

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

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

Also present: Chris Johnson, Bill Nary, Bill Parsons, Joe Dodson, Warren Stewart, Steve Siddoway, Brian Caldwell, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will go ahead and call this meeting to order. For the record it is July 13th, 2021, at 6:02 p.m. We will begin this evening's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: All right. Next item is the community invocation, which tonight will be delivered by Dale Newberry with Ten Mile Christian Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Dale.

Newberry: Thank you. God, we come together to pray for this community. God, I pray your blessing on this Council that you would give them a measure of -- of discernment and judgment and that their decisions would be true and just. Lord, we -- we thank you that you put governments in -- in place and that you give us the opportunity to serve in many ways. Thank you for these people who have devoted their time and energies to this community and, God, we -- we just thank you for the place we live and, Lord, we pray that we will just do our best to keep it clean and a place that -- that people desire to live and, God, we are so grateful for what we have and this area and we just thank you for all that you do and the way you have blessed all of our lives. God, we -- we thank you for the blood of Jesus who unites us all, in his name, amen.

ADOPTION OF AGENDA

Simison: Thank you, Dale. Next item up is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: We do have an Executive Session scheduled for Item 5. I don't believe we need that Executive Session anymore. I think we handled our business in the first Executive Session. So, I move that we strike Item 5, our Executive Session, from the agenda and with that I make a motion to adopt the agenda as amended.

Hoaglun: Mr. Mayor, I second the motion.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we did not.

RESOLUTIONS [Action Item]

- 1. Resolution No. 21-2276: A Resolution of the Mayor and the City Council of the City of Meridian, Appointing Tom Otte to Seat 9 of the Solid Waste Advisory Commission from July 13, 2021 through September 30, 2022; and Providing an Effective Date**

Simison: Okay. So, the first item up is a resolution. Resolution No. 21-2276 appointing Tom Otte to the Solid Waste Advisory Commission. Hopefully Tom is a familiar face to this Council. He was a wonderful employee here. Also the character Trash Talk Tom. We still own the rights to, but having him back on SWAC actually gives us a little bit closer connection and tied to him from that standpoint, but he's moved on to do solid waste work over with Ada county and so this is part of, you know, that ongoing relationship that we have with Ada county as it relates to our solid waste, as well as a knowledge base and a great Meridian resident, who has long ties to our Public Works Department as well. So, it's -- you know, with -- it's my honor and pleasure to bring him before you for consideration to this appointment to the Solid Waste Advisory Commission and happy to stand for any questions.

Bernt: No questions.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Are we good for a motion?

Simison: If there is no questions I would be happy to entertain a motion.

Strader: No questions from me. Just a comment how much we love Tom and how wonderful it will be to have him in that seat and if there is no other questions -- I think everyone loves Tom and the work he has done for us. I move the approval of Resolution 21-2276 to appoint Tom Otte to Seat 9 on the Solid Waste Advisory Commission.

Cavener: Second the motion.

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

MOTION CARRIED: ALL AYES.

Simison: And I do not see Tom present for any comments this evening. He was hoping to make it, but evidently wasn't able to. So, with that we will just send him all of our best wishes and see him in the upcoming SWAC meeting or perhaps a presentation to Council before we realize it.

ACTION ITEMS

2. Public Hearing Continued from June 22, 2021 for The 10 at Meridian (H-2021-0025) by J-U-B Engineers, Inc., Located at 75 S. Ten Mile Rd.

- A. Request: Annexation of 40.30 acres of land with R-40 (13.04-acres) and C-C (27.25-acres) zoning districts.

Simison: So, moving on to Item 2, public hearing, which was continued from June 22nd, 2021, for H-2021-0025. We will continue this public hearing and see if there are any staff comments.

Parsons: Mayor, Members of the Council, I would imagine we are on the 10 at Meridian project? Perfect. Yes, I'm actually filling in for Sonya this evening. She is on vacation for two weeks, so I was waiting -- making sure there wasn't anything else on the agenda before this project, but I want to let you know that you guys did continue this project from June 22nd. I had a chance to read through the minutes and saw that you guys had a really robust discussion about the ratio between commercial and residential in this

particular project. So, I do want to get everyone oriented to where this property is situated, what the land use types are, and, then, go -- quickly go through some of the changes the applicant's proposed and I let him go into more detail. So, we did recite -- based on the discussion that occurred at the City Council -- the previous City Council, there were some revisions to the concept plan. Staff did prepare a memo and, then, forwarded on those changes to the public record to be included as part of the public record and I will go ahead and show those changes to you. So, right now this property is located on the southwest corner of Franklin and Ten Mile. You can see here on the future land use map there is three land use designations on this property. We have mixed use commercial, high density residential, and a mixed use residential. You can see here the predominant -- the predominant land use is mixed use commercial. It's currently RUT in Ada county and the applicant is here tonight to request annexation into the city. So, if you recall on that January -- or June 22nd hearing the original concept plan that was presented to you was the one on the left. It had 559 residential units and, then, approximately 147,000 square feet of commercial and mixed use buildings on it. Based on those discussions the applicant went back to the drawing board, came forward with a new concept that you see here on your right. They have increased the commercial mixed use portion of the development from approximately 147 to about 166 K, if I'm not mistaken, and then -- but they have also kept the -- the number of residential units. So, they are still 559 units as part of the -- the revised plan. You will also note that some of the buildings have been reconfigured on the plan. There is more central open space between the R-40 portion of the site and the commercial on the -- where the Kennedy Lateral bisects the property and, then, again, smaller square footages and, then, the applicant's also proposed more -- I think there hasn't been an increase in open space, but more parking has been added to the commercial portion and less parking has been removed from the multi-family portion and there is a slide after this one that breaks down all the proposed changes as well. I'm just quickly summarizing them for you. I want you all to see that -- visually see the differences between the two plans. Again, here is the project summary for all of you to look at this evening. Again on the top, the left side, is what was previously proposed and, then, the revised concept summary on the -- probably the middle of the slide here and, then, the breakdown of those changes in more of a text form. I also wanted to remind the Council there is a couple of items that -- if you choose during your motion tonight I want you to take under consideration a couple of waivers that were brought to your attention on June 22nd as well. That had -- one of those pertained to the number of access points that they were proposing to Franklin Road and Ten Mile. I believe during that discussion it was shared with you that a traffic study was accepted by ACHD and they did support the analysis in that traffic study and they also supported these accesses to Franklin Road and Ten Mile. So, if that's something that you support we ask that you include that waiver as part of your motion and, then, as I mentioned the Kennedy Lateral bisects this property. A portion of it will be titled and some of it will be left open and the Council -- or the applicant is seeking a waiver to keep the Kennedy Lateral open and, then, the third part of your motion tonight -- and it's -- it's on your hearing outline, that staff is recommending a modification to a DA provision that's in the staff report and that's highlighted in yellow on -- on your hearing online tonight, allowing the applicant to get forward on development before platting the property and that we would hold up occupancy on any structure on the

site until the final plat was recorded. So, with that I will go ahead and conclude staff's brief presentation on this application and I will stand for any questions you may have.

Simison: Thank you, Bill. Council, any questions for staff at this time? Okay.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks so much. Just to confirm -- so it looks like just back of the envelope that approximately 11 percent more commercial compared to the square footage previous; is that about right?

Parsons: Yeah. Mr. Mayor, Members of the Council, that's -- that sounds about right. It's about an 18, 19 thousand square foot increase based on what the applicant provided to us.

Strader: Quick follow up, Mr. Mayor.

Simison: Council Woman Strader.

Strader: And, Bill, in your opinion does that put us closer in alignment with the amount of commercial we had hoped to see in this area once you take into account the FLUM that we have and everything? Is this, you know, kind of what we would -- more in alignment with what we would expect?

Parsons: Yeah. Mr. Mayor, Members of the Council, Council Woman Strader, I believe so. I mean I think looking at the past record and seeing what the discussion was about, you know, we can -- staff conveyed to you that this is a guide. When we look at mixed use developments, when we look at the Ten Mile Interchange Specific Area Plan, we have to look at the area holistically and if you look to the south of this property there is quite a bit of mixed use residential that can occur and some more commercial that can occur in this area to help fuel some of the density that you see on that plan. So, again, the Comprehensive Plan is a guide. Certainly looking -- I know I have met several times with this applicant on trying to get this concept plan in the best configuration that we can to make sure that it is consistent with that plan. So, in staff's opinion, yes, we find it is consistent with not only land uses, but also the residential mix on it and I think for me personally I like that the -- that the Council actually continued this, because some of the suggestions you made have made this plan better, particularly with -- in regards to the open space between the larger buildings and, then, having another access out to Cobalt I think will help the circulation on this plan a lot better. So, again, I have to commend not only the applicant for making the changes, but also this body and the Council for recognizing that and having the applicant go back and fine tune the plan a little bit more.

Strader: That's perfect. Thanks, Bill.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Bill, I apologize. Could you go over for us again -- you said there are a couple items that Council needs to consider for alternative compliance to include in our motion. Would you run that by us one more time?

Parsons: I'm happy to do that, Council Woman Perreault. So, essentially, we need Council's blessing on the access points to Franklin Road as you see them depicted on the concept plan. We need you to support the waiver to keep the Kennedy -- Kennedy Lateral open as a water amenity and, then, we also want you to add a DA provision -- or modify a DA provision to allow them to get started on development ahead of submitting their subdivision plat or recording a plat and that -- the exact language is actually in the hearing outline in front of you.

Simison: Council, any additional questions? All right. Thank you. Would the applicant like to come forward?

Shrief: Good evening. Again my name is Wendy Shrief. I'm a planner with JUB Engineers and my business address is 2760 Excursion Way here in Meridian, Idaho. 83642. And we have got -- our team is here again. I'm just going to kind of do the introduction and we really want to thank you all for the recommendations we had from you last time. Once we -- once we left the hearing and sat down and really looked at the changes, it's a much better plan than what we came here with. So, thank you. I think the flow of the site is much better. I think the way we are dealing with -- with the multi-family, I think it's much more inclusive, I think it's much more in the spirit of what we wanted to do for this project and thank you for the push for increasing the commercial. I think it's good you guys had faith in us. I think it's a really good improvement and I'm glad that we have increased the commercial on the site. So, I think it really -- it was -- it was good. We were hoping to get through it in one Council hearing. Once we sat down and looked at the changes we think it's a -- really it's a much better design and it's going to be a much better functioning project. Thank you for the -- for the comments. So, I have Lane Borges, who is our architect, who is going to walk through in some more detail for what the changes were. We also have Hethe Clark here this evening, too.

Borges: Good evening, Mr. Mayor, Members of the Council. Lane Borges representing Elk Ventures. 11500 Armor Court, Cold River, California. 95670. Mr. Parsons already kind of stole my thunder a little bit in walking through some of the changes that we have made since we were here last time, but I would like to maybe take an opportunity to, one, just review the comments that we had heard when we were here, an overall review of the changes and, then, quickly go through each kind of main element of the site and talk a little bit about what we -- what we actually have done. The plan in front of you that shows the plan that we presented last time, the four elements that we went back to the drawing board on were, one, the amount of commercial space, the proportion of commercial to residential in the property and I will talk a little more in a second about specifically what

was done there. Another element that was talked about that we clearly heard was the location of the commercial building that we had designated in the original plan as kind of our grocery store, which was on Ten Mile Road at the southeast corner of the site and we will talk about where we moved that and why we moved it. The third element was the open space and how the high density buildings in particular were connected to the open space or in the case of the original plan not connected to the open space and attempts to integrate them better, so that the recreation areas really appeared and functionally served all aspects of the project a little bit better and, then, the fourth was to continue our discussions with our adjacent property owner to the south on the alignment and the improvement of Cobalt Drive. So, the plan that you are looking at now is the revised plan that's been submitted and this plan does reflect all of the changes that we are proposing. As Mr. Parsons already suggested to you, we have modified the open space, particularly in the high density area, and I will go through a direct comparison in a second being shown there. We relocated the commercial building designated for our grocer up into the northwest corner of the property and we have increased the commercial space by 18,775 square feet and the actual calculation, if you exclude the square footage of the clubhouse, is -- we actually have a 14 percent increase in the amount of commercial space that's now being proposed for the project. So, real quickly I would like to kind of walk through each area. We call these pods. So, you will see in this plan a comparison of the proposed design of the pod on the left and the original on the right, so you will see that we eliminated one of the residential buildings and we basically moved the commercial building designated for grocery up into this location. One -- or, actually, two reasons and two very helpful comments that were made at the last meeting and that was that when you looked at the circulation of traffic coming to the grocery store and where the predominance of that traffic would circulate, a lot of that traffic is projected to go northbound on Ten Mile and from the original location that was a little more difficult maneuver to make. You had to kind of traverse through the whole site and the building was located in an area of the site that had more access restrictions. The current location is at an access point that has full access. So, we believe that ingress into the site for this use at that location, as well as egress, will be a significant improvement. The second pod was the pod in the middle and you will see that -- oops. Okay. In the original plan we had two residential buildings there. One of the residential buildings has been redesigned and we have added two additional mixed use buildings with commercial space on the ground floor and residential units above. The other two buildings are similar to the original plan. Sensitive mouse. Okay. Our third pod, which is the pod at the intersection of Franklin and Ten Mile, we have changed some of our proposed uses there. We still have retained the mixed use building in that particular pod. We have increased the square footage of our commercial pad buildings and we are now proposing a two story commercial building to kind of frame that corner designating it as a potential location for a financial related institution. So, we are proposing and considering the possibility of having drive through facilities there for drive-up tellers and transactions. The fourth pod along Ten Mile Road is actually probably the only pod that really doesn't have any significant alterations. We still have the two mixed use buildings that were originally proposed to that location, commercial on the ground floor and residential above, and, then, the last pod -- oops. The last pod -- again, you will see on the right the original location of the grocery store and that's been replaced now with two story commercial buildings and one story commercial buildings. The

proposed quick service restaurant that was originally in the design is also retained. The next component that we want to do a little look at is the clubhouse. As you will see our flat buildings have retained their location. We have actually relocated the pickleball courts that were proposed and taken some of the open space that was in that area and integrated it into the space between the high density buildings. This allowed us to add a little bit of additional parking to better support the clubhouse and the residential units at that location and the last location is the high density. So, we will see there is quite a change here. Unfortunately, I can't remember to give proper credit to the Council Member that made this suggestion to slide those two buildings along Cobalt together. One of the discussion points we had is that those buildings had originally been located there because of the specific plan recommendations for straightforward design and placing the buildings as frames along the streets. So, we were able to retain that and keep those buildings with the Cobalt frontage, but at the same time move the parking that was between those buildings basically on each side and enlarge the parking areas to the east and west and create a very nice continuation of the open space that now flows from the recreation center and clubhouse down past a redesigned high density building that you will see that's now kind of a V shape and into the space between the two buildings fronting Cobalt Drive. So, the result is the plan that you have before you of all those particular elements. Just wanted to flash also quickly back up that we have retained the concept that kind of drove this design was an emphasis on the vehicular and bicycle circulation, which you will see with the red lines. So, those are our kind of main streets and those streets, again, are two way traffic with bicycle lanes with parallel parking and street trees. So, we just kind of affectionately call those kind of our internal mini main streets and, then, down below you will see the secondary circulation that connects the high density building out to Cobalt and back up to the remainder of the site with several of our pedestrian crossings over the canal and the last slide again shows the network of pedestrian activity and access that we have. So, at this point I'm going to turn it over to Hethe Clark to provide some closing comments. I do also still have in this presentation the renderings that were presented last time on the building architecture. I think the emphasis in this presentation tonight is kind of the site plan and the layout, but if anybody has any questions or comments we do have those available if anybody would like to revisit those at a later time. Thank you for your time.

Clark: Hello, everyone. Hethe Clark. 251 East Front Street in Boise with the applicant and I just have a couple of quick items to wrap us up here. So, one item that was discussed at the last meeting was the conversations with our neighbor to the south and how that's progressed. We have continued to have -- to have those conversations. We are I think rowing in the same direction still. The one thing that we need to have in order to finalize those conversations is a little bit more detail in engineering and in order to work that into an agreement and we are all headed in that direction and I know Joann Butler is here tonight and she will be able to speak to that. But I believe that we are in conceptual agreement as to the way this is going to go, we just need to have a little more detail, but just to remind the Council the -- the concept there was to contribute ground there on the southeast and contribute to the cost of one half of the construction of the roadway on the south. So, very simple parameters. We just need to get a little more detail if you have a final agreement on that. In terms of logistics, Bill mentioned the waivers. The one thing

that I would just point the Council to is that you already have in condition 1-C language dealing with the access points, so I don't think you need to have special -- special language in your motion about that. Condition 1-C does approve those access points. And, then, condition 1-D, as Bill mentioned, we would ask the language be added that I understand as highlighted in your report, that no certificate of occupancy for any structure will issue prior to recording of the final plat and, then, the final element related to condition 1-E, which was the waiver related to leaving the Kennedy Lateral open. So, with that we are happy to answer questions. But our group has worked really hard on this. I think Lane did some pretty inspired work based on the -- the -- the Council's comments and we do believe that this is an improved project that satisfies what the -- what the Council was looking for at our last meeting.

Simison: Thank you. Council, any questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Hethe, I have to agree with -- with you and Lane's comments about that prior hearing. I was able to review it all in prep for today, that prior hearing and as well as these changes and -- and I applaud the applicant for making these changes, but also the fellow Council Members up here I think had a really constructive discussion and provided some good direction. So, it seemed to have been a very cooperative meeting on -- on June 22nd. So, appreciate the direction from my colleagues up here, as well as the applicant's willingness to participate in those changes.

Clark: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Councilman Borton said it well. The applicant -- we -- we really pushed on you guys and we appreciate you listening to our suggestions, you know, you spend an awful lot of time preparing this. I do have one question for you about the access points. Do you still want the slide that shows them as they are lettered? So, that's what's in our notes here and I want to take a look at those letters again. There were no changes made to that from the last hearing until today; correct? We are just reiterating to Council that we need to not forget to make sure that's appropriately mentioned the motion.

Clark: Mr. Mayor, Council Member Perreault, that's correct. There is no proposed change on the accesses to Ten Mile Road and Franklin Road, which are the subjects of condition 1-D, which, as I mentioned, I think adequately defines the Council's position that those accesses are approved.

Perreault: Mr. Mayor, a follow up.

Simison: Councilman Woman Perreault.

Perreault: So, as far as the flow of traffic through here and pedestrian access, are the intersections -- quote, unquote, intersections going to have stop signs? Is there going to be posted speed limits? I mean I -- if I'm envisioning this correctly they will be -- you know, there will be enough traffic on here that it almost feels like a local road. So, can you talk with us about that as far as safety goes as far as pedestrian crossing and, then, this is not a consideration per se for -- for my decision, but I was just curious if there was any consideration given to there being like a roundabout style where some of the intersections are versus potentially stop signs or whatnot. So, can you talk with us about that?

Borges: Yes. We do anticipate that at the major intersections there will be methods to control the traffic, because the volume may dictate that without it it would be unsafe. I don't think at this point in the concept plan we have determined where is the best location, whether is it the north and southbound traffic that should be stopped or is it the east and westbound traffic that should be stopped. We did consider briefly the idea of using roundabouts. It was -- it's kind of a challenge, because, one, they take up a considerable amount of space and in our experience roundabouts create actually a bit of a challenge for a lot of drivers that are unaccustomed to proper way to enter and exit roundabouts and actually can have a negative effect on circulation. Everybody's pretty familiar with a stop sign or a yield sign or more conventional methods. So, we decided to go with that for our particular plan for that reason.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Lane and Hethe and Wendy, I'm just like so happy and really like proud of this development and the direction that you are taking it with the feedback. This is a really great development and I will -- I'm really supportive and I will be proud to have this development in our city. So, thanks for taking a look at everything.

Clark: Thank you, Council Member Strader. That's very nice.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: One question for you, Hethe. It was mentioned of a land swap down there on Cobalt. Can you give us an update on what that contract looks like currently?

Clark: Mr. Mayor, Council Member Bernt, so I have been having conversations with Joann Butler and she's here and she can speak on -- I won't put words in her mouth. But the -- the general thought process that's been discussed amongst the principals is that the -- the area -- is this following my mouse, Bill, or is it -- oh, there it is. It's just super sensitive.

That there would be a swap for this area down here and, then, a contribution for half the cost of Cobalt Drive and, then, that agreement would be finalized as we have the specific engineering details associated with the preliminary plan.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Any issues? I mean with that agreement? Is it going pretty smoothly with the neighbor?

Clark: No issues that I'm aware of. You know, we -- I have had a couple conversations with Joann and I -- like I say, I will let Joann comment.

Bernt: Perfect. Thank you.

Clark: But I feel like we are rowing in the same direction, like I mentioned.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Mr. Mayor, question for Mr. Nary, I guess, and Joann might talk about it as well, but the scenario of bad, parade of horrors, if that doesn't happen, right, and it falls through, what happens to the lower right-hand corner that used to be an outparcel?

Clark: Mr. Mayor, Council Member Borton, that -- that piece is still included in the concept plan. It doesn't have a use associated with it. So, I would anticipate that it would be part of the preliminary plat just created as a parcel on its own and, then, a use would have to be assigned to it. It's -- it's more useful, frankly, to our neighbors to the south because of the configurations there. So, we don't anticipate -- we -- you know, we think that this is going to go forward and that it would ultimately be part of another plan. But that's the -- how we are seeing it.

Borton: Mr. Mayor, a quick follow up.

Simison: Councilman Borton.

Borton: And we can kind of put a pin in it, but in that really unforeseeable rare chance that something doesn't work, right, this is the one chance to -- to condition it somehow so it's not, you know, weeds that just burnout.

Clark: Mr. Mayor, Council Member Borton, I would just say that it's not your only chance, because we have to come back here at pre-plat and so if we don't have this sorted out by pre-plat, then, you would have an opportunity to put -- to impose specific conditions on that, but -- so, we -- we do have to come back before you. This is not the only bite at the

apple. This is the annexation and rezoning, the concept plan, so we know what we are dealing with and so, therefore, we can go, you know, invest the money, do all the engineering, have the detail and, then, finalize an agreement.

Simison: Council, any additional questions for the applicant? Okay. Thank you. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, we do. Joann Butler.

Butler: Mayor, Council Members, thank you. Joann Butler. 967 East Park Center Boulevard, representing the property owner that is immediately south of this project known as 10 at Meridian. A little different take. For the record we oppose the concept plan and will oppose the preliminary plat. When their application is made if Cobalt continues to be shown as it is shown on the concept plan, this application for annexation and zoning appears to be premature. Perhaps it's appropriate to put this annexation and zoning application on hold until the detailed plat is also submitted. Last month the Council asked the applicant to go back and look at and redesign the multi-family and, of course, I'm just talking about this area to the south along Cobalt. The Council will decide whether this redesign meets some of the more welcome multi-family designs that you have had come before you, like The Seasons at Meridian and so forth. Development like that have set a bar -- a new bar for Meridian. For us this design does not meet that bar. The public road, Cobalt, should be on their property. They would have had to design those buildings much smaller, that is true, but they would have kept their development on their property. Not to be too facetious, but perhaps the applicant's design of their project using their nonconsenting neighbor's property makes you want to perhaps slap your forehead, because it does us. We told the Council and the applicant at the last hearing that we were try -- willing to try to work out some kind of agreement between the two of us that compensates our client for burdening their property. That hasn't happened and the detailed information that we have requested to try to draft an agreement has not been provided and perhaps that's because it's just not available yet, which speaks to the prematurity of the project and why I asked that maybe this be put on hold until the plat is ready and you can look at the plat and we can look at the details of that plat and how it affects our property together. The Council should not approve this application, at least not where it abuts our client's property on the basis that maybe and only maybe the neighbors will work out a road location and construction issue. There should not be any innuendo that the Council is using its public process to approve a concept plan that can only work if two private property owners agree outside of your public process. So, we are asking you to hold off on the concept plan approval until the plat application is made. So, that we have the detail to work together with property owners or in the alternative please make it very clear to the applicant that any approval you grant tonight in no way means that you would accept a preliminary plat application that mirrors this concept plan that burdens our client's property without consent. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thank you for your testimony this evening. Are we going to get a deal? Yes or no?

Butler: If -- I don't know. I couldn't say today, because I don't have the details --

Bernt: Close?

Butler: We have had one conversation -- I believe one conversation and a couple of e-mails back and forth and that's it.

Bernt: So, you are not close according to what you are saying.

Butler: Technically no.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joann, at some point from my understanding from the first hearing is that Cobalt Drive, where it ends up meeting with the property to the west, will be on your client's property at some point, it's just a matter of how much; is that correct?

Butler: Right. If you look at the site plan as it shows now, it shows Cobalt going straight across the property and truncating basically north-south aligned with their western property line. We are going to have to take it straight down south from there. Whether that road is there or on their property just a little to the farther north, we are still going to have to take it south. So, our contention is -- is this development ultimately should have been originally designed to have that road on their property per ACHD rules. Their buildings would have been smaller, that's true, and this is a use of our -- our client's property that -- they will look and try to work with them to be compensated, you know, and -- appropriately, but in the meantime we just want to make it really clear that we oppose it as it is without those details in place and so that we know exactly how this is going to be developed.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Sorry to be so frank with you.

Butler: I was. I hope.

Simison: Council, any additional questions? Okay.

Butler: Thank you.

Simison: Any other sign-ups?

Johnson: There were no additional sign-ups.

Simison: Is there anybody that would like to provide testimony on the item at this time or anybody online that would like to provide testimony? If you are online and you would like to provide testimony we do have a couple of phone-in callers. Mr. Clerk, is it star -- how do they notify us if they are on the phone?

Johnson: It's star 5 or star 9. One will attempt to mute and the other will raise their hand. Don't know which is which.

Simison: Okay. Well, if you -- if you would like to provide testimony on this item and you are on the phone, star 5 or star 9 or use the raise your hand function. Seeing nobody wishing to come forward, would the applicant like to come forward for final additional remarks?

Clark: Hethe Clark. 251 East Front Street. This might be the most stunned that I have been in a public hearing before. Let me just make a couple of points. So, Cobalt will be south of our property line. That is -- it cannot continue through. The Ten Mile Interchange Specific Area Plan has Cobalt continuing west. It doesn't have it dropping south. There have been numerous conversations and in-person conversation amongst the principals before the last hearing. The principals spoke again today. This was a huge -- that testimony was a huge curveball to us. But I will just make one point. The alignment of Cobalt is set. It needs to align on our property on the east side. It needs to be off our property on the west side. What we have proposed in the first place we thought was pretty equitable, because we have got the portion of the property that includes the lateral crossing. What we have proposed is to make up for whatever is going to be on the other side, because it needs to ultimately be on their side of the property line by contributing property and by contributing cost to the -- to that road construction. We had offered that. We thought we were headed in the same direction. Clearly you heard some conversation today that we are very surprised by. But we think what we have offered is a very equitable plan. We are happy to continue working toward a solution between now and the preliminary plat. We see no reason to hold it up in the meantime.

Simison: Thank you. Council, questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, what's the value of the requested approval if you have got this huge elephant in the room that might -- might alter a lot more than just the alignment of the road? It changes the multi-family as well. I mean what will you gain by seeking approval now and still having that unresolved, as opposed to having them marry up whenever it does get resolved?

Clark: Mr. Mayor, Council Member Borton, that's a good question. The -- just -- what I would ask the Council to keep in mind is that Cobalt does have to go south of the property line. What we have proposed aligns it so that it's perpendicular to the Kennedy Lateral. We think that what we proposed is equitable and when it comes to the Council's role tonight, you have the ability to approve a concept plan that shows Cobalt moving across the property line in the location where we have it. So, I think it's within your authority to make that approval. We had hoped to have a solution with the neighbor. We don't think that this should be held up based on -- on the comments that were made tonight. We will continue to work with our neighbor, but we think it's within your authority to approve it as we have -- as we have proposed it, because, again, I believe it presents an equitable solution and because we have offered to make these additional -- these -- we have made these offerings on top of that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A comment that gives me some pause. I don't disagree with the rights and options that are in front of us, but if there is any scenario where -- it's that super unforeseen, hopefully never happens, where it's not worked out and Cobalt on the southern property never gets built. What would we do with this application? For example, if you stubbed it there and never contemplated building it, would we look at this any different?

Clark: Mr. Mayor, Council Member Borton, that -- that scenario is what often happens where we stub to a neighbor's property and, then, the Council looks at a development application when it comes on the neighbor's property and, then, continues it in accordance with the Ten Mile Interchange Specific Area Plan, which, again, would require Cobalt to continue to the west south of our property line. So, I think that that's covered.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I have the same question as Councilman Borton that I -- I don't feel like was really answered, which is that what does it benefit to have the concept plan tied to the property, a DA started, if there is potential that the preliminary plat could be delayed? Is it so that you can -- this permits you to go and seek tenants for these properties -- or kind of give us some understanding of why not wait for the preliminary plat to be presented? Sometimes we see -- see all three requests for annexation and zoning and planning at the same time, sometimes we don't, but just kind of help us understand from your side what the benefits and drawbacks are of holding off on improving -- you know, tying a concept plan to this property.

Clark: Mr. Mayor, Council Member Perreault, a lot of the reason that we came forward with an annexation and rezone was because we wanted to have certain issues resolved,

including the access points. We needed to know what we had before we could really invest the money on the engineering, because those access points, for example, were in the air and so having our concept plan approved, that allows us some certainty to be able to move forward on our preliminary plat and get the engineering data, so that we can, then, go back to our neighbor and have the conversations that they are -- they are looking to have. So, yes, it would be very helpful to us to have the -- have the concept plan approval, so that we can move forward with that preliminary plat, knowing that we are all rowing in the same place and not being speculative on whether there is going to be an issue on the -- on the concept plan when everything comes back all at once.

Borton: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Hethe, I mean there is a point that Joann makes, the fact that you could have had this all on your property, except for the very southwest corner, because it will have to line up at some point. It could have been drawn to where half of Cobalt -- you chop off those two high density, move them forward and just half is on your property. It is problematic where it lines up to cross Ten Mile Road that, you know, you have that parcel that's kind of the empty lot, you know, so I can understand why you are moving that, but I guess if you could respond to my comment that in some ways I feel like we are a pawn in a negotiation here, that, you know, approve this and now that gives you leverage when I think our preferences is rather you guys resolve this, come up with something both parties can live with and, then, we can -- we can move forward. I really want to do what's right, but at the same time I don't want to give one party an advantage over another party based on our decision. We like the new plan. I think you got that feedback from Council very strongly. But this is an issue that needs to be resolved and, then, we can -- we can move forward, but -- so, if you want to respond.

Clark: Council Member Hoaglund, I think one thing that I would point out is that just having Cobalt Drive swoop down at the very end is not going to be -- it's not going to work for a collector layout. It's going to have to be significantly before that, which is why ACHD directed that we stub to the neighbor to the south and so that's the reason we went with this -- with this layout. We are certainly not asking for the Council to be a pawn in this game. We have -- we have tried to get this worked out. We think that -- I think that this applicant has gone above and beyond in making the offerings that they have in this case. Unfortunately, the -- our neighbor to the south wants to have a lot more detail in an agreement than we have right now and we won't have until the preliminary plat is ready.

Simison: Hethe, I don't know if it's for you, Bill. Without Cobalt Drive being built is that -- is that a requirement for -- for this?

Parsons: Mayor, Council, if I may ask for a little bit elaboration. You mean as part of stubbing it in or re -- right now the Ten Mile Interchange Specific Area Plan has a dashed line somewhere in this area. It's -- it's not fixed. That line is meant to go float in that area and as he has mentioned the alignment is preferred to be with Cobalt on the other side

of the road, because that's where it intersects Ten Mile, which makes it safer for intersections or people entering and exiting the intersection. So, yes, the expectation is that per the Comprehensive Plan is that that collector street is part of the master street map that we have endorsed from ACHD. So, the expectation is that needs to come in -- into the site somehow, whether it's to and through or stubbed to the property, I can tell you that during our initial conversations with the applicant and they have always showed this road layout and the only time that it came to our attention was when we started meeting with Joann and some of her clients, because she also has other people that are getting very interested in developing the rest of this area around this property and so we had shared with her this concept plan and said this is what we -- we were supporting and this is what they were bringing forward. So, at this point, yes, that needs to come in. How it comes in -- again, it's -- this is a concept, but, usually, the first person that comes in usually sets -- sets the tone of where the road stubs and goes and gets pulled into the site and as the next property comes in we carry on the roadway.

Simison: How it comes in and how far it goes is subject -- and where, quite frankly, is subject to this Council's viewpoint to a certain extent.

Parsons: You are absolutely right.

Simison: Council, further questions, comments for the applicant?

Strader: Mr. Mayor?

Simison: Councilman Woman Strader.

Strader: Question maybe for staff. I'm not sure. Maybe the applicant. But if we were to approve the concept plan and, then, we get to the plat and this isn't worked out, what -- what can happen then? Can we require that there be an agreement at that point? I mean how -- how would we proceed if we did it that way? It seems kind of unusual, but help me understand.

Parsons: Yeah. Mayor, Members of the Council, I will certainly give you my experience with it and, then, you can maybe ask the applicant if they are willing to do that. But typically -- we are at annexation right now. There is a requirement for a DA. So, in the development agreement you can -- you as a Council Member can say we will not accept a pre-plat until you have those road details worked out. That's one of your options this evening. You can add that as a condition of approval, that with their pre-plat they submit that documentation that that's been worked out. I can tell you right now looking at this concept plan, we would want the plat to match with the concept plan. I mean if that road was to shift up a little bit north, I don't think that is a substantial change to their concept plan. I can see that happening, you could still have the parking there, you could still have the open space between the buildings, yes. The footprint of the building shrinks and -- and they get less units on the particular property. But in the DA we are not saying do more than -- we are not capping them at a certain density on this product, we are capping that -- this concept plan. So, as long as they still have the general layout and the open

space and the parking the way you see it here, I think even if that road does shift up somewhat it's not going to substantially change what you are seeing here. So, it really comes down to City Council's comfort level, whether or not you want that issue resolved now or later and as you know as soon as we give zoning away, then, that discretionary -- your discretion goes -- gets a little less, because at a plat, once zoning is in place, and a plat, all we are really looking at is whether or not it complies with the comp plan and their -- and their building those roads though the template that we have line out. So, that's something that you need to ponder as well. I will go ahead and turn it over to Hethe if he has any other commentary on it.

Clark: No, Mr. Mayor, just -- I would just say that I think Bill is spot on that applying a substantial conformance standard if that road slides and those buildings move up just a little bit, then, I think that that can be addressed. That's a worst case scenario.

Nary: So, Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I guess on that same vein one thing I heard Ms. Butler testify to was she wanted it clear that the Council, even in granting what level of approval to this annexation, that they weren't necessarily tying themselves to this particular drawing and I guess I don't know from the applicant or from Ms. Butler's perspective, but I mean if this were to be a stub street there that would be a different conversation we would be arguable whether that's the right place for the stub. If it was halfway on your property and not -- and not shown to be on a finish road on an adjacent property that there was no agreement to have a road there yet, I would feel more comfortable with the city's approval, because we are just approving something on your property, we are not approving something on somebody else's property and I'm not as comfortable as saying, well, we all know we aren't really technically approving it. When -- when we may not all be the same people sitting here when this comes back and so I guess I don't know if this would delay, but I guess from a development agreement standard it feels more enforceable and more protection for the city that it's shown as half on your property, because normally with ACHD my experience has been that's what they have required, you know, it's the half plus 12 and the other half will get built by the other property whenever that happens and, then, that's clearly what the intention is here. I get where you are going on the crossing and the trade and all of that, but, obviously, that's not been resolved yet. But, then, we are not approving something else that appears we are burdening another property when they are not in agreement with it.

Clark: Mr. Mayor, just some comments in response to the city attorney. This is a stub to the -- the neighboring property and it is showing a road in a location on our neighboring -- on our neighboring -- on a road that is on our -- the neighbor's property that is consistent with the Ten Mile Interchange Specific Area Plan. So, there is going to be a road that continues that direction regardless. The road has to be off of our property, because of development that's already occurred on the west side of our property. It has to come off. So, the stub is not at the western terminus of our property, the stub is on our southern

boundary into our neighbor's property and the city always provides for future development on neighboring property, because you do comprehensive plans and specific area plans to show where roads are going to be on those -- on those properties.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I will agree with what Council Member Strader said earlier in regard to this project. I think it's fantastic. I think that you guys have done a great job with it. I think you have listened. For me personally, even though I like this plan and you have done a great job with changing the commercial and residential portions of it, multi-family portions of it, I personally would feel more comfortable making a decision -- having you guys make a decision prior to us approving this this evening. We had an earlier discussion with regard to some -- a different application that has nothing to do with tonight where it got a little clunky and we were going to approve this and with the expectation that this would happen and we approve the plat prior to and it's turned into a pretty big mess for us. We are going to get through it and everything's going to be great, but I don't -- I just -- the risk of it happening again or something similar to it makes me pause for concern.

Clark: Mr. Mayor, can I have a second just to confer with my client and -- I have a couple thoughts.

Bernt: Take a recess?

Simison: Okay. Ten minute recess.

(Recess: 6:59 p.m. to 7:12 p.m.)

Simison: We will go ahead and come on back from recess and see if the applicant has any further comments.

Clark: Mr. Mayor, Hethe Clark. And thank you to the Council for your graciousness in giving us a couple of minutes to chat. So, this is what we would like to propose and I -- I think Joann is willing to come up and confirm. What we would like to propose is that there be a condition of approval that requires that we have an agreement on this issue prior to submittal of the preliminary plat. Lacking an agreement, the road would be moved to be split on the center line on the boundary, which is what you would do under any other circumstance. Does that make sense? Joann, do you want to confirm?

Butler: Thank you. Joann Butler. For the record, yes, we did just talk about that during the recess. Thanks for the time to address that and that we will work to see if we can get that done prior to plat submittal and if you would make that a condition of approval we would be comfortable.

Simison: Thank you. Mr. Nary.

Nary: Mr. Mayor, Members of the Council, we could also make that a condition of the development agreement as well, so it's clear that -- again that condition would be the road would need to move to the north or a resolution will be prior to preliminary plan. After the north. I'm sorry.

Simison: Thank you. Council, are there any additional questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Cavener: Well, if -- if half of that collector, then, gets placed on the applicant's property, is there going to need to be a change to the concept plan and, if so, does that need to come back before Council?

Clark: Mr. Mayor, Council Member Perreault. I -- I don't believe so, because you would be conditioning it such that it would allow for that type of an alternative and, then, I would also point you back to Bill's comments -- Parsons -- about sub -- substantial conformance. You will recall that he mentioned that if there was some reconfiguration of the road it's staff's position that that would not be the type of thing that would require a modification to the concept plan.

Simison: Mr. Borton, did you --

Borton: Yes. Thanks, Mr. Mayor. I was going to ask Legal if now or -- or shortly if you stated the condition -- right? We use the phrase move the -- move the road up -- isn't really the most specific unit of measure. So, if there was to be a condition that we have -- and maybe the applicant has -- like this -- this is kind of on the fly. The specific language you think would be crystal clear to include in the DA and as a condition of the plat that would define that type of matrix?

Nary: So, Mr. Mayor, Members of the Council, certainly Mr. Clark could weigh in. I think what the intent was was it was not going to be a stub street, but that the conceptual plan that is proposed would be either agreed to by the southern property owner prior to the submittal of the preliminary plat, which would, then, allow it to be wholly on their property, or, in the alternative, if no agreement has been reached prior to preliminary plat, then, the road would be divided along the property line for half of Cobalt Drive to be on the northern property and half to be on the southern property at that place where it shows the -- into the stub area right there between the two properties. So, I could probably make it more legalese, but I think that's the general concept we are talking about. I believe.

Clark: Mr. Mayor, the only thing that I would add to that is just recall that Cobalt ultimately has to get all the way down. So, I would just indicate that the -- that there would have to be approval by ACHD of that layout. So, it's -- it's -- it would have to be negotiated or discussed with ACHD before that could be finalized. Again we have -- we have had productive conversations, including in the hall just now, so I don't anticipate that this is

going to be a problem, but we do want to make sure that there is -- there is explicit condition language.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Under either scenario, Hethe, that -- that second access on the west -- western most portion connects to Cobalt --

Clark: I'm not sure I understood.

Borton: The access that was added to Cobalt right there that the arrow is on --

Clark: Correct.

Borton: -- that will exist under either scenario.

Clark: Correct.

Borton: Okay. Great. Thanks.

Simison: All right. Thank you.

Bernt: Mr. Mayor?

Simison: Council Member Bernt.

Bernt: Maybe just a quick conversation to make sure we are on the same page and questions and comments are made prior to closing the public hearing, probably would be the most important thing we can do.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will start off with some comments. Finishing where we started, I think this is a great improvement for all of the reasons described from the last hearing to this one. Really, the only snag that knocked it sideways was Cobalt. So, appreciate the quick constructive dialogue amongst the participants that what Mr. Nary described is to be the gist of a condition within a DA that will resolve Cobalt either as depicted on this concept plan or as described by Mr. Nary and agreed to by the applicant seems to be a fair compromise. It's not going to change drastically -- really barely at all this concept plan, these properties on the south -- southwest corner might nudge north, they might compress a little, but, really, it's not going to alter this otherwise well designed application. So, again, appreciate the applicant and the adjoining property owner trying to be

constructive. This is certainly a project -- and application that I can support now that we have that solution.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Simison: Mr. Mayor, Members of Council, based on our earlier discussion, before we approve the findings for this application we will bring that back for conversation to make sure we have got the findings the way you would like it.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I like it when Mr. Nary is reading my mind. It's just an amazing trait that you have. That's right. That's right. Apologize for the hot air. Just a couple of comments. Thanks to the applicant. My two big concerns were about the open space and really the desire to really invest in commercial and I think you hit that both out of the park. So, like my colleagues have said, I'm supportive. Candidly, this two-sided approach makes me feel a little uneasy. I like these things a little bit more wrapped up in a box. Don't love taking little breaks so things can be worked out in the hallways, but if staff feels confident that we can get this achieved we have got an opportunity to have them come back. Trust that you guys are going to embark on a path that's mutually beneficial. So, I don't have any reason tonight to be opposing to this project and looking forward to seeing those small details get worked out and something really great for Meridian being done.

Simison: Just -- I will throw my two cents in that I do also appreciate the changes and the modifications. I think they really incorporate nicely the multi-family into the project and makes it feel like a place you could see yourself being and not in the parking lot. So, appreciate it very much.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think everybody covered it. It looks great. Appreciate the changes. Love the compromise to get it moving forward, so we can see this realized.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move that we close the public hearing on H-2021-0025 for the 10 at Meridian.
Bernt: Second.

Simison: I 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.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: For the reasons stated by the record and by the Council and the applicant, I move that we approve H-2021-0025 as presented in the staff report dated July 13, 2021, to include the permission to allow the Kennedy Lateral to remain open as depicted in the concept plan presented at tonight's meeting. That DA provision 8.1 and D is modified to acquire the property to be subdivided prior to issuance of the first CO for the development. That the Franklin Road access points are approved as presented. I think that was condition 1-C. And that the DA will also include a provision as represented by Mr. Nary and the applicant that has Cobalt Drive as depicted on the concept plan at today's hearing or, in the alternative, that it has one half on -- constructed one half on this project, again, as represented by the applicant and Mr. Nary prior to the preliminary plat. And to be included in the DA.

Bernt: Second.

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

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you, everybody. Best of luck on getting your next phase figured out.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: And thank you again for Council Member Cavener's great suggestion. This is -- the opportunity came really quick for us, but to have particular attention when these findings come back before us to make sure we have got everything crystal clear on this. So, thank you for that.

3. Public Hearing for ACHD Ustick Maintenance Facility (H-2021-0029) by Engineering Solutions, LLP, Located at 3764 W. Ustick Rd.

- A. Request: Annexation and Zoning of 30.27 acres of land with a request for the I-L zoning district for the purpose of constructing an Ada County Highway District (ACHD) maintenance facility on 23.7 acres

Simison: All right. Moving on. Next public hearing is for ACHD Ustick Maintenance Facility, H-2021-0029. I will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Members of the Council. Good evening. Try to be quick for you here. The application before you is for the ACHD Ustick Maintenance Facility as noted. The site consists of 23.7 acres of land currently zoned RUT, located at 3764 West Ustick, which is approximately the half mile mark between Black Cat and Ten Mile. To the north of the site is the Five Mile Creek. Show it a little better here. And the city's wastewater recovery facility. To the east is the Nine Mile Creek with C-N zoning on city property, which would be this property here. Future well and water tank site. I love getting development right next to those. This just is great. To the south is Ustick Road with R-4 zoning and detached single family. To the west is RUT, which is county residential and some agriculture still persisting on the site. Mixed use nonresidential is the future land use designation for the site. The purpose of this designation -- designation is to designate areas where new residential dwellings will not be permitted, as residential uses are not compatible with the planned and/or existing uses. For example, the city's wastewater resource recovery facility to the north. A heavy industrial use that should be buffered from residential. Appropriate uses within this designation would include employment centers, professional offices, flex buildings, warehousing, industrial uses, storage, retail and other appropriate nonresidential uses. Staff believes that the proposed DA provisions, as well as the screening methods proposed, will be sufficient in mitigating any noxious consequences of the proposed use. So, staff finds that the proposed site plan, as well as the use, will be -- is generally consistent with the comp plan. The request tonight is for annexation and zoning, with a request for I-L zoning for this site. The annexation area is actually 30.27 acres, but the subject site is only 23.7. This is because the applicant is doing the city a favor and cleaning up some of our missed zoning with other applications and including the Nine Mile and Five Mile Creek areas as well, which the staff does appreciate. The proposed use for this maintenance facility falls under the public utility major use within our development code. The project is proposed over multiple phases from this year through 2028 and includes a number of different elements to the site, including decant and washout area, broom shed, salt shed, truck washing, scales, an admin building, fleet building, welding shop, as well as covered and uncovered storage areas. The proposed use is permitted -- is principally permitted within the I-L zoning district and is subject to specific use standards. Staff's analysis finds that the proposed use is consistent with the specific use standards, as well as the dimensional standards of the requested I-L zoning district, except for one point, which would be the position of the admin building in the southwest corner of the site. I-L zoning requires a 35 foot street -- street setback and they are shown at 25, but they have plenty of time and room to move that. The applicant is proposing solid fencing and the required landscape buffer is consistent with code requirements. Solid fencing is proposed on the west and south boundaries, with the open vision chain link fencing with barbed wire on the north and east

boundaries. Despite the probable noise associated with this facility, staff finds the proposed site plan offers adequate landscaping and separation from existing residents by Ustick Road and should mitigate much of the noise from trucks and machinery. Access is proposed via a connection of a new collector street that aligns with the Naomi Avenue to the south. The applicant is proposing to construct the road as a three lane collector with a deceleration lane and five foot detached sidewalk on the east side of this new street. The street here. When the property to the west redevelops they will be expected to complete the street by adding the sidewalk and have that detached as well. The submitted plans show this new road to terminate in a temporary turnaround -- temporary hammerhead type turnaround, approximately 625 feet into the site. Off of Naomi the applicant is proposing two driveway accesses, which are both to be gated. Staff supports the proposed access and road improvements. Sewer services are not currently available to the site. Therefore, the applicant is requesting a Council waiver to delay connection to city sewer. City water is readily available. It is not entirely clear at what point utilities will be available or needed for the site, but due to the phasing and lack of sewer availability the applicant did not submit any utility plans at this time. With future development the applicant will be required to submit these plans and continue coordinating with the city to connect to public utilities, including water needed for irrigation. The applicant is having ongoing discussions with the city engineer on the best path forward for the sewer needs and timeline of this project, which I will touch on soon. At the Commission hearing the Commission discussed multiple items, specifically the timeline for the use of the site per the phasing plan here. The construction of the deceleration lane and the overall phasing. We also discussed potential issues associated with having large trucks utilizing the site prior to the decel lane being constructed as part of the overall widening project, which the applicant will discuss in more detail as well. They discussed the estimated timeline for Ustick Road widening, which is currently shown -- they are proposed to be in the 2026 to 2030 integrated five year work plan, but it's being discussed to -- and that there is a desire by ACHD to move that up to prior to 2025. Hopefully 2024. They also discussed how concrete the proposed concept plan is in terms of the building placement and the phasing and they discussed the capacity of the commission and city to limit the use of the heavy truck traffic for the site via conditional approval or DA, which I did write and including a new DA provision within the -- the site which is -- sorry. Down here in J. This is a new DA provision that I created, which the applicant has noted some proposed changes. They did recommend approval of it with this change. The only outstanding issue at the time is this connection to city services. The applicant and Public Work staff did have additional discussions following the Commission hearing and have agreed to a potential option for the interim use of stormwater -- or I should say wastewater discharge, because the Black Cat trunk shed to the west is not yet constructed, so this would have to be pumped to the east a little bit, which, again, Public Works has not given their approval, but they are willing to work with the applicant and I have proposed a DA provision in line with this to make sure that the city can hold the applicant accountable. My proposed language is as such: That the applicant shall obtain city engineer approval for the interim wastewater discharge proposal prior to construction of the decant and washout areas as noted on the concept and phasing plan. Additional pretreatment may be required per city engineer review. Prior to the meeting I did discuss this with the applicant and they are fine with this language and the additional DA provision. As noted, the applicant did respond to the

Commission recommendation and noted these changes and gave these notes. With item number C staff understands the concern -- I guess that you can -- Council has their willingness to change it if they want. Staff just wants to ensure that the corridor along an arterial is well maintained and looks good as we go along, which is why we said just the whole Ustick frontage to be commercial based standards, rather than industrial. Regardless, there would be no metal allowed to face Ustick, just to be clear. Regardless if it's industrial or not. And that's not zoning, by the way, just our architectural standards. The required multi-use pathway segment, detached sidewalks along Ustick and Naomi, as well as a micropath and landscape buffers. We usually want those with the first phase. That are proposed in the second phase. It really depends on what it is that they are doing with the individual phases. As I noted I'm not necessarily married to the first phase if the first phase is not going to include the landscape buffers anyways, because of the different -- the decel lane and things like that. So, I will let the applicant discuss that a little further with you. F has already been hopefully taken care of. And, then, lastly J. That was something that I had to create based upon the discussion of the Commission and their proposed changes I think make a lot of sense. So, I'm perfectly fine with those changes as well. And just for your knowledge, this is more of a written way to talk about what they are proposing in their phasing plan. So, following this I will stand for any questions and take in -- take those in.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not a question, just a comment, Joe, and I appreciate you touched on it at the end. The pro-active approach of applying kind of commercial design standards, as opposed to industrial for this particular project -- really thoughtful. I know oftentimes when staff presents before us we are asking questions, well, why did you do this, why did you just help us understand and I just -- I would like to take those opportunities just to say thanks, appreciate your kind of pro-active approach and kind of educating us on the process.

Dodson: You are very welcome.

Simison: Council, any additional questions for staff? Okay. Then let the applicant come forward, please.

McKay: Thank you, Mr. Mayor, Members of the Council. I'm Becky McKay with Engineering Solutions. 1029 North Rosario in Meridian. Business address. I'm here representing Ada County Highway District. Different job for me tonight. As Joe indicated, this particular site is within the influence area of the Meridian wastewater treatment facility, which prohibits any residential development. This property had one single family dwelling on it. It was primarily agricultural in nature. The Ada County Highway District purchased this property, as Joe indicated, is 20.75 acres. To the east of the property is a city-owned

parcel, which they plan on a -- a water tank will be located on that site. Where is the mouse? What's that, Joe? The mouse is wonky. Okay. This kind of gives you an aerial map. As you can see to the north of the property is Five Mile Creek. Along the northeast boundary is Nine Mile Creek. You can see the wastewater treatment facility. In this general vicinity there is a mixture of uses. There is a mini storage facility that I did north of the treatment plant called Ten Mile Storage. McNelis Subdivision, which I did, is to the east over along Ten Mile. You have flex space in there. You have got retail. You have got a C store. I think they are coming in with some more mini storage. To the south we do have a residential component. That's Dakota Ridge and Wilkins Ranch, which I also did years ago, when I was younger and a little more spry. So, this area has a mixture of uses. We have got the Ustick corridor here. When the district approached me to take a look at this property, doing the due diligence, I did meet with your staff, met -- I met with Public Works, Planning. They indicated they thought this was an appropriate use next to the treatment plant. You can see this is the Ustick Road corridor looking east and the Ustick Road corridor looking west. You can see the corn. They wanted me to come up with a concept plan for this, so I did tour the Cloverdale facility. Their Adams facility. It was imperative that the district, based on, obviously, the extensive growth in the Meridian area, that they have a maintenance facility in northwest Meridian to, obviously, provide better, faster service as far as the road networks are concerned, snow removal, sanding, de-icing, et cetera. So, I kind of got a crash course in maintenance facilities and worked closely with their staff, who were very talented and very helpful, to come up with this concept plan that's before you. We pre-app'd with your staff on a couple of different occasions. They had indicated, you know, the Council is going to want to kind of see some type of a concept. Obviously, this is -- this is a rough concept. They will retain an architect to, obviously, refine this, but it does include all the elements in which the district proposes on this site. So, this evening we are asking for annexation and rezone to light industrial, which is consistent with your Comprehensive Plan, which complies with the overlay of the -- the treatment facility. The property is encumbered by a floodway, a flood plain. We did take that into consideration in our -- in our site plan. We have been working with your Public Works Department as far as the flood coordinator and what their recommendations are. There was an existing house on the corner. Initially when I submitted application the house on the southeast corner was going to be used as a temporary administrative building. After further meetings with their commission they determined that they would remove the home and would not utilize that as a temporary administrative office. Laying this out we did provide for 25 foot of landscaping along the Ustick Road corridor. We have a 300 foot decel lane. We have allocated, obviously, the ultimate right of way to accommodate the rebuild of the Ustick corridor, which is in the capital improvement plan for 2025. We also matched up with Naomi Avenue to the south. So, ACHD will be building Naomi to the north, that north leg, and, then, when the property to the west develops, then, they will come off that leg and Naomi Drive will, then, go westward, obviously, to provide interconnectivity throughout that area. Right now there is currently a 12 inch water main in Ustick. There is also a sewer main and manhole in Ustick. This particular piece of property within your master sewer plan is right there at the edge of that Ten Mile sewer shed and the North Black Cat sewer shed. So, what we have been working with Public Works over the past -- probably eight weeks, providing them flow rates, providing them information on the sweeper trucks, the VAC trucks, what

they will be discharging. What the needs of the district are going to be at this facility. Obviously, in their budget it's going to be an incremental process or a phase process in developing this site and, of course, the best laid plans, you know, obviously, what happens, you get a monkey wrench or you get a new commission that may change that phasing, but -- but, obviously, we have done the best to provide information to the city on how we anticipate this to develop. Right now that North Black Cat trunk is approximately 2,650 feet to the northwest, so what we talked to Public Works about is some type of an interim -- like grinder pump, which we would -- like for -- for example, the administrative office, the shop, or some of the other facilities, do an interim pump pressure line going into the existing manhole in Ustick and, then, at such time as that trunk is available, then, the district would, obviously, extend it and, then, discontinue that interim discharge to the Ten Mile trunk. It's kind of -- it's kind of funny, properties that are right next to the treatment plants are the most difficult to serve. I had one at Nampa that was south of the Nampa treatment plant and the sewer was too shallow to serve it. It was -- and so it's -- it's -- it's kind of a funny situation. I have encountered this before. But what you see here is -- with Naomi we will have a 20 foot landscape buffer. We met with your pathways department. The pathway coordinator indicated that the city is planning for a multi-use pathway. We built it in McNelis Subdivision along the Nine Mile and the Five Mile Creek. The city has retained TO Engineers and they are designing a bridge and designing the pathway that you see running along the north side of -- anyway, running along the north boundary. There it is right here. So, the district has agreed that they will participate in construction of the ten foot multi-use pathway. We will put a non-site obscuring fence. One of the things that we talked about was something that would, obviously, meet the needs of the district as far as security for their equipment and their facility, but yet be aesthetically pleasing. So, we would do like a chain link coded -- color coded fence along both the north and, then, along the east boundary. Along the south boundary we would do like a Trex fence, an industrial height of about eight feet, and, then, along the west boundary we would do the same. And one of the things that we did incorporate that the staff did not ask us to do -- we have detached sidewalk that runs along Naomi and, then, along the landscape buffer that we have going to the north up to Five Mile Creek. I also included a five foot pathway, so people could come across Ustick at Naomi, because eventually that's going to be a signalized intersection. Here is kind of an overall phasing plan. What we did is -- is we took information from the district and, then, we created a color coded -- which kind of shows the phasing. Basically phase one for 2021 is removal of the existing home and getting, you know, design plans for some of the infrastructure and improvements within the -- within in the site. Phase two is in 2022 and that includes -- oops. So, there is phase one. You can see that the home is removed. And, then, phase two shows that we will be building a decel lane. They will be building Naomi, kind of an internal circulation. Getting the landscaping established along the Ustick corridor and, then, getting the fencing, so that the site is secure. Phase two includes -- or phase -- phase three, excuse me, includes the decant center. You can see that in yellow. And, then, 2024 is kind of the big year where they will install their -- their covered storage facilities, their sand and salt shed, their fuel tank islands, their wash bays -- and I can't read that small. Some other stuff. And, then, phase five is 2025. So, one of the things that the district was very concerned about is not being held specifically to the phases, because it -- their budget is going to dictate what they can afford to build each year. One

of the items that came up that shows you kind of the -- the Trex -- eight foot Trex industrial fence and there is the color coded fence. One of the things that came up at the Planning and Zoning Commission was when are you going to rebuild the Ustick corridor. Right now it's two lanes. You are going to be adding additional traffic, additional truck traffic, et cetera. It's important that this area has been building out at an increasing level and so the district in their capital improvement plan has the Ustick corridor programmed for 2025. Along with that corridor, then, they would, obviously, install Naomi and install the signal. All access, as Joe indicated, is taken off of Naomi. This site will not have any direct access to the Ustick corridor. We will have gated entry into -- into the facility. As you can see we have a significant amount of landscaping and pathways that will serve this. In the conditions of approval I did submit to the Council -- I apologize for the lateness of my letter, but I needed to run it past the district and -- and there is lots of cooks in the kitchen here and by the time I got everybody's -- everybody's input it was kind of late. One of the things is in our conditions of approval 8-A-1 it indicates that they would pay the 303 dollars for the development agreement. They have an interagency governmental agreement with the City of Meridian to waive any costs or fees. So, that really wouldn't be applicable. Item C deals with the design review guidelines. We designed the site so that -- and that was due to your staff's input in the pre-application conference -- to kind of put the administrative building right at the corner of the site, kind of as the anchor to the site. We would have access into the administration building. It would not be gated. The gate, as you can see, is further to the east and, then, we would have the -- the shop and, then, the weld shop attached to that. They did review the guidelines. I reviewed the guidelines. As far as application of them to that facility, we think that that makes sense. The only concern I had was the covered storage. We kind of have an L-shaped covered storage. The majority of that covered storage is oriented to the east, which will be the water tank, but we do have a leg that will be oriented to -- along the Ustick corridor. Now, staff has placed a condition on us that we will berm and fence and provide additional landscaping beyond what is normally provided along the arterial. So, we -- we just want to make sure that this isn't an excessive cost to the district for that storage building, but they have looked at using different varieties, textures of masonry, so that it does have some architectural features to keep a good aesthetic look along that corridor. We are in agreement with the Public Works condition and I guess J is my last condition. The Planning and Zoning Commission worded that such that the district was extremely concerned that they would be caught between a rock and a hard spot. So, therefore, we did provide the Council with some alternative language that -- that the intern uses that may need a building permit and do not require an occupancy, that the applicant would be able to put in like the decant center prior to the improvement along Ustick, because they kind of stuck us with you will improve Ustick by phase X and that's just not viable for the district and so what we provide is no certificate of occupancy shall be issued until phase four of the project consistent with the submitted and revised phasing plan and the decel lane along Ustick frontage is constructed. So, we just need that much -- you know, that flexibility. Do you have any questions?

Simison: Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Becky, how -- how tall is that berm along the Ustick Road? I think you said an eight foot Trex -- Trex fence would be on top of that.

McKay: Yeah. We have 25 feet of landscaping. So, the berm would probably be three feet and, then, you would have maximum height -- Bill indicated in the industrial zone is eight feet and we will use that Trex fence. So, as far as viewing the -- the backside of that covered storage area, you are not going to see a lot of it.

Borton: I understand. And that's -- so I -- Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, Becky, so that's going to be a single -- single story type of storage building, not extra tall or a normal -- a normal height of 12, 15 feet.

McKay: Single story.

Hoaglund: Okay. And I just want to comment. Appreciate you putting in that pathway that would connect Naomi to -- to the -- the parkway, which the -- or the --

McKay: Multi-use pathway.

Hoaglund: Multi-use pathway. Thank you. And also appreciate you putting it on your property, not the other property, but so be it. And I had one other question. You had an area that was hard to read. Years ago we didn't need these things and even, then, it's kind of -- it looked like a regen area, but it also looked like an emergency access or some access point to the east to the city property and I didn't know if there was another access point for fire trucks or what -- what that was about.

McKay: Mr. Mayor, Councilman Hoaglund, that's called a regen area and I will leave -- I will leave Lloyd or -- Lloyd, can you address -- it's not an access, it's an area that they use -- they explained it to me and it was Greek to me. Go ahead, Lloyd.

Carnegie: For the record, Lloyd Carnegie, business manager at ACHD. 3775 Adam Street, Garden City. The regen is for our pieces of equipment that require regeneration for the exhaust system. So, we want to designate a safe spot for them to do that regen.

Simison: Council, additional questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor. Becky, just maybe dovetailing on one of Council Member Hoaglund's questions. That is a large L-shaped covered storage. I recognize it's one story, but what's the anticipated height of that building?

McKay: We haven't designed it. I think -- I mean it's -- it's the -- the ones that I saw at -- at Cloverdale and over at Adams were less than 35 feet -- significantly less than 35 feet, even to handle their -- you know, it's to park their trucks in.

Cavener: Sure.

McKay: So --

Cavener: Okay. Mr. Mayor, follow up.

Simison: Councilman Cavener.

Cavener: Becky, help me understand which of these structures that are -- that are on your concept plan are solid structures versus -- and I know you have referred to it as a shed, but if it's what I'm thinking of that you have at the Adams facility, they are really like big kind of canopy tents, really; right? Not really? When I think of a shed I think of a shed in my backyard that's got a structure and a roof and I just want to make sure that I'm not applying what I think is in my backyard to what you are planning to build out there.

McKay: Mr. Mayor, Councilman Cavener, yeah, the -- the salt shed over at Adams Street is kind of like the ITD salt sheds that you see along Highway 55 going north up to McCall, because the -- I think it's EPA, DEQ requirements, that they have the salt covered -- salt and sand covered and, then, like they have their decant center, that's an area where --

Cavener: Can you -- I'm sorry, Becky. I don't mean to -- Mr. Mayor. Becky, can you kind of point -- I'm trying to get a sense --

McKay: Let me try to get this booger -- is it working, Joe? Is that you, Joe, or me? That's you. The decant -- the decant area -- so, that's the decant area and so that's where their sweepers come in, they discharge the material. Now, it's going crazy.

Cavener: Sorry, Becky. I guess I'm just trying to get a sense -- I don't know from the --

McKay: It's a concrete structure -- it's kind of a concrete -- it's a concrete base structure and -- that decant area, the one I toured out at -- out of the Cloverdale site was a system of concrete bays where they had to wash out for their sweeper trucks, pull up there, they wash them out.

Cavener: So, Mr. Mayor? Becky, the decant bay is a solid structure without a roof?

McKay: Correct.

Cavener: Whereas the salt tents are a roofed based structure with no walls.

McKay: Correct. And, then, you have -- you have what they call -- just in front of the salt and -- and sand shed you have what they call their racks and so that's where their -- their sanding trucks -- they have -- they have a little thing where they pick them up and put them on the truck and that holds the sand. It's like a bed. That's what I'm thinking of. A little bed area. Then they kind of had open -- open storage. Then they have -- you can see the fuel islands and, then, they have what they call their mag tanks. So, those are all open areas. Is that what's going on? We will try it. Oh, yeah. Oh, that's nice. Yeah. So, here is the racks. You can see that there are -- there are fuel islands. This is the mag tanks. So, the magnesium chloride that they have.

Cavener: Those are solid structures?

McKay: No. Those -- it's kind of a concrete pad and, then, those tanks sit on the concrete pad and, then, the trucks come in and they -- they -- they refuel them and, then, this is a concrete pad also and, then, that's like the truck wash. So, that's a structure. And, then, this particular building -- I can't read that. I got to -- yeah. The broom shed. So, that's for the sweeper trucks.

Cavener: And that's a solid structure or --

McKay: The broom shed is a solid structure that you see right there and there is the drainage truck shed and, then, we have like truck scales also included in the site and one of the things that -- that Heather was -- was insistent on that -- that we have a lot of pull through, so -- to minimize those backup beepers. So -- well, I have to give her credit. That was her idea and to make sure that -- that everything was continuous and we didn't have a lot of backing motion. Operational hours are probably going to be 7:00 a.m. to 5:00 p.m. and, then, they will have night operations, obviously, if we have a significant snow event or any type of emergency. Heather, do you have any comments that you want to -- or any questions for Heather?

Friddle: I'm Heather Friddle. I'm superintendent for the Ustick maintenance site. I'm the one that came up with the plan. So, I want everything to be a continuous flow and so that there wouldn't be a hindrance with noise or have problems with the neighbors, so trying to be very conscious of that, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I have several concerns and I will get into those in a bit, but I did have a question while we have you here. What is the quality or environmental impact of what you are discharging at this facility? You know, what are you -- what's coming off the trucks and where is it going and is that okay and who says so?

Friddle: Mr. Mayor, Commissioner Strader, it's -- we have settling tanks. It's a decanting station that we -- and we let the water in and it separates the solids from the liquids and it goes through a phase approach with the forebay has settling tanks that it goes through and it gets filtered out through a sand filter before it gets emitted into the drainage system or the storm drain system. The waterline. And we have one at our Adams facility and our Cloverdale facility. It's tested to make sure that there is no impurities or whatnot. So, we are very conscious of that. We have the DEQ. We have our environmental department that helps us with that. So, we look at that. So, we are very conscious of that to make sure that it's not something that adds pollutants.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Council Woman Strader, just to touch on that more, they are going to be required to do some environmental permits that the city does not do, but at the federal level. So, all of that will be permitted outside of our purview as these come online. In addition to floodplain permits as well, because the north half of the site is in a floodplain, which is why they moved the decant and washout area from the northwest corner. So, they are -- they are well aware of the environmental impacts that this could and may have, but that will be handled outside of what our review is here in the state of Idaho.

Stewart: Mr. Mayor? Mr. Mayor?

Simison: Yes, Warren.

Stewart: Yeah. One of the other things -- this is Warren in the Public Works Department. One of the other things that we talked to Becky about is that at some point we will want to get our hands on that information with regards to the concentrations and so forth that they are going to be discharging. So, we can analyze whether there needs to be a pretreatment permit. We have talked about that. That's one of the conditions that was added that, you know, we will want to make sure that we have a good idea of what's coming out of there and if there needs to be a pretreatment permit with the city. So, we haven't got that yet, but I think we can work that out and certainly we can develop a pretreatment permit if that's what's required.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will just outline my concerns right now and we will hear more, you know, testimony and everything, but I just -- I just want to get those out there, so that you and your team can address them, but they may be challenged. You know, to me the basic of development has always been that we don't develop until the sewer is ready. I view this as a pretty big departure from normal practice. I am concerned with having a DA provision to enforce things. We just had a big meeting about our DA provisions and specifically

issuing a certificate of occupancy is not an adequate enforcement mechanism to ensure that things happen. So, I have some pretty significant concerns about the sewer being ready and, then, in addition, you know, hopefully, waiting for Ustick to be widened until 2024. You know, if this is a different applicant I don't know how I would view that. But clearly we are not really using big trucks and this is within the applicant's control and I want to see Ustick fully widened all the way to Owyhee High School and so I want to see I think to be supportive, I guess, a plan for ACHD to do that faster or for that to happen before I approve this. Or for you to work with the city -- somehow get that accelerated, but right now to me, you know, waiting until 2025 for this, I just don't think it makes sense, considering the state of that road.

Simison: Council, any additional questions or information for the applicant to consider before we get into public testimony, if there is any?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: More additional -- Becky, is this facility coming online because of the growth in the county and the need to expand? Is this relocating another facility? What's -- what's the basis of this particular project?

McKay: Mr. Mayor, Councilman Cavener, the district has basically outgrown both of their sites. The needs of -- the growth that -- that -- that we have seen in the valley, this is -- the needs for this to be a satellite site and the third full maintenance site is part of essential services and, obviously, the Council and the Mayor have always been supportive of -- you know, we need to provide essential services to take care of the growth that's taking place. Obviously, hampering the development of this site is hampering essential services. Concerning the sewer. We have been working with Public Works closely. This is right there on the -- the borderline of two sewer sheds. We have dealt with this issue on multiple occasions. We have had situations where we have had an interim service. Obviously, we are -- we will work with your Public Works Department, your city engineer. We have provided a significant amount of information data and since this will be coming on incrementally it's not like we are going to be overloading or surcharging that Ten Mile trunk by -- by this plan. As far as the improvements, the district has assured me they are going to do everything they can to accelerate due to the fact that Owyhee High School is coming online to accelerate that Ustick corridor widening. If at all possible they will try to move it up. However, they qualified that -- that they have got to purchase right of way. They have to design the arterial and there is just a lot of steps and even the best laid plans sometimes get delayed if you get a hiccup. They -- they are going on the record that they will not have any trucks going into this facility unless they have installed this decel lane to accommodate getting those trucks outside and with this being over a -- you know, a seven or eight year period, you are going to see this site develop incrementally. It's not like it's coming online instantly and there is no improvements on Ustick Road. That is not the case. That is not what the district is -- is asking the city to do. All they are doing is taking this first step to get this property annexed and, then, start working on acquiring

right of way, design plans, working with Public Works, getting an architect online. This is just the first step in a multi-step process and that we asked the Council and the Mayor support it, because, obviously, your priority area in northwest Meridian is going to put even more of a significant burden on the district and its resources and so they need to get out into this area.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Strader: Becky, appreciate -- and Council Member Strader appreciate you also kind of addressing some of the questions there. I just -- I want to make sure that I heard you right. This is a third location, not a combination of your two existing facilities?

McKay: No. It's a third location --

Cavener: Okay.

McKay: -- with a new manager. It's going to have new staff and that's one of the other things that they -- they qualified with me is as they bring on each phase they are going to be hiring new employees for those tasks. New mechanics, et cetera.

Perreault: Mr. Mayor, can Becky speak in the microphone, please.

Simison: Yeah. Can you repeat that, Becky.

McKay: As each phase comes on and -- and they start building the -- this incrementally, the district will be hiring new employees to work at this site. It's not like they are transferring employees from other sites to here. This will be a whole new independent third maintenance facility in Ada county.

Friddle: And adding equipment to accomplish that.

McKay: And adding equipment. That's the other thing. They have to budget equipment -- significant amount of equipment, employees, and, obviously, infrastructure and buildings.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Council Woman Strader is mentioning, you know, a point that I think is of concern is the road widening and the decel lane is great to have, but I'm curious as to when the center turn lane -- when trucks are coming from the west to make that left turn. As you know, I live one mile exactly to the east and when that light changed I know on Linder you are going to wait a while and I have got a car I'm turning left and I can sit there

in the center lane, but this is going to backup traffic immensely, depending on time of day. So, I want to make sure I understand the phasing plan. Phase one cleaning up the house and the property. Phase two looks like you are doing the paving, getting things ready. Phase three -- so, it looks like to me -- and I could be wrong -- the decant area and a washout -- so, there will be some trucks coming in there, the sweeper trucks and whatnot. So, we will have trucks starting -- can you give me some idea how many trucks that would be? I know emergency situations are kind of the other. But for -- for those other facilities -- for normal operation.

Friddle: It's probably going to be no more than ten, if that, you know. It's just -- as we progress, so it's just going to be a site out there for existing ones that can come out -- if they are in area that can use that. But they will be primarily still using the other sites that they are located at until we get that completed.

Borton: Okay. And, Mr. Mayor, follow up?

Simison: Councilman Hoaglund.

Hoaglund: And, then, just to keep moving forward, then, in phase four, 2024 -- and, again, understand budgets and whether they slide this way or that way, you are going to be constructing the covered storage and the bulk of the facility with that -- in that phase and to me that means definitely there is going to be a lot more truck traffic, it's going to be almost fully operational -- quite -- quite a few trucks, but the -- if I understood correctly, the road widening is scheduled for 2025?

Friddle: Yes. In the CIP -- in the CIP, but if -- depending on when we can -- budgets allow we will move that up, so --

Hoaglund: Correct. And so anything that we would condition with the phase, it would just stick with that phase, whether it gets moved up or moved back, is that how -- I mean that -- in my way of thinking that's how we would do it, but -- not tied to a year, but to a phase. So, if you move up a phase and we asked for something to be done in that phase, that would happen when that happens. So, it doesn't -- doesn't matter on the year, because it may get delayed and that requirement, then, would also be delayed to that phase -- tying it to the phase, so --

McKay: Yes. Go ahead.

Daigle: Mr. Mayor, Members of the Council, Paul Daigle, chief of staff over at the Ada County Highway District. One of the things that I cannot promise -- because the -- the phases are part of the budget process, yeah, if we condition things to a date, I cannot speak for the commission. The commission are the ones that will be ultimately responsible for saying proceed with this project. So, I can't sit here and promise you that, yes, you condition that Ustick widening the base here is going to have a -- we cannot say that. I cannot speak for the commission along those lines.

Hoaglund: Right. And, Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: And to that point -- so, if we say, hey, in 2024 if this is going to happen you are going to have this many trucks, however we -- we discuss it, we want to have a center turn lane and that gets delayed, so that center turn lane would be delayed, but also that phase, because the phase was delayed. But if you move the phase up, then, that's going to be part of the requirement for that phase, depending on the budget and -- and we remind the Mayor of that all the time, that, you know, he can't --

Daigle: And you folks have the perfect opportunity when we have joint meetings to remind the commission of some of your wants and wishes as well.

Simison: A question for --

Perreault: Mr. Mayor?

Simison: One second. From a very practical standpoint how do you operate this facility with no employee parking? Which is in the final phase. I mean that's what -- that's what -- one of the things I look at is like -- is it only going to be interim traffic in 2028, final phase, or final phase is when you actually become an operational site?

Friddle: Mr. Mayor, yeah, we are going to set aside an area for temporary parking for the employees on the site when we do the -- you know, there is going to be an area where they are going to do that in the interim, so --

Hoaglund: Okay.

Friddle: -- put that on the plan, because I was just making the whole conceptual plan.

Borton: Okay. So, that would be when paved parking in theory is on there, but not necessarily -- okay. Well, that helps us -- okay.

Friddle: The whole site will be paved.

McKay: The whole site will be paved.

Friddle: Eventually. Yes.

Simison: Council Woman Perreault.

Perreault: Yeah. I'm tracking with my fellow Council Members questions and thoughts on this, but I would also like to see kind of an overlay of a timeline of road development and the amount of truck traffic that will be coming through. Obviously, right now they can drive on Ustick Road, there is no limitation of -- you know, we see construction trucks all

over the place, but I did not have the knowledge of how much that changes the -- the size and level of intense use of this area would be really helpful to know. The one thing I wanted to point out along with what Councilman Hoaglund -- where he was headed, is that let's say that this is correct and 2024 is primarily when the majority of the infrastructure -- of the structures are built and developed -- yeah, it's in the five year plan for ACHD to build that section of road -- to widen that section of road, but that's just the design phase -- my understanding it starts in 2025. So, we could be out in 2025, really, until that actually is constructed, so now we don't have a year, we have three years, so I guess I just -- I wouldn't mind seeing some sort of timeline that pieces together for us of what to expect in relationship to the phases, in relationship to the construction of Ustick and I realize, again, that it was a budget thing, but over the years that I have been watching this happen I feel like ACHD has gotten a lot better at actually sticking to the -- the fiscal year and the five year plans that have been created, seeing fewer modifications of those -- and maybe I'm imagining things. But I think it's good for us to at least have -- have some idea of -- you know, we -- just as you do, we -- if you have been listening to our entire meeting tonight there has been a lot of conversation about being open with the public and, you know, putting out there what it is that -- that we expect to have happen and so we feel that obligation to do that for our residents. So, I just want to say I -- I agree, I would like to see some more information, to the best of your ability, as to what to expect for a timeline over the next eight years and the phases involved.

McKay: Mr. Mayor, Council Woman Perrault, one of the things that --

Simison: Becky, if you can get a little closer to the mic.

McKay: One of the staff members brought up is that that section of Ustick right in front of the site is already three lanes at this juncture. As far as the Ustick Road rebuild and signalization and all that, that 2025 date is a construct date, not a design date, so -- so, it would not be started in 2025, it would be accomplished in 2025. Correct? Construction started in 2025. Design in '23.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: To build on this more, I would want to reiterate that one of the DA provisions that were added by the Commission does address this, at least in some way, to say that none of the buildings that will require any kind of CO cannot occur until the deceleration lane is constructed, which should help with some of these truck issues. Again, it's tied to the phase, which is shown as phase four, which includes the -- probably what would bring the most amount of trucks, as you guys noted, with the salt shed and the covered storage and all those things. So, Commission and staff have worked through some of those issues for you guys. So, I did want to just reiterate that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, Joe, just maybe to get some initial feedback, we had a meeting earlier today where I -- I thought it was pretty clear that at some point we are obligated to issue a CO and a TCO when all -- there is not a life safety issue in any of the buildings and so -- I appreciate that we may have some leverage point here, but I don't know how it works at peak hours or the number of trucks coming into another facility, what's to stop us from -- what do we do if 40 trucks come through here and a building is not constructed? What leverage do we truly have to -- to enforce this to ensure that it happens?

Simison: Mr. Nary, I think that's for you.

Nary: Mr. Mayor, I was afraid you were going to say that. So, yes, as we spoke of earlier, tying the COs to that are -- can be a staff challenge to address, but I don't have a good answer to the fact that if there is no buildings there, but the truck traffic is coming there, for whatever purpose, to just drop their loads off and leave the site, not -- not work on that site, I don't have a mechanism to enforce that. I don't have a code enforcement officer that could sit there and count trucks and I have neighbors complaints and I have letters to them and at the best, if necessary, we would go to court and try to enforce that through our -- through our development agreement. But, otherwise, it is -- it is a significant challenge to use a DA for that type of enforcement.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, first off, grateful for our strong partnership with ACHD and for all they do for us. I really appreciate it and wanted to say that on the record. With that said, I -- I'm looking through my notes here from this past weekend and, again, yesterday, just going over some last bit of items and Council Woman Strader has hit on almost every single one of my concerns that I have written down, so I just wanted to state for the record that I share the same concerns as well.

Daigle: Mr. Mayor, if I may address a couple of the questions that came up. Currently even at our Adams and Cloverdale facility we don't have 40 or 50 trucks coming and going. The trucks leave in the morning, go out into the field and they typically operate out in the field. Some of the drainage trucks and some of the sweepers do make it back to dump their loads and take on water and go back. At each of the facilities you are probably looking at -- I think we have about 12 to 15 of the heavy dump trucks and they are not coming and going. It's the 12 or 15 sweepers that come and go. Some of the drainage trucks come and go. There is not going to be a whole lot of traffic, especially before we get all the buildings built. You know, some of the sweepers are going to be out in this area. We will use a decant station. You know, you are probably looking at maximum six or eight a day. You know, as we start to get some of the facilities built and we start getting people stationed out there, you are still not going to get truck traffic as you are talking about with 40 trucks a day. As I said, the trucks will be out in the morning, they come

back at night, and there will be a few times when they are coming and going. Winter ops, you may get a little bit more, because you are having to come back for salt and sand loads. But nowhere near that the 40 trucks a day coming and going from the facilities.

Simison: Council, additional questions for the applicant at this time? Thank you. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we do not.

Simison: Okay. Is there anybody in the audience who would like to provide testimony on this item? Or anybody online? Which I doubt that to be the case seeing who is online.

Siddoway: Mr. Mayor, this is Steve.

Simison: Mr. Siddoway, are you public, testifying as Steve Siddoway from your home, or are you staff looking to make comment?

Siddoway: Staff.

Simison: Okay. Let me just make sure -- yes, I think we are good. Go ahead, Mr. Siddoway.

Siddoway: Okay. First of all, I would like to -- one statement and two question -- clarification questions regarding the pathway and I would also like to start off expressing some gratitude for the many partnerships we have with ACHD. But my -- so, my -- my statement about this pathway is that -- this is a -- a key segment for us and one that I'm very interested and, frankly, excited to see the possibility of it moving forward. It is a -- it does fill a key gap between the existing pathway on the McNelis Subdivision on the west and the Quartet Subdivision extension of this pathway to the east. My two questions for clarification -- one is related to the bridge over the Nine Mile Creek to the west -- sorry. To the east -- east of the subdivision and I -- in preparation for tonight's hearing and I go through the staff report and I noted in a couple of locations Item J under pathways and M under waterways, a reference to the bridge. It says the applicant has proposed to build the required multi-use pathway, as well as to construct the pedestrian bridge over the Nine Mile Creek to the east. Staff appreciates the added cooperation with the Parks Department on extending pedestrian facilities. I haven't heard any reference to that bridge over the Nine Mile Creek, so I just wanted to clarify if that is intended to be constructed along with the rest of the pathway or not. My second question is just regarding the phasing plan. I noticed -- I noted in the proposed changes in the conditions that it will move from phase one to phase two. I don't have any particular heartburn over that, but I also noted the desire not to be held to any particular phasing plan, so I don't know how to -- how to do this. I am sensitive to the fact that any phases are subject to the conditions of approval of budgets, but if it could at least be tied verbally to that, you know, first phase of paving on the site, which is currently shown as FY -- as 2022, I think

that works and so I just wanted to try and get some clarification related to the phasing and, then, also the clarification on anything to do with that bridge. Thank you.

Simison: Thank you, Steve.

Dodson: Mr. Mayor?

Simison: Joe, are you going to try to answer those questions?

Dodson: I can answer the -- yes, I will try. And, then, Becky can back me up. I will admit a mistake of discussing the pedestrian bridges in the staff report. I was mistaken while writing that they are not proposing to construct the bridge. They will construct our segment and, then, the Parks Department was going to construct a bridge per the conversations that I have -- I was not privy to, but have heard about between the pathways coordinator and the applicant. That was a mistake by me to discuss that so directly in the staff report, and which is also -- thankfully I didn't put a specific condition in there, but that was my fault. And, then, also with the -- with the phasing I think what -- they requested changes to saying that the pathway gets construction with phase two, which would be the paving. It makes sense. I believe, Steve, that that's what they are trying to do. If we want to change the language a little bit to include with the first phase of pavement that would make sense as well, to include that additional language.

Siddoway: Okay.

Simison: So, did you get your questions answered sufficiently to your knowledge?

Siddoway: Yeah. It does. I was, obviously, hoping for that -- to see that the bridge was part of it, but I do -- it looks like it might be actually an off-site improvement now that I'm looking at this version of the phasing plan. Looking at the previous one it looked like it might be at least partially on their site and maybe it made sense for some shared costs, but if it's an off-site improvement it -- maybe it does belong to us and I just don't have those details right in front of me. So, I wanted to clarify it while we are on the record.

Simison: Okay.

Dodson: Yes. Mr. Mayor, to confirm it is off site. It is within the irrigation district's land completely. The bridge would be.

Simison: Thank you. Becky, are you coming forward for the final --

McKay: Becky McKay. Mr. Mayor, Members of Council. The bridge off site. It is on Nampa-Meridian Irrigation District property, not -- no portion of it lies within this site and we were told that TO Engineers had been retained by your Parks Department to design and that that would be part of the city's portion of improvements out there. But yet they expected the district to construct the multi-use pathway along all of their frontage of Five Mile Creek and make connection and they wanted to make sure that that bridge that we

hooked up to where it was coming across, so they sent us their CAD drawing and, then, phase two would -- that's what we are asking for, since phase one doesn't include really any improvements, other than removing the home, phase two would include the multi-use pathway. So, that we could get that online and get that pathway moving westward.

Simison: Becky, was that your closing remarks? Okay. Well, the applicant's closing remarks as well and the clerk already started your timer, but --

McKay: Oh. In the closing remarks one of the things that was brought to my attention is at that full build out of this facility ACHD determined, based on the ITE, that there would be 28 vehicle trips during the p.m. peak hour and as far as the level of service right now on Ustick it's better than E and I guess my closing -- my closing comments are, you know, we want this to be a partnership with the district and the city to make this happen. I mean we come before you guys and we talk about fire stations and police stations and sewer capacity and water capacity. ACHD is a part of that infrastructure that we all benefit from and we use and it's their desire to work as a partner with the city to make this site happen to better serve their constituents, which are also the city constituents. So, we would ask for support of this annexation, so they can move into their -- their design working with your staff to -- to, obviously, make this happen. I think this -- there is no better location than this one as far as I'm concerned. It's perfect for north Meridian, being by the plant, by the water tank, along the Ustick corridor. It's obviously targeted for a significant upgrade.

Simison: Council, any final comments? I think you should stick around.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I was just going to say that as -- as we discussed this, I think I would like to leave the public hearing open during our discussion, just because to me this is more about a timing and what goes where when and how that all works together and I think we might have more questions and have some dialogue on that. There is -- there is a lot of good things about having this in that location in north Meridian and needing a facility, it's just a matter of how do these things work together with the roads and other -- other phases, so if Council's okay with that to have those discussions, be probably a lot easier.

Simison: And I will piggyback. I know you are representing the applicant, but when we talk about fire stations and police stations and what we -- what we often talk more about is lack of roads. Not lack of street sweepers, you know, and it's road infrastructure -- if I'm ready what I'm hearing tonight it's the road. That's going to be a big question mark about -- to Councilman Hoaglund, he's talking about timing.

McKay: Mr. Mayor, I fully understand.

Simison: Yeah. That's the infrastructure needed.

McKay: And the district has assured me that upgrading that Ustick corridor is -- is a top priority to them. They realize the -- the significant need for it. When we had our neighborhood meeting we only had three residents that attended. None of them objected to the site and the only item that came up was when are you going to rebuild Ustick. So -- so, yes, it's -- I think it's on the minds of everyone. Obviously, that's within their purview, but they need the time to -- like I said, purchase right of way, design the facility, build the facility and I think what they are saying to you is the latest we would start construction would be 2025. If at all possible we will accelerate that and, hopefully, start in 2024. This site is going to take quite a bit of time for them to retain an architect, retain engineers and get their EPA, their DEQ approvals, work with your Public Works. I mean it's -- it's -- it's going to take time. It's a complicated kind of process. I was surprised when I toured both our facilities. I guess I didn't realize what -- all the things that happen behind the scenes, but -- but we need those things as a community. Meridian needs them and the district is here to provide them and we just need to find a mechanism and a way that we can do that. Thank you.

Simison: And what I will say from a practical standpoint, I think we all can agree that this is not going to look like the Cloverdale facility. I mean I have driven by that for years and it's -- I appreciate the effort that has been done here to try to keep from view what that looks like, because it's -- you know, it is an eyesore for parts of our community. I'm not going to say our wastewater treatment plan is a beautiful thing to look at in an open -- we don't have high walls guarding the, you know, view of that, it's tucked back and so the elements of this that are tucked back -- you know, I can get that. The stuff that's up closer, though, I think that even if you look at our -- Mr. Siddoway was on here, our parks maintenance facility that we have, you know, that's visible from the road. It's back. It's a pretty nice facilities at the same time and so I think the quality of what's built, whether it's screened or not, I think that's an important component, especially as you rise above, you know, the dismal heights, because -- sorry. When I drive by Cloverdale -- what do you see? That's not what I think our residents want to see for a price point that is conscious of taxpayer dollars at the same time, but --

McKay: And, Mr. Mayor, I think -- I think you -- you hit the nail on the head. One of the things with the Cloverdale site is that's an old site and they have purchased additional property and, then, obviously, tried to, you know, install landscaping, but it's kind of been a retrofit. The Adams site is kind of the same way. This particular site they have the benefit of designing it from the ground up and they are, obviously, committed to making sure that this is not an eyesore, that it complements that Ustick corridor and they are willing to spend some additional monies to make sure that aesthetically it's pleasing and that's why we -- you know, we, obviously, oriented some of these buildings up there next to Ustick and next to Naomi, you know, and it's not just a sea of parking like you see at Cloverdale and Emerald, that -- you know. And they are willing to add additional landscaping, up the ante on fencing. Their commitment is here and I have been pleased with -- with how much they have -- they have worked with us and the staff.

Simison: I think that's clear and I think it's just making sure that we don't lose sight of that as this moves forward.

McKay: Sure. Understood. And I think that they will take that message back to the commission and back to their superiors.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I just want to touch on two finite points real quick, just to make sure that they are clear. One was regarding the landscaping. I'm not requiring a berm, just to make that clear. No berm. Just denser landscaping with landscape beds to help mitigate the noise associated with that. Trees. As we all know, you go anywhere near the coast, trees help so much more than pretty much any fence you could think of for noise mitigation. So, that's why we are wanting the denser landscaping. And, then, lastly on the sewage and the potential -- using the grinder pump to pump into the Ten Mile trunk shed, preliminary models have shown that it can handle what's shown as a potential flow from this site. So, there should be no issues there from the Public Works perspective as well.

Borton: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Joe, real quick. That south covered storage that's along Ustick and you talked about not having metal. So, does a roof have to be asphalt or some other material or can they utilize a metal roof for that particular facility?

Dodson: Great question, Councilman Hoaglund. The roof material is not discussed as much in the architectural standards manual, it's more the wall material. The roof can be metal roof. Correct. It just can't have high reflection. They don't want to blind people driving down the road.

Simison: Councilman Cavener.

Cavener: Becky, I guess one more question if I can. I guess maybe two questions. You had talked about a berm, so my assumption is that you -- the applicant, they are not opposed to a berm as well. I know it's not in -- conditioned in the staff report according to Joe, but is that something that you are --

McKay: Yes, they are comfortable with -- with some berming. But with the -- obviously, with the height of the fence we don't need a huge berm.

Cavener: Sure.

McKay: We can do three foot berm, 11 foot fence and, then, have planter beds, landscaping, you know, go through the full CZC process and have the staff provide comment on the architect. Technical standards. They look through your design standards and, you know, there were some masonry buildings, which had different materials and

textures and colors and they said, you know, we can do that on the back of that -- of that building, you know. So, if you are envisioning like an RM Steel Building, that's not what their intent is, no. Not on what's exposed to Ustick. No.

Cavener: One more, Mr. Mayor.

Simison: Councilman Cavener.

Cavener: Becky, is that your -- your right turn lane there -- you know. And you have always heard a lot of feedback from Council tonight about concerns about the road. Would your client be opposed to having access off Naomi onto Ustick only be right out until Ustick is improved?

McKay: I have to defer to my client --

Cavener: Maybe the question can be answered later. I just --

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: Maybe an idea -- I'm not sure, Becky, what -- what direction you and your client want to go. We appreciate the partnership with ACHD. I just -- I'm wondering if you guys want to consider a continuance to go back and discuss with the commission if they are able to accelerate the plans to widen Ustick. If you want to take the opportunity to see if that's possible and how that could be accelerated or if it can't be accelerated, if they want to try to work with the city. I know the Mayor has often suggested plans to accelerate improvements and, then, come back to us with something more fully flushed out. I can't speak for the rest of Council. I'm -- I'm not comfortable -- you know, widening Ustick is within ACHD's complete control and I'm not convinced that a CO issuance or these DA provisions give us any enforcement whatsoever to make sure that these issues are mitigated. So, that's my concern. So, I just wanted to throw that out there. If you want to go back and -- and get a timeline more fully flushed out where you could perhaps accelerate and reprioritize Ustick to make it, you know, one of the top priorities.

Daigle: Mr. Mayor, Council Members, again, Paul Daigle, chief of staff. With regard to the meeting, as I recall you guys have just sent us a letter asking for a meeting to discuss some sidewalk issues. So, it would be a perfect opportunity for us to continue this discussion with the commission, especially with regard to accelerating the timeline. With regard to the right-in, right-out, at least initially, since there is not going to be that much truck traffic there, I think we could -- we could go along with that at least initially until we start getting a little more traffic through there. So, I will give you a tentative, yeah, we can probably go along with that.

Simison: And just -- I don't want to run afoul. Mr. Nary, I assume we don't want to -- would we have to notice a public hearing for a joint meeting to have a conversation with ACHD about items related to this?

Nary: So, Mr. Mayor, Members of the Council, I mean that's -- that's a great question, because, again, we are mixing up a land use record with now a joint meeting record and that's a little more problematic to do -- I mean without really running afoul of trying to combine them, if there is a reason to. So, although I appreciate the offer, I don't know how we could do that. I think it's problematic. I think that's why the Council's request was for the staff to go back and talk to the commissioners and come back and report it as part of this hearing, rather than try to put it back on the Council to do that as part of a hearing. Now, again, if the Commission President wants to come on behalf of the commission or a commission representative wants to come and give testimony on behalf of the Commission, maybe that would be a cleaner way to do it.

Simison: Thank you.

Daigle: And, Mr. Mayor, Council, I will take that message back to the commissioners. I will be meeting with them tomorrow, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a brief comment. Councilman Strader's comments with regards to Ustick I think is a critical piece for me as well. The reference to completing that to Owyhee. This is a corridor that's going to have now, amongst everything else, you have a pile of kids all over this road. This is intense use. It really is. I mean there is going to be a lot of trucks. This is a forever decision. So, that, among other issues, is a critical issue for me as well, so having that commitment accelerated and defined clearly is key.

Dodson: Mr. Mayor, one of Council Woman Strader's points regarding CO, understood I wasn't there for the conversation, but I understand the premise of that. My original language, if you look at J, does say no building permit can be submitted, which is more restrictive. We are not holding a CO at that point. We are not even letting them apply for a building permit. So, it's more restrictive. It might mitigate some of those issues. Obviously, the applicant doesn't want that, but that's why they are requesting some changes, but we do not have to allow that. So, just wanted to leave that on the table for Council as well.

Simison: Thanks, Joe. And I'm not going to put words in Council's mouth, but I'm going to put words in Council's mouth. What I'm hearing is no building period. No certificate until, one, Ustick is constructed, not -- so, I think that there is probably a --

Dodson: Sure.

Simison: -- whether it's phase four -- but that's what I'm kind of hearing.

Dodson: Understood.

Simison: So -- and just from my standpoint, you know, I'm -- I'm seeing -- I'm counting votes just like you are. As I already mentioned, the roads -- the road priority is bigger than the street sweeper priorities in my book, so if you are counting where the Council is right now I think it continues to be a great option for this -- to figure this out.

McKay: Okay. Well, I appreciate the opportunity to -- for the staff to go back to the commission and, hopefully, we can gather some additional information and, you know, give you more breakdown of the trip data based on the phasing and -- and come back with some better answers for you. So, I guess I would ask that you defer this item, give us an opportunity to -- to gather that information and have the staff go back to the commission.

Simison: Council, would you like further comments?

Hoaglund: Mr. Mayor, just for Becky to find out what -- what time -- how much time is needed to -- to accomplish that?

Dodson: Mr. Mayor?

McKay: Two weeks they are asking.

Dodson: Sorry. I was just going to say not August 17th, because I will not be here. Please. My wife and I will finally do our honeymoon, so --

McKay: I don't want to impinge on his honeymoon.

Dodson: Please don't.

Cavener: Joe doesn't want that either.

Johnson: Mr. Mayor, July 27th is available. August 3rd is not. And, then, August 10th is as well. Although August 10th is pretty crowded, so I would recommend going beyond that to Joe's honeymoon or two -- to two weeks as requested.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Unless I misunderstood some of the direction, it sounds like the ask is a really big one. Not so much staff level matrix on the use might not be as intense as we think. I think if we assume that this is extremely intense and there is lots of trucks and it's -- and it's more of the policy consideration, perhaps, of the commissioners to say, you know,

would you agree to a specific provision that has this commitment to accelerating Ustick Road from Ten Mile to the high school prior to a building permit for phase four; right? Where the uses really would even begin. It's a really clear, but hard ask.

McKay: Okay.

Borton: I don't know if that allows them to even gather within two weeks necessarily to talk about the pros and cons of that, but --

McKay: Okay.

Borton: -- I think to be clear that's what I felt like I was hearing from us. That might necessitate a little more time on your end perhaps.

Daigle: If I may, I would still like to go for the two weeks. I want to try and get commitment from our commission and get you folks some answers. If I find out that it's going to take a little longer, then, I will beg your forgiveness and -- and we will ask Joe when it's convenient.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Just for schedule's sake, I would -- I would put it at least until Joe is back from his honeymoon, whenever that date is, according with how it looks with our already scheduled evenings. I will leave that up to the clerk to let us know what that is.

Johnson: Yeah. I can let you know, Mr. Mayor. The 27th has the continuance of the UDC text amendment application and that is the only land use hearing on that night and, then, moving beyond that we will be looking at August 24th, due to National Night Out and another hearing scheduled.

Bernt: Joe, when is your honeymoon?

Dodson: I will be back the 24th. That's my first day back, so --

Bernt: 24th of July?

Dodson: August. Sorry.

Bernt: I know that Councilman Cavener is going to be out of town, too.

Cavener: Mr. Mayor, Members of the Council, yeah, I don't want to hinder the process. It's important. But I wouldn't be here on the -- on the 27th, unfortunately.

Bernt: I would -- I would continue this -- I don't believe we have a meeting on the 31st. So, it would be -- it would be September 7th would be the first date that we have available. Truly. We don't -- Becky --

McKay: I'm thinking, because I --

Bernt: Mr. Mayor, Becky, we don't -- we don't have -- we are not meeting on the 31st. We don't meet on the --

McKay: Right.

Bernt: -- the fifth Tuesday of the month and so --

McKay: So, September 7th. Okay. I hope I don't have a conflict. I have a lot of hearings in Eagle and Star and Nampa and -- I think I'm okay. So, September 7th? They say thumbs up.

Simison: So, Council, motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue Item H-2021-0029 to September 7th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue the meeting. Is there any discussion on the motion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just real quick. Again, I appreciate Council President making sure -- we get an application before us, we kind of -- blinders come up about who is behind the application and -- but I appreciate the Council President -- a good reminder of just how much we appreciate the commission and everything the highway district does for our citizens and, Paul, you have got a great team. It's great having you here. I think we are all little partial to your communications manager, but we appreciate having you here in this building nevertheless. So, thanks for coming out tonight.

Simison: All right. Any further comments? If not, all favor say aye. Opposed nay. The ayes have it and the item is continued.

MOTION CARRIED: ALL AYES.

Simison: Council Woman Strader, did you have something you were wanting to save? Sorry.

Strader: Yeah. I am supportive of continuing, obviously. I likely would not be here on September 7th due to a family holiday. So, I hope you are in good hands just, so -- yeah.

Simison: Okay. Thank you.

Cavener: Mr. Mayor?

Simison: ACHD, you may want to stick around for a second.

Cavener: Mr. Mayor, if we -- if we are continuing it all the way up to September to account for my schedule, I have got to -- I'm feeling guilty about that, only to find out we have got another Council Member absent that particular date. So, we know sometimes -- we are a team of six and votes land where they vote and there is no hurt feelings, I think, if -- if it doesn't go the way we go, because we are not here and so I would hate to prolong it all the way out to September and encounter the same issue that we are having, so I don't know, Council, maybe -- Mr. Mayor, I know that I'm maybe kind of getting out there on the ledge a little bit, but maybe if there is an opportunity for Council to at least have a discussion about what we just passed and potentially make a motion for reconsideration, so that we can better discuss this and make sure that we are picking a date that either we can all be here or that we can at least accelerate based on the request from ACHD for two weeks and give them that opportunity. But I don't know how the rest of the Council feels. But I just -- I saw some furrowed brows when we heard the Council Member Strader wasn't going to be here and at least before we adjourn for the night just have that conversation.

Simison: Mr. Nary?

Nary: Mr. Mayor, Members of the Council, again, I know you don't have a fifth Tuesday meeting. You can schedule a special meeting on the 31st. It doesn't have to be at 6:00 o'clock. It could be at any time you wish. If you want to do that versus moving it past the 14th or past the 7th, but that's just an option that you have. I don't think we have any other conflict to have it on that date and you are not required to hold it at night. You could hold it at noon if you wanted to.

Bernt: Mr. Mayor, what's the process of doing what Councilman Cavener mentioned as far as a reconsideration is concerned? I don't know if I have ever done it.

Nary: So, Mr. Mayor, Members of the Council, all you need to do is one of the members who have been on the prevailing side, which you all voted in favor --

Simison: To reconsider.

Nary: -- is simply make a motion to reconsider -- have to have that seconded, have that approved by voice vote and, then, you can make a new motion.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move we reconsider the previous vote taken on the setting of the public hearing -- continuance of the public hearing of the previous item.

Borton: Second.

Simison: I have a motion and a second to reconsider the previous motion. Is there any discussion? If not, all those in favor of reconsidering so say aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

Simison: And the item is open for reconsideration.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm supportive of a continuance for two weeks, if -- I agree with Council Member Borton, I think that's a -- it's a big ask to get answers back in two weeks, but I would just ask the highway district staff if they think they can get it done they will get it done and, if not, then, at that point in time maybe we look at either a fifth Tuesday or deeper in September perhaps. I don't know how the rest of the body feels.

Strader: Mr. Mayor?

Simison: Council Woman Strader, can you be here in two weeks?

Strader: Let me check. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yes, I will be here. I am sorry. I feel guilty, but I mainly -- I didn't mean to -- I trust all of you to make decisions whether we are here or not. I hope you didn't think that's what I was saying, because that's not at all how I feel. I trust you guys to make the right decision when I'm not here or here or whatever. It's just Rosh Hashanah. So, it's a family holiday and I can't be here on the 7th, but -- it's a big one, but any other day generally, except for when my kids are in summer camp I will make it happen, so --

Simison: Well, here is my -- my -- my honest belief is there is not going to be any resolution on the 27th and it would be good to have a general direction. We could continue it until the 27th and, then, look at resetting for a day at that point in time if necessary. A special meeting. Yeah. I think we can -- and, honestly, I think ACHD can communicate through staff and we will know well in advance if that's even an option, so --

Dodson: Mr. Mayor, correct. If we cannot make the 27th we will know before and we can request continuance even before. Perfectly fine.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we --

Simison: Just make a motion to continue it.

Bernt: Mr. Mayor, I move that we move this item H-2021-0029 to July 27th.

Cavener: Second.

Simison: Motion and second to continue this item until the 27th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. The item is continued until the 27th.

MOTION CARRIED: ALL AYES.

Simison: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Do we, then, need to close the public hearing?

Simison: It's already been closed. Or I'm sorry. We didn't close it, because it's been continued.

Perreault: Oh, we are going to leave it open, because it's being continued. Okay.

Simison: Did we close it?

Nary: We wanted additional information.

ORDINANCES [Action Item]

4. Third Reading of Ordinance No. 21-1933: An Ordinance of the City Council of the City of Meridian, Approving the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project, Which Second Amendment Seeks to Deannex Certain Areas From the Existing Meridian Revitalization Project Area; Which Second Amendment Amends a Plan That Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to the County, Affected Taxing Entities, and State Officials; Providing Severability; Approving the Summary of the Ordinance and Providing an Effective Date

Simison: Yeah. Okay. All right. Next item up is ordinance -- under ordinances is the third reading of Ordinance No. 21-1933. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance of the City Council of the City of Meridian approving the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project, which Second Amendment seeks to deannex certain areas from the existing Meridian Revitalization Project Area; which Second Amendment amends a plan that includes revenue allocation financing provisions; authorizing the City Clerk to transmit a copy of this ordinance and other required information to the county, affected taxing districts and state officials; providing severability; approving the summary of the ordinance and providing an effective date.

Simison: Thank you. Council, you have heard this item read for the third time. Would anyone like it read in its entirety? If not, do I have a motion?

Perreault: Mr. Mayor, I'm pulling my agenda back up here again to grab the ordinance number and will make a motion, unless someone else would like to.

Simison: 21-1933.

Perreault: Great. Mr. Mayor, I move that we approve Ordinance No. 21-1933 with the suspension of rules. Do we need that on the third hearing?

Simison: We do not.

Perreault: We do not. All right. Would you like me to make the motion again?

Simison: Just for clarity, since it wasn't seconded.

Perreault: Okay. Absolutely. I move that we approve Ordinance No. 21-1933.

Strader: Second the motion.

Simison: I have a motion and a second to approve Ordinance No. 21-1933. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I was just -- I was just talking with Council Member Borton about Seat 5 and ordinances and I think Ms. Perreault has just carried the torch like a champion. Well done.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I appreciate that. I'm still under the weather today, so I -- I appreciate you helping me along on motions that we normally make all the time.

FUTURE MEETING TOPICS

Simison: Anything under future meeting topics?

EXECUTIVE SESSION

- 5. Per Idaho Code 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need; and (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code.**

Simison: Then, item five was vacated. Do I have a motion to adjourn?

Bernt: Mr. Mayor, I move that we adjourn the meeting.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 9:00 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK