

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

Simison: All ayes. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

**2. Public Hearing Continued from December 21, 2021 for Black Cat Industrial Project (H-2021-0064) by Will Goede of Sawtooth Development Group, LLC, Located at 350, 745, 935, and 955 S. Black Cat Rd. and Parcel S1216131860.**

- A. Request: Annexation of 130.19 acres of land with R-15 and I-L zoning districts.

Simison: Next item up is a public hearing continued from December 21st, 2021, for Black Cat Industrial Project, H-2021-0064. I will turn this over to staff for any additional comments.

Tiefenbach: Thank you, Mr. Mayor. Just -- I will do kind of a quick summary about where we came just for maybe the people that have shown up this evening or to refresh everybody, including my memory. So, this is an application for annexation and a zoning. Here are the maps. The property is about 130 acres. It's unincorporated. It's located -- the -- the majority of it is located on the west side of South Black Cat, south of Franklin. There is a teeny little one acre piece of property, which you can see here on the other side of Black Cat. This project originally came to the Council in December of 2021. It's a proposal to annex and rezone -- again, about one acre of the property is R-15. The applicant proposes to annex the remainder of the 129 acres to the west as I-L. The applicant proposes to annex the one acre property in order to meet the contiguity requirements of state law. The intent of this is to construct seven buildings ranging in size between 6,800 and 33,000 square feet. That's directly adjacent to Black Cat and, then, there would be an additional nine larger buildings, those are ranging in size between 131 to almost 300 thousand square feet, with the total amount of square footage being close to two million square feet. Staff did not support this proposal based on the lack of conformance with the Ten Mile plan, potential for low job generation, that it doesn't comply with the Ten Mile plan and, most importantly, staff had concerns in regard to the lack of road infrastructure regarding this project. The Planning Commission also recommended denial on this project. Just, again, to -- to refresh your memory and, basically, this was the layout that was proposed to Council. So, the smaller buildings that you see that are directly adjacent to Black Cat and, then, these would be the larger buildings ranging, again, from I believe 150 to 300 thousand square feet. Okay. So, just to quickly talk about the road infrastructure, because this is really the purpose of why this was continued tonight. Black Cat currently is two lanes with no curb, gutter, or sidewalk. That is here. West Franklin, which is here, is presently two lanes with no curb and gutter here and, then, it narrows down to just one lane each side of west of Black Cat. Black Cat is due to be widened to five lanes in -- between 2036 and 2040. West Franklin is planning to be

widened to five lanes between 2026 and 2030. Staff, during our last presentation, we noted that in the staff report for tenant Meridian, the traffic study that was done found that the network in and around the -- the Ten Mile and the Franklin interchange, it was already failing and it lacked the sufficient storage capacity. In addition there was also a study that was done by COMPASS. This was a freight study talking about larger trucks, specially for Amazon, and this showed -- and there were congestion maps that were shown and these maps showed that the Franklin-Garrity interchange was also failing. It was experiencing extreme delays and because of that that was one of the significant issues that staff had was with the intersections already being failing and, then, putting in large trucks onto those intersections we had significant -- we had significant concerns with that. At the December 21st hearing the Council noted that they generally supported the use. They were okay with it. They were okay with the design, but they also had significant concerns in regard to the traffic and the infrastructure. The direction was given to the applicant to consider doing a traffic impact study, which we didn't have at the time, to discuss with ACHD the timing of future road improvements and also there was a comment from one of the Council to discuss as far as to Canyon county and even to discuss beyond the traffic impact study the larger improvements that -- that would be necessary, basically, for the whole network beyond just what would be recommended by the traffic impact study. Since this time staff has received a letter from ACHD, dated February 15th, 2022. This was in the online file. This letter, basically, just asked for additional information from the traffic study that was supported to them. They -- they haven't given us a position on it, they were just saying please submit this, please submit that. They have, however, in an e-mail that you also find on the online file that was put in there recently, there was an e-mail from ACHD talking about that the integrated -- the five year integrated work plan has recently been completed, like on the 26th of February, and the improvements in around Franklin and Black Cat are not being moved up. There was some discussions -- I'm sure the applicant will get into it. They have got much more knowledge of it than I do. They were talking about widening Franklin and what kind of improvements could be maybe accelerated or moved or whether they could do some right of way dedication. ACHD was not amenable to this. Again, their -- their position was the five year integrated work plan is done. These projects aren't involved. With that that's I think everything that I have as far as update with new information this evening, Council.

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

Tiefenbach: I'm working on it here. Sorry. Yeah. Here you go. I think we are fighting with a pointer. Hold on. I was trying to open this up for you. Sorry. Okay. There you go.

Nelson: Great. Thank you. Mayor, Members of the Council, Deborah Nelson. 601 West Bannock Street, here on behalf of the applicant. I'm going to start with just a few topics, a brief overview, a recap of the last hearing for Council Member Strader's benefit, but -- and also just to touch on a few additional points from Alan's recap there for about why this project, why this project now, and also get into some proposed phasing with the road improvements. So why this project? This project provides needed industrial space. Meridian has less than one percent vacancy for industrial versus over 14 percent vacancy

for office. There is no industrial land available for development in the near term. Industrial is ideal next to I-84 and the new Highway 16 interchange. The project meets the Ten Mile plan's jobs goals supporting 2,000 jobs. As called for in the Ten Mile plan, the project provides buildings that range from 17,000 square feet to 350,000 square feet, each divisible into smaller segments supporting a variety of business sizes as they grow and very important to our topic this evening about transportation, industrial uses generate six to eight times less traffic than office and retail uses, so you can improve your jobs-to-housing ratio with the least amount of traffic with this project. So, for all of these reasons at our December hearing the Council Members commented that this is a great project, that light industrial on this site makes a lot of sense with its proximity to I-84 and Highway 16. But, of course, you had questions about the timing, especially in relation to the timing of road improvements. So, why this project now? Jobs are needed now. 78.5 percent of Meridian residents currently get in their cars to drive outside of your city to Boise, Nampa, or further for work. Industrial space is needed now. This is a short term and a long term problem. Less than one percent vacancy means new businesses cannot site here and existing businesses who need to expand and want to stay in Meridian are forced to relocate outside of Meridian. You have received letters and testimony from area businesses talking about this problem that they are facing, that they need industrial space now, including letters from Scentsy, Northwest Fulfillment, Infinity Pools and others. And, finally, as to why this project now -- because it can be responsibly phased with road improvements. Here is what we know about the timing of road improvements now, responsive to your questions in December. We have submitted our TIS. We are continuing to work with ACHD on the final review comments. So, we now know what mitigation, to expect with the project. We also know the timing of the Highway 16 interchange now. The interchange connection with Franklin is funded and scheduled to begin this summer and be completed in 2024. 2024 is the earliest we would have our first occupancy for this project. It isn't until 960,500 square feet that mitigation is required by the TIS and this is to either widen Black Cat or construct the north-south collector from our northwest corner of the site to Franklin. To build out that 960,500 square feet will take approximately three to five years, building out approximately 2025 to 2027. We know Franklin Road has an existing level of service deficiency in the p.m. peak hour for road segments, but it's scheduled to be widened in the CIP 2026 to 2030 and it's scheduled in the work plan to be designed in 2026. We are working to expedite this as best we can. More on this in a minute. But even before Franklin is widened we know that with our project up to 960,500 square feet Franklin Road intersections function at the level of service. We also know that the -- the 960,500 square foot buildout is less than ten percent of the trips on Franklin. City Council asked at the last hearing not just what we will be doing pursuant to the TIS, we, of course, have to mitigate the impacts there, but you also asked what more can we do beyond those requirements to address your timing concerns. We agree to cap the project to that 960,500 square foot threshold until there is an improved direct connection from the site to Highway 16. There are three great options to provide this connection, all of which are near term. We are working to expedite these with right-of-way acquisition now. We are furthest along with option two. We have secured nearly all of the right-of-way from our site to Highway 16 in option two. As the Council requested, we also proposed to ACHD that we would be willing to construct portions of their arterial system with a cooperative development agreement. They are not

interested in this at that time. At this time will continue to work with the city and ACHD on your priorities for this area, but ACHD said that with the help of the right-of-way that we are acquiring that will help shorten the time between design and construction and with that right-of-way we can move forward to construct off-site collectors. The project is going to be making significant investments in the area's roadways. This includes approximately 3.5 million in on-site improvements because of the two major collectors east-west and north-south that are within the boundaries, as well as Black Cat frontage. In addition, we will be paying 1.4 million in impact fees, which is our proportionate share for area roadways. Plus we are working more to do more, as I mentioned, to expedite the timing of area roadways. We have already committed over a million dollars on right-of-way. Expect to commit another two to three million or more for off-site road improvements. And the biggest give to address your concerns about timing is agreeing to the cap of 960,500 square feet. So, not just for the Black Cat or the north-south collector as the TIS calls for, but until there is a direct improved connection all the way from the site to Highway 16. The Council told us you recognized the importance of this use, but you wanted to understand the timing. Since the last hearing we now know that Highway 16 is imminent. It's funded and scheduled for completion in 2024, concurrent with our earliest occupancy. We now know that at 960,500 square feet we meet everything in the TIS. We aren't triggering any additional new failures of levels of service. We know that the Franklin intersections continue to function at levels of service. We know that we are less than ten percent of the trips on Franklin. We have secured significant right-of-way to expedite the timing of planned road improvements. We are really doing everything in our power to provide that something more on the timing that the Council asked for and we continue to believe that there are many opportunities for expediting roadways in this important area of the city. But even if we are wrong in that -- in that belief, we are taking the risk by agreeing to the cap or taking the risk on the timing of those additional roadways coming into place to connect our project to Highway 16. So, here is an additional -- here is an opportunity to add an additional thousand jobs just with this first phase without any need for additional infrastructure and you get a motivated developer to find a solution to unlock the second half of the development for another thousand jobs and here is an opportunity to provide industrial space that is desperately needed now to keep Meridian businesses, who need to expand, in Meridian. With that I will stand for questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Deb. I did review the previous meeting and I'm up to speed on it. Could you walk me through -- clearly it's a significant amount of the total square footage of your site, 960,000 square feet. Would that represent your one large potential anchor in -- or what -- what would that equate to? How many of the buildings would that equate to?

Nelson: Mr. Mayor, Council Member Strader, it would encompass a variety of size buildings, since we have got ranges all the way from 17,000 up to 350,000, that gives you an idea with that range what 960,000 could encompass; right? So, that could be, you know, two to three of the larger buildings and a handful of smaller, depending on how you do that math. So, it gives flexibility to -- to meet that need, but still within the range of the road capacities.

Strader: One more?

Simison: Council Woman Strader.

Strader: So, I read the letter from the highway district regarding the TIS. I guess what's the rationale with your timing today? You are offering certainly some solutions and I appreciate that. I think you are being really proactive. I agree that industrial is desperately needed and I actually think it really works well with where the economy is heading. I guess my question is why come today and not flush out these questions with the highway district on the TIS?

Nelson: Mr. Mayor, Council Member Strader, because we are far enough along with that effort we -- you know, I think in December we -- granted we weren't. But at this point the TIS has been completed and submitted. We have received the review comments and we are comfortable where they are. The work to respond to those is -- is underway and with that effort with what's in the TIS, with the review comments we have received so far, we are comfortable that we can understand what those requirements will be. Keep in mind we are subject to whatever it is. We are agreeing to meet the mitigation whatever is imposed there. So, we are taking that risk as well. But I think we feel comfortable what it is and we feel comfortable that it's identifiable at this threshold. That is the first trigger for mitigation and we can live with that level, not just for what's in that TIS, but even further.

Strader: Thank you.

Simison: Council, any additional questions for the applicant?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Total square footage of the -- the entire -- refresh my memory what the total square footage of all the buildings are.

Nelson: Mr. Mayor, Council Member Bernt, 2.2 million, approximately.

Simison: All right. With that I think we will be good for now, but stay in the front row.

Nelson: Won't go far.

Simison: Mr. Clerk, do we have anyone that's signed up to provide testimony on this item?

Johnson: Mr. Mayor, we do. We have four. First is Kayla Rich.

Simison: And a reminder when you come forward state your name and address for the record and be recognized for three minutes.

Rich: Thank you, Mr. Mayor, Councilmen. My name is Kayla Rich and I live at 9349 West Deerfawn in Star, Idaho. And I just wanted to make a couple quick comments based on some of the staff notes on the packet. One of the things that was suggested in the staff notes in response to the applicant's request to have a little bit more of the light industrial mixed in, instead of the -- the employment. One of the comments was that they -- we felt like we needed to address long-term growth in Meridian, not just current trends, and as I was thinking about this I was thinking about since this -- the City Council had proposed this Ten Mile plan in 2007, how much has changed not only in our community, but in the economy in the way that we do business. Since 2007 we now have Facebook and Facebook Marketplace and everything that you can buy at your fingertips on your smart device, which was not very smart in 2007. We also have Grubhub where I can order every single meal that I want right from the comfort of my own couch, as well as getting groceries delivered and I can even have my dog bathed from my front door. So, the economy is changing and not only that is in our world we were met with a difference of a lot of the ability to do commerce without actually having to go and drive places, mixed in now with the very reality of global pandemics, which, then, keep us at home and isolated. Through this, as you will find with most of the studies if you reach out and look at Forbes and Gallup, they are realizing that a lot of the employment is now staying at home and so our -- our employment use that was proposed in 2007 for this area may need to change a little bit based on where we are going in the global economy. We no longer need to have so many people leaving their homes to go to the office and so having our focus be on light industrial, so that we can have what made America great to begin with where we have manufacturing and we have storage and shipping of things I think is a really good move for our community. And one more thing that I wanted to mention real quick was that a lot of people have been talking about the time. The time is now. There is so much growth in our valley and I know that we weren't prepared for this much growth being the fastest growing area in the country, but the Highway 16 improvement has moved up their timeline, because they have seen it and this will also meet that timeline as well and it appears as though the whole area is growing. So, the time is now, because it's not now, it's 2024 before the first occupant is there. So, the planning starts now and as a member of the community I have just seen that the applicant has reached out to the City Council many times working, trying to be as agreeable as possible to make this plan work and I think it would be a missed opportunity if their application was denied. Thank you.

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

Johnson: Mr. Mayor, next is Corinne Kaddas. Good evening.

Kaddas: My name is Corinne Kaddas. I live at 935 South Black Cat Road, Meridian. As I stated last time I was here, I feel this is a very good project that should come to Meridian. We remember last time they kind of -- I stated they -- they really tried to accommodate everything that you have asked and I think here we are again, they have really accommodated everything that you have asked again this time of them. So, to me this is a very good company that really wants to do the right thing here in Meridian and I just feel that this project is going to be a very good project for Meridian and that's my statement on this. They are very proactive I think in regards to trying to make it, again, you know, meet your requirements, so thank you.

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

Kaddas: Thank you.

Johnson: Mr. Mayor, next is Julie Olsen.

Olsen: Hi. I have been against this from the beginning.

Simison: Ma'am, could you --

Olsen: And the reason is everything that's being --

Simison: State your name and address for the record.

Olsen: Oh. Julie Olsen. 6104 West Viewpoint Drive, Meridian.

Simison: Thank you.

Olsen: The reason I have been against it is -- and what I'm hearing today is everybody is talking about the connector and about Franklin. I'm curious about Frank -- Black Cat. There is so much traffic on that road right now that it's next to impossible to get down off the hill down to the bottom part and when I first addressed this in a letter I was under the impression there was going to be a traffic light. Well, no, nothing is going to be done to Franklin -- or to Black Cat until after 2030 and probably closer to 2040. In the meantime, traffic is going to be astronomical in that area and I wouldn't have no problems with what they want to do, but this is not the right time. Do the infrastructure first. I sit here and I watch what goes on on the freeway, because I overlook it, and in the morning and in the evening it's a parking lot out there and that's with no accidents. It's just a flat parking lot. Black Cat is going to end up being a parking lot like that. I -- like I said, I have no problems with this project, with what they want to do. The timing is wrong. The infrastructure on Black Cat needs to be addressed. All I heard about was Franklin and the interchange. So, at this point I'm asking you to deny it. Thank you for your time.

Simison: Council, questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Ms. Olsen, I want to make sure I understand. The light you are talking about. On Black Cat up on top of the hill where Overland comes in -- T's in or at what -- where on Black Cat are you talking about a light?

Olsen: Well, when I come into Meridian I go down Overland, over the freeway, and that's going to be at the bottom. It's two lane. I mean there is -- the people that are on View Place, it's next to impossible for them to even get out onto Black Cat now and it's going to be even worse, because it's going to add traffic. Plain and simple. While they are doing construction it's going to add traffic.

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

Olsen: Any other questions?

Simison: We are good. Thank you.

Olsen: Thank you for your time.

Johnson: Mr. Mayor, the last person signed up in advance is Terry Nyborg.

Nyborg: Terry Nyborg. 5160 West View Drive, Meridian. So, I have a similar concern about Black Cat. I think the statement was made that the first 900,000 feet would not -- not exceed the current streets. Maybe I misunderstood that. I have -- that's here nor there. Black Cat needs -- something needs to be done on it, because there is a blind spot -- if you have ever tried to come out of Vaquero Ridge, there is a blind spot at the bottom of the hill where cars go out of sight completely coming up the hill and that whole hillside where Overland comes out and where View Drive comes out, is a series of -- series of blind spots really. They have got it posted 35. If cars are going 35 it's okay, but they are not always going that speed. My concern, again, is just timing. I don't object to the project, but I object to the fact that the infrastructure does not support the project. Any questions?

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Mr. Hoaglund.

Hoaglund: Sir, if I recall testimony from last time -- it wasn't from you, but Wright Brothers has a -- a pit that is being filled in. They are taking material out, but they are also filling it and I -- do you know the timing when that is to be completed?

Nyborg: I have no idea. I own the land right above the freeway west and I -- I receive dirt there as well, but not like the gravel pit.



Hoaglund: Okay.

Nyborg: And if you would have -- if you had been out there in the last month or two, the truck traffic is pretty significant on Black Cat, not only because of the backfill, but because Wright Construction, who pours the asphalt out of there, there is no material in that pit. So, all the materials hauled in for the concrete, the concrete is hauled out, fills hauled in and out. Truck traffic really is significant.

Hoaglund: Thank you.

Simison: Thank you, sir. This is a public hearing. If there is anybody that would like to provide testimony, please, come forward at this time or if you are online use to the raise your hand feature and we will bring you in for comments. Seeing nobody raising their hand or coming forward, would the applicant like to come forward for any last comments?

Nelson: Mr. Mayor, Members of Council, thank you. First a correction. Council Member Bernt, our current design that's shown in the concept plan is two million square feet. We began at 2.2 million in our application, but the various changes that were made along the way in response to staff's request for different buildings and building orientation, reduced that down to about two million. The -- the concerns that we have heard tonight are about Black Cat, so I just want to provide some additional comments specific to Black Cat. We will be widening and improving Black Cat in front of our access points and in front -- and doing the frontage improvements at the beginning of the project. So, when we make the access connection to Black Cat there will be turn lanes that are added then that will address the concerns that were raised about there not being room to access the site there within the existing road. We will also be putting in a signal along Black Cat at the access as soon as it's warranted and allowed. The additional widening along Black Cat is what's not triggered until the 960,500 square feet, but, again, we will do what's required by the TIS. And as noted we are working on a number of different routes to direct traffic that, hopefully, also is appealing to the neighbors who have concerns specific to Black Cat, that with our efforts we think that there will be other opportunities to connect to Highway 16 as well. So, with that we hope that we have provided you enough information to address your concerns about timing, to understand how this project fits in with the area improvements and to accept a condition of approval that limits the buildout consistent with the area improvements. We would ask for your support. We would also ask for you to direct staff in their development of findings and conditions that aren't yet before you, that, you know, will need to be worked out before this comes back for any final decision. We ask for consideration of the design standards flexibility we requested in the prior hearing, where we did ask for some flexibility from design standards for industrial on glazing and minor changes on parking in front of buildings that was in our last hearing. So, we just ask for the opportunity to work with staff on that and your direction in that regard. And with that stand for more questions.

Simison: Thank you. Council, more questions for the applicant at this time?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Deb, I just wanted to make sure -- Highway 16 you talked about the improvements and we know the state has done funding -- full funding for that and whatnot. I want to be certain. You said completion in 2024?

Nelson: Mr. Mayor, Council Member Hoaglund, that's correct. We have been in contact with ITD and that's what they say. They have -- they have got it fully funded all the way. The -- the project phases that include the connection to Franklin going out to bid this spring, expect to commence construction this summer and they plan to be completed in 2024. So, it's been expedited.

Hoaglund: Mr. Mayor, follow up?

Simison: Councilman Hoaglund.

Hoaglund: That was the question I was going to have for ACHD, but I think you answered it there, that because ACHD -- you know, the connections weren't originally funded, have those connections been funded by ITD to -- for the local road? Because I know ACHD had some issues when this was going to be completed and not having fund -- funding for -- for those connections into that expressway I call it, so --

Nelson: Mr. Mayor, Council Member Hoaglund, yes, I know there is continued discussions between the state and the highway districts about how to support that and that we understand that's part of why ACHD at this point has not moved up their design year from 2026, that they are open to other ways that this could be expedited. I think they are very respectful of the city's priorities and so if this were a priority area for the city I think ACHD has expressed an interest in working with the city on that. But at this time the design is still at 2026 to move forward with this. We are helping to shorten the one to two years of right of way acquisition that would normally follow that. We are hoping -- we are cutting that significantly and, then, they can move into construction.

Simison: And, Mr. Hoaglund, we do have Kristy from ACHD on if we need to.

Hoaglund: Thank you.

Simison: Was that your comment that you were trying to --

Hoaglund: Yes.

Simison: So, Council, would you like to hear anything from ACHD at this point in time? Is that -- so, Kristy, if you could provide an update on what you have heard to date.

Inselman: Mr. Mayor, Council Members, as of -- as of this evening I don't know that we have any additional updates on what was already provided in the testimony or in the written information given to you. The five year work plan was adopted on January 26th

and it does have, as stated, those sections of Franklin for design in '26. They have not been moved up yet to date. There are other corridors that will tie into Highway 16 that were accelerated with the adoption of this plan. Ustick being one of those. But, obviously, we would look at the next update to the five year plan on what potentially could be and what funding is available to accelerate those and we, obviously, have to work with ITD on those -- those items. But currently, no, we don't have those slated for acceleration.

Simison: Council, any specific questions related to where that stands?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Those dates of when those are currently to be constructed from ACHD.

Inselman: Mr. Mayor, Council Member -- I believe that was Bernt. Sorry. It doesn't always show me on my screen who was talking. We don't have a construction date for those segments. They are in for design and everything else is -- is future. We -- we did identify -- so, our capital improvement plan is our 20 year plan and it gives a forecasted need of when those improvements -- we anticipate those improvements would be needed and I believe those are in the staff report. I think Franklin is '26 to -- '26 to '30. So, we -- we would anticipate during that time frame, but we don't have an actual construction date until it gets moved up in the plan and more funding is identified.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I was talking about the -- the connections to Highway 16 that Mr. Hoaglun referenced earlier.

Inselman: Are you talking about the connection at Franklin and Highway 16?

Bernt: And Ustick.

Inselman: Oh, Ustick and 16. Oh. I apologize. I don't have that -- that map is on a separate screen. Let me see. My system is a little slow. Give me one moment.

Bernt: Both.

Inselman: Okay. So, for -- for Ustick Road. Those both -- both the intersection and the roadway between McDermott and Black Cat are in design in '26. We had accelerated the two miles of roadway east of that. We did not accelerate all of the roadways all the way out to Highway 16. And Black Cat -- that intersection also was accelerated. That one we have a construction year '24 and things east of that were all accelerated and we included it into the plan this year and accelerated design to '26.

Bernt: Mr. Mayor. Franklin?

Simison: Councilman Bernt.

Bernt: And Franklin Road? Can you clarify, Kristy, the time frame on the connection of Franklin Road?

Inselman: Yeah. Franklin Road we do not have a construction year. We just have design in at '26.

Bernt: Okay. Thank you.

Simison: My answer is right after Linder Road overpass. But that's a different meeting. But --

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Kristy, I'm curious for Franklin Road, you know, if there is an accident on the freeway or things are particularly jammed up, Franklin Road becomes the alternative way if you are going between Boise, Nampa, Meridian and you talked about funding is going to tie in Ustick to 16, but not Franklin. Can you give me some insight into that?

Inselman: Insight into what -- the timing of -- we have both in for design in '26. This was a little bit of a -- when ITD accelerated Highway 16 it accelerated much faster than what we had anticipated it was going to be. So, we don't have the funding to be quite as responsive to those significant accelerations. So, we did accelerate both projects, both Ustick and Franklin, in the Integrated five year work plan to be designed in '26. We don't have a construction year on either. There were a few sections of Ustick that were accelerated east of that, because there is -- but that -- that -- those were another request of the city. But, yeah, that's where we sit with both of those. Obviously, we reevaluate it every year and we coordinate that with the city as well as to what your priorities are.

Hoaglun: Mr. Mayor, follow up.

Simison: Councilman Hoaglun.

Hoaglun: Yes. And, then, we know what Mayor Simison's priorities are, of course. But Kristy -- and I don't know if you can answer this question, but I -- I think it was Commissioner Goldthorpe had mentioned previously at another meeting we had with him about, you know, this -- there was no funding coming from the state for connections into Highway 16 and it was all up to the local jurisdictions. I know in Nampa they are concerned about where that ties in on the south side that ITD had said, nope, that's up on -- on you to the local -- to their highway district there. Which, you know, causes some problems, because, as you said, this has been accelerated, the planning that has to go

into this, preparing for that. Is there -- I -- can you give me some insight into the effort being made to try and get ITD to free up funding for those connections for our local highway districts to -- to connect to this vital transportation corridor?

Inselman: Mr. Mayor, Council Member Hoaglund, unfortunately, I don't have that information as to the funding sources for that. I know for -- for -- on our side we -- primarily for those major roadways, it's -- it's impact fee collections, but I have not been involved in any conversations directly with ITD on additional funding to accelerate those connections.

Simison: The short answer is, yes, there are ongoing conversations, but there is no commitments is what my understanding is.

Nelson: Mr. Mayor, may I also address that question about connections? So, just to be clear, the connection to Franklin Road is included in ITD's funding. Their -- their package, when they construct, they will connect the roadway. So, it will physically connect and be functional from Franklin Road to the new Highway 16 interchange. That's the piece that will be completed in 2024. So, I mean they have bike lanes, they have sidewalks, they widened it, they have all of the connections. The piece that ACHD will have later that Kristy is talking about is widening Franklin Road. So, this -- I just wanted to be clear about what the connection is. It will connect. It will serve enough -- what we were talking about -- that even up to 960,000 square feet. Our project now can connect to the Highway 16 and doesn't continue to deteriorate Franklin, because we are less than ten percent of the trips and we don't trigger any level of service problem with intersections. It's because that we -- we can already go straight there. What we are saying -- what we are self imposing is that we don't go further until Franklin is widened, so that the uncertainty that Kristy was funding, we are taking on that risk with you and truly we are partnering with the city to be as motivated as possible to try to expedite that where it makes sense. If not, we won't be able to continue to build out above that initial threshold.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, then, your acquisition of right of way, then, on Franklin helps to facilitate that; correct?

Nelson: Mr. Mayor, Council Member Hoaglund, that's right. That's -- we are trying to help the timeline.

Hoaglund: Okay. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Deb -- and -- and the cap that you are putting on yourself of 960,000 square feet, that doesn't include anything on Black Cat, only Franklin? Any improvements?

Nelson: Mr. Mayor, Council Member Bernt, I want to make sure I understand your question. So, we will be improving Black Cat frontage right at the beginning, including turn lanes right at the beginning with our access. We will put in the signal as soon as it's warranted. But we won't be doing further widening offsite until after 960,500 square feet or another path opens up; right? We are pursuing all three options to see what we can pull together.

Bernt: Right. Mr. Mayor, follow up. So, we are widening Franklin -- or that's what we are talking about after that connection is made, but are you saying that you are also going to widen Black Cat as well after that connection is made is?

Nelson: Alan, would you mind pulling up the slide that illustrates this? I think it's easier to see a picture. The slide that has the three --

Tiefenbach: Your slide or my slide?

Nelson: Yes. Mine, please.

Tiefenbach: This one?

Nelson: I can advance if that's all right then. Thank you. Okay. Here we go. So, Council Member Bert, if you look at option one, I think that's what you were asking about. That involves widening Black Cat all the way to the signal. That involves Franklin being widened all the way from Black Cat to the interchange. Option two, of course, we still have our frontage improvements. All of our interior collectors there. Then the north-south collector. And, then, widening of Franklin all the way to the interchange. Option three would be building a new east-west collector further and connecting up McDermott. Obviously, everything would have to be compliant with whatever mitigation is required for this level of trips, but these are options that exist for taking us even further, including improvements that benefit the city and the area and help expedite area roadways planned here. These roadways that we are showing are all planned on the master street map in your Ten Mile plan.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Deb, if you would just walk us through the likelihood -- I think you mentioned earlier option two seems more likely. If you could just sort of handicap each of these options and maybe give us a -- yeah, just a better flavor for what is most likely.

Nelson: Mr. Mayor, Council Member Strader, yeah, we are certainly further along on option two on the right of way and feel good about that direction. I mean we like this use

of the north-south collector to serve our site and so we have got almost a hundred percent of that right of way. Now, we are still subject to -- this is ACHD's arterial roadway, Franklin, so we are still subject to their timing on when they are willing to let that be widened and so, you know, as mentioned we -- we have offered to help with that. We have offered to help through a cooperative development agreement. You know, we will -- we will stay in contact with ACHD to see if that -- if those, you know, priorities change in discussions with the city. We are certainly on board to partner with the agencies as they do that, but that's -- that's our favored approach and we think we have pushed it the furthest along with right-of-way acquisition, but we have got other efforts underway as well.

Cavener: Mr. Mayor?

Simison: Councilmen Cavener.

Cavener: Thanks, Mr. Mayor. Deb, this question is kind of similar to -- to Council Member Strader's question from earlier, which is -- and I will just be frank, I'm frustrated. We continued this to give you guys ample time to get this project sured up. I do not like when a project -- when you have ample time to have it sured up to come back with lots of questions. This one here is driving me a little crazy. I think that you guys had ample time to get this resolved and bring us back a finished solution and so I'm curious why come before us tonight when you had ample time to get this resolved?

Nelson: Mr. Mayor, Council Member Cavener, I -- maybe we need to understand a little bit more about what we could do. I'm actually blown away that in two months they were able to acquire so much right of way as they have. They have accepted a cap on development that addresses all required mitigation, with no further impacts on the area roadway. So, I thought that is exactly what you guys asked for; right? You asked for help on -- comfort, certainty on timing to align this development's build out with the area roadway. So, rather than talking about what's the likelihood of the future development, what's the likelihood of Franklin getting expedited with Highway 16, they have just taken that on themselves and said, okay, we will work on that.

Cavener: Sure.

Nelson: We can only control so much. But in the meantime we will accept the cap, so they -- I think this is -- as far along as they can get it. They can't -- you know, they can't make ACHD allow them to build their roads, but they will keep in that discussion over the next period -- a few years. So, help me understand -- I -- I guess I'm not following the what we should have done.

Cavener: I guess -- Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And I'm not interested in -- in a back and forth on this. You bring three options to help I think address some of the concerns from the Council, which is where -- I am very

concerned about the impact of this project, as much as I love it, on Black Cat and Franklin. You have got three options that I think any one of them could help address that and it would bring me great comfort. But none of them are finalized. You are working close towards option two and, again, you know your business way better than I do, but I would know that if that's the concern of the Council I would have option two finalized before I come back from the -- to the Council to ask for approval. That's me. And you chose not to and that's fine. We didn't ask you to come back in 30 days. We didn't ask you to come back in 60 days. We said take as much time as you want until this project is right and you came back because you think the project was right and I will just tell you right now that I disagree.

Nelson: Well, Mr. Mayor, Council Member Cavener -- and we -- we might just have to agree to disagree. So, I don't want to have back and forth like you said either. I just -- but I will respond as briefly that just so I guess that I'm communicating as clearly as I can that these are future phase options that are out of our control, other than the best we can do to acquire and to work with agencies. These are year long efforts. Not, you know, 30 days, 90 days. But what we can present to you and what I have tried to communicate -- and maybe not as well as I could have -- is that the phasing that we have proposed does address your concern stated about Black Cat and others, because Black Cat is not over capacity with our project up to 960,000 square feet and so it isn't triggered -- there is nothing there that's needed that we are not doing. We will be actually ahead of what it needs with the widening that we will be adding and, then, with the cap until it's further widened, we are just making sure that that is addressed. On Franklin it is an existing problem with the - the westbound direction. That's an issue now. It will be resolved with widening of Franklin. It's resolved in the normal course in the near term, within project timelines that the city sees all the time of, okay, that's in the CIP, there is no mitigation required, that's a common response from ACHD when it's in the CIP and it's near term. But, regardless of that, you know, timing that is out of our control, but we just identify those facts, we do not have impacts on the intersection with this build out either. So, we don't make that worse and we are less than ten percent, which I think you understand very well as ACHD's threshold there for how they look at how you impact existing deficiency. So, I -- I do hear you, that we -- we don't have a solution to ACHD widening Franklin faster than what's identified in their CIP. We will keep working on it. But if we don't -- if we fail on that we have still accepted the condition that helps to keep it at the right level now. I know that may not address all your questions, but thank you for letting me respond.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Deb, I want to encourage you a little bit, too, just to -- just to give you a little bit -- a little bit of balance. I think to me this makes a lot of progress. I -- I think if you were to tell me that, you know, you will cap until option two, but that your end state at the completion of your project was a combination of option one and option two, that -- that to me would -- would more than proactively solve the entirety of the concern in this area.



Do you -- do you -- just so -- and I don't want to throw anybody under the bus, but the ACHD letter provided me with a little bit of frustration, too, because I felt like they just weren't at a point that they were ready to work with you to just let you build or let you move forward. I think there is even a comment that it would be premature in some subsequent e-mails and, you know, that -- that to me is a -- I just want to express that's a frustration for me, because I feel like this is a critical project. I want to see this project happen, so, you know, what do you think is the main hurdle toward executing -- you are -- you are taking an equity risk on half of your project and I -- I appreciate that. So, you know, I guess my questions are, number one, are you -- and maybe I'm pushing too much and being a little greedy, but are you open to a scenario where you build option two, you know, after your -- you know, you are going to have the cap, you are going to do option two to exceed your cap and, then, the end state, though, that the city gets and everybody gets is a combination of option one and option two, by some -- you know, at some point, just because you -- you can feel the pain in this area; right? This is a huge project. I don't think we would ask for something that big from somebody that wasn't this size of a user, this amount of land. I think to some precedence ACHD is a totally different animal than ITD, but, you know, when Costco came, when Winco came, dang if we didn't get Chinden just totally -- almost totally solved and that's the kind of -- that's what I'm hoping to get, ultimately, out of this is a comprehensive solution. I think option two was really far. I think the cap is huge. It -- it helps provide incentive on both sides. You can move forward and your project's rocking, you are leasing it up, you are motivated, but I would love to see a combination of option one and option two at the end of the day. That's just to share some feedback.

Nelson: Mr. Mayor, Council Member Strader, I will -- I will provide an answer and if the development team has something to offer or add to that I welcome them to come do so, but -- I mean I guess, first of all, with ACHD, yeah, we -- you know, we -- we did offer to -- to fund this. The city asked us to. We are definitely willing to do that. We will keep working with them. I think, as Kristy said, you know, they just got everything expedited pretty quickly by ITD. We are excited about that, because it creates a great opportunity, but they have -- you know, they have got to digest this. I think the city has an opportunity to work with them to express your priorities and so I -- I think there is some great opportunities here for -- for that going forward and we will continue to be a part of that and, hopefully, you know, partnering with both of you on that effort. I think it's likely that some combination of these is going to end up here. You know, we have got -- obviously we have got other parties that control the right of way on Black Cat, so some of this is third party out of our control we are trying to acquire. Doing our best. But some of it's a little bit out of our control. Now, you know, to the east of Black Cat is developer owned. It's likely that this is going to get developed and some of that's going to free up within the scope of this build out. So, I think you are going to end up seeing both of these, you know, build out during the time frame of that second -- you know, the subsequent phases. We are very focused on that northwest collector, because we think it provides a great opportunity for our trips to access Highway 16, but, honestly, we are going to push on all of it and accept what we can get and it may end up being a combination. You know, whatever is required by the TIS mitigation. And I -- what else do you want add?

Felker: Shane Felker. Ketchum, Idaho. Part of the development team. A combination is fine with us. I think it's important to leave option three in there, because with the uncertainty with how ACHD is going to handle Franklin, creating an improved right of way directly to the freeway I think would be a great benefit that might be able to happen sooner and why we are pursuing it as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to be super direct -- and I'm the only person asking these questions, so I don't want anybody else to get -- but would you be willing to say that you would do option two or option -- really, any of these options, but I'm more concerned about option two or option three with the addition of Black Cat up to Franklin, because I think that that's kind of an acute area and I -- I would like to see that area a little bit better solved for, you know, either prior to the cap being exceeded or -- I -- I think these provide a solution, but I don't think it provides a comprehensive solution of this area. So, I guess my -- my request would be are you open to something that, you know, includes option one if it gets you there, option two with the addition of Black Cat up to Franklin or option three with the addition of Black Cat up to Franklin in terms of it being, you know, widened out fully.

Felker: It's tough to give you a definitive answer when it involves landowners that we continue to work with. I think somewhere between those two hurdles the midpoint 960 and the end, that's probably a victory that we could, you know, put a pretty serious bet on. There is just a lot of right of way to acquire. I don't know if that answers it clearly, but --

Strader: Mr. Mayor?

Felker: If the hurdle was correct I think that's something we would be able to handle.

Simison: Council Woman Strader.

Strader: So, maybe, though, it sounds like there is some openness to one of these three options up to your cap of 960,000 square feet and, then, perhaps there is an additional hurdle of -- and maybe the -- maybe the totality of -- I will pick that midpoint and, then, at that point to exceed that additional threshold we need to see the completion of Black Cat all the way up to Franklin. I'm just pushing around. Everybody's giving me a funny look, but I -- I'm just curious if there is an iteration of that that works possibly.

Felker: I think it's quite possible that that would work. It would take a little bit of number crunching.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. This gives me a lot to chew on. I think there is a lot of details that need to be worked out. It probably would have given me more comfort and I -- and I know you guys are going to work through the TIS at ACHD. I'm just a control freak. But if -- if you guys had worked through that piece on the TIS at ACHD, I think that would -- that would give me a little more visibility as well, but I appreciate where you are coming out on this. I think it's proactive. Like to me I think there is a deal to be had. Personally for me I think I could support the project if, you know, it was one of these options, but option two or option three had an additional hurdle that you are going to finish that Black Cat segment, because I think that -- and don't take this the wrong way, there are other developers -- and I get it, but you are the big one, right, in this area, so -- that -- that's just me. Thanks.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: And I think that the -- the thing that's giving me a little bit of, you know, just uneasiness is -- well, to put some clarity to my statement, when we did Chinden, we widened Chinden, there was a STARS agreement and we were -- we were -- the two developers that were involved with that, those projects -- you are familiar with them. That funded at the end. So, I guess my question -- and we have ACHD in the -- if -- if the developer is willing to do a cooperative type agreement where these roads can be made with some type of reimbursement on the back end, I don't know what's the big deal. I mean what's -- what's holding this deal up? Now, when you have -- she's there. I will let her answer the question in a minute. But that's -- that's -- I -- I would like to know that, because, honestly, if -- if -- if we can have that deal done, then, what we are talking about is moot and so if we could get some clarity from ACHD of why they are not wanting to do a cooperative agreement with a developer who is willing to be proactive, I -- I just don't understand what the big deal is. Maybe I'm missing something. I -- you know, I'm not -- I'm never the smartest guy in the room, I promise you, but, you know, this sort of makes sense to me.

Simison: Kristy?

Inselman: Mr. Mayor, Councilman Bernt, with regard to a CDA, I -- again, I wasn't -- I was not involved in those conversations. I mean all I have to go off of is what I saw in the packet materials and didn't have an opportunity to speak to staff before this meeting, because it looked like that happened just within the last couple of days, that conversation has happened, so it's still early in the process of that conversation and I mean we do CDAs on other projects and that's certainly something that we can have a conversation with the developer in more detail on, but I am not in the position or prepared today to say absolutely we will enter into that.

Bernt: Sure. Sure.

Inselman: Obviously, the details of that would have to be -- to be worked out, but it's -- I think it's still -- I think it's just so early in that conversation --

Bernt: Right.

Inselman: -- because when we -- when we respond to this type of an application this is just an annexation of reason and there is no development tied to it, it's a little different of a conversation than when we have a full actual development application that we are working on. I'm not sure if that is part of that, but it's certainly something that we would continue -- continue and have a conversation on.

Bernt: Thank you, Mr. Mayor, Kristy, and I certainly didn't want to put you on the spot like that. I have just been trying to think about this tonight and I'm like, you know, it seems like it's not that -- you know.

Simison: Maybe the applicant would like to put some words on the record related to this comment.

Felker: Well, part of the reason we came with options wasn't to look unprepared. I'm -- we apologize for that. It's just that with so many moving pieces and trying to work with ACHD and -- and also guessing a little bit on what the city's priorities are, we wanted to make sure that we could show you a road map that had the options to be -- to get complete access -- complete improved access to the freeway no matter what. If we run into a hurdle with a landowner, if ACHD is unable to move funding forward, you know, that we could sit here with a clear conscience and say we are going to get you there fully improved right to the freeway and start eliminating some of the traffic concerns that are on Black Cat.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, would -- if we could -- you know, if there were further conversations with ACHD about a CDA I mean would this process with the roads take place immediately? I mean it's like -- I know that there is some right of way that you are working on on Black Cat, so I get that there is a little bit of -- you know, there is a little bit of homework that you need to do. But like would you -- if you had the -- the right of way and with the CDA agreed upon by ACHD, would you get -- would you wait until you hit one million square feet or would you start working on those roadways with improvements as soon as possible?

Felker: It's a pretty expensive roadway to build and there is a bit of a blend of being able to put some building up -- buildings up that can help finance that, so certainly all the improvements in the millions that we have to put into our property would be happening immediately, along with a signal and the turn lanes that were discussed, but moving beyond that and starting to build roads far away from us, you know, requires us to be able

to bring in some money from the development to make that happen. Unfortunately there is a threshold before we start creating an impact that, you know, would allow us to do that.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor. I think you have moved the ball forward. I mean progress is being made. It can be maddeningly slow -- maddeningly slow at times, but in option two and three one of the things I like about those is the fact that you are not adding to Black Cat in the traffic and in the -- in the TIS they -- they do talk about the study recommends widening Black Cat to five lanes -- I'm reading from the TIS. However, there isn't enough existing right of way. You don't control that. They don't control that at this time. So, two and three you have committed to adding the turn lanes in front of your site and putting in a signal when -- when allowed and, then, we know coming -- marching from the east, heading west, is development in that next section. That's right there to the east. So, there will be a signal there at some point in time and I think that will help traffic on -- on Black Cat. Under option two you -- you guys control -- do you have control of the access road going north to connect into Franklin?

Felker: We do.

Hoaglun: Okay. And then -- to follow up, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And you are acquiring right of way from Franklin to the Highway 16 future interchange.

Felker: Have almost all of it. Over 90 percent of that.

Hoaglun: Okay. So, to continue, Mr. Mayor, progress -- progress is being made. It's -- it's there and I -- I guess this -- to jump -- this is more -- you might be able to answer it, but Kristy I think would -- would know. Kristy, it looks like that interchange under option two is at the half mile. So, likely will have a light at that interchange and it's -- for you, I guess -- I guess, Kristy, if you could answer that yea or nay.

Inselman: Mr. Mayor, Councilman -- I think that was Hoaglun.

Hoaglun: Yes.

Inselman: Sorry. I'm getting much better at the voices on knowing who is talking. It -- I would say that is -- that's quite likely. I don't have the master street map in front of me, but my best guess is we typically do some type of -- whether it be a roundabout -- it looks like they have a roundabout identified -- either a roundabout or signalized intersection at mid mile.

Hoaglun: Okay. And Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Follow up with Kristy. In -- in the TIS, item number three, it talks about the McDermott Road-Franklin Road interchange and, you know, the plan is to ultimately have Franklin Road five lanes, but in the interim maybe having a three by three signalized intersection. Is -- is that something that -- where does that fit in, even though Franklin hasn't been widened and it's -- it will be in design, but there is no plans at this time, is that something that can be accomplished sooner, as opposed to later?

Inselman: That one is -- I apologize, Mr. Mayor, Council Member Hoaglun. That one I -- and I believe this was somewhat addressed in the e-mail. Because McDermott is the dividing line between our county and Nampa area, we would have to coordinate any improvements to that intersection -- if they are wanting to do a three by three -- it would have to be coordinated and additionally -- additional funds from our neighbors to do that, so I -- I mean I'm not going to say that it is not something that can't be looked into, but it's not just our jurisdiction that would have a -- a say in funding and accelerating that or not.

Hoaglun: Well, Mr. Mayor and Kristy, I appreciate that and I understand there is a lot of things to be worked out.

Inselman: Uh-huh.

Hoaglun: I guess just to comment, too, in looking at the Black Cat widening, I think with other property owners if this gets underway and half of this development is built, I think that's going to spur other activity and, then, there will be coordination to make those things happen. I think more players come to the table that can move things a little -- a little quicker. But just my observation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Maybe one just to pile on to one of Councilman Hoaglun's comments. I do agree that option two and option three are superior in the sense that you are providing independent route into Highway 16. I -- you know, I have a vast preference over those options and, then, again, with the addition of some additional widening of the rest of Black Cat up to Franklin I think -- I think that's helpful, but I'm not sure at least for me that option one stands on its own. I don't think you are going that way anyway as a part of the matter, but -- yeah, I just wanted to agree with that comment.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: I did forget one question I had for you, Deb. You talked about capping the project, 960,500 square feet, which is approximately half the size, until an improved direct connection to Highway 16 is -- is completed. I guess we need to define what -- what does improved connection to Highway 16 really mean.

Nelson: Yeah. Mr. Mayor, Council Member Hoaglund, we are happy to work through whatever language makes sense, but for us that meant the widening that's needed to mitigate these issues. So, on Franklin that's widening to five lanes and on Black Cat, if that option is, is it's widening to five lanes. It's putting in the collector road up to its full build out on the -- the new north-south collector. So, that -- you know, what -- the roadway has called for to address the planned traffic improvements.

Hoaglund: Thank you.

Simison: Do you have any -- I got nowhere to go, so I'm just waiting for Council to ask their questions or motions or anything else.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: We have been seeing Councilman Borton on online, he's not sleeping, absolutely not, so I didn't know if he had any questions. He's been very quiet, but he doesn't have to comment or -- or ask any questions, obviously, but -- just want people to know he's here and paying attention.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I appreciate that. It's -- it's just continued thought over the last time we heard this in December. It's such a struggle in this discussion, because it just highlights what I think was an issue before was the challenge of timing. It's really hard on a big project to successfully have a -- a ready, fire, aim sequence and so that's what I -- I struggled with before and I struggled with now. The -- the staff perspective and Planning and Zoning's perspective weighs heavily on that as well. So, in this -- and -- and I don't -- I -- I struggle, you know, bringing a developer to accomplish extremely difficult tasks and be tied with a bunch of off-site things that they are being asked to, because the timing here is challenging. It's -- it's -- it's off, frankly. The zoning issue is something I had struggled with a little bit before as well, but when I listened to what Deb was describing, the concept and Council Woman Strader's question, the concept of option -- you know, having a cap until option one and either two or three as a solution, I think you are going to have everyone on Black Cat -- whether you go two or three, you are still going to have people all over Black Cat. So, I just -- but I struggle with even that benchmark, because that's a big ask. So, all of that just -- that's why I'm -- I'm just quietly contemplating can you get over the challenge that this property -- which will develop. It might not be ripe to develop

right now in light of all of the big picture moving parts and the applicant's done a phenomenal job trying to make it work, but I don't know if I'm there yet.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I'm wondering if it's worth taking a little -- a little bit of time. I know you guys need to get moving, but I'm kind of wondering if it's worth taking a little bit of time to try to finalize some details with ACHD, pursue the cooperative development agreement angle a little bit with them. Maybe at the same time flush out with staff some sort of a hybrid option where, you know, we ultimately get -- yeah, whether it's an enhanced cap with more roadway improvements or a -- an additional second cap that -- that gets us there, wondering if it's worth kind of -- I hate pushing -- I -- I hate -- and I apologize, it's really kind of crappy to like throw out a solution like that and try and negotiate it with you right here. I think that's kind of a messed up thing. I didn't mean to do it that way, but we don't have a choice, we are like public officials, we have to have public meetings to have these conversations. It's just how it works. So, it -- and maybe it's worth like -- if you guys want to chew on that, I -- I would suggest a continuance personally to chew on that option, but maybe finding out if other Council Members are supportive of some type of a hybrid with two caps, because if the rest of Council isn't into that I don't know if that's worth doing. So, I don't know. I'm kind of just looking around, trying to make eye contact and --

Felker: I don't know if there was a question, but --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If the applicant would like to talk about whether a continuance feels like it makes sense at this point or what -- where you are on the thing.

Felker: I think it would not take us long to hone in on a -- a more definitive singular option that had the caps and enhancements and phases that you are talking about, but it would be good to get the opinion of Council that could help us go along with that. So, it wouldn't take us much time to come back. We -- we were really trying to make sure we were hitting the buttons and I feel like we have much clearer direction right now.

Simison: Well -- and I -- I will just speak in for one very -- we have one new Council Member who wasn't here last time, who has, quite frankly, changed the direction of the conversation and one who is not here who would take the conversation in another direction from the -- so, it's going to be a jump ball when you come back one way or the other with where Council was and/or is or as they move forward with what they see. That's -- I -- I think on one hand I'm -- I'm hearing openness. On the other hand I think that you could come back and find yourself at a jump ball and no idea no matter what you do. Based upon timing or other factors that could -- so, I don't want to mis -- I don't want to



mis -- I don't want to mislead you because one person is not here and who knows who is going to be here next time and you can -- you can see what I'm seeing from that standpoint, so -- yeah.

Felker: Do we take the jump ball now or later.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I'm curious on -- on -- on the hybrid option. If -- if Council Woman Strader would -- would kind of help fill that in when the hybrid option was including option one, but my only hesitation is there is where asking -- and we have done this -- had these conversations before where asking them to do something where there is no control by them on the parties involved. So, that's why I'm kind of hesitant on that, because that's just like -- we don't know, they can't force them, I mean if they don't want to sell, I mean -- their -- their hands are tied. That's why I kind of was leaning more to options two and three in that -- and -- and seeing if that was the possible solution.

Simison: Options two and three have the exact same issues. There is no option that doesn't -- there is no option that they can complete themselves without other people -- whether it's ACHD, whether it's a private property owner, someone has to give them the ability to -- to do anything on any of these options.

Felker: We have the most control over option three and followed closely by option two. Option one there is so many owners involved, so many vested parties that it's odd. They are significantly lower.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess part of my rationale was that would be at an additional point in the future; right? So, what I was proposing was option two or three and, then, an additional cap and I'm assuming, depending on leasing activity, the progression of this project, the -- you know, how things are going that that gives a lot of time, line of sight motivation, alignment of interest and I don't think we really care like how it happens; right? So, it's -- to me it's more like that's the principle -- like the end state of where I would love to see this -- by the completion of the whole thing is I just really want to see kind of a combination of these at a minimum to me. It's -- it's actually just the extension of Black Cat all the way up to Franklin. I would hate to throw the full option one, plus option two or three at them. It feels like a lot, but -- I don't know. I'm just sort of thinking out loud trying to be proactive. I think option two and three, you know, on their own --- my -- my only struggle is I -- I either wish there was a really clear line of sight into Black Cat getting completed up to Franklin with ACHD through some kind of an agreement or something. I just feel like Black Cat -- Black Cat is a real pain point. Kind of with you, though, in the

sense that option two and three I think give me a lot of comfort this moving forward. I think there could be a lot of -- and don't take this the wrong way, Deb, but, you know, up until you get to that 960,000 square feet, no matter what grade they are giving this thing, it's going to be painful. I mean there is -- there is a couple painful years that are potentially -- that was my thinking.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I -- there is a lot of great things about this project. Honestly, it's -- there is -- I think you have provided enough information to let us know that this is a project that's needed, you know, jobs whatever. The -- the industrial portion of his job. I think that it's the wave of the future and how commerce is going to take place in society. I think that the fine woman who spoke earlier in testimony, I think that she was exactly right and there was no debating it. I -- I know that you guys -- I'm familiar with other projects that you guys have done. You are going to keep them. You are not going to sell them. I mean there is -- you check all the boxes. The -- the only thing that is holding me back is just the complexities of the roadways and it just causes -- this is such a huge project, this is such a big, big, big project that I feel uncomfortable saying, well, it could be a portion of option three, it could be a little bit of option two, we really like option one and so it just -- it -- it's hard. When we did those other projects on Chinden it was spelled out. They cannot open and get a C of O until those roads are completed and it brought a bunch of, you know, relief to -- to those -- those who live in that area and it made sense. Here for me it's just -- there is just too much -- there is -- there is too much open-endedness to this and I'm not saying I'm for or against, but it's just -- for me it's just -- I'm not quite there. I need a little bit more definitiveness with the roadways and if that's -- you know, ACHD and, you know, a CDA, maybe that changes things. I would like to see what that looks like. But that's where I'm at right now.

Hoaglund: So, Council, what I'm hearing and seeing is a continuance to a date Councilman Cavener won't be in town.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I -- I -- to weigh in on -- on a continuance, I -- I'm not opposed to that, but I don't -- I don't know if we have a goal with a continuance. I mean what is it that we want to accomplish with a continuance?

Simison: I think Councilman Cavener -- or Councilman Bernt just spelled it out is what more can be done with ACHD on a cooperative development agreement for the road improvements for timing and other information. If they are willing to enter into that or if they are not. If -- if not I want to know why. You know, I think that's an important question, you know, and if -- if it comes back to say, well, they will do it, but it's going to be at -- at

the cost of Ustick Road or the cost of something else for some reason, is that there why? Or they just don't have time to deal with it right now, because they are short staffed and everything else. That to me would be the -- at least what I'm hearing is flushing out options or not options, so it's fairly clear.

Cavener: Mr. Mayor?

Simison: Councilman Cavener. And I want you to be here.

Cavener: I appreciate that and I recognize I'm especially cantankerous tonight, no offense, I just -- my -- my understanding was that we continued our meeting in December to get some of these things answered and I recognize that you weren't able to get them all answered, but I guess my request would be is if we are going to continue this again, which I'm fully in support of, whether I'm here or not, because I really do like this project -- is that we give you ample time to make sure that when you come back to us that we as Council can communicate to our citizens how the roadway network is going to be positively impacted and when.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I -- I would -- I would like the applicant to -- to respond to our discussion at this point. We haven't closed the public hearing and want to get some feedback.

Felker: Well, I think one of the goals with providing these options wasn't a lack of clarity. We took the information we got from the TIS and the second we made a demonstrable impact, we are limiting ourselves to a requirement to make a clear and improved connection all the way to the freeway. So, I don't feel like there is a lot of question in what we are bringing forward or -- or lack of clarity on our ability to solve traffic impact and -- and make the area better. In all of these scenarios, all the development that's occurring, just to the east of us will have a new access to the freeway that wouldn't be created otherwise and so we see this as a tremendous benefit to all the development that's happening all around us.

Simison: The public testimony is not closed yet, but at this point in time we are not going to open back up to the public, unless we decide to do another hearing.

Felker: I think with a short continuance we could complete total clarity on an option that I think would satisfy -- at least the comments that I have heard this evening.

Hoaglund: Well, Mr. Mayor, if I might --

Simison: Councilman Hoaglund.

Hoaglund: -- inquire of our city clerk. What does a short continuance calendar look like?

Johnson: Mr. Mayor, Councilman Hoaglun, the next available date would be April 5th. However, I believe Councilman Cavener is on vacation. After that planning staff is on vacation. So, the next date would be April 26th.

Nelson: Chris, would you repeat that? What was the date?

Johnson: April 26th.

Hoaglun: Well, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: That's -- you know, April 5th that's -- that's five weeks. That's -- some would say that's short in our planning scheme of things and in other ways it's not very short and is staff here for April 5th?

Tiefenbach: Mr. Hoaglun and Mr. Mayor, Members of the Council, we are -- I am here on April 5th. I'm a little concerned just about how long it's going to take them to discuss with ACHD before we even see this project. It's been months just to get here. So, that's my concern.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Kristy is still on. I'm sure with this riveting testimony she hasn't fallen asleep. Kristy, is -- is it possible to have those discussions with -- with the applicant and -- and see if some things can be decided? I -- I know you can't predict, but just from a meeting time perspective -- and I know you have a lot on your plate -- is that possible?

Inselman: Mr. Mayor, Council Member Hoaglun, are you -- you are talking about the April 5th; correct? And I did not fall asleep. I never fall asleep in your guys' meetings. I think it's certainly doable to have a meeting or two between now and then and at least provide some clarity on ACHD's stance on a few things. Because that's -- that's, what, four or five weeks?

Hoaglun: Mr. Mayor, Kristy, yes, five weeks.

Inselman: I think it's -- it's likely doable at least to provide some clarification. I don't know that we -- you know, I, obviously, can't say for certain that we can, you know, nail out details, but I -- I think certainly some clarification that the Council has specified that they would like from ACHD, I believe that's something we can get done in the next five weeks.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, and for the applicants as well, I mean it's not really five weeks, it's like three, because realistically they need to, then, provide something back to staff, staff needs to have time to comment and that comment has to be, then, submitted into the record by a minimum of a week before. So, it is three weeks, which is a pretty tight turnaround for another agency sometimes. So, just to be aware that it's not really five weeks, it's a little bit less. So, Alan is going to end up maybe even shorter window than I do, but I know it's a tight time frame.

Tiefenbach; Mr. Mayor, Members of the Council, Alan Tiefenbach. Just to tag under what Bill said, I guess my real concern is -- what I'm hearing the Council say -- the applicant is to have a pretty clear idea of what you are going to do and give us some examples and just with the amount of time that we are trying to push this into I'm not sure if you are going to get that confidence.

Simison: Councilman Bernt.

Bernt: I have full faith in ACHD, you know. If they -- it's just -- yeah. I mean this -- let's just pick a date and let's go.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I mean the other option is April 26th. That gives everybody a little more time and Councilman Cavener would be here and -- and, Alan, is -- is staff able to -- does that provide more time?

Tiefenbach: Certainly more is better. That will be the week I come back from vacation, but I will be here. I will have something to look forward to when I come back from vacation.

Hoaglun: Mr. Mayor. Alan, you will be well rested. I -- I mean that is -- that is an option. I mean if we can -- if we go with that -- I know it's -- you know, some hesitation, because I realize on the business end of things time is money and -- and it's something that -- so, if the applicant would like to care to respond for April 26th, that way we can be assured that meetings can be held and things hammered out, but --

Felker: I think that would work well for us, since we are talking about getting as specific as possible and discussing potential conditions for approval. If we could just make sure that we could see the rest of the findings from staff, so that we knew the package of -- of what we were going to be spending, yeah, in order to accomplish the goals that we would be presenting.

Hoaglun: So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Question for Alan then. Is that something that can be accomplished?

Tiefenbach: Mr. Mayor, Members of the Council, we are talking about two different things. We are talking about findings. Findings have not been prepared. In this particular case we would probably recommend similar to what had happened with Sky Break, is where we would let Ms. Nelson at least do some crack at writing findings, but we are talking two different things. We would have to, first of all, see what they are doing with what they are coming up with with the road first; right? Which is not going to happen within the next week or two. And, then, we would have to write some kind of conditions of approval based on that. That's my hesitance. I'm not saying we can't do it, it just depends on how much you expect.

Hoaglun: Mr. Mayor, I probably --

Simison: Councilman Hoaglun.

Hoaglun: I wouldn't use findings per se. I think conditions, because they have had some requests of conditions and -- and I recall glazing and there was some parking out front and those types of things -- having a sheet of what conditions they are asking, what conditions staff is -- you know, thinks is acceptable or not acceptable, that way we have it in front of us and can hash those out as well.

Tiefenbach: Mr. Hoaglun, again, Members of the Council, yes, this would be, again, something we probably would -- would be best that Ms. Nelson would draft what she would be proposing as the conditions. We would add standard conditions. I can't -- I can't attest to whether those conditions are going to relate to the -- to the road construction, because I don't know when we are going to have that road construction. So, sure, we can -- we can craft general conditions of approval and Ms. Nelson can craft what she proposes for those conditions as well.

Hoaglun: Thank you, Alan. And, Mr. Mayor, one comment to that.

Simison: One comment.

Hoaglun: One comment. Yes, I -- I would hate to have the resolution to the road come up and, then, we are sitting up here scratching your head going, now, what were the conditions -- the other stuff that we haven't talked about much? So, that way it's all packaged together, so we can make -- ultimately make a -- make a final decision. With Councilman Cavener present.

Simison: And, again, I -- I don't want to lead anybody on either way or the other, you know, again, if we have the full Council at that hearing -- you are already sitting about a 50/50 still based on Council Woman Perreault. So, expectations are what they are. Regardless of what we call them, conditions of approval or not, there is still issues about timing. Maybe the roadway fixes and solves it. I just don't want there to be an undue expectation that we talked about conditions of approval today for a hearing we are going

to -- I don't know -- two of these Council Members may not be here and one more may be added in. Just want to set the bar of expectations. That's all. But we need to know about the other things for the conversation that evening. Fair enough. Do I have a motion?

Strader: Mr. Mayor, I will absolutely be here. Let's do it. Let's continue this. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we continue this to April 26th.

Cavener: Second the motion.

Simison: I have a motion and a second to continue to April 26th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued to April 26th. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

### **ORDINANCES [Action Item]**

- 3. First Reading of Ordinance No. 22-1972: An Ordinance Repealing and Replacing Meridian City Code Section 1-7-1, Regarding Election; Districts; Terms of Office; Residency Requirement; Amending Meridian City Code Section 1-7-2, Regarding City Council Member Qualifications; Repealing and Replacing Meridian City Code Section 1-7-4, Regarding City Council Seat Vacancies; Adding a New Section to Meridian City Code, Section 1-7-11, Regarding Meridian Districting Committee; City Council Districts; Adopting a Savings Clause; and Providing an Effective Date**

Simison: So, with that we will move on to the last item for this evening, which is Ordinance No. 22-1972. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance repealing and replacing Meridian City Code Section 1-7-1, regarding election; districts; terms of office; residency requirement; amending Meridian City Code Section 1-7-2, regarding City Council Member qualifications; repealing and replacing Meridian City Code Section 1-7-4, regarding City Council seat vacancies; adding a new section to Meridian City Code, Section 1-7-11, regarding Meridian districting committee; city council districts; adopting a savings clause; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Mr. Nary, we are just doing the first --