I think that's -- that's more of an appropriate question for like an industrial hygienist or something like that, because we don't -- we don't cover that. It could be -- could be a public health threat, but it's not something that we would have any jurisdiction over.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Appreciate the info about the -- the aroma. Any environmental health impact by that type of material being stored at the site?

Reno: No, there -- there is no public health threat associated with -- with the composting and the way it's being managed at the site. It is -- it is primarily the odor that is causing the nuisance complaints that we are now -- have to deal with -- since the DEQ gave up that responsibility.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: While I have got you both here just a quick follow up on definitions. You said Valerie Greear with DEQ is the one who defined the WAS as industrial waste.

Reno: Yeah. She's the engineering manager at the regional office of the DEQ.

Overton: Okay. And she says it's industrial waste, is that the definitive end of discussion or is this a professional opinion? Help -- help me out. This is not my area of expertise.

Reno: That's what she -- that's what she provided to us and other members of DEQ when we were discussing the issues with the WAS. She stated that, yes, it is an industrial waste.

Overton: Mr. Mayor, follow up?

Simison: Councilman Overton.

Overton: To try to take what Councilman Cavener said and just see if I can put it home for him and for us. Did a formal complaint, but you did not do -- I think you called it a -- versus a formal violation. You did a -- you did a complaint, but not a formal violation. Is that right? Or a violation -- not a formal violation?

Reno: When we receive a complaint we go out and we investigate and if we find a complaint valid it is a violation. It was a violation of their operating plan, because the odor was present. We would document that either on our inspection form when we went out and did that or we would document it on an annual inspection if we noticed it when we did an annual inspection. We don't typically issue a formal notice of violation until we have tried everything else to gain compliance with -- with anybody, including just somebody on -- on the general public who might have a sewage system failing, but that is -- that is a last resort. We -- we typically with odor complaints or complaints about solid waste, we get with DEQ, we did issue a warning letter to the facility with regard to this, but it was not a formal notice of violation where we specifically state you have this -- 30 days to get this corrected, otherwise, we will turn it over to the prosecutor or we will refer it to DEQ for enforcement with the AG.

Overton: Quick follow up.

Simison: Councilman Overton.

Overton: So, I'm going to throw a scenario at you just to try to -- my knowledge to yours. If I was a police officer and I stopped you because you were missing a front plate, I have two choices, I can issue you a ticket, you are going to court, or I can give you a warning that you are going to come in compliance and go take that front plate and put it back on your car. When you give a violation you are seeking compliance; is that correct?

Reno: Yes, sir.

Overton: If it becomes the most formal violation that you spoke about is that still seeking compliance or does -- at some point does this become a court process as well?

Reno: At that point it would either become a court process through like the Ada county prosecutor is who we -- we turn it over to or if it's something that -- that DEQ has jurisdiction over we turn it to DEQ with a formal enforcement referral and they take it to the AG and it goes through their process.

Overton: Perfect. Thank you both. Appreciate it.

Simison: Council, any additional questions?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just -- just briefly -- and, again, we are here tonight to look at the mitigation efforts that the applicant has put forward and whether or not that's amenable to the Council moving forward. I don't necessarily want to go all the way back to 2023 and zero based regulations and having this dumped in your lap by the state, but, it was. Do you feel that you were equipped to be able to investigate these kinds of things? Lori, I'm just curious when we -- we have certainly heard from the public, neighbors who can smell the odor in their neighborhoods. When you get a violation are you on site on the slab? Are you at the gate? Are you at the neighbors a thousand feet away and what technology do you use to gauge whether or not that odor is present?

Badigan: Mr. Mayor, Councilman Whitlock, so, no, I didn't get any formal training. I did reach out to DEQ for guidance. So, when the Air Quality Division would go out my understanding was they had a scale that they would use and I wasn't familiar with that, so I reached out to them and asked them for some guidance. The complaints are really hard to verify, because oftentimes the complaints would come in at night, so I would get to work in the morning and find voice messages or e-mails that -- the night before it was foul or I got a complaint last week that said on October 15th it smelled. So, I can't really go backwards and look at them. So, typically, it's really hard to validate it. So, when I do go out there -- sometimes I have just been driven -- driving by because I do the on-site wastewater program, which puts me all over Ada county and sometimes I have just been driving down Columbia and I smell it and it's -- it's a very distinct odor. It's not like manure -- and sometimes I drive down and I smell manure and that's very strong, too. That's not from that site. This WAS is a very specific, very sour odor, and so once you know what it is it's easy to identify. So, not every time that I got a complaint was I able to go out on site and validate it, because it was the day before. Sometimes I was able to. I have had co-workers who are familiar with the -- the material who have also driven by and have smelled it. So, not every complaint that -- not every call that I receive was I able to go out on site and go, yes, it's happening right now, but it does warrant a phone

call to Timbercreek and letting them know, hey, I got a complaint, did you get a complaint? Let's figure out what's going on. So, it's -- it's hard. There is no official training that we have received. I don't have any technology. We have talked about the Nose Ranger -- Nasal Ranger, because I have another facility that is doing a pilot program with those to see the validity of those sniffers and it's -- the jury's out on that. It really just depends on the validity of those sniffers, too, so --

Whitlock: Mr. Mayor, just a quick follow up. And I guess my interest was -- and I recognize you get a call and show up to work and, then, go out and investigate. To me it's -- it's one thing to, then, go on site and say, yes, it's here. How do you validate, you know, a complaint that it's 1,500 feet away or 2,000 feet away from the facility? Do you go there as well as part of your investigation?

Badigan: Mr. Mayor, Councilman Whitlock, so I -- I do -- so, sometimes it's hard because the -- the smell might not just sit over the site; right? It might leave the site and kind of linger and, then, if the temperature changes, then, that smell will drop down and I have experienced that with other solid waste facilities that were generating an odor where, you know, for facilities in Kuna and we are getting odor complaints from people who live in Meridian and being able to track that back. So, I do -- I don't just drive Columbia and Locust Grove, I will drive through the neighborhoods and see, okay, how far north does the smell stop? And, then, call Timbercreek and -- and they have been responsive. You know, when I call they will go and investigate and, yeah, we see that this is uncovered or, no, I don't see a problem right now. The wind direction is a different direction, so it's -- always generates a conversation, but I don't just go to this one point, I try to drive around. It's -- maybe the wind has blown it all away by the time I get there.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: A couple quick questions. Would odor alone be sufficient at some point if it is unresolved for you to issue a formal notice of violation on its own?

Reno: Mr. Mayor, Ms. Strader, yes, if it is in violation of their operating plan and they cannot correct it, yes, at some point we would issue a notice violation. In this case we would do an enforcement referral to DEQ and the AG would take that on.

Strader: Mr. Mayor, one more.

Simison: Council Woman Strader.

Strader: So, under this plan -- under their timeline they will be piloting the lime addition to the material that -- the WAS and, then, they say they are going to fully implement additional successful odor control measures in Q2 of 2025. Independent of this plan and City of Meridian's decision this evening, et cetera, do you have a sense of timing --

at -- at what point you would -- maybe let me put this a different way. Actually, no, you know what, I think you have answered my question already. If -- is there a threshold where you would say, okay, we will issue a formal notice of violation. Is there -- is there something that's defined, whether it's a timing -- something about how you work, is it subjective? And the reason I'm asking the question is it is helpful to me to know that they are going to try to implement these measures, but independently there is a different agency that's going to be verifying whether the odor has been mitigated or not. That would help me feel more comfortable knowing that that process is running independently, frankly, of what we are doing. So, I just kind of wanted to check on that aspect.

Reno: Mayor, Ms. Strader, yes, so we are -- we are going to continue to work with Timbercreek on this new proposed way to reduce the odor before it even gets to the site. We have been encouraged by what we have seen so far and what they have -- what they provided. It's going to be incumbent on Sorrento Lactalis to do this lime added process at their facility, so that when the material comes out to Timbercreek the odor has been eliminated or drastically reduced to where it's not causing odor complaints, but if it continues to cause odor complaints, even after they go through this, at that point we would do an enforcement referral to DEQ and DEQ would take over the process.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's extremely helpful. I just want to compliment you both for showing up tonight. You didn't have to do that and I can tell you really care about the community, because you showed up to help us through this and help us understand better what your role is. I think sometimes government employees get a bad reputation. That's unfair. This is a -- I would put you up against private sector employees any day of the week, the fact that you are here at 7:30 p.m. to show up, because you care about the community and you want to help everybody do the right thing. So, I just want to say thank you for being here and providing the information.

Simison: Thank you very much.

Johnson: Mr. Mayor, Lacy Ooi is here.

Simison: Lacy.

Cavener: Mr. Mayor?

Simison: Let's see where it goes.

Ooi: Good evening, Mayor, Members of the Council. Lacy Ooi with Meridian city code enforcement. During the September 17th hearing for a request from Timbercreek

Recycling to amend their development agreement, Timbercreek discussed their desire for an exit runway, but didn't state a specific plan. Code Enforcement Officer Krystal Giessen and my -- and myself met with Mike and Caleb on Timbercreek premise on October 1st, 2024, and, again, on November 7th, 2024. Our goal was to discuss options for a transition plan for the development agreement amendment, as well as discuss the intake and processing of concrete and asphalt on the site. With acknowledgement of concrete and asphalt being processed on site and not listed in the development agreement as an improved material, we discussed removing it from their business plan in compliance with their current DA. They agreed that they would inform clients of the change and would stop accepting products starting November 1st. Our November 7th inspection included viewing the record showing that no concrete or asphalt had been accepted at that point. We took photos of the current mounds, one each of asphalt and of the concrete, to assist with quarterly site inspections to ensure that no further collection of these items occur. A final grinding of the product will be required and scheduled within Timbercreek's proposed transition plan for the first quarter of 2025. They have shown progressive steps to no longer accept concrete or asphalt within the compliance of their DA approved listed materials. Code Enforcement has agreed to be part of their accountability plan for the transition and doing quarterly inspections as suggested through their neighborhood meeting that they held. Our Code Enforcement team focuses on education, prevention and, then, enforcement. Our primary goal is to gain compliance. In general when we investigate a business, most commonly for home occupations, we will allow a reasonable time, usually 15 to 30 days, as a preliminary time frame for them to comply. The responsible party will be asked to comply with either minimizing their business model to fit within the allowed code or move to an allowed location for the use and scale of their business. We will often issue an extension when progress is shown towards that compliance and for a larger scale business or those with extenuating circumstances an extension is common. I have concerns regarding the current DA expectations of Timbercreek to terminate recycling activities with a 30 day notice to issuance of the certificate of occupancy within the impact area. If Timbercreek was required to stop operation within 30 days I expect to find that the site with material -- the site left with materials abandoned in different states of compost process, which will likely become a hazard. A revised DA request has been added to the public record different than what was presented in September, in which Timbercreek is asking for consideration of a phased transition plan instead of the 30-day notice to terminate. I do not believe a 30-day transition would be reasonable for Timbercreek to vacate operation at their site in a safe manner for the community. If Council is not in agreement with the current submitted transition plan I believe that minimally a transition plan should be considered between Timbercreek and the city that will allow for a safe end of their operation on that site. A suggestion would be a 30-day notice that terminates for the receiving materials and, then, work on a transition plan for them to operate and end to their production safely. I believe the city should also consider the fact that a 30-day termination may impact the franchise agreement that we hold with Republic Services. In 2023 between the months of October and December Timbercreek accepted 727 tons of leaves and grass from Republic Services transported from Meridian cities -- citizens and city park collection sites. That would need to be redistributed when Timbercreek ceases their operations and I don't know what the plan

for -- from Republic Services is for that. To conclude I believe a transition plan needs to be considered at -- as the 30-day notice to discontinue operation seems unrealistic for the scale and specific process operations to Timbercreek to safely exit. Stand for questions.

Simison: Thank you, Lacy. Council, questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question that's partially for planning staff and, then, also for code enforcement. So, my question was around the timing. So, we have surrounding properties, they are being built out, I asked a question, I was informally given an estimate that we think in about a year that that existing development agreement trigger would be met, but I kind of wanted to understand from planning staff what they thought the realistic timing was and, then, I -- I will ask code enforcement a question around it. Sonya, I don't know if you have any feedback.

Allen: No, I don't.

Strader: So -- Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, we have -- within our packet we have a pretty clear map. I'm going to pull it up on my own computer. Give me just a second. Okay. I got it on my computer, but I'm going to turn it around. It's facing the wrong way. Okay. So, I'm looking at the -- there is an exhibit in our packet. It has a very clear description of the project boundary, the one thousand foot buffer and all of the planned parcels. So, can you, please, walk me through the status of the parcels in the surrounding properties and where they are at in terms of their milestones we would expect them to meet from a planning perspective? So, I specifically -- it appears that the Hadler Subdivision No. 1 and the Summerlin West Subdivision both would fall, when they are reaching their certificate of occupancy, within the one thousand foot buffer. I believe those have been approved. Is the Hadler Subdivision under construction? Has it received a certificate of occupancy? What is the expected timing?

Allen: Council Woman Strader, I'm not sure on that. I know the applicant for Hadler is here tonight, the developer, and they may be able to answer the timing questions for you.

Strader: Uh-huh.

Allen: Yes, it's been approved, but I don't -- I don't know their timeline on getting the plat recorded.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to brainstorm and that will give the applicant a chance to chew on it and I -- you know, I might change my mind later. It's always possible. But just like looking at this situation one concern that I have is that our existing development agreement is very clear. It has a clear trigger. It -- and it's actually been looked at through litigation, et cetera, so it's something that has been validated. I am concerned about adopting a modified development agreement if the timing -- one idea that I had was to give to Timbercreek an opportunity to demonstrate compliance and that they are following their plan and in a few months -- you know, at the end of the first or second quarter when we expect these milestones to be met, I would prefer to modify the development agreement at that time when I have seen that there is compliance, because I feel like the existing development agreement has a pretty strong hammer in terms of when it's triggered, but I wanted to get your feedback on that, because I think you just brought up some interesting concerns around 30 days. I'm just not sure if it's realistic that out of nowhere within 30 days this will occur, but what are some of the concerns around that approach from your perspective?

Ooi: From what I learned on site is that minimally from the start of process when they get something delivered it's going to take at least three months for that process to make those materials stable for transport and I don't know how many Republic Services trucks you have seen on fire, but it does happen even in transport of regular household goods and so I don't think that's unrealistic to think that the capacity that they would be transporting, you need to remove that, it needs to be stable before it's transported. So, I think if we know that the process takes three months for a product, if we -- if we took that product in today and, then, we sent them a notice tomorrow saying you have 30 days, that product needs at least three months to be able to be removed off that and I think that we would be able to say three months you get that product finished and completed, but I think minimally you need like six months to clear out what's there, even if we ask them not to finish doing whatever was intended with the rest of the product. I mean I'm very much a minimum -- I have minimal information, but just based on what I do know I just think that a six month process of operating closing would be something that we would work through as a start from our perspective of saying give me six months. If this -- if the DA wasn't there and there wasn't a letter and we said we need to resolve this in six months and move from there, we would, then, look for extensions if necessary at that point. I do think by them ending the concrete and having that ground and done by the beginning of this new year that we start off on the foot of not having that product on site anymore and, then, we are just using the compost and all that seems more realistic.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe one more quick question. Do you feel like if the DA is reopened that there is an advantage to proactively defining the specific materials that can be stored and processed on site, as opposed to what we have in our existing agreement?

Ooi: I think that having an answer for what WAS is and how that comes into line would be the one that's still in question. I think with -- we have agreed in our discussions that concrete wasn't going to be something to put back out there. I know that -- I can go into opinion, but from WAS coming from a dairy and being used for compost, I have a really hard time seeing how that doesn't fit into what they are already allowed to do. I mean we do leave in their materials that are open. It lists a lot of them as allowed, but it's creating an agricultural product. So, that's not my expertise or field, but I just feel like that's in line with what the DA already says that they are allowed to do.

Strader: Understood. That was very helpful. Thank you.

Simison: Council, any additional questions for Lacy?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Lacy, thanks for being here. You and your team are like the best -- the best like taxpayers, like the code enforcement is like our hidden secret. You guys just do really really great work.

Ooi: Thank you.

Cavener: We heard earlier from Central District Health about they, too, are enforcing smell and, again, I think we are -- there is not going to be any argument or disagreement in here that what's going on at Timbercreek creates an aroma. Pretty funky aroma as I have been told. How does your team handle enforcement different than Central District Health? And I ask that because I think we have got some really concerned citizens that are in the audience and if I was -- if I was in that area I would want to know who am I calling and what's being -- what's being addressed and how that differs from one agency to another. Because that, frankly, would frustrate me.

Ooi: I can agree with that. The DEA -- we talked about that before -- is the civil agreement and a lot of times that comes from the expertise and advice of our legal team of how we enforce and what those complaints look like. Most -- when we receive our complaints for Timbercreek they go directly over to legal and, then, we are told what to do with them. So, if we were to think about a different perspective of just how we would handle a nuisance complaint that was not attached to a DA, I think -- is that along the lines of what you are asking? If a neighbor was complaining about another neighbor -- and that's something that we commonly handle -- that nuisance has to be substantiated by the person who is complaining and we are going to substantiate it off property. So, if the address is 123, but the complaints coming from -- we are not standing at 123 for a

public nuisance, you can't be offended on their property. It needs to be offended from somewhere else. So, seeking that and, then, we will make sure that we have witness testimony for the person that's willing to take it into court that they were offended, because we are a neutral party. So, we are there to gain compliance and to seek a resolution, but if they are still offended by it, then, that's going to be their testimony in court that they are taking it and we are just being -- use that avenue to get there.

Simison: Thank you very much.

Allen: Mr. Mayor?

Simison: Yes, Sonya.

Allen: If I could I would like to respond back to Councilman Strader's questions earlier on Hadler. The -- the first phase of Hadler Subdivision, the applicant confirmed, will likely be ready for C of Os approximately a year from now. Summerlin West is currently in the approval process. It's coming to City Council within the next month or -- month or so on the annexation of their preliminary plat, so it does have a way to go yet if it's approved.

Strader: Thank you.

Simison: Who is next, Mr. Clerk?

Johnson: Mr. Mayor, next is Troy Allen.

Simison: Good evening. State your name and address for the record and be recognized for three minutes and speak to the plan, please.

T.Allen: Okay. My name is Troy Allen. I live at 8353 South Bryker Lane. I will try not to hit some of the points you guys have already dug into, which I appreciate, Mayor and Councilman -- Council Members. Thank you for your time and also thank you for your understanding and insight at the last meeting. It appears that you all understand the impact Timbercreek is having on the community and the failure of your predecessors approving the development agreement 2019. One of the major flaws that you guys just talked about is there is no teeth. There is no repercussions for anything of any -- any of Mike's actions. Virtually none of the agencies can hold him accountable. We spoke to Lacy, the head of the Meridian code enforcement after the last meeting and she explained their main goal, as you guys talked about, of any complaint is to modify the behavior. At the end of our discussion I asked her if there was anything Timbercreek could violate that they could actually be held accountable for and her answer was no. No. And I think that when we call CDH and we call DEQ we get the same answer. I call code enforcement, they say, I'm sorry, that's CDH or -- yeah. And I call CDH and they say, I'm sorry, that's DEQ. And DE -- I call DEQ and they go, well, I think that CD -- you go in this big circle and nobody wants to do anything. So, that's what we live with as a -- as the public. They may be great people and they may give great answers up here,

but they tell us they can't do anything. So, during the last meeting -- I will try not to hit everything that you guys have already talked about, but you, Councilman Cavener, asked Mike if he had had any violations. That's a discussion. Now, whether it was a violation? Yes. No. Okay. Maybe. So, we will go through that. I don't think that's the question that should have been asked. I think the real question is have you violated anything since 2019. That's the question. Not has he been found guilty of it. And I can give you the answer to that question, which is, yes, probably several hundred times. Every time there is an odor that's offensive, that's a violation. We know that. It's a nuisance. Every time he brings WAS in that's a violation, because it's not an approved product. Every time he brought asphalt and concrete in and crushed it that was a violation. Did he get a ticket? Did he pay a fine? No. But he did violate and I would also say that if you look in the red line he is trying to add WAS into his acceptable stuff. No way. That has to be zero. No, it's not acceptable. It's an industrial waste as just defined. It's not an ag. And you guys dug into this, so I'm not going to dig into it and I thank all of you guys for digging into that with Lori, because I think she did a wonderful job and you guys did a good job following up. I think I have ten minutes, so we will just keep going, because I'm -- you can turn the timer off if that's what it is, because I'm part of the -- I'm the head of the association. So, it's ten minutes, I believe, not three.

Simison: Okay.

T.Allen: Mike has had his Nampa facility -- oh, one little thing here. Question.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Allen, you -- typically residents are afforded three minutes. It sounds like you said you are representing a homeowners association?

T.Allen: Correct. Cinquetera.

Cavener: One more time. I'm sorry.

T.Allen: Cinquetera. C-i-n-q-u-e-t-e-r-e.

Cavener: And there are members that are here that you are representing on their behalf or are you just here -- are they here present tonight?

T.Allen: No. It's my part of the homeowners association.

Cavener: Okay. Thank you. If he is representing a homeowner association I don't have any issues with that.

T.Allen: Well, I asked Chris, he said we got ten minutes, so --

Johnson: Mr. Mayor, I said the Mayor's discretion to do the --

Simison: And just keep your comments confined to what we heard tonight and the plan in front of us. That's what we would like to hear about as --

T.Allen: Well, on the 30 days being a big surprise and him being able to close that Lacy just talked about, it's not a surprise, they haven't even put the concrete in yet, so we could start the wheels today and it wouldn't be 30 days where he had to shut down, because it is going to be a huge process. It sounds like none of you guys have been to the site, because you can't go out there unless you all go together, but he's had his Nampa facility up and running for nearly a year, he told us originally he thought it would take a year, except he had some challenges. I would suggest that since it's been operational for a year he should have started on his second pad, which would almost be completed, but it sounds like he is not even going to do the engineering for another year according to his plan if you look at it. A three year request is only padding his timeline, because he already told us that he could do it quicker than that, but just in case there is another COVID or something he wants some extra time and according to his transition plan he doesn't even anticipate engineering for the second pad to be completed until almost a year from now. Why is it taking two years to engineer something that's already up and running? He had actually said he could do it faster, but he wants to pad it. So, in conclusion, I would like to suggest that Mike has not been totally on the straight and narrow with trying to operate within the development agreement as what has been discussed tonight and I don't know why we should expect him to change that in the future. In fact, he is trying to add WAS, we cannot have that, in his new proposal as an approved product for him to accept. I think that we all agree that this has been the number one complaint and must not allow this change. Also I think in the last meeting he either thought you guys were gullible or short sighted as the Council that granted him the wishes in the past. He asked for unlimited time, unlimited trucks, unlimited product and, then, he threw you guys little softball that said, well, what if we take those back and do -- we do this in three years? He created his runway in 2019. The trigger is the occupancy permit and I think he needs to get his engines up and running, get ready to go and when that happens it happens. That's my -- my take on it. Are there any questions?

Simison: Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader. Yeah. I'm going to walk you through a scenario. It's hard to say how it would play out; right? But let's say that we did not modify the development agreement. It sounds like the real list -- no one knows what the exact time of it would be, but it sounds like the realistic timing is that the development agreement provisions around the one thousand feet would likely be triggered in about a year. At that point if he is not in compliance with the development agreement my impression from just asking questions of the city attorney is -- and at that point we would tell him -- probably send him a letter and say you are in violation of your development agreement.

According to this agreement you need to cease your operations within 30 days. But realistically if he did not, then, I think what would have to happen is the city would have to take him to court and just --

T.Allen: Right. And --

Strader: -- as a -- I'm not an attorney, I don't typically go to court for things, but I think court processes do take some time. I guess my question to you would be, you know, if we -- if we had to go through that whole process considering that -- it sounds like from a practical perspective what we don't want is we don't want to create a public health hazard of a bunch of materials that have nowhere to go; right? It could take a year. I have seen some court cases at times the city's been involved take more than a year. Could be you end up --

T.Allen: More the way things go.

Strader: Well, I would hope not, but you never know. Yes, that's kind of what I was getting at is as -- as an individual or as someone representing the homeowners association do you have a definite opinion about which timeline you prefer? Like would you prefer for the city to try to work out a transition plan now that takes three years, maybe with some changes or do you feel like it's better to just stick with the original development agreement with the uncertainties around timing on processes that that might entail?

T.Allen: Well, to answer that question I think even if we do the three year thing we are going to be in the same exact scenario that you are going to be taking him -- could potentially be taking him to court. Like I said, he hasn't followed what he said he would, so why would he do that in the future? I don't know. So, if it was me and I get to make all your decisions, the maximum I would give him is 24 months. Maximum. He's had plenty of time. He knows what's coming. He's developed his pad, which sounds like it's an amazing place. I have driven past it, but I have never gone and looked at it, and it seems like they should have -- that pad -- that second pad should already be going. I don't know what the struggles are, if it's financial or if it's time or, you know, stuff, but he should already be going in there. He says he is not even going to have the engineering done for it according to his plan until quarter two or quarter four of next year, I can't remember exactly, but he is not even going to have the engineering done. That seems a little, I don't know, extreme. I would have already had my -- my -- my pads engineered and I would be -- already be digging and doing what I need to. So, I don't know what the greatest answer is. I would love to see it over as soon as possible. I think two years is more than acceptable. I agree with Lacy on the 30 day thing, but 30 days isn't going to be a surprise. He is going to see -- he is going to see sidewalks. It's going to take 90 days to build a home. It's going to take X time to sell it. It's not going to happen in 30 days. It's not going to be a big surprise. He knows today when it's going to happen. He can talk to the builder and he knows when the building permit comes. So, I think her argument on that is a little -- a little shaky honestly, because the 30 days isn't going to just be a wham.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, just to summarize your feedback and just try to distill it down, you believe there should be a transition plan, but you would feel more comfortable with a two year process?

T.Allen: I think two years would be gobs of time, because right now he is looking at nine to 12 months, so that would double his time. That's my personal -- but I don't have anybody else that said that, you know. That's just me. But I do want to reiterate, you guys digging in -- especially both of you guys today and the two of you digging into those questions, you know, I mean there were some -- there is some big questions there that are very ambiguous and I think, you know, him -- him taking an asphalt and concrete all this time, it wasn't on his plan and there is just some stuff like that -- that as a -- as a citizen and the neighbors, it's just -- it's disheartening that that's been happening and the city's done nothing about it and DEQ has done nothing about it and CDH has done nothing about it, because nobody wants to do anything, because when I talk to his -- whatever she is -- deputy attorney or whatever her name is, she told me we would have to take him to court and we don't do that. So, nobody wants to -- nobody wants to follow through on anything, because it's too much work or too much money or it's not what we normally do and that just gets my stomach.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I can appreciate this has been an intense process from your perspective since -- for -- for a while, so I -- I understand your frustration. I think -- at least my goal -- I'm sure everyone's goal tonight is try to get this resolved in an effective manner. Thank you.

T.Allen: Thank you.

Simison: Council, additional questions? All right. Thank you.

T.Allen: Okay. Thank you guys.

Johnson: Mr. Mayor, next is Debbie Allen. Okay. Next Joann Tima.

Tima: Good evening, City Council Members. My name is Joann Tima and I reside at 1740 East Spire Street. I am a retired nurse of 47 years, specializing in lung and heart health. The reason I am here today is that I feel the pain and outcries of this community. In reading past and current testimonials concerning Timbercreek's industrial recycling I have found that Timbercreek is no longer in compliance with multi agencies. There are valid health safety concerns as evidenced by traffic, noise, smoke,

harmful vapors and silicon clouds caused by recycling of bio solids and demolition materials. Timbercreek says they are going to be done with the crushing in January and that's going on for several weeks, so you are going to have several weeks of silicon dust in your neighbors' lungs. Timbercreek admits in their website concrete recycling is the use of aggregate from demolished concrete structures. They say the most common way to dispose of this waste is to dump it in a landfill, which can pollute the air and water. Isn't this exactly what Timbercreek is doing to the residential neighborhood now, bleeding the air and the water? On their website they boast of their core values. We believe in being someone others can count on. By taking ownership of our commitments and actions, leading by example, rejecting drama and embracing responsibility. So, let's count on them. Count on them to be a high risk health hazard to our community and to pollute the air we breathe with toxins. Count on them extending, amending their DA to fill their needs. Count on them to state they are operating under AG when they really are an industrial factory in a now residential area. Council Members, hold Timbercreek accountable to their current DA contract. Send a message to your community that you truly care about our health, safety and well-being. If you can't protect us who can? Who will? Vote no. Let the DA stand as is. No amendments, no extensions, no exceptions. Thank you.

Simison: Thank you. Council, any questions?

Pema: Thank you very much.

Simison: Thank you.

Johnson: Mr. Mayor, next is Jonathan Fewkes.

Simison: And if I could just reiterate, I know you may have come with prepared remarks, but let's -- let's focus on what we heard about the DA plan. That's really the only reason we are here to take testimony.

Fewkes: Jonathan Fewkes. 7976 Tranquility Lane, Meridian. I want to -- after hearing the plan today I want to say thanks to TRC or whatever the name is for coming up with a way to mitigate this, but I think a thousand days is way too long. He already said in his plan that he can get 50 percent off -- I think it was in Q2 of 2025 of the whey -- of the WAS. The other stuff -- dust needs to be done in Q2 also; right? The other stuff he said he was going to hold onto the property until he can sell it. Well, that's a lot of time and a thousand days is a lot of time to sell stuff and if it doesn't move I think it can be moved over to the Nampa site. So, I would be like you to really consider that a thousand days is way too long.

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

Johnson: Mr. Mayor, next Andrea Sater. Then we have Brenda Blitman.

Simison: Good evening.

Blitman: Brenda Blitman. 8460 South Locust Grove, Meridian, Idaho. I'm a third of a mile south of the recycling plant and the first thing I want to bring up is that I really appreciate that there will be no bio solids and the grinding will cease. Those are my two biggest -- biggest concerns and I'm glad that those things are -- are decided. I would like you to separate out the waste activated sludge. When I came through the hearings in 2019 there was no discussion of this waste activated sludge that would be processed. They talked about some food waste from restaurants, but there was never a discussion of this solid waste or, you know, this waste byproduct that would be processed there and that was not anticipated from my perspective and I think that's been the source of most of the odors that we have had over time and so I would like to see those operations the waste activated sludge cease according to your agreement. It shouldn't have been there anyway, but I understand that you can't fight about it. Let's just make it done whenever the houses are built and that part is done. The wood composting -- I appreciate that it takes time for Republic storage to figure it out and I -- I would like the people to consider reducing the number of trucks that are coming on the site in anticipation of the wind down. So, after we hit that mark that says, you know, your development agreement is done, you know, then, you don't get to bring 56 truckloads. Maybe it's 50 and, then, it's 30. You know, you step it down, the truck loads coming in, and you have to stop it and we just heard it takes three months for the stuff to compost. You have got to stop those trucks coming in three months before you want to be done and so there needs to be more planning on the -- on the solid waste side, the wood and -- and all of that stuff. So, anyway, I would recommend that you not approve it the way it stands right now. I would like to see the waste activated sludge be treated differently than the wood composting and I would like to see a much more aggressive schedule than what I -- what I saw.

Simison: Thank you. Council, any questions?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mayor. Brenda, is that correct?

Blitman: Uh-huh.

Little Roberts: You mentioned that mostly the WAS. With the mitigation with the lime if that works are you amenable to it?

Blitman: Oh, I would -- I would love to be able to use my backyard next -- you know, at some point and not have to do the lottery to decide if today's the day it is going to smell bad and so I'm afraid to even like schedule things out, because I don't know if it's going to be the day that my yard is going to smell like the poop factory, so -- I mean I just don't know what's going to happen. I mean this -- this odor has been there for a year and a half and it is hard for me to say, oh, this is the magic answer and it's taken us a year and a half to find it.

Little Roberts: Thank you.

Blitman: But that's my biggest -- I just need to be able to use my backyard.

Simison: All right. Thank you very much.

Blitman: Okay.

Johnson: Mr. Mayor, Michael Murgoitio.

Murgoitio: Good evening. Mike Murgoitio. 16933 Northside Boulevard, Nampa, Idaho. 83687. Mr. Mayor, Members of Council, I'm here to answer questions and also give some testimony on what we are doing and how we are doing it. I want to thank you guys for giving us an opportunity to put a plan together that is feasible for all and won't disrupt the community in a big way. I will try to answer some of those questions that I heard. Ag byproduct. It's -- it's a very loose term. It -- you know, my family has been, you know, by some definitions feeding and same with Simplot and many others -- feeding, you know, different classifications of ag byproducts. Some of them sound really bad, but they are not bad. They are healthy animal feed. They -- we work with a nutritionist. We know when they are safe to feed. It looks like a NASA diagram on how to do a space launch on how this stuff is supposed to happen, because you have so many different variables of when it's safe to feed to an animal and when it's not. Just the act of freezing of certain byproducts can kill an animal. So, you have to be very careful on how you do many of these things. When we go to do these different things we work with our regulatory agencies to see what level we need to go. They go anywhere from DEQ, health department, EPA, cities, counties, AAFCO. We are innovating stuff every year on something new. So, to break these down it gets very, you know, confusing on which regulatory agency you should use, including Department of Ag. So, our family has been doing this for a long time and have been feeding cattle very safely for a very long time. So, we are going to stick to this plan. We are very -- we have got -- we have done -- built this over here once and we understand timelines and what can come up and things that can happen. So, we are -- we are going to stick to this plan. I will waive my right to amend this DA again if there is some fear of that. I hear this crowd, that's one of their fears. I'm solving this. I mean I'm not looking back. So, I know when I came to you I was going to bring you something solid and I promised you that, so that's what I'm going to do. I have always complied with Central District Health and DEQ. They are great to work with. They are absolutely great to work with. They are -- it's good. They go to all these different landfills and just like going down the road you can find somebody not using the term -- so, you know, doing something minor and they do this. They go to every facility and find something minor and say, hey, clean this up, do this, like -- and they work with you. That -- that -- that thing is a book this thick of -- of how much we have to comply with. So, our team does -- we do an inspection sheet every month that we go through and walk through and do a checklist on these things to make sure we are in compliance. Got a couple things to finish up here. I'm also willing to do no additional materials besides the lime. So, if that helps, you know, I can provide you a list of -- again, it's going to be a very long list, because,

you know, there is so many detailed lists in different types of food waste I can provide, but I can -- I can provide that, so I can commit to not doing anything additional to the site if that is a fear. So, I stand for questions. I have a few more. That's all right.

Simison: Thank you. Council, questions? I know it's not the closing, so maybe there is some of the things you have heard that you want to ask him versus Caleb, but feel free.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Mr. Murgoitio, I have only got one question. It was a question I think posed by Mr. Fewkes. What's preventing your ability to move out to your Nampa facility today? Why are requiring these two years? What needs to be done, what isn't done, what will be done if the Council were to agree with your request for this modification?

Murgoitio: What -- repeat the question so I hear it and understand.

Cavener: Mr. Fewkes asked what's preventing you to move today.

Murgoitio: What's preventing me to move today? Feasibility. The pads are not built. We don't have the other air system set up. Right now we have -- one pad has the system already built with it, with a computer system that's already online. It's wired in. We have a monitoring system. We have leachate tanks. We have everything ready to go. The only thing we don't have in this one section is a concrete pad and it's ready to go. When we build the second additional one we have to build a complete other system that has additional pads, plus the leachate system, plus all the other computer systems and a whole nother thing. So, it's a whole other process to go through and get online. It takes a lot more to do it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Mr. Murgoitio. Let's talk about teeth and how we kind of get -- get on the same page. Like a concern that I have is I feel like the largest amount of leverage that the city has is just holding you to your existing development agreement as it's written today. An idea that I was brainstorming would be -- I just want to hear what your reaction would be to this plan would be -- I was thinking -- I would love for you to follow this plan, demonstrate that you are following your plan and I would love to have you come in second quarter 2025 with an update that says -- and Lori will verify at that time if the City Council -- again this is one person brainstorming, but I would love to have you come in in second quarter of 2025 saying we have followed all of our plans and we have continued verification that we have not accepted any more asphalt, concrete, porcelain, construction materials that at that point it would be at least -- I

believe a pretty significant percentage of the WAS would be diverted at that point. It looks like 50 percent by Q4, but it looks like 25 percent should have been diverted and you would have already tested your odor mitigation. So, you got this plan around adding lime to adjust the pH, additional odor control measures which you have not discussed and I don't know what those are, but I guess where my head is at is I would kind of like to table the discussion on modifying your development agreement. I would like to keep the existing agreement and have you come in second quarter of 2025 demonstrating strong compliance, a huge improvement with the neighbors' experience with odor, because of these mitigation steps and, then, consider modifying it for like a two year time period and the reason I think that would work better is I think it -- it just provides the city with more leverage and it gives you an opportunity to demonstrate more compliance and I feel like that would be beneficial. So, I just wanted to hear what your reaction would be to that kind of an idea.

Murgoitio: It -- well, I like stability and that -- I like a plan. I like long-term plans. I have ten year, 20 year plans and if I have something that's a big question mark on, you know, on -- on the edge of a lane of one year's time, that is a big fear in my mind. I would rather have a concrete -- when I walk out of here I want something I can just put on and march on. I got goals. I got benchmarks on the hit and we are going to go after it and not look back. So, that would be my preferred.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. So, I think it would be, you know, potentially an understanding, you know, from individual Council Members -- I -- from my end what I could tell you would be for myself, if you came in in the second quarter of 2025 and you had followed your plan and you demonstrated compliance with the plan and an improvement in the odor and that you have not accepted these problematic additional construction materials, at that point I would be much more willing I think to give you up to two years to wind your site down. I'm just -- I'm struggling a little bit -- my fear -- like you have -- you have your fear, right, of the unknown -- of the potential to only have a year and I understand that, you know, that was the agreement you entered into with us. My fear is that I believe our existing development agreement has good things and bad things. The good thing about our existing development agreement is it's very clear the timing. Like it's crystal clear and it's already, you know, been in front of a judge and stuff. So, I like -- I feel -- I feel like that gives us -- doesn't give us a transition though, but if you agreed to transition and you came back, you know, second quarter 2025, I would feel better about extending it then when you have demonstrated you are completely following your plan. So, I just kind of want to have a dialog about that, because that's what I'm struggling with is, you know, you have known about it -- I mean all due respect, but you entered into this agreement with the city. It's pretty clear how it -- how it's set up. I think we have transparent processes around approving surrounding development, so you have known about them, you know, I don't want to put the city in a position of -- it's definitely not in our best interest either of having a disaster where there is tons of materials on a site

and there -- you know, but I don't think you would do that, but at the -- but at the end of the day what I'm struggling with is I have some very legitimate concerns and I don't want to minimize them. I have my own concerns just hearing about the odor, but also just some of the materials that have come onto the site and I would like to see more compliance, so -- but I don't know, I just kind of wanted to have a dialog about that.

Murgoitio: I understand your concerns. I think that I would prefer a stiff fine or something from the city if I'm not complying with, you know, the materials on site. So, if I'm accepting something I'm not supposed to put a fine on me. I mean it's very clear that we are -- we have posted it. We are not going to lean on that. I prefer a stiff fine over that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I just -- I mean unless the city attorney feels really -- I don't typically see the City of Meridian using fines as like an enforcement mechanism for development agreements. It's just not something I have -- I feel like seeing us do and what I'm struggling with is -- like I just don't think a fine fixes the problem. Like, you know, we could fine you something and it would have a material impact to you, but that doesn't solve the problem for these neighbors. So, I'm just -- I don't think that that is a good enforcement mechanism to rely upon.

Murgoitio: Yeah. And I'm -- excuse me. Sorry for -- Council Member. The good thing is -- is if I don't comply with the odor I have to face Central District Health or DEQ.

Strader: Right.

Murgoitio: They have the power to revoke my operations plan and, then, that immediately shuts it off. So, I think there is something in place for that and as far as the -- the off-site material -- the other materials that we said we are not going to accept, I have a history of following the rules by DEQ. I have -- I have a long history of following that. So, I understand the fear. That's why I say I don't know what else I can provide to help with that. I -- I don't have a fear that we are going to accept that, you know, I understand that's a fear of the citizens and you right now. I would be up for what else could be on the table for that. I just -- the thought of coming back in here every quarter for check-ins and having this whole process sounds like an overkill until I do something wrong, but I could be wrong. I'm willing to work with the city and serve the community however it be.

Strader: Thank you.

Simison: Council, any additional questions? Thank you. Council, how -- do we need a break or are we good to keep going?

Cavener: Mr. Mayor, if there is still people that have signed up to testify I think let's -- let's at least get to the -- I would like to continue the trend of hearing from the public.

Simison: Okay. All right. Then, Mr. Clerk, next on the list.

Johnson: Mr. Mayor, Elizabeth Koeckeritz: Elizabeth, I'm sorry if I pronounced that wrong.

Simison: And, Toni, we see you with your hand up, so don't worry, we got you on the list.

Koeckeritz: We sent in a brief presentation. I will just go ahead to help get you -- okay. Good evening, Mayor, City Council Members. My name is Elizabeth Koeckeritz. I am with Givens Pursley, 601 Bannock Street, Boise, Idaho. I am here tonight on behalf of Jake Centers and Black Rock Homes, who is the owner and developer of the homes directly adjacent to this site of both the current Hadler development and the proposed Somerset development, which we hope to have going shortly, but has not yet been approved. Black Rock Homes does -- is within the Hadler Subdivision approximately 650 feet to the northeast of the Timbercreek recycling facility and Black Rock Homes in developing this and other home developments in the area has spent tens of millions of dollars with the understanding that this development agreement -- with this understanding that Timbercreek Recycling facility would be going away 30 days after receipt of the first certificate of occupancy within a thousand feet of the home. Hadler Subdivision, they are currently working on their horizontal improvements and expect to be before you for final plat approval for the first phase sometime in March or April, with anticipated certificate of occupancy for the first residential home in late 2025, probably they would estimate November at this point in time and now rather than just wrapping up operations, understanding that this is going on, Timbercreek is requesting a very lengthy continuation process where they continue to accept materials that were not originally approved in the development agreement. So, their first -- Black Rock Homes' first request is that there is no change to the development agreement. This gives them over -- Timbercreek Recycling over a year time -- really a year and probably a couple months before operations would need to cease and there really isn't any reason when you dig into that schedule why it couldn't happen in that amount of time with them understanding that that date is coming. However, to the extent that you are considering the alternative -- the modification, we are -- and I drafted this before. I had looked completely at what the new development agreement has, but we are asking, then, that all operations cease by April 1st of 2027. That really is a full year and a half after the first certificate of occupancy would be issued. That is a significant amount of time beyond what was originally proposed and agreed to and, then, we also really would like a sign that lets people know that this operation is ceasing and that it is ending. People want to buy in this neighborhood, people live in this neighborhood and they want to know that this is going to end at some time in the near future. Just have that certainty of a date and with that I will stand for any questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No question. I just -- I appreciated your recommendations.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Elizabeth, as talking about activities ceased if the development agreement was followed and everything ceased as far as money-making activities, what about the activities to be done with the site? Can they -- in your opinion would it work to do the cleanup and everything after that?

Koeckeritz: I -- Mayor, Council Member Roberts, I would have to dig more specifically into the DA for a good answer to that question based on what it says about the termination. I do believe they could continue to clean up the site after the fact, but I would want to double check what that language is exactly. Thank you.

Simison: So, question for you. If the next application were to be approved by Council, what would be the anticipated first occupancy in theory? Every two years from now? Just trying to get a concept for -- if it was me, I -- if I was Timbercreek I would go modify my -- my space on that and pull out from the thousand feet. I don't know that they need all that space or not, but that gets them out of the thousand foot buffer of the first one within a year. What about the second one?

Koeckeritz: Really -- Mayor Simison, really good question. I think -- the Summerset -- if it is -- Summerlin Homes, if it is approved it would be -- the preliminary plat I believe is likely in front of you end of this year, beginning of next. It's a good 18 months before you get to final plat, six months after that you are a good two, two and a half years out.

Simison: About the -- so, roughly the time frame --

Koeckeritz: Definitely this time frame.

Simison: -- proposing-ish.

Koeckeritz: Yes.

Simison: Okay. Thank you. Mr. Clerk, anybody else that signed up?

Johnson: Mr. Mayor, Tony Mayer online. Tony, you can unmute yourself. Tony Mayer. Tony, if you can hear this you can unmute yourself.

Mayer: Excuse me. Excuse me. Yeah. My name is Tony Mayer and I have my wife with me Jeanie. We are residents of 7850 Gearhard, approximately a quarter of a mile straight west of Timbercreek.

J.Mayer: East. Straight east.

Mayer: Straight east. Excuse me. Of the -- straight downwind. We attended the 9/17 meeting and voiced our opposition at that time. We were -- we were opposed to what Timbercreek was doing and the various things that have been discussed tonight, the complaints, the odor, the dust and so this past week went to the facility and requested a tour of that facility and they were very gracious and allowed me and my wife to go around and after seeing what they are doing and the mitigation efforts that they are taking, I have totally changed my mind on their operation there and they demonstrated to me how they are able to knock the odor down and the mitigation efforts that they are taking and -- and it's vastly improved in my opinion from -- from what it's been in the past and so I think that needs to be given consideration. As -- as a resident of the area, as an area of impact, I guess I'm changing to support them and their request for their extended time frame that they are asking for. They are agreeing to wind the facility down. I think you have got to give them the benefit of the doubt on allowing them to operate their own facility and wind it down. It's going to be the best for everybody. They provide such a great benefit for the Ada county community and they mentioned to Republic Services -- I don't know, part of sanitation in there, what's not talked about is the good they are doing. They are doing a lot of good for the community in recycling this -- this material that would end up in the landfill and now it's going to end up in the landfill and who -- then you are going to have to deal with it there and so I just -- I just think, you know, we need to reflect and balance the pros and cons of this. It is a recycling facility and -- and it's taking product that -- it's going to end up, you know, as a problem and it's turning it into a benefit for -- for the community. So, I'm in support of them and what they are requesting. So, that's all I have at this point, unless there is any questions.

Simison: Thank you, Mr. Mayer. Council, any questions? All right. Thank you very much.

Mayer: Thank you.

Simison: Are there other people who would like to -- if you would like to testify just come sit in the front row and just come on up after one another. If you are online use the raise your hand feature. You can come forward, sir. You are the only one so far that's --

Cox: Mayor and Council, I'm Jim Cox. I'm at 1305 East Columbia Road. I think I am Mike's nearest neighbor. I think I could hit most of Mike's operation with a rock from my mailbox. I will keep it short. It's all been said. I think Troy Allen spoke for me saying two years is way plenty. I agree with you, Council Woman Strader, there is just no reason to extend the development agreement. It has been five years of -- we have

talked a lot about the -- the odor. We haven't talked as much about the dust. We haven't talked as much about the trucks. We haven't talked as much about the constant commotion that goes on, but it is constant and it has been just an onslaught for five years at our house. We have a lot of people at our house. People are just continually disgusted by what's going on out there, so -- all that to say that the development has been coming for a long time. It's been over three years. That is not a surprise. More time is not what's needed. The development agreement needs to be honored. The transition, I agree, is needing more discussion, but to cease the operations we would beg that to stop and, then, work on a transition to get it out of there. I am a general contractor, I have a pretty good sense of what it would take to get it out of there. I think the suggestion of 24 months that Troy gave made a lot of sense to me. I think reviewing it in six months might make sense, but I would ask you not to extend that development agreement at this point.

Simison: Thank you. Council, any questions? All right. Thank you very much. Come on up.

Jantz: My name is Ken Jantz. I own a farm just to the south and to the east and our property lines basically join in the middle of Columbia Road. So, I may be the next closest neighbor. In the world of contracting that I know, both from cities and government, when you have a situation where you have someone that you are not quite sure if they are going to perform, you put together a plan for liquidated damages. Very simple. You have a plan, if you are happy with it and he is happy with it and he misses it, put a penalty when he misses. Financial penalty. Stiff enough that he will never miss one. I suggest you consider that. It is -- it is a practice by cities, government, contractors, businesses, they all work with liquidated damages to get things done. Thank you.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Jantz, just a quick question. I appreciate your testimony tonight. The applicant has proposed a financial penalty if he doesn't meet certain matrix and I have struggled with that if I'm being frank, because if I'm sitting in the audience, I'm -- I'm -- as you can tell from this meeting, I'm probably a little bit more cynical than the rest of the Council. They are much kinder than I am and I'm working on that. But my -- my thought is, boy, the -- the applicant will just pay the penalty and continue operating and I, as the neighbor, continue to feel the pain or the ramifications of the action and the city is the one that gets the dollars. So, I appreciate your perspective, but do you have a tendency to have the same thought or -- help -- the city typically doesn't impose a fine or a penalty for a host of different reasons, but I just -- I appreciate your suggestion, I just -- I wonder if I was a resident in that area if I would think that's the right decision or not.

Jantz: Well, clearly, he even needs some motivation from his past practices to do what he says he's going to do and that's just a way to do it. It's not that difficult. The city can sit with him and decide what the damages will be if he doesn't meet certain dates and put a financial penalty on it.

Cavener: All right. Thank you, sir. I appreciate your testimony this evening.

Simison: Thank you. Appreciate it. Is there anybody else who would like to provide testimony on this item this evening? Council, break, or is the applicant ready to go? All right. We are going to -- before the -- give the applicant ten minutes. So, we will reconvene at 8:40 to come back for your closing and comments. So, recess until then.

(Recess: 8:23 p.m. to 8:40 p.m.)

Simison: All right. Council, we will go ahead and come back from recess. Would the applicant like to come forward to close?

Lakey: Mr. Mayor, Members of the Council, thank you very much for your time tonight. We really appreciate the conversation. Appreciate your questions and your continuing partnership in this -- this large discussion and the key to focus on really what's best for the community, which I know motivates all of you, and, likewise, motivates us. We want to continue to be good stewards of the environment and good partners here in the community and so we certainly appreciate that. We also appreciate, again, the testimony that's been offered. There has been some great suggestions tonight and we would like to -- to cover a few of those things. First off, the request, most recently, for signage that says we are closing. We are totally amenable to doing that if that helps communicate to the public the timeline and everyone on the same page, that's no problem. We also -- you know, we continue to assert that we haven't violated our operations plan. There was quite lengthy discussion about that. There was a letter I wrote as well that I don't know if you have seen that was submitted and -- in response to that, but my point in bringing it up is just to say I don't want to argue back and forth and I just want to say that we firmly believe we are not in violation and we have not tried to be in violation, we have not tried to hide anything that we are doing, we have worked with the regulatory agencies that they know what we are doing, they have been on site for inspections. You have heard that testimony tonight. So, I would like to try and re-establish that there is nothing nefarious going on here at Timbercreek. There is maybe some misunderstandings about what's going on, but there is nothing nefarious taking place there. The -- I would like to reassert, as Mr. Murgotio stated, that he continues to assert he will waive his right to appeal this amendment if that's a source of confidence that we are not looking to come back and delay this and amend it again. This -- we really, again, want to assert that we would like to leave you tonight with a plan and ready to execute that plan and move forward. We are already moving forward in this plan. The plan represented to you for phase one is already underway, largely complete. You know, we said before December, we are largely complete with that already. We are going to keep marching forward and as you have heard from testimony, we are talking about a year from now to trigger the existing DA and what we are really asking for is one

more year after that to finish getting the WAS taken care of and, then, decommission the site. So, I don't think we are far off the mark. We have heard 24 months. Black Rock suggests April 1st. We can include April 1st as a checkpoint in our transition plan if -- if that helps us, we are amenable to say we are going to be done with composting activities and receiving the tipping fees, the revenue generating activities. We will need to finish off as we have talked about the composting on site and decommissioning the site still by the end of December 2027. But we think that that jives with what -- what you have heard tonight about 24 months, about April 1st, 2027, we think we have incorporated that largely in the current transition plan that we have presented to you. So, we are -- we also are open to check backs. Again, we would like to leave with -- with a plan in place and know where we are going as we invest in a future for the company and make significant muscle moves for the company, it's going to be disruptive. I mean we have got a lot of employees that are very nervous about what's going to happen tonight, to be honest with you, and I realize we are not a large employer in the valley, but we do have employees and families that depend on us and we are going to make a big move. We would like to leave and say, hey, here's the plan, here is our path forward, here is how you are part of our team, et cetera, et cetera. So, we really want to put some closure to that and move forward. That being said, happy to come back. We have mentioned code enforcement being on site, quarterly inspections, make sure we can give you staff reports if you would like reports from me or anyone else on staff to come tell you where we are at and check ins with you, happy to incorporate that in our plan. We want you to be comfortable what we are doing, but we need the time to do it correctly and I know it -- it may sound easy, there is a lot of muscle movements, there is a lot of complexity to doing that, and there is simply some constraints to doing that that we have to work through to make this happen. We have tried to be completely transparent with what those things are and we hope that that has been effective and we look forward to your decision tonight and certainly any other questions you may have for us.

Simison: Thank you. Council, questions for the applicant? Looks like you are off the hook for the moment. Oh, I said for the moment.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: First, is it Likely? Likey?

Lakey: Negative. It's Lakey.

Cavener: Lakey. Mr. Lakey. First, an apology. I started this meeting pretty spicy. I don't like when I hear one story from one and it's very rare that an agency gives me information that -- and, then, you agree or disagree was refuted later on in their testimony. So, I want to apologize to you.

Lakey: Accepted. Thank you.

Cavener: I was incorrect and I was wrong. I want to talk a little bit about your transition plan. There is a lot of commentary about that this evening. I -- first, I want to applaud you for trying to kind of walk us through what you want to achieve and date certain that you want to achieve that. So, I will just -- well, I like to be up front. I came into this meeting like we are not going to modify the DA, like we have -- we have got a runway, you have got an end date, we are going to move on. There has been some good conversation from some of my good colleagues, some commentary from the community about -- about 24 months. So, your transition plan calls for, essentially, a -- what, a three year plan, a 36 month plan?

Lakey: That's correct. Start to finish, 24 months, really, in essence, for the WAS composting operation.

Cavener: So, if I'm -- if I'm tracking your -- your -- your WAS would no longer be on the site in terms of being received, but still could be sold off as a good after December of 2026; is that correct?

Lakey: Mr. Mayor, Councilman, that's correct. We would no longer receive WAS after December of 2026. In 2027 we would still have -- and -- and Lacy, with her limited time on site, did a great job of capturing this. It takes -- that WAS received in December is going to need time to finish composting out. So, yes, there would be product in play and finishing in 2027, but no additional product brought in for the WAS.

Cavener: Certainly, right, the bulk of the testimony that we have received has been about the aroma and I know you have talked at great lengths about the steps that you would take to address the aroma. To help me understand, if I'm a neighbor and I'm living over there and it's June of 2027, it's a warm day, are they still going to be feeling the impact of the aroma of the WAS or -- because you treated early on, does that eliminate the aroma long term?

Lakey: Mayor, Councilman, I cannot give you a definitive answer, because we have not tested the addition of the lime completely in the compost. That's part of the pilot test we committed to in the first two quarters of this next year. However, I'm very confident it's going to be very helpful. I -- again, I administer those tests, I saw the impact to the product. Chasing odor is very difficult. You have heard much testimony about that tonight. I also would like to further clarify, our approved operations plan nowhere states that an odor violation -- or, excuse me, odor complaint is a violation of our operation plan. That is not included. The operations plan very clearly says we will follow clear best management practices. We will respond. Will follow protocol as outlined to notify DEQ, CDH, et cetera, et cetera. It does not say that if we get one odor complaint we are in violation of our plan, so -- and that's for good reason, because we can't chase it down. I have responded out there personally on site at 10:30 at night to try and be responsive to a complaint I received on my personal phone at 10:00 o'clock. I have been there. I have tried to do it. You can't do it. It moves around. And that is not to discredit the complainant, I'm just telling you that you cannot -- unless I'm standing next to you we cannot both say I smelled that and you smelled that. It's very difficult. It

doesn't excuse an ongoing process or an ongoing issue, but what's notable is I don't believe you received testimony that every night there is an odor issue. There have been issues. There may be some seasons where it comes and goes more often. It's very difficult to pinpoint. We are not negating that, but, however, it's different than if someone was saying every night or every day at this time I get this issue. That's not what -- what I have heard and I don't think that's what's happening. Our most vulnerable situation is when that cheese WAS is fresh being delivered, that truck driving by your house, you might catch a whiff of that and that's an odor complaint. Nothing to do with us. The truck went by; right? We are not -- literally composting that. So addressing the odor at the plant to knock down the odor in that truck, knocked down the odor when that truck dumps is the most efficacious thing we can do to control odor. Now, is there still a possibility for odor in the composting process? Absolutely. Compost and natural biological degradation is an odorous process.

Cavener: Mr. Mayor. Mr. Lakey, I think where I'm coming from is my perspective there are two areas of concern. There is one, the public health piece; right? And it was testified there is no environmental health, there is no public health issue with -- with smelling the aroma. So, that's a separate piece and I recognize that they have got some oversight to your facility and that is, again, what frustrates me, yet another government entity that is involved in this -- in this site. So, what falls to me, then, is the quality of life piece and I grew up on a farm. I recognize that a farm smells different at 4:00 o'clock p.m. as it does at 4:00 a.m. depending on the weather, depending on the date, so -- and I also recognize that, hey, even if this is not a composting facility, it's still a farm and it will generate a subjective aroma. What I'm trying to decipher is does these steps that you take -- if I'm a resident that lives over there, are the steps that you are taking going to resolve my overall concern, which is the aroma impact in their quality of life. And that's the hard part for me to, then, be comfortable with the decision this evening when -- and it's no fault to you, but we don't have a definitive answer on that and so I know that you have proposed some monetary teeth in terms of if certain matrix weren't met. I know Council Member Strader asked, I thought, a very thoughtful question of -- of your -- your employer about check-ins with the Council. Essentially, you are saying you are going to do A, B and C and I believe when you say you will do A, B and C you will do A, B and C. All the more reason, then, I see greater teeth of you coming back to see us every six months to say, hey, we are doing A, B and C and if you don't, then, that is the trigger that you would move off the site. Response from you, what do you feel about that proposed idea? How would that impact your operations and why is that an approach which gives the residents some good comfort that you are going to follow through on all the things that I know you would do that you say you would do.

Lakey: Mr. Mayor, Councilman, just -- just to clarify what you have proposed. So, we would have an amended DA that would give us the runway we are requesting.

Cavener: Potentially.

Lakey: Potentially. And in part of that DA we would commit to check-ins with this Council and if at some point we violate our progress, then, we would trigger vacation of the site.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Waxing a little poetic here. Yes, I think there is some details there as to who ultimately makes that -- that decision, whether that is our code enforcement department, whether that's DEQ, or the Central District Health. This, for me, is a path that I'm willing to at least explore and deliberation with -- with my colleagues, because I think it gives the residents great comfort that if you aren't doing things you are going to say and do, then, we will say, okay -- let's say you come before us next April, problems aren't resolved, great, you got six months to wrap up your site and you are done.

Lakey: Mr. Mayor, Council, if I may, I see where you are headed. I think that it would be super important to clarify what is compliance. We spent a lot of time talking about violation of compliance tonight; right? I don't want to be in a situation where -- again, not trying to negate or, you know, demean this, but because one person says they smell something I come before you, you tell me you are in violation because I got an odor complaint, that's really hard for me to accept. There is no certainty to that; right? We have spelled out quantitative numerical matrix in our plan for that exact reason. This is a number you can look at and say, did you meet it, yes or no. There is no interpretation. You got there or you didn't get there. So, to your question -- and I think I would defer to the owner to accept your proposal, but to your question if a plan were developed that had quantitative, defensible matrix in it that we could all agree to, potentially there is an opportunity.

Cavener: Mr. Mayor, a couple quick follow-ups if I may.

Simison: Councilman Cavener.

Cavener: We will get to deliberation here in a minute, but some things, too, that I think are also important is -- I appreciate that you react when you get a complaint. My encouragement would be is whether -- whether this Council chooses to, you know, modify this DA or not, is I would rather see more proactive, whether that's -- that's a staffer or added technology, so you are not having to react. If I lived in that area and I felt I had to -- I -- and I -- again I believe I'm smelling something every other day, that would frustrate me to no end and, then, to call and say we will look into it -- and we have heard a lot of that, that you react and you respond well, which I appreciate, when you get a complaint, but it's always after the issue has occurred. So, I would encourage you to look at some proactive measures. Second piece. I just happened -- I have got a dog, dog groomer is in Kuna. I'm driving past your site a couple weeks ago and I know one of the things that the Council had requested was a landscape buffer and, Mr. Lakey, all the trees that are there are dead. That's not appropriate. We put a request and our

-- and that was a request that I believe I made as a Council Member based on the feedback that we got from the public and when I drove past that I was really disappointed to see that. So, my hope is, again, whether this Council chooses to extend the DA or not, that you will be proactive and follow through on the existing development agreement, making sure that you have a healthy, successful landscape buffer over there to shade from some of the issues that are going on on the site.

Lahey: Mayor, Mr. Councilman, I appreciate your comments. To respond to proactivity, we haven't talked much about this, but we do weekly odor checks. We do that regardless of any order complaint, we do odor. Daily undocumented staff -- I mean these guys are like nervous about odor; right? Because -- when Mike and I show up on site and we say, guys, hey, check an odor, they freak out, because they are like we are trying so hard to control this. I got on -- they went to down everything they did to control it. So, they are -- they are on this. This is not something that's kicked to the side, something the second -- second -- you know, this is -- this is on top of their mind out there driving around, you know, through the -- through the roads, the pickups, et cetera. So -- so, we are on that. Regarding the landscape, I know we refer to -- all the trees are not dead. I know which ones you are talking about. We planted a bunch this year along the south line. I'm not arguing with you. I'm just acknowledging what you are saying. You know, there is a little bit of a, I guess, discretion there about, you know, if we decommission the site how much are we going to invest in trees on the site, but we can -- I want to make it look nice. I see what you are saying. And that was the whole intent from the -- from the beginning. So, maybe there is some further discussion about what that -- what that could look like, but noted. Thank you.

Cavener: Mr. Mayor, save comments and questions for --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: All right. I just -- this is where my head is at. I came into the meeting thinking we should just stick to our original development agreement. But I always -- I am trying to find a path. I said in the last meeting, you know, I don't -- I don't want to put Mr. Murgotio out of business. I do think that some of what he is doing, particularly in Nampa, really serves a wider interest of the community. However, I am disappointed, just to be clear. I feel that you all have accepted materials that might technically be within the bounds of your development agreement, but definitely wasn't within the spirit of your development agreement if you ask me. What I think would be productive would be not to modify the development agreement right now. I think something that could be really productive, though, would be to instruct our legal department and staff to work with you on a 24 month plan to decommission your site by April 2027 and to have you all come back here on April 1st of 2025, which will be after the first quarter, so I looked at your plan and in the first quarter -- by the end of the first quarter 2025 there should have been no more asphalt, et cetera. The final batch of it should have been crushed by that point. You have had an opportunity to test and possibly pilot your lime addition

to your odor issues and, then, a good percentage of the WAS would already be diverted. So, I think we will be getting really good feedback at that time about how those processes are working and, then, I would feel more comfortable at that point signing a development agreement modification, again, giving you two years to fully decommission your site. That to me makes sense, because I think that's ultimately what you are trying to achieve is getting that DA modification. I understand that. You know, waiting until April 1st does provide you with some business uncertainty and that sucks, but that's also the leverage that I think is -- is most effective to drive compliance. So, that's where I'm coming from and certainly to the extent that if you were to show up in that meeting and those things that you promised would be done at that point were not done, then, you would know you would have a really big problem on your hands, most likely in about a year, but at least that would I think give you a path if you are -- if you -- and I can speak for -- we never know what will happen on our Council; right? There could be other people on the county. You just never know what's going to happen. But at least I could tell you from my own perspective, if you came in April 1st of 2025 and you said here is how I have been in compliance with all the things I said I would do, okay, then, that gives me an opportunity to see you are meeting those milestones and expectations and, then, I feel like I could give you a more narrow 24 month development agreement modification, but it would have to be I think crafted in a way where it explicitly described the materials you could continue accepting until that facility was decommissioned. I hate the uncertainty in the existing agreement around the end use being the driver of what is an acceptable material. So, anyway, that -- just trying to be constructive, because I came in, you know, feeling like -- this to me is a situation that was set up that should not have occurred in this way and I -- and now we just need to fix it and I feel like meeting halfway is a good way to do it. You could come in and say, hey, look, we have done all the things we said we would do. We could take public testimony on that proposed development agreement modification at that time. So, to the extent that neighbors still have either new or existing concerns they could articulate those at that time and we can make a decision on modifying your development agreement then. But I think between now and then what could occur is that would give some time for city staff and planning and yourselves to work on a development agreement some more, because I don't think the one that we have in front of us is workable tonight from my perspective. I would not feel comfortable moving forward on that at this time.

Lakey: Mr. Mayor, just one point of clarification, Councilman, and for all the Council, when we talk about 50 percent of the cheese WAS being diverted in 2025, that is incumbent upon the second pad being built. That pad will not be built in the first -- before that April 1st check. I just wanted to clarify that. So, you know, when we talk about 25 percent, that's our theoretical max plus or minus on the current infrastructure that we are pushing cheese to right now, we need additional infrastructure to push up more WAS, and, then, another pad to push up more WAS. So, I just wanted to clarify that to you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think that that is part of the challenge is that I think you have a lot of people that need some certainty around the milestones that you are going to meet and if you are not making progress -- I mean at that point 25 percent of your WAS should have been diverted by April 1st and you agree and that sounds like that is achievable without a second pad; is that right?

Lahey: Yes.

Strader: Okay. But you do have a milestone in the fourth quarter of 2025 to have 50 percent of your WAS diverted. You just told me that that might be contingent upon building a second pad and that is not something within my control at all or the neighbors' control. It is within your control, though. I mean you -- there are things outside of your control, but it's generally within your control to execute on your business plan. I can't -- I can't really, you know, solve for that. I would -- I would definitely get -- on April 1st want a pretty substantive update on where you are at with that second pad. My biggest fear overall is just -- I don't want to see a moving target and I feel like this is what this thing has been where there is different materials being accepted that I believe are outside of what should have been accepted and, then, we have this possibility of a timeline that's extending, I don't -- I don't want that. I want to get to some -- some type of certainty. The existing development agreement provides a lot of certainty, you know, but in a negative way, but it does provide a lot of certainty. So, it's up to you. I mean, if -- again, I'm just one person trying to brainstorm, but that's where my head is at, is I just -- I wouldn't move forward with this development agreement modification tonight. I think if you came in on April 1st and you showed, hey, we have materially improved in these different ways, we are not accepting asphalt, we are not crushing it, that makes me feel better that the public health risk, from the perspective of the silica, has been remediated at that point. Then at that point what we have is still a nuisance, which is impacting people's quality of life, that's been reduced by 25 percent and, then, you are also demonstrating the results of your odor mitigation and what I would be hoping to hear at that meeting from the neighbors is like we have noticed a difference, it has improved, you know, that kind of feedback I mean would be very helpful. There is no guarantee that you would get to April 1st and your development agreement would be modified, just to be clear. I mean if -- but if you are doing everything you say you will do and I'm seeing improvement then -- then I would be open to it at that time.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I feel like I'm throwing out another different version here of where I think we should go. This has been all over the place this evening, trying to figure out definitions of terms, whether it was definition of what a violation was, or how we are coming in compliance or what type of waste this is, but we took our eye off the ball. We have DEQ and we have Central District Health to make those determinations for those violations and they are the ones that stood right up and said we have no danger currently to public health. I don't have the ability to make that determination. They do. We had the

experts here and they made that call. But I'm going to go with the -- what I think was the best answer this evening from a very interested partner with the development and that was Elizabeth's recommendation. It's a runway, but it's a shorter runway, and that's shall cease all operations by April 1st of 2027. I could support that. It's 28 months. It's not 36 months. I don't think that means that you get to, then, wait eight more months while you are waiting stuff out. I believe it means ceasing all operations and at that point you are removing what's there from the property. That's where I'm going to stand.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just along those lines, can you just give me a sense of what the decommissioning timeline would be once you do cease operations? How long before everything is moved off site, sold, distributed, marketed, whatever you do and that site is ready to move forward with whatever -- whatever is next?

Lakey: Mr. Mayor, Councilman Whitlock, thanks for the question. There are some -- some question marks in that process. You mentioned sale; right? We don't know the future sales to say we -- we have this already gone; right? It's an annual reoccurring thing. But how I envision this decommissioning process is we are not accepting new revenue across the scale to add to our compost facility. Currently effective the end of 2026. In 2027 we are taking care of the existing compost, keeping it going so it finishes. We do have some infrastructure on that property to be moved. I mentioned there is a fixed screening trommel there. There is some heavy equipment that could be relocated. There is a scale house there for not receiving any more product in that potentially could be relocated to Nampa. There is several outbuildings there that could be moved. Those all take time. I don't think they are highly disruptive processes to be decommissioning. There is not a large decommissioning -- you know, for example -- and we talked about this, you know, and they are going to -- a close out plan. We don't have a close-out plan per se we have to follow, that we have to do X, Y and Z, it's a matter of taking the product we have, getting it off site, return the site to the underlying owner in an acceptable format and the biggest thing is getting our product off. You know, we have got thousands of yards of product on site at any given time in different shapes and forms; right? It comes in in a raw form, we grind it, there is still a thousand yards of ground material. It's just a different -- different shape. It's amazing, you know, a truck looks big, but you fill it up pretty quick it takes a lot of truckloads to move material. It takes time. You know, if our truck drivers -- if one truck driver is getting five loads in a day, he is doing pretty good. So, you know, we have -- we have resources dedicated to this. We have equipment that we don't have to contract someone to close this out, for example, we have the equipment to do that. I think the biggest constraint for us is we have proposed a very aggressive schedule to the Council. It's going to take a lot of focus and effort to make that happen, it would very difficult to be building a new site, transitioning WAS over and meanwhile decommissioning this site when you are trying to make decisions about what's staying, what's -- what's going. That's why we asked for us to focus on getting the WAS, which was the -- kind of the big target, focus

getting that out there and, then, asking for the 12 months to say we are just tapering this thing off. Now, we can say, hey, yeah, we are done, so that can go and that can go and the fuel island can go -- fill in the blank; right? So, that was the logic behind the time. Again, from my opinion, the 24 months proposal from Black Rock, I think we are in concordance -- concurrence on that, but we are adding the April 1st date to our current plan as a checkmark that we finish with that, but, you know, I'm going to go back to the discussion earlier of the do nothing approach -- you know, right now they are saying a year from now we could be getting told we need to get out and that's if stuff continues. Right now -- it's looking pretty positive right now. We can't forecast exactly the economy, but I have seen plenty of subdivisions stop after horizontal is done. So, at -- in that case we are actually asking to accelerate this whole thing on ourselves. We are committing to accelerate a timeline versus what potentially could be 2029 if things stalled out. Now, that's -- I'm not saying that's super likely, I'm just trying to point out that we are proposing what we feel is a very aggressive approach to this and so -- I'm sorry, I deviated from your original question, the close-out plan, sir, I apologize, but -- but that all ties together as to why we proposed that. It wasn't just a buffer, it was -- there is legitimate things we have to do.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: And, Caleb, I appreciate that. I appreciate your focus. From what you have heard tonight can you sharpen that focus to 28 months, instead of 36 months?

Lakey: Again, I'm going to defer to the owner on final acceptance of something like that, but it's really put a pinch on us, because if we are taking the -- if we are taking WAS and we don't have the capacity to move it out before the end of '26, we have to take care of that stuff and get it off the site. So, April doesn't give us enough room to do that and I -- you know, this would be a question for -- to Black Rock development -- and Councilman Overton stressed this, but it says cease operations. I don't know if there is any room for understanding there of what does that mean? Is that a lock on the gate and the signs down, the lights are off and nothing's happening on that site. That would be the original interpretation. Is it the recycling company is no longer recycling on this site and we are decommissioning. I don't know if that's amenable to them or not. But April 1st is a pinch to say we can just get everything off this site quite frankly.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Mr. Lakey, I would like to further pursue the April 1st, 2027, but as -- not necessarily as Elizabeth presented, but to guarantee that it is ceasing operations and that at that point you are decommissioning, so that you have got more structure, because I think we have got so many moving parts here, as -- as much as I can appreciate what Council Woman Strader brought up, I'm also very concerned about

the Council becoming a business monitor and that doesn't set real well with me either. So, I would like to see you have more hard deadlines, modify the plan that you have already presented, but with that April date built in, if that's a possibility or an option. Mr. Murgoitio has joined --

Murgoitio: Mr. Mayor, Members of the Council, so why we would present this timeline is because when we do get that pad built -- when we fired up the last one we ran into problems. The -- the contractor who built the pad, when they poured the concrete they accidentally in their stakes, when they were pounding the stakes in, they poked holes in the air system. So, when we turned it on we had air bubbles come up through the asphalt and the concrete. So, we had to saw off the concrete and redo all those -- those holes and go inside and repair those. So, again, when we have a timeline to build these things it's like, okay, here is -- here is when we have it planned to be built, but that's why I had that extra year in there for a buffer. We are going to be out of there sooner, but I'm -- I learned going to Nampa I ran into a lot of problems that I did not expect. So, to me I'm going to be out of there a lot sooner. In my mind I'm thinking 24 months, not a big deal, but I'm like, no, wait a minute, you had these ambitions before. Don't do it again. You have got to prepare for something that comes up that you can't expect and so that's what I'm trying to do and beyond that is when we do have it built in December, we still have that acceptance at the other site, you know, for 90 days, we have screening that has to be done to get to a finished product and, then, obviously, hauled out. So, there is -- you know, there is three months, then, there is probably another 30 days to cure to where we actually test the material to make sure it's finished, then, we screen the material, then, we ship out. So, you kind of see where it's like we build it, but we have so much of a timeline that we have to abide by to make sure it's a safe product to leave the facility, so --

Simison: I won the staring and silent game growing up, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think it would probably be prudent to keep the public hearing open, but to give Council maybe -- again this is what happens when you ask the Council what we want for dinner, you get seven or eight different ideas. Probably need to build some coalescence and things that we would maybe support one way or another. So, let's say go grab a seat, but don't go too far. We may have some additional questions for each of you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would be happy to kick off like some discussion and we can kind of kick it around. Again, I sort of came in thinking I wanted to just stick with the original

development agreement, because I feel like it creates a lot of certainty. However, it does make sense to me that a transition period makes sense for a lot of the reasons that were explained today. Certainly we don't want to run the risk of having a site that has a lot of hazardous material that's kind of just not being monitored. We want this to be shut down in an orderly way. That's definitely in our best interest. I thought Lacy did a good job of -- that was very enlightening for me understanding that there is a three month process from the time that the materials arrive to the time that it can actually leave the site. So, that -- that is something to think about. I think where my head is at is I'm not ready to modify the development agreement tonight, what I would like to see is for -- for the applicant to come back on April 1st, 2025, with, hopefully, a great update on how they are following all aspects of their plan, how things are going, certainly to the extent that you had run into an issue with securing your second pad, we would at least hear about any early issues there. Maybe we would get, you know, hopefully, some good results from the piloting of the odor mitigation efforts that are going to happen. But I would think that we could instruct our attorney and staff and the applicant to work together on a development agreement modification between now and then, with the idea being this timeline of -- it sounds like at least most of the Council agrees that -- we just don't want to see these operations continuing past April of 2027 is what I'm hearing from everybody. Maybe there is a question about the decommissioning piece, you know, selling equipment, things like that. I don't think we want to get into all that, but just all the compost is -- the operations are done. There is no new compost coming in. The compost that's been there has been, I think, at that point, sold. It's just a matter of, you know, winding everything down. At least that's where my head was at, was more of a process like that, and part of the thinking for me was -- a couple things. I want to give the applicant the -- the opportunity to demonstrate that they are following their plan to -- to build credibility, to give that development agreement extension -- I don't feel comfortable providing it at this time, because I -- I do feel like it's been kind of fuzzy with the materials that have been accepted on this site and I will just be frank, like I'm just -- I'm not -- not happy with what's happened at the site. I'm not happy that -- that the odor has been so pervasive, but more particularly that the asphalt and concrete, those materials I don't think should have ever been accepted and I believe that they are hazardous and I'm just not going to agree to modify the development agreement tonight and create what I think is a longer hazard. Anyway, sorry, I'm kind of just talking out loud, but, yeah, that's where I was at.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: If my colleague would entertain just a couple of clarifying questions from a process standpoint. Would it be your recommendation, then, to continue this item to April 1? Okay. Thank you. Mr. Mayor, a couple follow ups. Would it be your intention to keep the public hearing open to allow the public to provide testimony, essentially, on what has occurred between tonight and that date and, then, Mr. Mayor, maybe one last clarifying question. Would there be any additional information, either a more detailed timeline, maybe breaking it down by month or something along those lines, from -- that

you would be seeking from the applicant to give you greater clarification about what April 1 looks like until a determined decommission date that the -- that you would ask the Council to support.

Strader: Mr. Mayor -- well, I think -- I think at that point what I think would be beneficial would be -- I think we could take the time to make sure that the development agreement is really solid and that we feel it's enforceable, the new agreement -- I mean the modified agreement. I would like input from Mr. Nary on the financial penalties and the adequacy of those to help fund -- for the city to have to sue Timbercreek if necessary and I think I -- yeah, I would just be looking for a lot of work to happen on the agreement. I think we could take -- we could take testimony from the public kind of on an ongoing basis between now and, then, but certainly they would come back before us and that would be kind of a milestone where I think that would occur. We would get that update. The only piece of -- I mean their -- their timeline is a quarterly timeline, but there were months indicated for some milestones. Like so -- you can see on each quarter is kind of specified. I mean I don't know if it actually benefits us that much to get more granular than quarterly and part of my thinking is that there are things that happen that are unforeseen and I feel like giving him the ability for things to happen within quarterly milestones like makes more sense. This is a tough situation. I mean -- it is a tough situation. I think that's the best way to find our way out of it. But I'm open to other people's ideas, too. I don't know.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: My only concern with that plan is it does leave the applicant with a situation where they currently have a DA that will go until 2029, unless we get a CO on a new house within thousand feet and I don't think you want to gamble on whether or not that's going to happen. We don't take any action until April of 2025, we are taking -- we are making a very, very short period of time that we got to make a decision and at some point I have to recognize that the applicant is trying to come in front of us and give us plenty of time to try to make this decision on what that best course of action is and we are trying to find the best balanced approach, both for the community members, for the future developers that are about to build and the best exit strategy for Timbercreek all at the same time and I don't have a magic hat, it's done. There is no decision that I think we could make that's going to make everybody happy. I think we owe it to the applicant to make a decision tonight so they better know what their future looks like tomorrow. The 28 months, the April 1st deadline of 2027, again, I don't know whether that is too tight of a runway to make this all work, but I have to remember we are talking about a situation that's changed dynamically just in this past, what, six months to a year, when DEQ is now saying that they have to add lime to the waste product from the plant before transport, which apparently is helping. We had testimony from one gentleman -- I believe I got his name right -- is Tony Mayer who was against this whole project, lives a quarter mile to the east, and after he has gone to your facility recently, switched. He

believes in what you are doing. I know that what you are doing is benefiting our landfills in a pretty tremendous fashion. I want to help try to find a solution that works for everyone. Everyone's going to get some part of a victory, but maybe not a total victory. That's why I was looking at the April 1 timeline. They can live with that. I still think we would leave here tonight with a solution that's defined, that we are aware of, that we can live with and we can move forward and know that we are doing what we can to be the best to try to give them a runway out and prepare for the development of that part of south Meridian.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I guess I don't know where I'm going to be if this came down to a vote tonight. It certainly has been an educational process for me to understand what WAS was or is. I learned a lot. I have learned a lot tonight that it's no threat to public health. It's clearly a nuisance. I have learned tonight that the applicant has -- has been proactive in my mind. I think they have developed a plan after our September meeting to address some of the concerns that we raised then and I think they have made it a time bound plan with milestones and matrix that they can meet. I have learned that they held a neighborhood meeting. I have learned that they have stopped accepting certain materials already and code enforcement has been out there and they have documented what's on site and will be able to monitor that situation moving forward, I have learned that they have developed a plan and -- and final crushing will take place in first quarter of 2025. They have developed a plan to begin mitigating the WAS that is on site and diverting 25 percent of that early next year to the Nampa facility and I learned that they also have been working with the state on a mitigation plan to address the odor issues and complaints. So, I have learned a lot. It's been educational. Still don't know where I will be in terms of a decision tonight, but I think that the applicant has been proactive, even without a modification to their development agreement. I mean all those things that I have listed have happened without a modification. So, part of me can understand Council Woman Strader's suggestion that keep working, come back, show us the progress and, then, let's talk about a modification and part of me understands that -- the business need to be able to have some certainty moving forward and learned tonight that the homeowners association would accept a 24 month, instead of 36 month extension. I have learned tonight that the developers, who have big plans for that area, would be fine with 28 months. So, a lot of new information that I'm just trying to process and how we move forward, but thought I would share what -- what I have learned tonight that will impact my decision.

Simison: Council, the public hearing is still open. I got a nod from the applicant. Would you like to have them come back up and make a few comments?

Murgoitio: Thank you, Mr. Mayor, Members of Council. You know, we were just talking there -- I think we can find a middle ground on this one. We need some dry weather to get the material out, so we can -- we can have it done composting, but we need the dry

weather to get materials hauled, because all that area back there where we are composting is all dirt. So, we were limited -- like the equipment we can send back there and when we can send it back there. So, we are proposing saying, hey, let's -- let's have everything out and done by the end of June and have everything done by then. It gives us our dry weather and our time to have it done. It's close to what the developers want. It's two quarters short of what we were asking for. So, it definitely puts us up against the gun, but I think that would be a fair line we would -- we would -- we would do, if that helps you run your decision making tonight, because it does -- it makes a big difference for me to know when I have a deadline what I can and can't do, because if I have an open door in six months that is -- that is really, really scary. So, I would appreciate some certainty.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Murgoitio, I -- help me understand your timeline again. You said June of what year?

Murgoitio: End of 2027 or -- end of June of 2027.

Cavener: Okay.

Murgoitio: So, that shortens it up six months.

Cavener: Got it. Thank you.

Murgoitio: Any other questions?

Simison: Thank you.

Murgoitio: Thank you.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Can we get Mr. Murgoitio back? We just wanted to clarify. Sorry, Mr. Mayor, Mr. Murgoitio. We just wanted to clarify the time frame. So, we are basically moving from December up to June 1 -- or back from April. Either way we look at it. So, June 1, '27?

Murgoitio: It would be June -- so, July 1st, essentially. So, it would be six months backed up to where we would shut that off.

Little Roberts: Okay.

Murgoitio: So, we are extending it out from what they wanted from April to -- a few months to get in that dry weather.

Little Roberts: So, July 1, instead of June 1.

Murgoitio: Yeah. Yeah.

Little Roberts: Okay. Great. Thank you.

Murgoitio: Yeah.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: The public meeting still open. Can we ask legal for a technical question?

Simison: Absolutely.

Overton: Mr. Nary.

Nary: Yes, sir.

Overton: If we were to make a proposal of the amended DA, but six months shorter, instead of at the end of December of 2027, the end of June, 2027, anything in particular we need to do to make that modification or because it hasn't been approved yet can we just make that determination and a motion and approve it?

Nary: So, Mr. Mayor, Members of Council, Council Member Overton, yeah, that's -- that's what we would be seeking is, obviously, we are going to need a little time to take all the information you have gathered and the direction from the Council, what you want to see in an amended development agreement, including the timeline. I was looking at dates. This being November 12th, we would probably want to bring this back, then, in front of you by no later than December 17th. So, a little over a month. That gives -- make sure it gets in front of the -- on the agenda by the 10th or on the -- on our normal cycle by the 10th, so that it's on the 17th agenda. But that will give us a couple weeks for Mr. Cranney to get the final details of this. Some of it's already done. I mean they have proposed some of it. I think -- I don't think it will take that long, but I don't want to cut it short with a holiday in the middle of that. But we would probably, then, want to bring it back to you again -- it's December 10th, 17th, somewhere in that range -- with those specifics of what specific conditions we want, including the timeline, if anything differs from what they are proposing.

Overton: Thank you. Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: To the applicant, it's not quite as easy as us just saying it's six months shorter. That would require you to basically build a schedule that was six months shorter as well as how you are going to modify that. The city attorney talked about a reset date, continuing this until December 10th or December 17th. Is that something you would be open to?

Murgoitio: Until December -- what was it?

Nary: Either 10th or the 17th. Get the final version of what the Council would be approving in front of them. So, I was just proposing most likely the 17th for the Council hearing that would get it -- we would have to have it done by the 10th to put it on the agenda to have it ready for the 17th.

Murgoitio: Okay.

Nary: That gives us right about a month with the holiday in there.

Murgoitio: Mr. -- Mr. Mayor and Council Overton, so what you are suggesting is make a motion tonight and, then, we would have to review the document for final approval. Is that what I'm understanding? Okay. I would -- I would be open to that. So, that would be -- great.

Overton: Just to follow up.

Simison: Yeah.

Overton: I'm just one person right now. I'm working. So we will see what we get.

Murgoitio: That's okay.

Overton: Thank you.

Murgoitio: Thank you.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Based on the latest conversations and having the applicant come back up, I would be supportive of moving forward with a continuance, so we would give the applicant time to modify his schedule to be completely done, ceasing all operations by June 30 of 2027 and providing us with a new schedule of how that operation would be shut down over a period of time. Seeking input from the rest of Council.

Simison: Just what I heard Mr. Murgoitio say was he thought you were going to make a motion tonight and come back with something. So, you may want to make sure he is in

agreement with your statement of continuing the public hearing where you will not make a motion tonight. If you continue -- the public is still open. You can't make a motion tonight. So, I just want to make sure everyone's good on the -- on the process element before you have -- at least think that you have to sign off on -- from the applicant to the process.

Overton: Correct.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just want to make sure I understand what Councilman Overton -- where he is coming from. So, is your thought -- at first I thought you were -- he was making a motion to approve and, then, modify the development agreement afterward with findings. Now I'm hearing this is straight up a motion to continue. Please come back with your new timeline, then, we would craft a development agreement. I just wanted to understand which of those pathways Councilman Overton was recommending.

Overton: Mr. Mayor. That is -- it's getting late and although that's not really a good excuse, yes, I'm basically looking for more of a consensus from Council before I make a motion seeking a continuance. I don't want to ask for a continuance if I'm the only person that's in support of this solution.

Simison: And I think you would want to have the development agreement brought back at that -- we are not coming back to, then, craft the development agreement. It would be at that meeting.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, again -- again, Council, I mean your expectation to come back in December with proposed development agreement, with this new transition plan, that would also have proposed findings at the same time. So we would be crafting draft findings, a draft development agreement for potential approval in December. I just want to make sure we bring you back what you -- what you are wanting. Okay.

Simison: Would the applicant like to make any comments as to that understanding based upon the previous conversation?

Cranney: Council, Justin Cranney, Hawley Troxell, 877 Main Street. I represent Timbercreek Recycling. My understanding is -- just to make sure, Mr. Nary, is that at this point there will be a motion to approve a DA that will come back modified and you

will have findings and facts next time; is that correct? No. Okay. What's -- help me understand fully what's going on.

Simison: The requested motion will be a continuance.

Cranney: Continuance. We will have time to finish negotiating? I'm sorry.

Simison: It would be to draft up the language for approval at that meeting it is continued to.

Cranney: Okay. And at that point we would still have the public meeting open; is that correct?

Simison: Correct. But whether or not we would to take public testimony or not, would be up to Council's purview or if it would just be purely for that purpose.

Cranney: And it's -- for clarification purposes, the modification to the DA would solely be the shortened time frame or will it also incorporate other concepts?

Simison: And based on whatever the motion maker makes.

Cranney: Perfect. Just wanted to make a hundred percent clear on that. On that point, I think, Mr. Nary and I have worked well in the past, we could probably -- we could have him on the DA finalized for the next hearing.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just for some feedback on the original motion, I always try to keep an open mind and if somehow new information comes to me that could change my mind, I'm always open to it, but if -- if on December 17th Councilman Overton were to move for approval, I would not feel comfortable -- I think I explained the reasons. I would not be in support. It's just I feel that this needs a shorter leash and a higher level of control on the part of the City Council. That's where I'm coming from. I completely respect my colleagues and I very much understand where they are coming from and I think we are all in the same spirit of trying to solve the problem. In terms of actions, I would be a no on that motion to approve. I might be open if it's a -- you know, whatever decision is made, whether it's approved or not approved, there are separately things I would like to see modified in the development agreement for me to support that aspect as well, although it seems unlikely -- like -- right -- if most of the Council is approving something and Liz is not, probably most of the Council would be passing your development agreement that's being modified, but the things that I would be looking for to change in that agreement would be a proactive listing of all of the acceptable materials that you could accept on your site going forward, because I think that is a significant deficiency in the current development agreement. So, that would be something I would be -- be

specifically looking for and, then, there could -- there could be other things that kind of come out, but that -- that's the main thing to me. That's an issue. I do get comfort -- I will say I do get comfort from -- I appreciate you being proactive and I was one that kind of pushed for that and I think you really are trying. I just had a point that I feel like we need a higher level of control over the situation and that's why I thought April 1st made sense, but I think this could be an acceptable approach. I would not personally be in support of it. I just wanted to kind of -- I -- I like to explain where I'm coming from if I'm not going to vote for things. I don't want you to think, if you get to December that Liz will be changing. I don't think I would necessarily change my mind, again, unless something significant came up or sort of changed my mind or you are like, hey, great news we have quantified and the lime is working and we can show you, you know, those kinds of things -- if there is an amazing positive update like that I would love to hear it. Yeah, I just wanted to kind of explain how I would most likely vote in December if this were to occur.

Murgoitio: Mr. Mayor, Council Member Strader, thank you for your solution-based mindset tonight. I do appreciate it. I have felt like you have come to the table with that mindset. So, I appreciate that. Mr. Mayor, Council Member Strader, on that list -- yeah, I am open to that list and, obviously, the things that, you know, we are currently accepting today and locking that down, we would -- we would definitely do that to help, you know, that fear of any new things coming on or that stuff. That could be added to the DA, so -- I would do that. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah, I really appreciate that and I think that all of your neighbors would appreciate that, too. It's that fear of the unknown and I think not wanting to have like a moving target. Thanks.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I appreciated Mr. Murgoitio's explanation of Idaho weather and that it's often wet and soggy in April. So, that helped on that April 1st date that seemed workable for me, but I appreciate the explanation. Mr. Mayor, I wonder if it would be helpful to ask Elizabeth to propose that April 1st date where she and her clients might be on -- the June 30th or one additional quarter.

Simison: It is a public hearing, so long as the applicant still can -- gets the last rights to speak. If Elizabeth would like to give any feedback. That was a general supportive notion is what I think I heard. Not on the record, but on the record.

Whitlock: If you would like to have the final word.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: We are leaving the public hearing open. I would like to make a motion that we move for a continuance on this matter until December 17th to allow our legal and the applicant to come forward with a new development agreement that has a six month shorter time frame where their benchmarks are lined up for that period of time instead of the one that they have right now and we will be able to continue this public hearing and vote on that at that time.

Little Roberts: Second.

Simison: I have a motion and a second. Do I have discussion?

Cavener: Mr. Mayor, real briefly.

Simison: Councilman Cavener.

Cavener: I appreciate the good motion, Council Member Overton and get something -- I think recommended denial from staff. So, we have got to get at least prepared findings, if that's the direction Council wants to go. Still have some very significant reservations about this application. Frankly, I appreciate having a little bit more time to think on this, as I know all of Council have moved back and forth on kind of what we have felt and responses. So, I appreciate the motion. I will be in support of the motion, although, again, should this be what is before us in December I'm not a hundred percent satisfied that I would support, nor am I a hundred percent satisfied I would oppose, so I just want to try and be upfront and clear for the body as well.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of Council, Council Member Overton, besides the comment I heard from Council Member Strader wanting some specificity on the products that are being brought to the site and a listing of that -- of the products, other than that they have already made proposals of a draft development agreement that's in front of you now. Are those conditions acceptable? And besides the list, are there additional conditions that Council is wanting to see as part of the development agreement before you in December, so we can make sure we hopefully don't have another delay. I just want to make sure we bring you what you are asking.

Overton: Mr. Mayor, Mr. Nary, I'm accepting what they have on their current timeline and the process and how they are doing it, just shortening up by six months.

Nary: Great. Thank you.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: If the motion maker would be willing to include -- I think the signage on the property was mentioned.

Overton: The maker of the motion agrees.

Simison: And the second agrees?

Little Roberts: Second agrees.

Simison: Okay. Is there further discussion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Two questions for the maker of the motion. Do you anticipate that some sort of a concept around monetary damages would be included in this final, I guess, modified development agreement that's proposed? And, then, I -- my second question would be whether you would be in support of a proactive listing of acceptable materials at the site or whether you felt like -- or Mr. Overton -- Councilman Overton felt like the current wording of the existing development agreement was acceptable in light of the timeline? I just wanted to maybe prompt those questions.

Overton: Mr. Mayor, Council Member Strader, I'm not looking for additional enforcement placed upon the applicant. They are under the purview now of our code enforcement, CDH and DEQ. I don't know that we need to at this point to add that to the agreement. I know you want to have a list of items and if he is open to providing that list I think that would go a long ways towards making this a better agreement. So, the maker of the motion would agree to collecting a list of all items that he is going to accept.

Little Roberts: Second agrees.

Simison: Okay. Other discussion on the motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to explain, I will be voting in favor of the motion, which is for a continuance, but I would likely not be in support of an approval in December. I would like to support the process continuing, but I would not be in support ultimately of this as currently formulated.

Simison: Okay. Any other questions, comments? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the motion is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

6. Public Hearing for Treasure Valley Athletic Center (MCU-2024-0003) by Erik Hagen Architecture, located at 1250 & 1251 E. Piper Ct.

- A. Request: Modified Conditional Use Permit to modify the existing Conditional Use Permit (CUP-03-056 Meridian Soccer Center) to expand the indoor recreation facility use in the I-L zoning district.

7. Public Hearing for Treasure Valley Athletic Center (H-2024-0033) by Erik Hagen Architecture, located at 1250 & 1251 E. Piper Ct.

- A. Request: Modified Development Agreement to modify the existing development agreement for Medimont Subdivision (Inst. #97072405) to enter into a new agreement for the subject property and remove the requirement for a buffer to adjacent residential land uses and modify dimensional standards and any other applicable provisions

Simison: So, thank you very much. We will see you back in December. Council, it's not yet 10:00 o'clock. Okay. With that we will move on to Items 6 and 7, public hearing for Treasure Valley Athletic Center, MCU-2024-0003 and H-2024-0033. We will open these public hearings with staff comment.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for a conditional use permit modification and a development agreement modification. This site consists of 2.12 acres of land. It's zoned I-L, light industrial, and is located at 1251 and the southern portion of 1250 East Piper Court, south of East Franklin Road and west of South Locust Grove. This property was annexed back in 1997 as part of the larger Medimont Subdivision with a development agreement. A conditional use permit was later approved in 2003 for an indoor soccer recreation facility on the subject property in the I-L zoning district. A property boundary adjustment was recently tentatively approved as shown between the subject property and the abutting property to the north to shift the shared property line an additional 75 feet to the north to accommodate the proposed expansion. The Comprehensive Plan, future land use map designation for this property is general industrial. The development agreement modification requested by the applicant proposes to modify the existing development agreement to enter into a new development agreement for the subject property. The following modifications are proposed to the existing provisions, removal of provision 4-E, which requires a 20 foot wide landscape buffer easement to be provided to adjacent residential uses. At the time the development agreement was adopted the abutting property to the west was zoned R-40 and planned to develop with residential uses. Subsequently, the property was rezoned to C-G and developed with a mix of

commercial and office, nonresidential uses. Staff agrees with excluding this provision from the new agreement as there is no longer a need for the buffer. Second, a modified special setback requirements in number 4-P to reduce the minimum rear yard setback from 20 feet to ten feet as there is no longer a need for a buffer to residential uses. The ten foot buffer will ensure structures don't encroach in the irrigation pipe easement depicted on the plat. Staff recommends the minimum side yard building setback of five feet per story is also removed because it's not required in the I-L district. All other setbacks shall be as required in the UDC. Lastly, removal of number 4-S pertaining to maximum lot coverage, which limits the building footprint to no more than 50 percent of the building lot. Staff agrees with excluding this provision from the new agreement as current code has no restrictions on lot coverage. Staff has reviewed all other provisions in the DA and does not recommend any other provisions are carried over to the new agreement. Staff recommends as a provision of the DA that future development generally complies with the site and the landscape plan and conceptual elevation submitted with the subject application and complies with the conditions contained in the staff report. A conditional use permit was approved in 2003 as I mentioned for an indoor soccer field with accessory uses in the I-L zoning district. The site plan associated with that approval is shown on the left. A modification to the conditional use permit is proposed to expand the use to include a new 14,700 square foot building to the north of the existing building, which will contain sand courts for beach volleyball, with a weight and training room, and eight additional parking spaces on the east side of the building as shown on the site plan on the right. No changes are proposed to the existing building or site. Compliance with the UDC specific use standards for indoor recreation facilities is required. The applicant estimates that on a typical day and evening there will be approximately 30 patrons and two employees within the primary building and 20 patrons and two employees in the secondary building. The primary users of the facility will be people of all ages and the facility will be used from 9:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. Saturday and Sunday. The heaviest periods of use for the facility are anticipated to be evenings and weekends. Tournaments are held in the existing building, but will not be held in the new building. Off-street parking is required at a minimum of one space for every 2,000 square feet of gross floor area. Based on 37,700 square feet, 14,700 square feet for the new structure and 23,000 for the existing structure, a minimum of 19 spaces are required for the overall site. A total of 65 spaces are proposed at a ratio of one per 580 square feet, exceeding the minimum standard by 46 spaces. The applicant is in the process of completing a shared access and parking easement agreement with the abutting property to the north, which is Dutch -- Dutchman Motorsports. This will allow cross-access between properties and provide more parking for the proposed use if needed during the heaviest periods of use in the evenings and weekends. Conceptual building elevations were submitted as shown for the proposed single story building. Building materials consist of vertical and horizontal metal panels, horizontal corrugated metal panels, fiber cement panel accents and glazing with a metal standing seam roof. The final design is required to be consistent with the nonresidential design standards in the I-L zoning district listed in the architectural standards manual. Written testimony was received from the applicant's representative Eric Hagen. He is in agreement with the provisions in the staff report. The Commission did recommend approval per the

conditions in the staff report. Go over a summary of the Commission public hearing. Eric Hagen, the applicant's representative, testified in favor. No one testified in opposition or commented. Eric Hagen, the applicant's representative, submitted written testimony in agreement with the staff report. There were no key issues of discussion or changes to the staff recommendation by the Commission. There are no outstanding issues for Council tonight. There has been no written testimony received since the Commission hearing. Staff will stand for any questions. The applicant is here tonight to testify.

Simison: Thank you, Sonya. Council, questions for staff? Would the applicant like to come forward?

Hagen: Good evening. My name is Eric Hagen. My office is at 280 North 8th Street, Suite 204, in Boise. As Ms. Allen noted, we are one hundred percent behind their recommendation and don't really have anything else to add to that, so if you have any questions I'm happy to stand for them.

Simison: Thank you. Council, any questions for the applicant? Thank you very much. Mr. Clerk, do we have anybody signed up on this item?

Johnson: Mr. Mayor, we do not.

Simison: Okay. Is there anybody present in the audience or online that would like to provide testimony? Seeing no one raising their hand or no one coming forward, does the applicant waive final comments? Council, your direction.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, you heard -- there is no -- no public testimony and the applicant has waived final?

Simison: Yep.

Strader: Okay. Mr. Mayor, I move that we closed the public hearing on Items 6 and 7.

Overton: Second.

Simison: Have a motion and a second to close the public hearings on Item 6 and 7. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Mr. Nary, do you want separate motions on both items?

Nary: Yeah. Mr. Mayor, since they have separate numbers, yes, please.

Simison: Okay. Council Woman Strader.

Strader: Mr. Mayor -- one second. Can I see that? My laptop ran out of battery. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move to approve -- after considering all staff, applicant and public testimony, I move to approve File No. MCU-2024-0003.

Overton: Second.

Simison: Have a motion and a second to approve MCU-2024-0003. Is there any discussion on the motion? If not, Clerk will call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, absent; Whitlock, yea.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant and public testimony, I move to approve File No. H-2024-0033.

Overton: Second.

Simison: I have a motion and a second to approve Item 7, H-2024-0033. Is there discussion on the motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to ensure that it is approved with all of the recommendations from staff on item -- all the items that were in the slide, I believe they are all enumerated as well in the staff report, but just to explain that.

Simison: Second agrees?

Overton: Second agrees.

Simison: Okay. Any further comments? If not, Clerk call the roll.

Roll Call: Cavener, yea; Strader, yea; Overton, yea; Little Roberts, yea; Taylor, absent; Whitlock, yea.

Simison: All ayes. Motion carries and the item is agreed to and approved. Thank you very much for sticking with us this evening.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Thank you.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics or a motion to adjourn?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Before we jump to future meeting topics, just ask Council to look at their calendars for either the evening of December 5th or December 19th as possible options for a Council Member and guest holiday dinner.

Whitlock: Mayor, I will be out of town on the 5th.

Cavener: Mr. Mayor, I would ask Council to look at December 19th as a possible solution. If that does not work, please, reach out to me and we will look for an alternative date. Thanks, Mr. Mayor. With that I move we adjourn tonight's meeting.

Simison: Motion to adjourn. 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 10:07 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK