

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, August 16, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Tracy Basterrechea and Joe Bongiorno.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglun	<input checked="" type="checkbox"/> Treg Bernt
<input checked="" type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is August 16th, 2022, at 6:00 p.m. We will begin tonight's City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next item up is the community invocation, which tonight will be delivered by Pastor Vinnie Hanke of Valley Life Church. If you would all take this as an opportunity to join us in this invocation or a moment of silence and reflection.

Hanke: Mayor, Members of City Council, thank you for the opportunity to be present with you and to pray for you. God, I thank you for the City of Meridian. I thank you for the opportunity to live here with my neighbors and I ask that you would be present with the City Council as they perform their work this evening. That you would help them to listen to the members of their city well as they speak, to consider the matters of business with wisdom and discernment and discretion and that peace, patience, and kindness would rule the city. God, we ask that the things performed by the City Council would be glorifying to you and good to others and we ask this through the name of Jesus Christ, Amen. God bless you all tonight. Thank you.

ADOPTION OF AGENDA

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anyone signed up under Public Forum?

Johnson: Mr. Mayor, we do not.

ACTION ITEMS

- 1. Public Hearing for Ordinance 22-1988: An Ordinance Amending Meridian City Code Section 1-7-1(c) Concerning City Council Seats; Amending Meridian City Code Section 1-7-1(e) Concerning Staggered Terms; Amending Meridian City Code Section 1 7 11(b) Concerning Duties and Powers of the Meridian Districting Committee; Adding Meridian City Code Section 1-7-11(i) Concerning Modifications to City Council Seat Numbers; Voiding Conflicting Ordinances and Resolutions; and Providing an Effective Date**

Simison: Okay. Then we will move on with our Action Items first. First item up is a public hearing for Ordinance 22-1988. We will open -- well, we will continue this public hearing with comments from Mr. Nary.

Nary: Thank you, Mr. Mayor, Members of the Council. Basically I think to help clarify, there has been a little bit of misunderstanding in the public on this -- on this ordinance and what the impact of it is. I did read the comments online and many of the comments online clearly don't understand what's being proposed here. There is no -- there is no intent by this ordinance to change the districts, as already been determined by the districting committee. There is no change in the boundaries or any of that. All of that was done pursuant to Idaho Code and that's going to remain the way it is. All that's being proposed here is to change Seat 2 to Seat 1 and Seat 1 to Seat 2. That's just the label of those seats that would, then, be representing the corresponding districts that go with those numbers and those people that the -- the -- the -- the Council Members in those seats live in those districts, which was what the intent of the statute was originally. So,

all that's getting accomplished by this proposed change is allowing every district in the 2023 election to elect a person within their district that lives within the boundaries of their district. So, the three that are remaining until the 2025 election will all reside in their districts and all the people up for election in 2023 will have to reside in those corresponding districts. So, there is no change or intent to change the districts, it is merely the seat number of Seat 2 and Seat 1 and, then, the election cycles will roll after that. So, again, as I have stated previously, the intent of the legislature always was once the city reaches 100,000 people that every member of the City Council be elected in districts. This will allow that process to take place sooner than later and that the entire city will, then, be distracted by the 2023 election. So, hopefully, that answers most people's questions. But most of the comments I saw and I -- I responded to in the last few weeks all seem to think this is changing the district boundaries and it is not.

Simison: Thank you, Mr. Nary. Council, any questions for Mr. Nary?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I appreciate that explanation. I think the public might be understandably confused at times. The legislature didn't do any favors in -- in dropping this on cities. I think one of the confusing pieces for me was just the reality that seat numbers that we have utilized over the last 30, 40, 50 years have been completely arbitrary. They don't relate or correspond to anything for any of us. We file for a seat and you pick a number and we are all the same representing the whole city. So, there is no significance to being in Seat 4 or 2 or 1. So, it's never mattered. The next election it starts to matter. So, that explanation that you provided seems to clear that up.

Nary: Yes. That was the intent.

Borton: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, the ordinance that's on the agenda this evening mentions in the second whereas statement that Idaho Code and Meridian City Code, beginning with the 2023 general city election -- I didn't see in the state code where it mentions a deadline for this to be implemented, so I wanted to get Mr. Nary's thoughts on that.

Nary: So, Mr. Mayor, Members of the Council, Council Member Perreault, you are -- you are correct. The -- the intent from the legislature that was communicated through the Pro Tem Senator Winder, who was the one that brought this forward back in 2020, was to do this as soon as possible, recognizing with staggered election terms and the way elections function, that it would be difficult, if not impossible, to do this in one election cycle very

easily. So, he recognized it, but he didn't put a -- they didn't put a deadline for that purpose, because they knew with staggered elections that's problematic. This really accomplishes what was intended, which is in one election cycle all six -- all six districts will be represented by people within those districts. So, we are actually accomplishing it sooner. But you are correct, there was not a specific deadline it had to be done. It was the desire of the state to do it as soon as we could.

Simison: Thank you. Council, any other questions for Mr. Nary? Mr. Clerk, do we have anybody signed up on this item?

Johnson: Mr. Mayor, no one signed up in advance.

Simison: Okay. Well, if there is anybody here that would like to provide testimony on this item, if you would like to come forward at this time and do so, be recognized for three minutes. Mr. Chairman, thank you for joining us this evening.

Palmer: Thank you, Mr. Mayor and Council. Thanks for the opportunity to come this evening.

Simison: And state your name and address for the record for us.

Palmer: I should know that. It's in the middle of the summer, it's August, and I'm wearing a jacket, so -- Joe Palmer. I reside at 3239 North Dixon in Meridian and I also have a business property in downtown Meridian also. Just a little bit of background on what we did with House Bill 413, I believe is what it was. It's hard to remember them over a couple of years. There was two members of the public that came to me at the beginning of the session and it was right after the city elections had taken place and they were both a little bit distraught with that where they didn't feel like they were represented and those both live in Boise by the way. It's not Meridian. It was in Boise. And they came to me and, by the way, it was -- you know, it was basically bipartisan. One of them was a Democrat and one was a Republican and they were working together. They seen a problem and one of them knew me personally and so they came and met with me and said would you be interested in carrying this piece of legislation and I agreed, I said, yes, it's a great idea. I, then, went and talked to Senator Winder. He agreed also that was a good piece of legislation. We moved forward. We knew from the beginning it was extremely clunky. Everything that we do in the legislature there is always amendments, because -- you know how it works. Constantly we are going to have to amend and fix and change as things move forward. As we tried to smooth out those bumps as much as possible, there were hundreds of ideas that came through. Each one of them made it look more and more like the legislature would be more gerrymandering and trying to do things a certain way and that's absolutely not what I wanted. I want a representative government and I think what you have done with what you have been given has done very well. I knew it was going to be hard. Even on the next year after -- we have had two more sessions since then. People came and wanted to make changes. Each time we thought, oh, those are great changes, but let's kind of hold back here and wait and see how it's handled. Right now there is only the two cities that are having to deal with it. Boise has done it one way. I

think you have been very creative in what you have done and I think that's great. I think it's a good way of handling it, because you were having a problem that was hard to deal with. I would surmise that in the future we will probably make changes to this, so, you know, the redistricting committees or however that's going to be handled might come into legislation. The number might be lowered, you know, from 100,000. There were people from the beginning that said this should go all the way down. Well, obviously, some of those small cities don't even have enough people to run for the positions that they have, so that wouldn't work. It started at 25,000 and, then, immediately there was some problems with that, we moved it up to a hundred, and so I think we have a good start and I think the program that you have set aside is actually really well done for what you were handed. And I agree what you were handed was not easy, but it was not easy to make it easier and so we needed to all be able to work together and work through those problems and I think you all have done a good job on that. I would stand for any questions if you have any.

Bernt: Mr. Mayor?

Simison: Thank you, Mr. Chairman. Councilman Bernt.

Bernt: Mr. Chairman, thank you for being here this evening. What -- what -- what came about with the number of 100,000 population? Was that just an arbitrary number? Was that just sort of a middle ground number?

Palmer: Mr. Mayor, Council -- it's hard for me to -- to say that so the right words come out. It wasn't -- most of the states around -- most cities of 100,000 are in districts and that was the one that we found that was the most. There was a number of 25 and that's -- that's a pretty high -- you know, most -- there is a lot of them that are 25, too, but when it changed from 25 to 100 it brought in almost every city that's over 100,000 has it and so we just went with that level to start it out to see how it would work out. So, somewhat arbitrary, but we, you know, gained as much information as we could across the country.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Mr. Chairman, thank you for being here and -- and agreeing to answer some of our questions. I really appreciate it. It's good to have you here.

Palmer: Those are easy questions.

Perreault: Can you share more with us about the feedback you were receiving from the public in regard to wanting to have individual representatives for the areas that they lived in and -- I didn't hear anything from the constituents here in Meridian -- as I have served as a volunteer and when I was campaigning I didn't hear concerns about Meridian specifically needing districts. But can you share in more detail what the concerns were?

I'm not sure I trust the news reports I read about it. I would love to hear it directly from you.

Palmer: Mr. Mayor and Council, very little of it was coming from Meridian. I mean I hate to just pick on Boise all the time, but sometimes I kind of like to pick on Boise, obviously, so I will go ahead. Most of the problems were all coming from Boise and if you looked at Boise, their council were all in a very close relationship physically to each other and so the west side of Boise, which is very different than the, you know, south end side and the north -- philosophically we will say. They felt very left out, because they just can't ever get representation and they can't get people to even come and talk to them and so that's where it was coming from and these -- the two people that came to us were -- are involved in politics and they are more so now. One of them had ran for City Council and just felt like they -- as they went through all the meetings that they went -- go to when you are going through this process that we have all been through, you hear it from everybody and that's where they came up with it. She did lose that race that she was in, but she just felt like she wasn't -- she wasn't being represented very well where she was at from hers. And also the other one that was a Republican was for obvious reasons when it comes to Boise, that same situation, so -- and, then, more and more people started coming forward. Really, the only ones that really pushed back against it were elected officials at that point. Very few citizens came and testified against the bill. There was a few, but it was overwhelming the other side.

Simison: And if you wouldn't mind me adding on to that. I -- I can say some of the work in the Mayor's office for many years -- one of the common questions we would get at the Mayor's office is who is my City Council member. That didn't say that they were implying that they wanted a change in -- in style, but I think it's something that -- as a lot of people moved here from other parts of the country that had districts for the council members, they kind of assumed that there was someone who was their one person. So, it has been a question, but it wasn't like, okay, well, let's change it per se through those interactions. But it was common for people in Meridian to ask that question. Council, any additional questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I thank you, again, for -- for being here and coming out. I think it's fantastic. The more we could see our state representatives, the better on any issue. Gosh, just the --

Palmer: That's not what I always hear.

Borton: No. Because, seriously, it's awesome and if -- if we ever lob a bomb and say -- we complain about something, come tell us and we will talk. We just -- this communication is awesome. So, I appreciate it very much. I have never been -- I have been a fan of it and -- and just because you are here I will give a little answer face to face, is it just implies that if I'm in a district that my focus is more narrow and I'm too old school and been

around, that I just can't accept that the City Council role is representing the entire city and looking out for the city and I will always struggle with that. I think that's probably some of the pushback you got. It's not your fault. But it's maybe a mentality -- at least it's my mentality that you put me in a district it's -- boy, it's hard not to make sure the entire city is taken care of at all times. So, when you hear any remarks from me that this is frustrating to have dealt with it -- we will make it work for sure, best for the citizens, but it's tough to turn that mindset off, so -- which I know you could appreciate. You have been downtown Meridian. You understand that.

Palmer: If I may.

Simison: Absolutely.

Palmer: I understand where you are going from. I feel kind of strange in my job -- a lot of times people from Meridian are coming to me and they are like, wait a minute, you have this authority given to you as the chairman of the transportation to do all of this, why aren't you pushing more towards Meridian? Okay. Well, I feel like, you know, I do represent Meridian, but as the chair I have the whole state and so I kind of have two hats there and I have to walk that line, too, and I think that everyone can do the same thing.

Borton: Yeah.

Palmer: I think you can walk the line and you do represent the whole city. But I think it's easier to represent a smaller group of people at the city, too. I mean they both have their benefits and I don't have the perfect system, but hopefully we are getting -- hopefully we are always doing better.

Borton: Appreciate you coming out to talk through it. Yeah.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Chairman, sorry, I apologize I'm coming to you from Denver, Colorado, tonight. Because you have been so gracious with your time I won't ask any questions about the Linder Road overpass. I just wanted to say thanks for -- for coming to chat with us tonight and sharing some historical perspective. To Council Member Borton's point, your constituents are our constituents and we are all just trying to serve the same taxpayer and appreciate you taking a little bit of time out of your personal time to come chat with us this evening.

Simison: Thank you.

Palmer: Thank you.

Simison: Appreciate it. Is there anybody else present that would like to provide testimony on this item, either online or in the audience? If you are online, please, use the raise your hand feature or if you are here, go ahead and come forward at this time. Okay. Council, seeing no one else wishing to come forward and provide testimony on the item, I -- you know, before we close the -- the -- the public hearing I just want to reiterate my appreciation for your consideration of this request that I made. I did feel like this was the best way for the city to align the last election, as well as make it clear who will be elected in -- in 2023 and I feel like that at the end of the 2023 election we will have six Council Members representing six districts, all who have been duly elected and none who have been duly appointed at that point in time and I think that's the most preferred way to accomplish the outcome for the residents. So, thank you for entertaining this conversation and the dialogue and I look forward to hopefully positive action by you all on the ordinance section later when it's considered.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To that point, before I close the public hearing, we do have an agenda tonight and I know there is one issue that may take quite a bit of time and we have done this before, we could, after we close the public hearing, take up Item No. 5. I think the legal is -- is in agreement with that and -- and vote on that. That way the issue is done and people can move about instead of either staying here or being online all -- all night. Who knows when it gets -- gets over. So, if -- if that's okay with everybody I would -- I would move that we close the public hearing on Ordinance 22-1988.

Borton: Second.

Simison: I have a motion and a second to close the public hearing on Ordinance 22-1988. Is there discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 5. Ordinance 22-1988: An Ordinance Amending Meridian City Code Section 1-7-1(c) Concerning City Council Seats; Amending Meridian City Code Section 1-7-1(e) Concerning Staggered Terms; Amending Meridian City Code Section 1 7 11(b) Concerning Duties and Powers of the Meridian Districting Committee; Adding Meridian City Code Section 1-7-11(i) Concerning Modifications to City Council Seat Numbers; Voiding Conflicting Ordinances and Resolutions; and Providing an Effective Date**

Hoaglun: Well, Mr. Mayor, just a quick comment on this. I -- I appreciate the Citizens Committee doing the work that they --

Simison: We are moving on to Item 5?

Hoaglun: Item 5, yes.

Simison: Which is Ordinance 22-1988. Would like the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance amending Meridian City Code Section 1-701(c) concerning City Council Seats. Amending Meridian City Code Section 1-7-1(e) concerning staggered terms. Amending Meridian City Code Section 1-7-11(b) concerning duties and powers of the Meridian District Committee. Adding Meridian City Code Section 1-7-11(i) concerning modifications to City Council seat numbers. Avoiding conflicting ordinances and resolutions and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? With that, do I have a motion or the discussion afterwards or do we want discussion prior to a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Discussion prior to motion would be great.

Simison: Okay. Is there anybody that would like to be recognized for discussion prior to a motion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I appreciate the committee that worked on this. We asked them to -- to draw the lines without knowing where -- where we lived and -- and do it in that -- in that manner and that's the right way to do it. You know, if -- if we wanted to gerrymand I had constituents in my neighborhood who -- who would -- would object to the lines, because my parents live in the same subdivision that I do and they drew the line on the collector road -- they live on the other side of the street, you know. So -- but -- but they did -- they did a good job. It's about the math. It's about where we serve and -- and making it equal and -- and meeting the law and what's required. I read all the comments that came in, the e-mails, and as -- as -- as -- as our attorney has -- has noted, there -- there was some misunderstanding what we were trying to do. It wasn't removing the lines or changing the lines, it was just trying to implement this as quickly as possible in the 2023 election and not waiting to 2025 and this was the way to do it. If we had to do it over again I think we

would -- but this is our only opportunity that we have done this. Maybe after they drew the lines, then, look at it and say, okay, then add -- put the numbers where it makes the most sense, because this kind of made it a little -- little awkward where someone in a living -- not living in their district -- in the district, but they would represent that district, even though they lived in a different district and I -- I think to me good government is not causing confusion among its -- among its citizens and that was just kind of an unusual situation that we are just trying to rectify here. Nothing else. Everyone who is up in 2023 they have to stand before the voters. It's up to the voters. It doesn't change that. Same in 2025. We are going to go about city business just the normal way. So, I just think it's a good thing to do it. It creates certainty in the process and it's done the right way and, like I said, I appreciate the citizens who served on that commission and -- and doing that work.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe just to add on on Council Member Hoaglun's comments. Mr. Mayor, I want to commend you. I think the process that you laid out for this was incredibly transparent and communicated directly to our citizens for your intent. You know, I think we all saw a lot of e-mails from some individuals who were misinformed about what the intent was of this and I know, Mr. Mayor, you took some -- some heat from some of those citizens thinking that -- that we weren't taking action at a certain time, that -- that they had been led to believe that we were taking action and this was all done because we wanted to communicate this to the public. Council, you know, we could have waived some of the readings and expedited a decision and we were really intentional in hearing from the public, which I think is so much in line with the Meridian Way and I just want to thank you and commend you, Mayor, for leading that from the out -- outset on this is as that's how we wanted to handle things and give the public ample time to communicate about their feelings on this.

Simison: Thank you, Councilman Cavener. Council, any additional comments before a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I want to echo some of the same comments that my fellow Council Member Hoaglun made. I just wanted to say thank you to the citizen led committee that put this together. I think that they did the very best job that they ever could have. They were charged with a certain purpose and I think that they went above and beyond and -- and did a great job and that's what we asked of them and -- and as other committees that have come before them and other communities that will come after them, I think that they did the best possible job they could have done. Although I was one of those elected officials from the beginning that wasn't a huge fan of this -- of this law, I'm somewhat like

Councilman Borton, I -- I look at the City of Meridian as a whole and I feel like even as a City Council Member in these districts going forward, I have no doubt that we will continue to make decisions that are in the best interests of the entire population of Meridian, not necessarily those who are in our respective districts. I hope that the repercussions that come -- that will come from this are positive and -- like anything in life and -- you know, when we are given a lemon we make lemonade. That's our attitude and how we approach everything. So, with that said for -- for me it was a matter of just -- just real simple, I guess. Just which -- which ordinance is better? You know, which -- which ordinance is going to benefit the citizens of our community the best and that's -- that's honestly how I have looked at it and I appreciate all of the citizen interaction. I appreciate all those who came and testified. I appreciate all the letters and -- and the outreach that -- that has happened up until now. That's what Meridianites do, we get engaged, we care, we get involved and, you know, sometimes we may not agree all the time, but we agree most of the time and -- but at the end of the day what's most important is that you care and -- and that's -- and I -- and I thank you for that. But looking at the two ordinances put together, I believe that -- that the -- the ordinance that has been proposed by the Mayor is -- makes sense at the end of the day for -- for our -- our community and it will -- I think that it will accomplish the letter of the law having every district in our city be represented in this next election cycle and so for that purpose, simplistic as it is, is the reason why I'm in favor of this adopted resolution. Ordinance. Excuse me.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Cavener: Thank you. I had explained in our previous meeting, but I will explain again. I'm going to abstain from voting for this ordinance. I -- I do think it makes good sense, but I feel that it is a direct conflict of interest for me. It is specific to my seat and it is specific to the district that I represent and I -- I feel better about it personally by abstaining from voting for it. Thank you.

Simison: Thank you.

Perreault: Mr. Mayor? Council Woman Perreault.

Perreault: This one has -- has been a bit sobering for me. This is hands down probably the -- one of the top three or four decisions I have struggled with for the years that I have voted for the city and have spent a lot of time really seriously considering what this means, not just this -- the potential switching of the order -- of the -- of the district numbers like we are discussing tonight, but just all of the district -- districting -- it could significantly change our city. Really significantly change our city. And I -- that -- that has had me very thoughtful and as a resident of our city, you know, concerned about what things look like -- and I'm not saying it's going to change it for the -- the worst and that's not what I'm implying. But it could just really cause Meridian to look different and -- and so it's something that I have spent an enormous amount of time really mulling over and in the end -- initially I was not in favor of -- of voting yes on this ordinance. I felt like we should

leave it as the district commission had -- had decided it, but what it ultimately came down to for me was that it would leave a district unable to vote for an elected representative in 2023 and that had me really concerned, that we would leave any of the districts unable to vote for their own representative and so that's what it came down to to me after a lot of -- a lot of significant wrestling within myself about the right way to go about this and, yet, at the same time keeping our goal as Council to stay as -- you know, as -- as little involved in this process as we could. So, I -- I -- there is -- there is many factors. I won't get into all of them tonight. If anybody has questions about how I came to that decision I would be happy to answer them, but that's -- that's where I landed with this and I just have to say that there is a lot that's been said about our approach to this and our intentions with this and it's unfortunate that there is an assumption that's being made that this is -- that we are going about this in a self-serving way. I wasn't aware of this ordinance until it was announced publicly by the Mayor any sooner than any of you were. So, I don't know how there is an assumption there is an opportunity for Council to serve ourselves in that way. So, I just wanted to get that out there, because I want our residents to know that we have really approached this in a way as -- that's as neutral and beneficial to our residents as -- as we possibly can.

Simison: Thank you. Council, any other comments or do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Ordinance No. 22-1988, an ordinance amending Meridian City Code 1-7-1(c) concerning City Council Seats, et cetera.

Borton: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-1988. Is there discussion? If not, Clerk will call the roll.

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

Simison: Four ayes. One no. One abstains. The ordinance is approved. So, thank you all for your diligence.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSTAIN.

2. Public Hearing for Proposed Fiscal Year 2023 Budget

Simison: Council, as was already mentioned with the districting commission and local -- and community involved in this conversation. So, with that we will move back to Item 2, which is a public hearing for proposed fiscal year 2023 budget. We will open this public hearing with staff comments. Mr. Purser.

Purser: Mayor, Council, one moment here. You got to have a PowerPoint, so -- you know. Yeah. There we go. Thank you. Thank you, Chris. Well, we are here today to -- to talk about the FY-23 budget. It is the end of a -- of a long road, a long process. I appreciate everybody's involvement in -- in that. So, to begin with a -- with an agenda. You know, we are here to, you know -- first talk about -- in -- in -- in brief the overall process and, then, also the FY-23 proposed budget and what makes up that FY-23 budget. Our hope is to end with any questions and leave with your -- your approval of the FY-23 budget. As far as process goes -- and we started this in -- in February. You know, between meeting with Mayor, Council, initially over the line item budget, moving towards public -- budget workshops, a lot of engagement, a lot of discussion. Thank you. We are now towards the end of this process where we are seeking to get the approval of this proposed budget, so we can, then, begin to -- one, appropriate and, then, execute the -- the budget. So, looking at the total numbers. The total city budget for the -- for '23 is 219,724,039 dollars. Looking at the chart you will see on the left side the pie chart, you see a breakdown of how that breaks down from its different components, from a -- a personnel, from a carry forward, from an operating and you will see a kind of a tree chart on the right that tells you what departments make up the -- you know, the largest sections of that. So, looking at the -- the pie chart you can see that a large majority of this is with items that we have already approved in the carry forward capital, 39 percent of this budget is from items we have approved in prior years. The next up is the -- the largest is -- is the -- the personnel side of things. When we look at from a -- a department standpoint, you can see that the wastewater, police, and fire make up the -- the vast majority of the budget. As far as from -- from -- from a size standpoint. Now, if we -- if we turn and -- and look at the different components of it -- so, going down a layer, beginning with revenue, looking at the governmental funds. Governmental meaning our General Fund, our impact fees, and our public safety funds. When we tally those together we are looking at revenue of 86,919,571 dollars. A little over half of that comes from property taxes. Twenty percent of that comes from intergovernmental revenue. That's your liquor and your -- you know, sales tax revenues, licensing, permitting, impact fees and several others round out the total revenue. The total revenue for the governmental funds is the 86,919,571 dollars. Moving towards our expense side, you can see that total operating expense for governmental funds, which I just explained, you can see is 118,608,560 dollars. Looking at the pie chart on how that breaks out. The vast majority of that is in personnel. The next largest would be in your carry forward capital. That is items like the precinct we approved last year, the fire stations, those types of things. And, then, smaller operating -- you know, and other capital expenses. The largest departments in -- that make up the governmental fund side of the budget is public safety. Between our police and our fire that's -- that's over half of our budget. You throw in the Parks Department, with an additional 26 percent of the -- of the 118 million, gives you an idea of, you know, where the dollars for this are going to. If we look at things from a capital improvement standpoint, that is a standalone fund, this is -- this is new. We wanted to match the way we noticed the public. That way if there are any questions we -- they can easily follow along with what we -- what we have published. The capital improvement funds is really 14,349,315 dollars. That's when you look at it all in carry forward. So, those represent expenses that we have already approved in -- in prior years. That's your -- your precinct, fire stations, and that. So, you are seeing fire and police are really the only departments that are

participating on this item. When we look at our Enterprise Fund, the total revenue -- starting with revenue -- is 49,709,009 dollars. The vast majority of that revenue is in utility sales revenue, followed by our assessment revenue and we have some charges for service, garbage, administration round up the total revenue. You know, that was received by our -- the -- the Enterprise Fund. Public Works team. When you look at our inner -- the expense side of things, the total expense is 86,766,163 dollars. On this you can see the majority of that is in carryforward, about 42 percent. Looking at the -- the pie chart on -- on the -- on the left, followed by our, you know, capital and, then, personnel. Wastewater, looking on the -- at the tree chart on the right, is the vast majority of -- of where these expenses lie, followed by water at 33 percent. That, in summary -- very much a summary -- makes up the total budget of 219,724,039 dollars. As far as next steps go, we are seeking approval to establish the budget at that dollar amount. There is no foregone revenue. There is nothing to do there. At least at this point. With that approval we will, then, come back with Mr. Nary's assistance in -- in coming with an ordinance to make this a final. With that I will -- I will stand for any questions by Council, whatever you guys need.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Are we looking to approve it tonight or are we just look -- like softly approve it verbally? Is that what you are looking for? Or are we waiting until there is an ordinance before us?

Purser: Mayor, Council Woman Strader, we are looking for an approval of -- of the budget. That way we can come back with an ordinance and -- to finalize it. So, we are looking for an approval.

Simison: Mr. Nary, would you like to elaborate on that?

Nary: Yes. So, Mr. Mayor, yeah, you are approving that budget number. You will have a public hearing. So, there will be -- you can't make it less than that, but that -- this is asking for that approval to bring the ordinance forward. You do have an opportunity -- there is an opportunity tonight for the public to weigh in, as well as with your ordinance you can allow a public comment again if you wish.

Simison: Thank you, Brad. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Yes, Mr. Mayor. Terre Dennington.

Simison: Okay. Good evening, Terre. If you would state your name and address for the record and you will be recognized for three minutes.

Dennington: Thank you. My name is Terre Dennington --

Simison: Pull that down.

Dennington: Can you hear me? My name is Terre Dennington and I reside at 4581 West Big Creek Street in Meridian. 83642. And the comments I wanted to make was I just wanted to appreciate and -- all the -- all the work that you guys have done. Thank Chris Johnson for getting a printed copy for me, because I'm a very much -- you know, look at it and make notes, highlight, think about it, see what people are doing. So, I appreciated that. And, then, I also appreciated Brad Purser taking time to go through all of my comments and questions and things as I went through that budget. But all of the thought that went in from all of the departments was -- it was really interesting to just watch each budget item and read them and see what they were requesting, why they were requesting it, what they saw and what their needs were that were coming up. So, I thought that was great to see all of that coming across. I did want to make a comment about the fact that you guys were being logical in the city van, the maintenance van that you need, and the fact that the police van was available to compensate for buying a new vehicle. So, you were being -- between those -- being it -- using it wisely, instead of saying we are just going to go out and buy something, we are going to look within our own departments to see what we can use and be frugal and useful with the people's money. So, I thought that was great. I did have a comment on the water district, just to -- just because they are going to be -- their objectives are that they are going to be doing six additional wells that are going to be drilled by 2025 and so I just wanted to make a comment being very cognizant of water, because it's very precious and to be aware that we -- I know the city's growing and that we have all of that happening, but I think that they need to just be really well aware of what they are doing and how they are going to be using that water and not -- not waste it at all. The last comment was on the -- I wanted to know how the Comprehensive Plan of the city worked in conjunction with the comprehensive financial plan. It's just -- one, it's just more of a wish list and, then, what they are looking for is -- as you are looking out five years ahead, so I just wanted to kind of get a feel for how that worked. And that's all I have. Thanks.

Simison: Thank you, Terre. Council, any questions? Thank you very much. Mr. Clerk, do we have anybody else signed up?

Johnson: Mr. Mayor, that was -- that was the only sign in.

Simison: Okay. If there is anybody else who would like to provide testimony on the budget at this time or online, if you would like to come forward or use the raise your hand feature on Zoom. Seeing no one coming forward or raising their hand, Brad, do you have any final comments?

Purser: Not at this time, no.

Simison: Okay. Then with that, Council?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm going to give a -- I think that last comment from Terre was a question. So, here is kind of a snapshot answer I will -- I will provide on that. The Comprehensive Plan identifies the -- the land uses that we anticipate, will -- as we grow and expand outward, how those would -- how the land will be intended to be utilized and zoned when it is ultimately annexed into the city and, then, with that we look at how we develop our existing levels of service for public utilities, public safety, things like that and we determine what the long-term capital costs are to maintain those and serve the citizens as we grow over a designated time frame. So, we create a -- a financial plan that tracks how we are going to spend these large capital expenditures to meet the growth of our city in accordance with the anticipated land uses that our Comprehensive Plan designates. So, those two somewhat marry together. So, year over year we are kind of tracking and budgeting -- not only to make sure we can cover the current fiscal year's issues and needs, but also knowing that we have got upcoming expenditures in future years. So, it's -- the tools work well together and that's a very general explanation of how we use them. Does that help? Okay. Thanks for asking it.

Simison: Thank you, Councilman Borton.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Real quick with the mic. The budget process is a ton of work from Finance and just hearing comments that we did tonight, some praise for our staff, the things that are -- maybe seem small are really important to all of us up here, in talking to our citizens one on one, answering questions, making sure that not only the electeds are available, but our staff is available from the start to finish and this has been probably eight months -- you are about ready to start next year's. It is long and -- and plodding. It's very public and very purposeful and you all do a great job. Todd, your whole team, it's great leadership that you are providing and just hearing a citizen say thank you means a lot, because we know that's really important to all of us. So, lots of public meetings to discuss this and vet this publicly. We have all heard from citizens, neighbors in grocery stores and at -- at meetings like this. So, I think it's culminated into a very sound and defensible and appropriate budget for the city in maintaining levels of service that our citizens deserve and expect. That is critical. That's something that Meridian is not going to change. The big things are the big things for us. Public safety, safe community, extremely efficient and effective and clean water and sewer. Beautiful parks. It may seem simple, but there is a lot of work that our entire city team does to make Meridian Meridian. It's the best city in the state bar none. Funding it appropriately, as our citizens expect and deserve, is a key part of that. So, you got to have the best people. We do. And you got to fund them appropriately to be exceptional at what they do and I think this budget helps accomplish that. So, thanks to the team for great work.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: No one -- no one speaks more eloquently than Council Member Borton. So, I have nothing to add, other than the fact that above and beyond what our -- our financial department does and leadership by Director Lavoie, hats off to the rest of our staff and directors and the leadership that they provide. You know, every meeting that I have been in we talk about the people's money. It's never our money and -- and a lot of times it's really easy to look at budget as -- I don't know -- quasi-monopoly money, because it's not really tangible in our own bank accounts and so -- but that's not how we operate and that's not how I have ever seen any member of any level of staff approach the budget. We -- we approach the budget as the people's money and hats off to our leadership team and the fine work that you all do.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I appreciate the work by Finance Department. That's always very thorough and all the departments and the work that they go through and it's -- it's quite the process that you kick off with your departments, Mayor. And I just wanted to note that this is a public safety heavy budget, as it should be. I -- we are a growing community, we have grown rapidly and we certainly need personnel to -- to staff that and that comes into the realm of the public safety area. You know, we are -- we have undertaken building two fire stations, as well as a north Meridian police precinct. We have to staff those and when you count up the numbers total for fire and police that's 46 people that we will be hiring in this next fiscal year. That's a huge number. But we are facing unprecedented growth. And -- and that also includes Mayor -- Council agreed with your recommendation that we needed six SROs, school resource officers, to staff our elementary schools within our -- within our city boundaries. You know it -- it's unfortunate we have to do that, but it's necessary in -- in -- in the world today and -- and what we see happening around the country, but it was -- it was -- it's the right thing to do and -- and we -- I -- I definitely support this -- this budget and it is a lot of money. We are very cognizant. It -- this isn't other people's money, this is our money as well. We are residents. We pay the property taxes. My parents pay the property taxes. My kids with my grandkids pay the property taxes and, you know, it -- so, it becomes a family budget and that's how you approach it. You know, it's -- it's important to maximize our resources, do what we can, what we have to do, but at the same time doing it as efficiently as possible. So, I appreciate your efforts, Mayor, in -- in putting this together and for the Council's work. We serve as liaisons to different departments and we sit down with them and go through their budgets. It's a lengthy process, but it is very thorough. So, appreciate everyone on Council who -- who do that work as well. It's -- it's good work. So, I'm certainly in support of this budget.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm happy to make a comment as well. Just -- you know, I'm -- I'm proud of this budget. I think a lot of hard work went into it. It's a frugal budget. You know, there is not a lot of fat in here. I agree with the comments that it's a public safety oriented budget and especially I appreciate the prioritization of the new SRO positions. I -- I think it's incredibly important that we do what we can as a city to keep our kids safe, especially at school right now in this environment, and so I just really appreciate you putting that in there and -- and feel really good about this budget. Happy to make a motion at some point, but I will -- I will check if others have comments as well.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm happy to keep my comments brief. I think my colleagues have captured a lot of -- of my feelings. Yeah. We are -- we are a blessed community and, Mayor, you are blessed to have the best staff in the country, the best directors, the best Finance staff. I think Brad does the Finance Department disservice by putting up just one slide that shows the time and attention they put into putting forth our budget. Their efforts make our city look really really great and as a -- as a taxpayer, as a resident, as a Council Member, I'm -- I'm very very proud. I know we all are. I will cut kind of to the chase for -- for where I will sit tonight. It probably won't come as much of a surprise. When we were in our budget hearings I voiced the concern about 70 million dollars in unallocated revenue and I have struggled with supporting a budget that continues to take the three percent property tax increase until we have acknowledged what we are going to do with that 70 million dollars. Meridian residents we -- we see the cost of -- of groceries, of our utilities. We have had Republic Services before us tonight with a -- with a rate increase. We are likely headed into a recession and to me I do not think that now is the right time for us to be increasing taxes while we continue to have that 70 million dollars sitting in our piggy bank. So, while I appreciate the effort of the Council, the Mayor, our amazing staff, it's not a budget that I can be in support of tonight.

Simison: Thank you. Council, if I could just say from my perspective -- and thank you to you all. You all have made this budget better. I know -- I know this budget required you a lot to go out on -- take some pretty good big leaps with the number of personnel, with the capital expenditures, the investment in all of our employees. This is not insignificant, nor lost on me, but you ask good questions, you are part of the process and as I say I think this is a better budget today than when it started and I think it will continue to provide the services that our residents need, expect, and the tools that our employees need and deserve to provide the level of expectations of services to our community. So, thank you for your diligence, commitment and involvement in that process. And with that I would be happy to take a -- any action.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Cavener: 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 and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will make a brief comment and, then, a motion. The reason we have the city we have today is a result of the accumulative budgetary actions that came before us; right? And it's hard to take the three percent, but I think it's been outlined in this budget very clearly how incredibly critical it is for our public safety that we do so and with that in mind and that reasoning and all the good reasons that every Council Member has brought up, I would like to move that we approve the proposed fiscal year 2023 budget in the amount of 219,724,039 dollars and have that brought back to us by ordinance at a future meeting.

Borton: Second.

Simison: I have a motion and a second. Is there discussion on the motion? Mr. Cavener, would you like a roll call?

Cavener: Yes, please.

Simison: With that Clerk will call the roll.

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

Simison: Five ayes. One no. And the motion is agreed to and we will see that back here on September 6. Thank you all. Todd, please give our best to the entire team for all their work.

MOTION CARRIED: ALL AYES.

- 3. Public Hearing for Julie Rivers Office Condominiums (SHP-2022-0009) by Julie Rivers Development, located at NE Corner of W. Ustick Rd. and N. Linder Rd.**

- A. Request: Short Plat to condominiumize eight (8) office buildings for ownership purposes.

Simison: Council, next item up is Item 3, which is a public hearing for Julie Rivers Office Condominiums, SHP-2022-0009. We will open this public hearing with staff comments from Mr. Dodson.

Dodson: Thank you, Mr. Mayor, Members of Council. Good evening. Hopefully mine is a lot faster than the others -- other presentations. As noted it is a short plat, a very simple condominium plat, which subdivides the airspace. The land and everything beneath staying the same. The site consists of approximately four acres of land. It's already zoned C-C, located at the northeast corner of Linder and Ustick Roads. Property received development agreement modification in 2021 to amend the concept plan for this site that had a different layout of commercial buildings and instead proposed this layout, as you can kind of see on the left picture. All eight buildings have received administrative, as well as building permit approvals, so they are currently under construction. If you drive down Linder you can't miss them. This short plat request is to condominiumize each office building into four tenant suites. So, eight times four is 32, so it would be 32 condos for the purpose of ownerships. Staff has reviewed the proposed short plat and deems it to be compliant with our UDC 6-B-5-A and after that I will stand for any questions.

Simison: Thank you, Joe. Council, any questions for staff? Okay. Is the applicant here? If you would like to come forward, state your name and address for the record, be recognized for up to 15 minutes.

Waters: Mr. Mayor, Council, my name is Justin Waters and I live at 3703 West Bismarck Drive here in Meridian. We -- as Mr. Dodson explained, we are getting close to actually finishing some of the buildings and so we are now ready to -- to get our plat recorded, so that we can continue to close these buildings to those who have purchased them from us. So, I think they are -- they are -- they are nice buildings. They -- they look -- they will look nice and -- and add a nice -- add some nice businesses for the area. There has been a lot of excitement in these buildings for small, medium sized businesses to be able to have their own space. Thank you.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, 32 units, eight buildings, it's possible to have 32 different owners of these condos. How is it going to work with the maintenance for the entire community? I assume there is going to be some sort of business association that will manage that. What happens if you have, you know, some of these owners that don't pay their dues, don't participate in the way that they need to, what -- how is that going to look when you have

one building that maybe isn't kept in the same condition as another or -- it's kind of what we run across when we have these kind of buildings that have multiplicity of -- of owners versus tenants, which usually will have a property management company that's managing them, but you are selling these, what's that going to look like for the upkeep?

Waters: Yeah. It's actually a lot like what you just explained. It has a -- an association that will have a property management company that will run it and the -- the nice part about what you had brought up is that the association actually owns the exterior of the project and so it will be maintained equally at a -- at a level that will be up to standards, because the ownership of the actual units for each individual owner is only the inside of the building, so --

Simison: Council, any additional questions?

Bernt: Mr. Mayor, I know this has nothing to do with --

Simison: Councilman Bernt.

Bernt: I know -- and my question isn't going to be -- is not what we are voting on, just -- just -- I just -- I'm wanting to know are -- are these units going to look exactly like what this picture looks like?

Waters: Yes.

Bernt: Identical?

Waters: Yeah. The -- I mean the tile is a little bit -- looks a little bit different in real life, but -- like more of the texture of it looks a little bit different, but it's -- it's 98 percent like that.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I -- I will respond to Councilman Bernt, because this is a half mile away from my house and I drive past all the time. I actually think they look better than what the picture depicts.

Waters: Thank you.

Hoaglun: It's -- it's a little soft. It -- it just looks better than that. It just seems a little harsh than what they look -- really look like when you drive by, so --

Waters: Thank you.

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

Waters: Thank you.

Simison: Mr. Clerk, anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, I did not check in the back, but no one has signed up online. I will go get that now.

Simison: Okay. Is there anybody here that would like to provide testimony on this item or online? If you would like to provide testimony on this item, please, use the raise your hand feature on Zoom. Okay. Seeing no one coming forward to provide testimony, does the applicant waive their final closing comments? Applicant will waive their final closing comments. So, Council, I will turn this public hearing over to you for disposition.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It seems like a straightforward request. I think the buildings look nice. It's pretty much underway. It's just a question of ownership. Happy to make a motion that we close the public hearing.

Hoaglun: Second the motion.

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 and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, move to approve file number SHP-2022-0009 as presented in today's staff report and just wish you luck on your project. It seems like a nice looking project.

Hoaglun: Second the motion.

Simison: I have a motion and a second. Is there 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 very much and good luck.

MOTION CARRIED: ALL AYES.

4. Public Hearing continued from April 26, 2022 for Black Cat Industrial Project (H-2021-0064) by Will Goede of Sawtooth Development Group, LLC, located at 350, 745, and 955 S. Black Cat Rd. and Parcel S1216131860

- A. Request: Annexation of 126.57 acres of land with R-15 and I-L zoning districts.

Simison: Council, next item on the agenda is Item 4, a public hearing continued from April 26th, 2022, for Black Cat Industrial Project, H-2021-0064. We will continue this public hearing with staff comments from Mr. Hood.

Hood: Thank you, Mr. Mayor, Members of the Council. I am presenting tonight on behalf of Alan Tiefenbach, which, if you hadn't heard, Alan -- we lost Alan. We are going into our second week now. He's moved on to greener pastures in Montana. So, I want to thank him for his service. He left us in a pretty good position, but I am covering this project for him this evening. The application before you is a proposed annexation of approximately 127 acres of land currently zoned RUT in Ada county. It's located primarily on the west side of South Black Cat Road, but there is about one acre located on the east side, which you can see in the -- on the vicinity map on the screen now, which makes this property what's -- that's to be developed contiguous to existing city limits. So, we got I-84 to the south. West Franklin Road is just to the north of the site. The annexation request originally included approximately 130 acres of land in the proposed I-L zoning district to allow an industrial development of more than 2,000,000 square feet and annex that one acre of property I just mentioned and called your attention with R-15 zoning. So, primarily I-L, but the one acre property on the east side of the road is proposed for R-15 zoning. The annexation boundary has been reduced by approximately 3.6 acres due to one of the owners rescinding their permission to annex and you can kind of see that parcel here that -- when the application was submitted. It's about a three acre parcel, but once you account for the right of way for Black Cat, it was roughly three and a half -- or 3.6 acres, but about a three acre site if you exclude the right of way they have rescinded. So, should the annexation request be approved that would result in a roughly, again, three acre county enclave, surrounded by the proposed industrial development in the future. I will also call your attention on the revised site plan -- and we will get there in a couple of minutes -- the potential fire station site that was located on the northeast side of the property has also been removed from the conceptual site plan. The Comprehensive Plan future land use map designations -- there is actually three on this property. The one acre on the east side of Black Cat is designated for medium high density residential and, then,

about a third of the property is designated for mixed employment -- or, excuse me, low density employment. So, that would be largely the property along the frontage of Black Cat and, then, mixed employment, which is roughly the west two-thirds and, then, along the Interstate has that mixed employment designation. As noted on your agenda for this evening the project was continued from April 26. It was actually on the March 1st agenda as well, continued largely to allow the applicant more time to address traffic and infrastructure improvements and craft DA provisions and findings. The applicant has prepared those draft DA provisions and findings to be included in a development agreement if the subject annexation is approved by Council. Since the last continuance staff has met with the applicant and prepared a memo that provides commentary regarding those draft DA provisions. Because staff and the Planning and Zoning Commission recommended denial originally, DA provisions and findings for approval have not been prepared for this project by city staff. I do want to call to your attention a couple of other things. Today ACHD provided a clarification e-mail on the Franklin Road improvements between Black Cat and McDermott. They sent us an e-mail, which I don't know if -- I sent it to the Clerk. It was late today, so I don't know if you have that -- if it made it in the packet or what, but I will just briefly summarize that from ACHD, just clarifying that, in fact, design for -- again, the Franklin Road improvements is in their draft budget to design the intersection at Franklin and McDermott and do the widening between Black Cat and McDermott. However, funding for that hasn't -- is not guaranteed yet, as the ACHD budget is on next week's actually agenda. So, on August 24th it's scheduled for hearing and adoption, so -- also just note that construction of those improvements -- so, that's design -- the -- the -- the funding for designing of those improvements and, then, construction of those improvements would likely occur between -- or around 2025 or 2026 or even potentially later. So, I wanted to just call that to your attention, too. Just a couple more things. Also today did receive an e-mail correspondence from the applicant. They provided me a memo from Kim Warren in our Parks Department that I hadn't seen before with some comments and, again, I will just summarize that. The Clerk has that as well. Hopefully it's in your packet, but if not it basically is -- includes a condition to have them construct part of a multi-use pathway network generally paralleling and along the -- the mid mile collector that runs east-west through the property and, then, they also attached to that same e-mail, updated findings and conditions document. I did not have -- did not perform a side-by-side analysis of that document, but you do have access to that, so if you want to see the latest and greatest of their proposal for, again, DA provisions, conditions of approval and facts and findings, conclusions, you do have that in your packet as well. And, then, finally, I'm not going to go into or explain, you know, all the concept plan and the elevations and the zoning. Again, this is the third time this has been on your agenda, but I do want to call to your attention a few of the -- the items in that memo dated August 3rd that Alan and I -- mostly Alan, but I did play a role -- I played a hand in crafting some of the -- the language in there. Just a few of the highlights or newer -- newer issues, if you will. So, DA provision number four and also DA provision number nine, they kind of both address the east-west collector. I'm going to go to this exhibit. I think it -- it really tells the story and some of staff's concern about the timing of that east-west collector. So, you can see the applicant is proposing -- blue is kind of first phase -- so, three phase project. First phase are the roadway improvement -- infrastructure improvements that are proposed by the applicant. Some of staff's concern

is we have had discussions with the property owner directly to the west and they are a large landholder there about developing that property as well. So, having that collector be stubbed to that adjacent property, so the extension of -- can -- can occur with development there is just something for Council to consider and, again, something that staff thinks is a good idea anyway. So, again, Exhibit B, DA provision nine and DA provision four all, to some degree, address that and that's on page -- starts at the bottom of page three and goes on to the top of page four of the -- the staff memo prepared for this evening and, then, DA provision number eight, the Rosenlof Drain, I don't believe this was discussed at the previous hearing. So, city code does require any irrigation lateral, canal that you are going to allow to remain open, that needs to be an explicit action by the City Council, so you will need to, please, if you are going to move this forward tonight, approve it, please, do address whether you want the Rosenlof to be tiled, piped, covered or if you are okay with them leaving that open. Just a couple of things more on the Rosenlof. So, again, the Rosenlof runs along the north boundary of this property. Generally it's split, you know, right on the property line. So, the -- the middle of the irrigation facility is half on the -- on the north property off site of this property and half on this property. I need to say this kind of -- I'm not too concerned about safety, meaning I'm not too worried with just the general nature of the land use here. I'm not too worried about kids getting in and drowning and those type of safety concerns we would have in a residential subdivision. The main reason, just to bring up the Rosenlof again, except for that you have to -- to make action on it -- is I am concerned about the potential connectivity of when the properties to the north develop and if we have this open drain and having to build bridges across, I just think there is going to be something to bring to your attention anyways, that if you allow it to remain open I think it's going to be more and more difficult to have this feel like a big project that's all integrated together and works together well if there is a fairly significant irrigation lateral that bisects this project from the -- the four, five, six other properties to the north that will redevelop over time as well. And this isn't in the document, but I do also want to just address or bring to your attention -- and I don't think it's intentional and maybe they even will -- again staff didn't craft conditions of approval, but that -- that three acre outparcel, we want to make sure that if this is the roadway network, the collector is right there just off site. They have a -- a drive aisle internal that's just missing that parcel, that we do provide some cross-access to that parcel from this project, so we aren't looking at another driveway or two to Black Cat in the future. So, there is not a site specific condition of approval, but, again, just something to think about with the removal of that three acres -- again, don't want that to feel like it's an afterthought and when -- and someday in the future they will annex and develop, don't want them to feel like they are a standalone project, that there is some -- at least sharing of access points to the arterial. So, with that I think I covered most of my comments. Again, staff, and the Planning and Zoning Commission did recommend denial. As of earlier today there was no new testimony provided in Laserfiche that I could find and with that I will stand for any questions you may have.

Simison: Thank you, Mr. Hood. It's nice to hear your voice back at City Council meetings, even under some unfortunate circumstances, but, Council, any questions from Mr. Hood?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Caleb, in regard to the ACHD 2023 draft budget and improving Franklin-McDermott intersection and widening that roadway, is that all an ACHD project? Are they going to have to coordinate with the city of Nampa to complete that? Because I don't know exactly where that boundary ends, if it's to the west of McDermott or not.

Hood: Mr. Mayor, Council Woman Perreault, it's a good question. The -- the county line does end there at -- at the intersection of McDermott. So, I imagine there is going to be some coordination. I don't know if that's Canyon Highway District or Nampa Highway District or who -- whose jurisdiction that is, but I imagine there is going to be some coordination with them and maybe you and ITD -- because State Highway 16 is getting real close in what they are doing with some of those improvements currently. But I don't think that's an obstacle that can't be overcome. But, yeah, just some coordination certainly.

Simison: Council, any additional questions for staff? Okay. Then would the applicant like to come forward.

Nelson: Good evening, Mayor and Members of the Council. Deborah Nelson. 601 West Bannock Street here on behalf of the applicant. Members of the applicant team are here with me this evening and may be available to answer any of your questions or jump in with any additional points. It has been several months since you have heard from us, so we -- I would like to start with a quick recap. As has been covered in prior hearings, industrial space is needed now in Meridian. The city has less than one percent vacancy of industrial versus 14 percent vacancy in office. This is both an immediate problem and a longer term problem, because there is no industrial land that's currently available for development and only a small amount is planned with access to services. Less than one percent vacancy means that new businesses cannot site here and expanding businesses may be forced to relocate outside of the city. You have received letters and testimony from area businesses talking about the inability to find needed space, including from Scentsy, Northwest Fulfillment, Infinity Pools and others. Also local jobs are needed now. Seventy-eight percent of Meridian residents currently get in their cars to drive to Boise, Nampa and further. The project meets the Ten Mile Plan's goals for job creation, supporting the creation of 2,000 jobs on this site. Significantly we have a large local business that is ready to take 317,000 square feet of space within this project, if it is approved this evening. They have 440 jobs that they plan for this location and these are good jobs. The average wage of all of the jobs will be 85,000 dollars and the timing is right for your consideration tonight, because we now have a defined plan to phase our project with road improvements. We heard from the Council that you understood the importance of industrial and the importance of this site, but you certainly -- you wanted more certainty on traffic. You directed us to complete the TIS and phase the project with road improvements and to work with staff on conditions of approval. ACHD has now accepted the TIS. The project will meet all ACHD conditions. Road improvements and phasing will ensure that all mitigation is completed and that there is an improved connection to the Interstate. On Highway 16, since we last spoke, ITD has now secured

the right of way on Franklin east to McDermott. The bidding is done and the contract has been awarded. Construction is scheduled to begin November of this year and complete March 2024 and this includes the connection to Franklin. On Franklin, since we last spoke, the Idaho legislature allocated 36.5 million dollars to help ACHD accelerate improvements to connect to -- to Highway 16. ACHD has published their 2023 proposed budget and 2023-24 proposed budget. As was noted before, it will be voted on next week. This budget includes five million dollars for design and right of way acquisition for the Franklin widening and the Franklin-McDermott intersection. Once the budget is approved construction is anticipated to begin in 2025. This timing aligns well with our project and with Highway 16 schedule. Council Member Perreault, you asked about the small stretch to the west that falls within Canyon county. That is in the jurisdiction of Nampa, because that property has now been annexed. All of the right of way has been acquired and Nampa is in discussions with ACHD for an MOU for ACHD to complete that work. On Black Cat, according to the TIS, Black Cat functions well now and meets all levels of service until 960,000 square feet. We will install the frontage improvements and the turn lanes that are accessed before the project even begins to allow safe turning without delays. Then we will limit our development to 960,000 square feet of occupancy until Black Cat is widened. We heard the Council's request at our last hearing that Black Cat was important. We also heard public testimony about Black Cat. So, the applicant has spent the last four months getting all of the needed right of way under contract to widen Black Cat from our site all the way to Franklin, which involved acquiring seven different parcels. ACHD has now begun the process to purchase that right of way and is preparing for that Black Cat widening. Previously -- this was also a topic in our prior hearings -- ACHD was not open to a cooperative development agreement on Black Cat, but now they said they are open to that pending staff and resources availability. We have proposed a phasing plan to align with the triggers in the TIS. Prior to occupancy we will install the frontage improvements and turn lanes on Black Cat. We will not exceed that 960,000 square foot of occupancy until Black Cat is widened to five lanes and some striping and turn lane improvements are completed at the Franklin and Black Cat intersection. According to the TIS, this restriping is not needed until after 1.3 million square feet, but we have proposed to expedite this. According to ACHD's letter, this will help address capacity on Franklin. And the McDermott-Franklin intersection will also be improved at this juncture. The TIS suggested adding a center lane here as an interim improvement until Franklin can be widened. That will accommodate the development up to 1.6 million square feet. ACHD is not requiring this improvement, because it is addressed in the Franklin widening, but we agree to do this anyway, if Franklin is not yet widened, to make sure that all interim impacts are addressed. We will not exceed 1.5 million square feet of occupancy until that Franklin widening is done. Also we will extend the east-west collector as development calls for it. Certainly along adjacent development within our site and as soon as there is a connecting road proposed to the west to address Caleb's concern. And we will install a traffic signal on Black Cat as soon as it is warranted. Like other developments have done in the Ten Mile area, we ask for flexibility on a couple of specific design elements to fit this use. The smaller flex buildings meet most of the design -- excuse me -- the smaller flex buildings on Black Cat meet all of the design requirements and the larger buildings meet most of these design requirements. We ask the city to approve a few clarifications or changes, first related to the buildings -- you can see in the

column to the left that is in your plan and the two columns to the right show our flex buildings and, then, the larger buildings. Just two of those items to address. The plan says a max 30 percent parking in front. We asked to clarify that this can apply on average along the east-west collector to effectively park employees on the interior double-loaded buildings. We do need some parking along the frontage, but we can meet the 30 percent average on the east-west collector. This was supported by staff in our prior discussions. Second, on the windows, 20 percent windows across the front of all buildings is not practical for light industrial. We -- on the larger buildings we -- we ask that you allow 15 percent on average across the frontage of both the east-west collector and we would provide that as well along I-84. This is an illustration of the parking. You can see that we have minimal parking along the east-west collector frontages. We do meet that 30 percent max on average. We have tried very hard to pull the parking behind the buildings as much as possible. In an illustration of the windows, this is one of the larger single loaded building. The larger double loaded buildings also have these corner treatments. Two other site related items that we would like to address. The street section, as was noted by Caleb, Parks has requested we provide that ten foot multi-use pathway within a 14 foot easement along the east-west collector, instead of on the on-street bike lanes. The proposed -- so, we do provide that. Also the proposed road section includes three 12 foot travel lanes to provide safe turning movements and uninterrupted traffic flow, rather than the two travel lanes shown in the plan. That is the other -- other than those changes this matches your street section C. On the Rosenlof Drain we do propose to keep this drain open as to date the staff reports have not required this to be piped. It is a very deep drain that serves to recharge the groundwater. It straddles the property to the north and it is still in use for irrigation tailwater from the ag operations to the north, which is flood irrigated. As -- as Caleb noted, it is not an issue of safety. In fact, your code suggests that it's appropriate to limit piping where it is not a concern about safety. From a connectivity standpoint, ACHD's preference and ours has been to direct traffic to the collectors to funnel them up through the collector to the proposed collectors to Franklin. There is not just one property to our north that would provide a single connection, there are multiple and it's appropriate for them also to use the east-west collector that will bisect their properties, again, to funnel to the west to the main collector system. In summary, looking at the benefits this project brings to the community, it improves traffic flow on Black Cat from widening and adding turn lanes at the frontage and the signal when warranted. The developer has secured the right of way to expedite the improvements. We extend the roads and the pathways through the site to serve the larger employment area and importantly, we provide two million square feet of needed industrial space to serve this growing economic sector and help Meridian businesses have a place to expand. In doing so we support the creation of 2,000 jobs to capture some of those 78 percent of Meridian residents that are currently commuting. As noted we do have a large local business that is ready to take down over 300,000 square feet and bring 440 jobs. This company has indicated that they strongly prefer to be in Meridian, but they do need to make a decision now and so if this project does not bring forward that much space for them they will need to locate in a different city. We have worked with staff on conditions of approval and we have brought copies of those this evening. If that would be handy for you to look at I'm happy to pass those out. As Caleb noted, we also provided some minor adjustments and it is in red line and so that is in the system in case you want to see what the adjustments

are. They include revisions to address the park -- the parking and the windows that I have outlined here and also added in the parks condition that was received from Kim Warren and also to address the east-west connection extending to the west when there is a public street there to connect to to address Caleb's concern. Happy to discuss any questions you have about the development, about those conditions of approval, and we have our entire team here this evening. Thank you so much.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Deb, can I ask you to -- on -- maybe to focus on one piece of it and you just -- you referenced -- and -- and -- let me start over. From the last public meeting when it got continued to here to today, I want to talk about the changes since that and there is a number of changes I think -- or -- or clarifications with regards to the phasing and onboarding of the project as a whole, but separate from that, the -- the metrics of the project and the two -- the last you referenced were -- that are new, inclusion of the -- the Parks pathways requested, the collector connection to the east as you referenced, but can you summarize what the other changes to the project itself are, if any, from the last hearing to today, other than phasing and those other two?

Nelson: Do you want me to start with the updates on the roadway network or start with updates on the -- the project site? What's your focus?

Borton: So -- Mr. Mayor?

Simison: Councilman Borton.

Borton: So, the updates were certainly helpful, obviously, but are there changes -- I just want to make sure I didn't miss anything specific. For example, when you last heard it there was -- I'm making up -- 15 percent the windows on the frontage and now it's 20. I know that's not part of it, but -- or, you know, it was 40 feet high and now it's 38 feet high. Any tangible differences? And if there is not that's -- that's fine. I just wanted to make sure we didn't miss the specifics of how the project itself -- the components of it have changed, if any. Separate -- separate from the phasing and -- that you describe. Hope that helps.

Nelson: Mr. Mayor, Council Member Borton, I think so. Those changes that we are requesting to the Ten Mile Plan related to the max parking and the windows are not new, so that is consistent with what we have asked before and I think there was a discussion at the last meeting about -- we could further that by getting those into conditions of approval. One evolution of that through -- and that's part of why we had some clean up to do on this -- was staff did ask for the -- the window treatment along I-84 and so there is some changes to the language to address that along I-84. The parks condition, as you

noted, although it didn't actually change our design, because we had already -- and this came up at our last hearing. We had already been working with ACHD on -- and -- and it seemed like the city as well prefers the multi-use pathway over the bike lanes. ACHD certainly was leaning that direction. So, we had suggested that as an alternative to the on-street bike lanes already. So, her condition falls right in line with that and we have just added it as a condition of approval to capture her details of the 14 foot easement around it with the ten foot pavement.

Borton: Okay.

Nelson: Let's see. Let me just look at the red line here to see if there is anything else. So, since we provided these conditions of approval, looking at this map, so we have agreed to bring in this Franklin-McDermott intersection improvement. That was not required by ACHD and so you -- you saw a similar map that Caleb presented that we had previously submitted with our proposed conditions of approval and since then we have decided to add this, even though it wasn't required by ACHD, again, to try to address what we heard from the Council, that you want to make sure we are addressing, you know, any -- any pain points, to make sure that this traffic really does flow at each trigger along the way and so that is a new offer as well and that actually is not even in the conditions of approval yet. So, that is one item that we have not added since those were proposed.

Borton: Okay. And -- Mr. Mayor?

Simison: Councilman Borton.

Borton: And in prep for today I didn't think there was much more than what you have described, if anything, and I know we expressed the primary concern that took a lot of the last hearing was the timing and the phasing of the transportation improvements and -- and trying to gather more data and -- and I think you have done a great job with this presentation trying to answer some of those questions. One of -- so, this is -- it's very helpful I think what you provided. One of the challenges that I recall discussing at the last meeting also included Black Cat Road and, you know, what's going to be heading to -- or, excuse me, coming from the -- on the east side when that development comes in and is Black Cat -- is its capacity going to be engulfed with 960,000 square feet here and impacting the development across the street. Is there any additional information on how you on board and the timing of that in relation to what -- I know you don't control it, but what is coming across the street to the east?

Nelson: Mr. Mayor, Council Member Borton, so our traffic study does contemplate the surrounding development and, you know, obviously, applies the growth factor, like everyone does. So, this is projected out to 2030 and so the -- the expectation, of course, is that improvements will be done long before then. But just in case they are not, that is why we have agreed to the caps, so that we can't progress ahead of those improvements no matter when they are done. But that -- you know. But our TIS does contemplate additional development and the -- the growth around us up to 2030.

Borton: Okay. Perfect. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I appreciate the work that's been done. I can tell you guys really dug in a lot on this to phase it, work with ACHD and try to come up with a comprehensive plan really to tackle the traffic issues, which I think was our number one concern. My only real remaining concern I guess is -- I think I'm looking at outdated proposed findings. If you sent a revised -- if you sent a red line and it was in the last 24 hours I did not receive it. So, if you have a copy of that I would appreciate it. So, Deb -- Mr. Mayor, if you don't mind.

Simison: Council Woman Strader.

Strader: Thank you. So, one of the things I did notice -- and I'm glad that you have these updated ones. I did still see I thought a pretty big disconnect between your proposed findings and staff's comments. That was kind of my only real heartburn that I had left. I understand there is going to be some pain in terms of the Black Cat area has traffic concerns. We know that. I think this addresses those directly. I think it's appropriate. You have acquired a lot of right of way. That is a significant step and I love the jobs and I think that's really important. Office space is not -- unfortunately office space right now is not really where the future is headed. This type of space is. I think it's great for economic development. I'm very supportive of this project overall. I just wanted to go through -- maybe if you could walk through the latest version of the proposed findings in areas where you have disagreement with staff and kind of go -- if you don't mind going systematically through all of the ones where there is a disagreement and giving your take on it and, then, we can kind of highlight those and I would like to, then, mull -- mull that over and kind of maybe hear from them if needed.

Bernt: Mr. Mayor?

Simison: Councilman -- Councilman Bernt.

Bernt: That was question number four on my list as well. So, thank you for --

Nelson: Okay. Mr. Mayor, Council Woman Strader, I -- I would be happy to and so maybe just a general comment at the outset. This has, obviously, been a long project and -- and we appreciate all the work that staff has put into this and met with us so many times, especially Caleb to come in at the end here and -- and work with us on this. We have been meeting with staff for -- for a period of years. So, that said, Alan, obviously, didn't recommend approval to begin with and I think the memo you received of late just, you know, brought forward the same points that you had seen in the staff report. I don't think any of those statements he made were new or surprising probably. So, I -- I think a lot of -- the bulk of it, the substance, I guess, we viewed as -- a lot of it's about the use -- the

prior use, preferring a different use here. But I'm happy to walk through these and see, you know, where there may be specific points.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would you be okay with it if we do a little back and forth as we kind of --

Simison: Go for it. Yeah.

Strader: Okay. Because I just think it's going to be really granular. That would just maybe be better -- cool. Thanks. Okay.

Perreault: Mr. -- Mr. Mayor, I apologize.

Simison: Council Woman Perreault.

Perreault: I think Council Woman Strader is probably referring to the notes that Council made on the memo that was provided on August 3rd and you are saying that you believe that those -- that -- that the statements that were made in that memo are not different from the staff report that was originally issued? Is that what you are -- I'm understanding that you are saying?

Nelson: Mr. Mayor, Council Member Perreault, as to the use, there is a lot of things that were brought forward from the staff report. As to remaining issues, I mean support -- there is not support there for some of our changes to the Ten Mile Plan. That's why we addressed those conditions specifically for you tonight again.

Perreault: Okay.

Simison: Council Woman Strader?

Strader: Perfect. So, I see in Section 1, obviously, there was disagreement about the use. We -- we knew that. But there -- there was some pretty specific call out I think about self storage and I know you have agreed --

Nelson: We were in agreement with that, yes.

Strader: And so where -- where -- if I look here on the new revised findings where does it limit the uses?

Nelson: So, on 1.1A --

Strader: Uh-huh.

Nelson: -- this is where it just talks about the I-L zoning is appropriate. In the last sentence there, self-service storage facility will not be a primary use on the property.

Strader: Okay. And, then, I think there was another type of potential use that staff had mentioned and I'm trying to recall where I saw that. It wasn't just self storage, there was another --

Perreault: Mr. Mayor, it's under section one of the staff memo. Would it be possible for staff to pull that memo up on this screen and we can follow through with that? I know exactly which section Council Woman Strader is referring to.

Nelson Council Member Strader, on page two -- so, if it's -- if I pull away from the conditions and just look at the memo then.

Strader: Yeah. I have it.

Nelson: On page two of that -- of the staff's memo. However, there are still uses that could occur within the development based on the concept plan and I-L zoning that would not be totally consistent with the Ten Mile Plan vision. These uses include warehousing as a primary use. A freight terminal. Equipment rental, sales and service and vehicle impound sales and repair. Is that what you were --

Strader: Yeah. So, clearly, you are going to need warehousing and I would imagine freight. But I thought -- could you go into the equipment rental, vehicle impound -- I guess uses.

Nelson: I -- I probably need my industrial based clients to weigh in on that.

Strader: I don't think we envision a tow yard or something here. So, that's why I thought we could maybe go through that.

Wolff: Tim Wolff. 675 Sun Valley Road, Ketchum. Good to see you all again. I can address that specific point. I mean, in general, yeah, I -- we agree that those aren't uses that we would have. I mean -- so, a vehicle impound -- what if it's --

Simison: Mr. Wolff, can you speak --

Wolff: -- a vehicle impound, for example, what if it's Carvana and they have a finance division and they finance cars and they have to take them back as part of their inventory? I mean there is just all sorts of -- kind of -- I guess, you know, it's the responsibility, obviously, of the Council to generate the best use for -- for the city and what we started with in our very first presentation is we are in this community, we have done -- we are the second largest leaser of industrial space currently in the Treasure Valley and our very first presentation was here two of the kinds of uses that we have for this kind of property. One of them is this particular tenant and another is a lease that we just did and our -- our objective is we are going to own this stuff forever and we build Class A product and our

objective is to bring Class A tenants to the space and so we are trying to demonstrate that with a -- you know, putting a foot forward with an actual tenant here and so I don't -- we are happy to go through with staff. I think our intent is -- we have no intent of having an auto yard on the property, but if Carvana wanted to have a facility there where they stored a bunch of cars that were distributed out to the community and a bunch of employees that were high paid or something like that, we certainly would want to have the ability to do that. So, we don't want to preclude ourselves from a high value use for the city and for the project.

Strader: Right. But you -- I mean like, for example, you would not envision a use of vehicle impound that would be on the -- keeping inventory of vehicles on the exterior of the building.

Wolff: No.

Strader: Right. So, maybe it would make sense to specify that within the findings, because I think that would draw that distinction. If it's Carvana and they are keeping building -- you know, cars inside the building that's one thing and we don't want this -- and it won't. I believe you, you know, that -- that that's your intention. I think we just like to paper things up the proper way. I didn't have any other issues with the uses -- the other uses. Go ahead, Joe.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I don't know how we are going to go, but I will jump in on that -- on that one question. From the list from staff I understand with the -- with an I-L zone these particular uses that staff says aren't totally consistent with the Ten Mile Plan. They may or may not necessarily be what you -- what you intend anyway. As to self storage, the proposed condition removes it from a principally permitted use and moves it to the conditional use category. Are there some of these -- for example, perhaps you agree that vehicle impound could be a prohibited use. Let's just knock -- let's just knock it out. Make that prohibited and make some of these others that staff is concerned on -- at least move them from a permitted use to a conditional use, similar to -- to how self-service storage is and as you contemplate that question I'm looking at Caleb as well to see if, one, I have framed that correct and maybe that provides some sideboards to a use that you may or may not do ever anyway.

Hood: Mr. Mayor, Councilman Borton, I think your question is fine. I guess where my mind goes is just a little bit in the tracking of this over time and, you know, our system is really set up to have the base zoning, not hunt through a development agreement that maybe 20 years old to say, oh, did Council prohibit that one use that's otherwise allowed in the zone and now requires a CUP. We can do it, but we are just a little -- we become -- I get a little freaked out when you do that and you take some of the uses that are otherwise principally permitted or prohibited and you say, well, except for this use and

that use and -- no one's going to remember that and they find the record and -- anyway. So, your question is fine and if you want to go there we can do that. I just want to put that disclaimer out there that sometimes mistakes get made that way, because it's outside of the normal zoning and I think not -- not to beat the drum, but that's kind of why we were like ME zoning makes the most sense, because those uses are consistent with -- more consistent with the plan. I-L there are some uses that are consistent. But that's why staff was saying ME, then, we don't have to do this, but for -- and add this one -- anyway. So, that's not your question, so I will stop.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: This question is for the applicant and for Caleb. Was there any conversation about doing a Comprehensive Plan amendment specifically to the Ten Mile Area Plan as a part of this application and would that have taken us through a different process? Because I feel like this is a significant enough acreage for us to not be considering such significant changes to our Ten Mile Area Plan without going through a more formal process with -- you know, as we would do with anybody that would -- that we would encourage to make a Comprehensive Plan map amendment with their application -- or before their application.

Nelson: Mr. Mayor, Council Member Perreault, I would be happy to jump in if you want. I know you directed it to both of us. So, at the -- just as a reminder, the -- the light industrial zone is an allowed plan with the Ten Mile Plan. So, in the metrics of -- that's published within the plan of the zones that are allowed, light industrial is one and so all of the uses that would normally be allowed in that zone actually are expressly contemplated in the plan. Yes, the applicant did discuss that with staff when they initially came in for the pre-application -- the initial meetings and at that time -- and it's in the pre-app notes in the record, it was discussed that I-L was an appropriate zone and so that was the initial discussion. After that, you know, staff has pulled -- pulled back and -- and raised concerns and so that's -- and that's why we have gone to a lot of the detail that we have put forward before you to try to explain -- in our first hearing we did a lot of walking through the Ten Mile Plan and why the light industrial zone was the best zone and the best fit for this area, why it was contemplated in the plan and why it worked, but, then, also why industrial was such a great use here. So, yes, a lot of -- a lot of thought and discussion has -- has gone into that. As to the uses, I think the -- you know, Council Member Borton's suggestion on the conditional use permit, you know, we need a ready site that's part of having available industrial and so if there are uses that could be contemplated within a conditional use permit adds another layer that doesn't work for people's timing and that was addressed at a prior hearing as well. I think you guys may remember Tim commenting on the speed at which people make decisions to get into industrial space. So, I think it is easier to focus on the uses and as was testified that outdoor, you know, vehicle impound certainly could come off the list. We worry about when it comes to inside. Sorry you missed my last comment responding to your question. I should have paid attention that you weren't there. I was just saying that the conditional use permit adds a -- a delay that doesn't work for

industrial tenants coming into businesses and so it's better to, you know, kind of work on the use. Outdoor vehicle impound not planned here. It's the indoor space we are trying to protect and make sure that those operations don't have restrictions on the type of use if they are typical light industrial uses.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Can we focus on self storage will not be a primary use. I would love it if we just said self storage will not be a use and if you needed to get a DA amendment you could come back to us, but self storage has no jobs attached to it. I mean that's my biggest heartburn. I think there are others that share that concern. I just want to get some feedback on that.

Nelson: Acceptable, yes.

Strader: Okay.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I -- I have not been under the impression this time -- this entire time that this was -- would be considered a light industrial complex and so clearly you and staff are not on the same page about what that means, because staff wouldn't have made this comment if you were on the same page. When you just stated that, you know, yes, I am very aware that I-L is a zone that's permitted. That -- that's not a question. The issue is that staff doesn't believe that the -- your proposal is -- is really meeting the intention of the Ten Mile Plan and so I want specific comment on that, rather than under -- you know, trying to explain what uses are -- are permitted in the I-L zone.

Nelson: Mr. Mayor, Council Member Perreault, I'm not sure what else to add beside that history, but perhaps, you know, that's a good question for Caleb. But early discussions, like I said, that are documented in the pre-app notes were that I-L was an appropriate zone. There was evolution in that. As staff considered this, didn't support the use, that continues to be shown in -- in this document, of course. So, you know, we had hoped with the direction we heard from the Council of kind of recognize the importance of this use, but focused on traffic, that we would have, you know, more productivity and working through these conditions of approval. But we have -- we have done the best we can. There certainly were a lot of things that were perfectly fine on both sides and -- and this conversation has been going on for a long time, so we weren't surprised by the commentary we -- we got from Alan, but -- but he also did add some things that we were acceptable to add. Caleb raise some points -- again that connection to the west. So, it has been collaborative where ever we can. So, I hope that answers what you are trying to get at. I'm not sure I know --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. Really what I'm trying to get at is we regularly have residents who come to us with concerns that we are not following a plan that was -- that was, you know, invested in and -- and voted on on their behalf. We took a very long time to work on -- not -- not only the Comprehensive Plan most recently, but the Ten Mile Plan when it was developed and so I just want to honor that request by our residents, that we stick as closely to what was intended as possible and I want to -- at anytime we have a conversation, no matter which applicant it is that may stray, where staff feels like we are straying from that plan, I want to take it really seriously and flush out whether it's something that's worth overriding with what the public has asked us to do. I -- I have -- I -- I think the use -- this -- this for me is not an issue of whether this is a great use, this is clearly a use that will be super beneficial to this area. That's not a question in place. It's really just, you know, if -- if -- you are asking us to -- to really in every one of these conditions that you proposed there is something that staff has had to say that -- that -- that creates an issue for us to have to overcome and that's -- that's a big ask. So, I appreciate Council Woman Strader's proposal to go through these one by one, because I was going to make that same request. These aren't small things for us to consider. They are pretty significant given what our residents have told us about the role they want us to play with -- with our Comprehensive Plan and with the transportation network as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Okay. Well, I feel like if we -- I would advocate just going through each of the proposed conditions of approval, pulling in from staff's memo the comments as they apply, because I have that, but -- and probably any other people's help and, then, I guess I'm kind of looking over at Caleb to chime in if he has a comment as well, if it's not covered. But I think if we go through it more -- I think if we go through it systematically I think that would -- that's -- I don't -- I -- that's just me. But I -- but I understand Council Woman Perreault's -- get kind of like an on principle point, which I think is a different point. I'm not as hung up I guess personally on how this would fit into the Ten Mile Plan. I think if we go through it we may be able to get to the right answer. But maybe I'm just being overly optimistic. I don't know. Okay. So, I guess there is a question about -- I see that there was a comment from staff about all future buildings being subject to architectural design review. Would that fit with 1.1B, do you think, Deb, or how do you want to tackle that? Or is there another point of disagreement where that would belong -- that goes -- however you want to take these, but -- yeah.

Nelson: Council Member Strader, yes, thanks for the opportunity. We don't have any concerns, nor have we understood that there would be an opportunity to get away from design review. We know that will be applied here. That process will apply.

Strader: Great.

Nelson: So -- so, this is in comment that -- staff's comment on our 1.1B development of the subject property shall be generally consistent with the final site plan and conceptual building elevation submitted with the applications.

Strader: Uh-huh. Yeah. So, I guess, you know, that's a question if -- if it --

Nelson: So, this language is taken from other projects. That's how we had to draft this, because we didn't have draft conditions, so we looked at your other conditions, pulled in those standard conditions and started with that base.

Strader: Yeah. So, maybe -- maybe what would be clarifying, then, to give staff comfort, if that is still a concern, which, Caleb, if that's not a concern let me know -- would maybe be to -- instead of ending it at applications, would be to specify, you know, including the architectural design review process.

Hood: Mr. Mayor?

Simison: Mr. Hood.

Hood: If I can just interject real quick. There is a little bit of a disconnect with the numbering, too, and -- and what is two on the screen or in the memo and 3-A and one on the most recent -- there is some overlap, too, in some of the provisions; right? Like two on the screen talks about conceptual building elevations and, then, 3-A continues to talk about elevations and facades and that's where some of the concern is addressed -- and maybe just to cut to the chase there, I think with -- I don't really have a -- a problem with the window provision that -- that was mentioned earlier. I do think the north property and trying to hold the line -- and I appreciate just as a -- sort of an aside, but in the same vein -- Council Woman Perreault's comment on respecting the Comprehensive Plan and the integrity of that and that it was developed by our community and trying to uphold that. There is some level of concern that if that north facade of -- of those buildings there doesn't meet the architectural standards that we will get something similar on the other side and so it's this Pandora's box that opens up and, then, if we get these warehousing buildings that are marginal -- I will just say it that way, that -- you could make a -- you could make a case either way; right? You could make the findings that this is consistent with the plan or that it's not. There is some gray area there. But there is some concern that we want to still hold that development to the north to a high standard, the same standard that we are holding this project to, and if we don't have those elevations with some of those architectural concerns they are going to want to match it and just -- we will have blank walls and it will be a tunnel of the sides of buildings that aren't interesting and, just to say it bluntly, ugly. So, that -- that would be my main concern, just to kind of paraphrase the concern on all the building elevations concerns and architectural standards is -- is what would be required on the north -- the northern buildings that -- that basically front the Rosenlof and the future northern properties that are yet to be developed in the City of Meridian.

Strader: Yeah. So, Caleb -- I'm sorry, Mr. Mayor, if it's okay. Thank you.

Simison: Council Woman Strader.

Strader: You are the best. So, Caleb, if -- if they were open to the concept that -- you know, the buildings that are facing the outside of the development, those facades, you know, kind of follow these guidelines and so if -- if they were amenable to including in 1.1 -- I guess this would be E-1 and the north facing building and the buildings facing Franklin, the north side of those facades, would that -- would that take care of that concern for you?

Hood: Mr. Mayor, Council Woman Strader, I think so, although you lost me on the numbering a little bit. I think you said 1.1E1 and I --

Strader: Yeah.

Hood: I think we are in 1.1C.

Strader: I'm sorry. It's C-1. I drew a little line.

Hood: Sorry. I turned my page and so, then, I --

Strader: My bad.

Hood: Yes. Essentially, I think that one is -- yes, that would -- that would address a lot of the concern anyways with --

Strader: Okay. And so is that something -- you guys are chatting, so I will give you a second. But is that something that you guys could live with? I will let you kind of caucus and figure if that's something that you can --

Nelson: Mr. Mayor, Council Member Strader, I guess I would ask to, you know, kind of maybe table a few of these items like that. I -- I can tell you that my understanding from the Ten Mile Plan and the early discussions have all been about which street frontages that was -- would be -- those requirements would actually apply to normally. Our surrounding development, especially to the west, is expected to be industrial. So, it's more about what's facing this -- the street frontages there. So, I guess with that comment I think we just have to -- we would have to huddle on that.

Strader: Yeah. I get that. Maybe put a pin in that and we will circle back to that. I put a little star next to it, so -- okay. Okay. And so there is already a limitation on the buildings that are oriented towards South Black Cat and I'm assuming that that limitation is reflected here and if you could just point out where that is, so I can check that off my --

Nelson: I apologize. Can you repeat that? I was noting down the facade question.

Strader: Yeah. I'm just looking through the -- the planning memo under number two. Their response to your initial findings. Buildings K1 to K6 are oriented towards South Black Cat Road and they are limited toward to 17,000 square feet. I think that -- we already say they are consistent with the Ten Mile Specific Plan, but I wondered if you are -- if that limitation on their size is reflected in your findings.

Nelson: My understanding from what staff's comment is here and -- and welcome Caleb's comments on that as well, but there -- this is a description of what we have proposed and he is saying that the flex buildings have accomplished what's appropriate.

Strader: Uh-huh. But it's tied to the concept plan.

Nelson: Interior larger buildings that he has objection to.

Strader: Yeah. Okay. That's -- Caleb, is that -- that's accurate? Okay. Okay. Cool. So, we figured that out. Okay. Fifteen percent -- Caleb, you said you could live with that? Fifteen percent of the frontage?

Hood: I'm -- I am not going to -- that's going to be a Council call. I mean we haven't adopted -- kind of back to Council Woman Perreault's comment. That's in the Ten Mile Specific Area Plan. If you think 15 is appropriate, you know, it -- I would challenge anyone to tell the difference between 15 and 20 percent, but I'm not comfortable saying that 15 percent is okay.

Strader: Okay. Well, it's not going to -- it's not the hill that you are going to die on. So, I appreciate that. I guess I will look around. I don't have an issue with that compromise per se. These are industrial buildings. They are what they are in my opinion. They look nice. I didn't have an issue with how they look. I think the fact that they are willing to table the issue, but maybe open to adjusting those north facing facades I think was a pretty significant thing if it's considered -- okay. Parking. Thirty percent of the linear dimension of the frontage. So, now I'm in 1.1C3. It sounds like you need this done this way because of the business use. That was my impression.

Nelson: Right. To accommodate the employees we need more than the 30 percent in front of a couple of buildings, but on average we can meet that along the east-west collector. The plan just says max 30 percent in front. So, we are just asking for clarification that that can be averaged throughout the east-west collector and we have worked hard to pull that parking to the back of the buildings.

Strader: Okay. All right. And, then, I guess, Caleb, do you feel that we need something that further references the -- the specific buildings or do you -- I know you are not going to make a call on that requirement, but --

Hood: Well, maybe -- maybe a comment on that if I -- Mr. Mayor, if I may. So, a couple of things. That -- the way it's worded is going to be difficult to track over time; right? Because you are doing it in phases, so first phase comes in and we have got a certain

amount of frontage and so they got to calculate that and, then, is this like the last building and, then, we verify that overall there is -- so it -- just the way it's worded is a -- it's a little bit -- I don't want to call it a nightmare, but it's -- it's a tracking issue and to calculate that on a -- as a building comes in, okay, you are below 20, you are over 30 percent and, then, keep that average is difficult. So, if that's what you want to do we will try. I'm -- I'm not too concerned -- and, in fact, in probably six weeks or so you will see some UDC code amendments and we are actually changing the standard. So, for industrial buildings we are going to go up to 50 percent. So, just as an FYI I think our code -- if it's adopted. Still got to go through the public hearing process. This really won't even be an issue once we change the code, because you run into this problem with more industrial projects and have approved alternative compliance and we are like we need to change our code, so --

Strader: Okay. Thank you. That's really helpful, actually. It's good feedback. Okay. So, it sounds like that will be okay. If -- if it is. Okay. East-west collector and conformed street design. All right. Deb, where is the next place that we have kind of a disagreement that you see?

Nelson: So, I guess the disagreement is in the eye of the beholder. The -- the next one does talk about the street section. Maybe it's just better to be methodical. We addressed that in our presentation and outlined the -- the deviations we have from Street Section C, which are partly driven by the desire to have the multi-use pathway.

Strader: Right.

Nelson: And, then, because we have three lanes, instead of two --

Strader: So, could you help me? Is that -- are you talking about -- let's see. We had 1.1C3. 1.1C2. We talked about those. Where does the -- where -- where do we see the DA provision that provides for the multi-use pathway reflected in these findings?

Nelson: So, in 1.1J the applicant shall provide a ten foot wide detached multi-use pathway parallel to the east-west collector road within a 14 foot wide easement, ten foot pathway, and two foot shoulder each side. Then the street section -- trying to find that.

Strader: And just to confirm, that totally complies with the request from the -- I guess Public Works Department in terms of what they were looking for, I assume.

Nelson: Can't find that one. Okay. Okay. Street section is attached as Exhibit A, but we may need some verbiage to incorporate that.

Strader: Could you repeat that?

Nelson: Street -- the street section is attached as Exhibit A to the back of the proposed findings. Oh. Excuse me. I just found it. It's in 1.1C4. When required to be constructed

the east to west collector shall be constructed in conformity with the street section design attached as Exhibit A.

Strader: Okay. All right. And, then, consistent with -- okay. Then we have exceptions. So, Caleb, do we have any issues with these exceptions under 1.1D one and two?

Hoaglund: Mr. Hood.

Hood: Council President and Council Woman Strader, so D1 is -- we kind of talked about above and 1.1C1. So, there -- there is some repetitiveness to some of that. So, yeah, we are still talking about when design review basically applies to what building facades, so to answer your question, yes.

Strader: So, inclusion of the -- if there was an inclusion of facades facing the north side that would be included here. If it were to come to pass. Okay. Right. Okay. So, put a little star next to that. Okay. I'm assuming we -- we don't have any issues with the process in terms of CZC and they have accepted the TIS. I think that that should all be fine. Okay. Maybe we go to the drain. Yeah. Okay. So, we like to leave the drains open if they are not safe. It's great to recharge the groundwater. Don't yet know exactly what the use will be to the north. Are you guys going to put up a fence? What's the plan around the drain?

Nelson: We do not currently have a -- a fence plan there. As -- as Caleb noted it didn't appear to be a safety issue. We do have a significant setback from it. The Nampa-Meridian Irrigation District does have a maintenance road along the south side of the drain that is on our property and, then, we have an additional buffer back from that. So, our first improvement, which is parking -- so, it's even further set back is 35 feet from the drain. So, we have got a significant distance there. No residential use, nothing that would create somebody to go toward the drain or need to, so it's --

Strader: Kind of; right? It's halfway on your property, halfway on another property. I guess what I'm sort of -- personally I think piping it would be great, but I understand the advantages to not piping it for the city overall. I guess I'm wondering are you willing to put a fence on your side, because, then, I think that would be the standard I would expect from the property owner to the north.

Nelson: Yes, we can agree to that.

Perreault: Mr. Mayor?

Strader: I'm going to look around a little bit on that.

Simison: Council Woman Perreault.

Perreault: So, this is a drain; right? So, this is not a canal. I don't know -- I assume there is a -- that there is not consistently running water going through this. So, I think we -- you know, we had had -- we had -- had talked about -- another development had brought up

this concern about, you know, do we require fencing on canals with active running water. A drain is different. I -- I thought we had kind of come to the conclusion that fencing on drains isn't necessary. I know Nampa-Meridian doesn't like them. But I'm curious if Caleb could refresh our memory on that.

Hood: So, Mr. Mayor, Council Woman Perreault, I don't know whether I can refresh your memory, because I don't recall the conversation myself. I can only tell you what the code says and -- and it is a case-by-case basis. Maybe a little bit of context. I mean historically this Council -- and I believe past councils -- when it's proven that it's a 36 inch diameter pipe or more, the cost benefit seems to go way down. So, I know what it would take to -- to pipe this, but historically that's kind of been a factor anyways for previous councils to grant that waiver is if it takes a really large pipe. Historically that's -- that's been granted. And there has been other cases as well. But, again, the standard is what I put in the memo that unless you waive it for whatever reason you determine appropriate, the standard is to generate -- now, that doesn't apply to creeks and some of those other waterways that we want to keep open and use as an amenity, but the Rosenlof is not called out as one of those.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: My recollection is with -- when it comes to drains that -- that description fits. It's not a canal. It does drain and during irrigation season it may have more water, but typically a drain does that, it drains groundwater, any other water that's coming into that to -- to run off. So, typically, they are often kept open and -- and the easement -- I looked at the letter from Nampa-Meridian and, of course, the easement -- protect the easement and that sort of thing. But, typically, a lot of the subdivisions put their walking paths along the drain and they may slope it down, put in rock, that sort of thing and -- and -- and use it that way. This being a different type of site, but, you know, I would want clarification from Nampa-Meridian and specifically for -- for the drain.

Hood: So, Mr. Mayor, if I can just maybe piggyback on those comments. And, again, this is just annexation, not a subdivision, but with our subdivision improvements that is typically one of the options is to make it an amenity then. If you are going to leave it open, then, make it something that is attractive and doesn't become a nuisance and we don't -- we are not opposed to the fence if that's where you all want to go, but that doesn't really look nice either to just have this -- you know, a fenced off channel there necessarily. So, again, historically that is something we are not saying we need to change the slopes to be three to one and all that, but typically there is some improvement of it at least, then, that -- that just doesn't become weeds.

Strader: Yeah. No issue. I was only reacting to -- I thought I saw that it was 12 feet. Is that accurate?

Nelson: That's correct. It's 30 feet wide and 12 feet deep. So, it's significant size. And it does not run year around. So, Council Member Perreault, you are correct, it is a drain, it is not open all the time. So, I mean it would be our preference not to put a fence there and block it off for the view from employees, but that's -- if that's required we would accept that.

Strader: Okay. I don't -- I'm looking around. Maybe an open vision fence. But if I'm the only one -- I always get hung up about these and, then, Council President Hoaglund looks at me, because he knows they are not a big deal. So, I apologize. If it's not a big deal I will move on. I'm going to look at you. It's 12 feet deep though. I mean --

Hoaglund: Mr. Mayor?

Simison: Mr. Hoaglund.

Hoaglund: Council Woman Strader, yes, I'm very familiar. On my father-in-law's farm it was 12 feet deep and that's where we would go and jump the ducks just before sunset and walk back and have duck for dinner, so -- and what they did when that property developed, you know, they backed it off, opened it up and made a nice slope and -- and landscape and did all sorts of things and make some nice walking paths, so -- but, again, that's for -- for a subdivision. It's a little different with an industrial site, but I -- I am just kind of in my mind remembering -- I think for drains Nampa-Meridian does not like fencing along that. They do have easements along there, but I think it's different than canals where they -- they want the easement, but you can put fencing in as long as they have their -- their -- their property area. But I -- that's why I would like to make sure with Nampa-Meridian that -- where that -- that is accurate.

Strader: Okay.

Nelson: Council Member Hoaglund, we would not be able to put a fence within their easement, to be clear.

Hoaglund: Correct.

Nelson: It would have to be on our property and -- I mean they -- they do use that maintenance road. They dredge it every two to three years and pull out the -- the silt, et cetera, at the bottom. So, it is a maintained kind of constantly operated facility and it is deep enough to intersect the groundwater there. So, it is an impact on groundwater to pipe it.

Strader: Right. I think maybe --

Hood: Mr. Mayor and Council Woman Strader, if you don't -- just -- just to bring it back to full circle while -- my concern isn't necessarily for safety. I'm not going to say it's safe or unsafe, because I can't make statements like that. But, again, my concern -- and I hear what the applicant is saying, you know, east-west collectors, get people to the collectors,

but there is a future signal on this site and I would like properties to the north be able to have access to that without having to go a half mile back down and around to get to a signal if they want to continue south and not use the arterial. So, that's really why I bring up -- I'm not advocating for it to be fully piped, but, if not, is there going to be a bridge or something that -- not to all six properties, but somewhere in the half mile some decent access to -- for the future that we can, again, not have -- the UPS driver has to go all the way around -- you know what I -- it's just things like that where we don't want to send them out to the arterial and all the way back to the west another half mile to get back between these two projects that have the same comp plan designation, but for this -- this drain if we leave it open. So, I won't beat that anymore, but that's really what -- I just want to make sure you are aware of that with whatever you do, that the likelihood, then, of having any vehicular connection to any of the six or seven properties to the north direct -- indirect, yeah, with the collector network, but directly probably will never happen, so --

Strader: What do you think, Deb?

Nelson: Well, I will offer a few comments and my clients can jump in and see what they say. So, yeah, the -- the north-south local street was discussed pretty early on with staff and it was actually -- we brought it up in one of our earlier hearings. ACHD doesn't support a local street going north-south there, because they do want everything to go funnel over to the collectors. You know, that -- that property does have access both to -- to funnel, again, on their east-west collector, so just like our site has to construct an east-west collector through the middle, the properties to the north also do and so they will have the same opportunity to access the north-south collector as we do, which works well. Funneling an unknown user's traffic into our site is -- I guess hard to say that that works for us or it doesn't work for us yet. You know, if it -- if it had to be designed that way and that were approved by ACHD, you know, when that site develops, then, you know, they -- we do have -- you can see on our site design we do have our drive aisles run north-south, so, you know, they would have that opportunity if that were appropriate at that time.

Strader: Yeah. I mean I guess the -- the tough thing is like this is what we expect from everybody -- like we expect every single applicant to like have connectivity to the next property. It's -- it's hard. I'm -- I don't know. Anyway. Maybe we will put a pin in it. I see a big one. So, the next big one that I see is really the timing of the east-west collector extending all the way to the western boundary. So, I think there is a real question that staff is raising of when should that take place. Should that take place immediately or should that take place after 960,000 square feet?

Nelson: So, we did add language to try to address this and that is in 1.1H2.

Strader: Uh-huh. Okay.

Nelson: So -- because that's where the language had been about the east-west collector, so we just added additional language that -- so, the east-west collector is expanding through the site as the project progresses; right? To serve our development just like it normally would, but we added that -- so, it would the -- excuse me. I will just start at the

beginning of the sentence. The east-west -- east to west collector must be extended to the western boundary of the site as the development progresses to the western end of the site or -- this is the new language -- or at such time as the property to west constructs a connecting street, whichever is sooner. So, if there is somebody who needs to be connected, we would have to expedite that timing, even if we were not out developing the western end of the property at that time. So, that was our attempt to try to address that concern to make sure that we are not a holdup ever. We would develop it as we normally progress, but, then, extend it out as soon as there is a need to connect to that road.

Strader: Caleb, what do you think about that?

Hood: So, Mr. Mayor, Council Woman Strader, I really do appreciate the intent of -- of the condition and I feel like I'm a broken record here a little bit tonight. It is -- so, that project comes in and stubs, so do I call somebody and say, hey, they built the road, now you have ten days, a year, three years to construct your connection. I mean there is nothing -- there is no real trigger or it's -- it's just the logistics of how we make that happen and, again, the -- the intent I think is there and I love it, it's just when it comes to what do I -- how do I -- what do I hold and say until you do this I got your building permit or I got your occupancy or is it within -- when ACHD accepts that road? Is it when Council requires the stub street? It's just some of the nuances to that language. Again, I love the intent, just -- we are going to get there and they are going to say, well, it just says that we have to do it at such time the property west constructs theirs and it's still under construction and, then, is it -- do they have six months? Do they have six years? Is it just tied to no more than 1.5 million, you know. So, I -- and I don't know the answer there. Again, I appreciate the -- the language, just it needs to be clear.

Strader: That's a great point. Deb, what about a timeline like that you will complete that road improvement within three months of the stub street connecting to the western boundary?

Nelson: Council Member Strader, we are discussing, so I guess our vision of how -- the city has a lot of hooks, because the build out and this is just one of the earlier phases, so we feel like there is a lot of opportunities to -- to flag this, but if -- if they want -- you know, if the city or the adjoining developer wanted to give us notice that would be one way to trigger it. In addition to having all of the permitting throughout the entire larger development and -- but, then, if we are not very close, we would need to get, you know, over there, so we need 12 months probably, but -- I mean that's part of why we tried to be very specific with it once they have a connecting street. We don't want them to just say, hey, we want a future road. I mean it should be like timed with appropriate development I guess is what we are trying to accomplish, but --

Strader: I mean it doesn't take that long to make a road. I hope. I mean I'm not -- you are looking at me, but I mean 12 months is a long time, Deb. What if it's three months from the time that -- three months from notice from staff, would that -- would that work?

Nelson: I don't think they are comfortable that they can design and build a three lane collector in three months.

Strader: Okay. So, how long would it take?

Nelson: I hear -- I hear murmurings back here.

Strader: Okay. So, you guys talk about that.

Hood: Mr. Mayor, if I can. Council Woman Strader and the rest of Council, I guess not trying to require, you know, dollars that -- that aren't needed now, I mean I don't want to build the road to nowhere necessarily, but when the Asumendi property comes in I envision a similar condition for them that with phase one you take collector and you get it up to Franklin and, then, you have got the backbone to the whole transmission network. That's really the intent is that now we solve a lot of the problems -- or at least address some of the problems on Black Cat not being sufficient and if we get the road stubbed there with phase one to that property and, then, require Asumendi to take it, pick it up and bring it to Franklin, you got the backbone of the entire transportation network in this section. At least that's the thought process with staff. Not, oh, we got to wait for ACHD to say they have accepted a stub street, now we have to call --

Strader: I get it, Caleb.

Hood: -- an applicant that may not -- anyway.

Strader: I get you one hundred percent. I mean that's really the issue is if it's not that workable really what I was leaning toward initially was this just needs to go as part of your initial phase, just extending that collector to the western boundary just removes the issue. Then you have a collector, then, we don't have these issues of traffic. I mean that -- that would be -- I think everyone's preference is just build a -- build a collector. You have already got one big tenant, so you know this thing is going to work. I don't know. Just build the collector all the way to the western boundary, you know what I mean?

Wolff: What if we bonded and said -- here is my concern and I have watched this all over the country is you are going to end up with a drag strip right there. You are going to have a building with a half a mile of straight, long road with nothing at the end of it and I just -- we are happy to be financially responsible for it if that's your concern. If your real concern is we need to make sure it gets built, but to build a road to connect to nothing when there is no development next door to it --

Strader: It sounds like it's pretty likely there will be, though, and everybody is really worried about, you know, we have all been worried about this traffic, it's not a new issue.

Wolff: We can bond it.

Strader: Well, you are going to bond it, but when is it going to get done? I think that's really the bigger --

Wolff: And maybe it's six months of notice.

Simison: So, I just want to -- are there several more issues that we still need to go through?

Strader: I think we are almost through.

Simison: Because I wanted -- we were going to take a break as soon as we were done. I don't know if any other Council Members have any other questions for the applicant, but maybe there is some of these you could talk about offline during a break. Council Woman Strader, I don't know if there is anything else you need to put out there for them to consider, then we take a break, discuss them, and we come back and hear from the community, as well as the applicant.

Strader: Totally fair. Yeah. And I apologize for hogging the mic. It's been a pain. But I feel like this is the only way to figure this out, because we have all these detailed conditions and it's hard to know what we are considering approving, because this is the last one I have, Caleb, and you will tell me during the break if I'm missing something, is you have now this three acre parcel that's not part of the development. I think there is a real question about how is that going to access the arterial and -- and that stuff. So, think about that -- maybe addressing that.

Nelson: I -- I can respond to that now. I'm sorry I failed to remember that comment during my presentation. Yes, we will provide access to that property and make sure that they have access through our site.

Strader: Where is that, Deb, in the findings?

Nelson: That's a new comment that --

Strader: Okay.

Nelson: -- you just heard from Caleb this evening and I meant to respond to it.

Strader: Okay. So that --

Nelson: So, yes, add that.

Strader: Okay. That needs to be added. Okay. I am so sorry, Mr. Mayor. I'm done with whatever this was.

Simison: No reason to apologize.

Nelson: Appreciate it.

Simison: Are there any -- does Council have any other questions for the applicant at this time that they would like to inquire?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I do have questions about those categories that are set aside with the square footage designations, but I can wait until after the break if need be.

Simison: Okay. Let's go ahead and take a 15 minute break and, hopefully, that will give you time to work through some of these conversations and come back and potentially have some more conversation. Okay. So, we will reconvene at 8:45 or in some people's cases 10:45 if you are -- I don't know what time zone is, Luke. I think it's just one hour difference, so -- okay.

Cavener: I'm still in Mountain Time, folks, so we are doing great.

Simison: Okay. Thanks, Councilman Cavener.

(Recess: 8:29 p.m. to 8:45 p.m.)

Simison: All right. Council, we will go ahead and come back. Thank you for that time. Would the applicant like to come back up and make any comments to the items that were discussed and there may be some additional questions from Council Woman Perreault or others. I'm not going to let you off the hook that easy, so --

Nelson: Mr. Mayor, Council, thanks for the opportunity to go through the conditions in detail. It's been a long project and we really appreciate that attention to detail to get it right. So, on the questions that have been raised along the -- the north facade, we can accept the 15 percent window frontage on average, the same as what we proposed for the I-84. On the -- the drain issue, you know, we would prefer not to build the fence, but we are agreeable to that if that had to happen. Looking at the connectivity issue that was discussed and talking with the traffic engineering and kind of thinking about how things are actually going to flow, it actually doesn't seem very likely the property to our north is going to need any connection to our property, because they, as we mentioned, have the east-west collector going through from Black Cat to the north-south collector and all the -- the traffic is going to go up to the north and out to the interstate and intersections anyway. So, it seems more likely that they would be burdened by our traffic, as -- as opposed to benefiting from it. So, we -- we just continue to ask that that connection not be planned at this time. We don't know what that use is. We do have appropriate funnel for our traffic to accommodate it and -- and they will also. On the extension of east-west collector we can live with the three months, 90 days if you just want to be very precise, and we just need to time it from the end of the availability of that connecting street. So,

then, we can watch the permits and the construction and see the sewer getting extended. We will have lots of notice to be able to do the work we need to do to be able to connect to it. So, that gives you a specific trigger and a specific tight timeline. So, if we do 90 days within completion of that connecting street we can make that work and I think those were the things we were huddling about.

Simison: Council, any questions or additional questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, prior to the meeting I was reading through the -- your three categories to define when all of these road improvements will be complete in relationship to staff's comments in relationship to the ACHD letter from the middle of July and the ACHD letter states on page two that the traffic impact study included two scenarios, one with the north-south collector intersecting Franklin and one without and you are proposing that it does not connect with Franklin at this time, that that's an off-site improvement. But the -- the study shows without the construction of the collector roadway that this segment of Black Cat Road is proposed to exceed ACHD's acceptable level of service planning thresholds for a two and three lane minor arterial in the p.m. peak hours under the 2030 total traffic conditions and, then, it talks about this segment is listed in ACHD's capital improvements plan to be widened to five lanes between 2036 and 2040. Can you give some clarity to us on whether that time frame is accurate? You are stating that you have picked up the -- that you have picked up the right of way to be able to make those improvements yourself and that you are looking at creating a -- a contract agreement to complete those in advance with ACHD. Is that what I'm understanding or am I confusing two totally separate sections? I'm talking about the section between the collector and Franklin on Black Cat.

Nelson: Mayor, Council Member Perreault, I think I understand what you are saying. So, what we are proposing is that -- and -- and it's consistent with the trigger that's in the TIS and what's described here in ACHD's letter is that above 960,000 square feet of occupied space within our development is when that triggers an impact on the level of service at Black Cat when you don't have the north-south collector anymore. So, then, you are triggered at that point and so we have accepted a cap on going above that level of occupancy until Black Cat is widened. Then to help further that, because it's in our interest now, too, because now we are capped at that amount and to further the road improvements we have agreed and pursued some efforts to try to bring that forward and so one of the things we have done is gone out and secured the right of way -- you probably remember from prior hearings that's been the problem. You know, that's why we are trying to look at other alternatives, because we could not get all the right of way and so -- and that wasn't available. So, that's the big effort that's happened is to go secure all that right of way. So, that really does enable that to happen sooner and ACHD has agreed that they will buy that right of way and have set that process in motion. So, that is progressing. As to the cooperative development agreement, if we can pursue that as a further means of expediting that, then, the applicant has said that they will do that and --

and ACHD has moved from, no, we won't to we will look at it at the time and see -- check our resources. So, they became willing to consider it based on the availability of staff.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: But it's possible -- at this point their capital improvement plan still shows between 2036 and 2040 and nothing official has happened to change that potential timeline and so we could potentially be seeing a time lapse between these -- this first -- first 960,000 square feet and -- and when you start the second phase, that it could be a significant amount of time in between those two if Black Cat doesn't get widened, because either they won't agree to the cooperative development agreement or they choose to delay it in their capital improvements plan. Is that what I'm understanding?

Nelson: Mayor, Council Member Perreault, that's correct. That's why we have taken that cap onto ourselves. We don't believe that's the likely timeline now that the other roadways have been expedited and based on discussions that we have had with ACHD where they are going ahead and acquiring the right of way. But you are right and that's why we have capped our development to not be able to proceed, rather than just saying -- it seems like it's happening faster; right? So, we have just limited ourselves, but -- but we also do believe -- and especially with acquiring the right of way -- that it is happening faster and so that gives us comfort that we are not going to be capped at that, you know, for -- for very long, if at all, if that made -- those road improvements we believe are just going to happen in due course.

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

Nelson: Thank you.

Simison: Mr. Clerk?

Johnson: Mr. Mayor, we have one person signed in. Kayla Rich.

Simison: And if there is anybody online that would like to provide testimony, please, use the raise your hand feature, so we will know to bring you in at the appropriate time. And if you could state your name and address for the record.

Rich: My name is Kayla Rich and my address is 745 South Black Cat Road and, Mr. Mayor and Council Members, I would benefit for this development to go through. I am a property owner that is in the proposed area, but as a citizen of Meridian I think I'm one of, what, fast approaching 150,000 citizens that would benefit from a development like this as well. I want to commend the Mayor, the Council Members, and also the staff for being so diligent in wielding the resources that are -- that are going away, which is land, and as -- since we are being locked in by all the cities, to be able to take these resources and

curate an area that's going to allow us to live, work and raise our families in the way that this Council has foreseen, but also the previous councils as well. I don't think any citizen having followed this development path would ever accuse any member of the city staff or the Council or the Mayor of not doing their due diligence, making sure that developers don't just plunder the spoils of the city's success, but to proportionately contribute to the future success of our city and that's what I see from this development -- the applicant's proposal. The applicant has done extensive efforts to mold a common vision for this development based on the input from staff and Council Members. Reminds me a little bit of the Incredible's Elastigirl Mom. I will do this over here and we will get this here and I will get the fence and if you can just approve it we will get this done; right? But I'm wondering how much more patience they have, because they have worked on changing facades, making sure that they have given you a -- almost a choose your own adventure style of where would you like us to improve the roads? We will give you the money. Where would you like it? We will make sure that we can improve and make better this area when we come in to develop here. One of the things that this applicant has done is provide traffic that is going to be increased by their project, but they have also worked to address what the Mayor has asked for, which is what about the other traffic that's just going to be in that area. What are we going to do about the other traffic not necessarily coming to your development? One of the things that we have all been facing is this Highway 16 connection that's just been happening so quickly and everybody is trying to catch up with the pace of growth that we have had, but it's being built and people are coming. Whether or not this development gets approved we will see an increase in traffic, but I think what's lovely about this with this phased development that the applicant has proposed is it's -- it takes that chicken and the egg scenario and solves it by doing it in phases and making sure that the development matches the -- the traffic and -- and addresses it in the phase approach. I don't think most developers would put all their front efforts and funding and say we will only do this much and wait for more. So, it's -- it's a little amazing to me that the applicant's willing to do it. I know one of the concerns in the past has been timing. I think that, again, if you build it they are going to come and, then, one last thing in the Ten Mile Plan, I just wanted to remind that when the Ten Mile Plan was written there is a -- there is a sentence in there that I think is really important to remember, that the land use element has evolved as a continuum of land uses. This is in page 3-15. That integrate and spill from one to another. Rather than delineating land into zones by function, the lines in this land use -- use map are flexible. The line should adjust and evolve to create a place that's truly an integrative whole, mixing uses both vertically and horizontally and it continues on to say that the lines should be relatively broad and the exact shape of the land use areas need to be more conceptual, that it's not going to be literal to the plan. So, if you were asked by any citizen in our community you can say that you were taking into consideration the Ten Mile Plan when you approved this applicant's proposal for development and you were forward thinking for what our industry is moving towards, which is a little bit more industrial and less with that employment space and I just urge you to approve this plan, so they can move forward. A year is a long time. I know they have put a lot of effort into it and I would like to see this Council join their efforts. Thank you.

Simison: Thank you. Council, any questions? Thank you. Is there -- having no one else signed in, is there anybody else in the audience who would like to come up and provide testimony on this item at this time? And no one online raised their hand, but we will ask again if there is anybody online that would like to provide testimony on this item at this time? And I will invite the applicant --

Bongiorno: Mr. Mayor, may I? I was waiting for the public to go first.

Simison: Deputy Chief.

Bongiorno: Thank you, Mr. Mayor and Council. Great -- great conversations tonight. I just want to make sure we dial this back down to the -- the bare bones. This -- this project is in no man's land for us. We -- we can't get there in five minutes. We can't get there -- we can get there maybe seven minutes and that's the first do. So, I just want to make sure -- basically from Zimmerman Lane out, which includes Compass School, we -- we can't get there. We -- we can't, but it's time. So, if anything gets built we can get there, but it's going to be how long and if we are talking two million square feet or a million and a half square feet, as the risk reduction person for the city as the fire marshal, we are generating this huge amount of risk by having square footage and people and no resources available nearby to support the project. So, I just wanted to make sure that we -- we bring it back down to the reality is we don't have a fire station out here. We are currently trying to find land out in this area, but right now nothing is available and it -- it's going to be a stretch for us to get out here, even with Station 8. Station 8 will be roughly six minutes away. So, you will have 8 and 2 are going to be the closest. The truck company is roughly about seven or eight minutes out, nine minutes out, and if you have a 300,000 square foot building on fire with 400 people in it, that's going to take a lot of resources. The next closest would be Nampa. Nampa is about eight minutes away. So, I just want to make sure that we are all on the same page, that we can support it, you know, like somebody just said, build it and they will come. Build it, we will come, but it's just going to be a matter of what that response time is going to look like.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, chief. So, I assume that this would require the ladder truck because of the height. So, is that just -- those distances and times you gave us with -- with the ladder truck or is that just the nearest station?

Bongiorno: Sorry. Mr. Mayor and Council Woman Perreault, the -- the six to seven minutes, that's -- that's stations. I thought I had it up here real quick. Give me just a second and I can tell you what roughly Station 1 is away. Because, yes, it will require a ladder truck. There we go. So, currently -- again this is just using Google Maps. There is nothing scientific to Google. That puts it roughly about seven minutes away and, then,

if we do put the new ladder truck that we have on order -- if it gets placed at Station 6, it will roughly be about the same amount of time, six to seven minutes away.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Curious if you have worked with the applicant in terms of mitigating factors. So, I don't know if these are stick built or what the materials are, but they are industrial buildings, I can't imagine that they are -- but are there things you recommend that people do, like put in sprinklers or something for a building of this size?

Bongiorno: Oh, definitely. Sorry, Mr. Mayor, Council Member Strader, with something like that, the -- the fire code and the building code are going to require sprinkler systems for them. I'm not sure if they are doing tilt up. We never discussed what the buildings are going to be made out of. But the fire code and the building code will dictate sprinkler systems. I did put in there as a comment that they are most likely going to need fire pumps, because of the size of the buildings that they are putting in, so, again, that's -- that's kind of down the lane when we get to the actual building. All that will be determined by the fire code and the building code.

Simison: Council, any additional questions for the deputy chief? Okay. Then will the applicant like to come up for any final comments and to close.

Nelson; Mayor, Members of the Council, so just a couple quick comments to respond to to Joe there and -- and in particular to respond to your question, Council Member Strader. Yes, we -- we did work with -- with Fire on this. Looking back to October 19th, 2021, communication with Joe about this, saying that, yes, we -- this is from Joe. We can support the project. We may have extended response times to get there at this time. Station 6 on a good day is about six minutes away. So, that was discussed. We knew that. Still got their support. We have got -- we do have sprinklers in the buildings and they are concrete and I know from other residential projects I have worked on with -- with Joe and his team, that, you know, when you are further out of that five minutes that's when they start looking at those sprinklers. So, I think that is part of why everybody got comfortable with it, is the building materials and they will be fully sprinkled and -- and -- and he did disclose that time frame. So, we are comfortable with that.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I apologize. Just because it's the point you just made, is there a distinction in -- and I would like to -- I would like to ask deputy chief on the word support versus serve. When you reference that we can support it, I think from your perspective are you meaning we can serve it, because of course you can serve it.

Bongiorno: We can serve it.

Borton: You will serve anything, though.

Bongiorno: Yeah. Mr. -- Mr. Mayor, Councilman Borton, when it comes down to it, I mean we are -- we are one of those ones that if you build it we will be there.

Borton: Right.

Bongiorno: It's just for us is how long is it going to be there. I mean I -- I -- in my seven years that I have been the fire marshal I have never -- I -- I think only once or twice I'm like, man, we really can't support you with this project, because we can, but it -- for us it's just what's the response time going to look like.

Borton: Right.

Bongiorno: And -- and this is totally -- we are -- we are in no man's land out here.

Borton: So, is there -- is there any distinction when using the word support versus serve in this context? Like support -- like I want this project approved or we can serve it. We can accomplish our task?

Bongiorno: We can -- we can serve it.

Borton: Okay.

Bongiorno: I mean, honestly, we need a -- we need another fire station out there to support the growth that's -- to serve -- however you want to say it -- what's going on out in this area. Because this is going to be the next hot bed as -- as that development is coming from Eagle Road going this direction, we have been actively looking for land out here, because we know Laren has a project that he wants to build. The Eggers' property has been brought forth for development and -- and I told them -- I'm like we -- we really can't get there. I mean you can build it, but if Council approves it we don't know how long it's going to take us to get there, because they are all the way up against the freeway. So, for us, you know, there is no freeway access. We have to go all the way around to get to it. So, that's -- that's the big problem with -- with Black Cat.

Borton: And -- Mr. Mayor?

Simison: Councilman Borton.

Borton: That's how I read your language. The -- the lawyerly of it was that you meant you could serve it, which is different to me than we can support it.

Bongiorno: And I -- Mr. Mayor and Councilman Borton, I will agree with you. Yeah.

Simison: And maybe just to put a finer point on this conversation, chief, what percentage of our calls are for fires?

Bongiorno: Oh. Well, lately it's been kind of high.

Simison: I know. I think --

Bongiorno: Yeah. No. We are eight to ten percent roughly. Maybe a little higher.

Simison: Ninety percent likelihood that your response will be for a healthcare related incident at this facility more so than a fire related incident.

Bongiorno: Or depending on the -- the type of building it could be some type of an industrial something or other. I mean because if you look at Fiberon where they are 14, 15 times a -- a year and a lot of those are fires. But it -- I don't know what they are putting in there, so I can't really go, yeah, we will never be there, but --

Simison: So, the five minute response time with fire and healthcare just -- okay. All right.

Borton: Sorry.

Nelson: No problem. And, Mayor, to that end we can also install defibrillators and that kind of, you know, on-site remedy as well as is appropriate in a workplace. So, I -- I think we have -- we have tried to address all your questions. They have been good ones. Thank you for getting into the details. We really appreciate the direction of the last meeting to propose the conditions of approval, so that we can go through this exercise. So thank you. And we -- we feel that we have tried to work through all of your questions and concerns about the -- the main points, so that we can bring you this two million square feet of needed industrial and ask for your support of the project with the conditions that have been proposed and modified this evening.

Simison: Thank you. Council, additional questions for the applicant? Comments? Or have a seat and we will see if there is further dialogue.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Question back to Caleb. If the sequence -- if I understand it correct -- that these conditions of approval we have been talking about, they are conditions that were initially crafted -- drafted by the applicant to us proactively, trying to get the dialogue going, which I appreciate. We responded that April 3rd -- or August 3rd memorandum. Is that the -- the totality of the exchange, other than tonight on the conditions? And I mean it's -- it's difficult to go in this sequence, but -- and -- and if so, in light of this conversation, your input is very important and -- and do you think that each of these conditions has been discussed and vetted or are there more things that you think, Council, you need to

consider -- when I look at these proposed conditions, I -- I recommend you look at seven, eight, 12 and -- and 14.

Hood: So, Mr. Mayor, Councilman Borton, it's -- it's a good question and a bit unfair, quite frankly, because Alan was the planner, so to say it was -- is comprehensive, there has been other conversations that I haven't been a part of.

Borton: I know.

Hood: But that said, you know, I -- I'm pretty confident in what you had before you with the commentary, with the discussion tonight and some of the notes that aren't, you know, in the record, that a lot of them are -- a lot of the issues are at least raised. But with that said, just as an example, we didn't quite get there before the break -- 1.2 talks about the R-15 zone property and this isn't a huge issue necessarily, but I just want to bring it to your attention, that there are two pretty basic provisions in the development agreement that just say the house needs to hook up at 350 South Black Cat within 60 calendar days. Pretty standard. And, then, it talks about, you know, use -- consistent with the uses and dimensional standards in the R-15 zone. I can't remember the last time that Council approved an annexation without a conceptual redevelopment plan for a property. R-15, C-C, C-G, anything, I just don't recall it. Again we are only talking about one acre, not -- not a huge deal, but kind of to your question, staff originally analyzed this and said, boy, at a high level we don't think this is in the city's best interest, so stop short of, then, adding some other conditions that talk about, hey, any new construction on that site modify the DA first and bring a concept back, because the way it's worded right now, they could build some duplexes out there and we couldn't say yea, nay, or indifferent, it's just building permits and off you go. Have four access points to the arterial, because we don't have any code that applies. So, just as an example, that -- that parcel -- and it's not -- 130 acres is the big deal. It's just one acre. But just as an example, there are some things that haven't been fully vetted. I'm not trying to delay it. Don't get me wrong and I'm -- I'm prepared right now. I mean just even with that we could add what I just said, say, hey, that property, enjoy what you have now, but if you want to do anything else you got to come back and modify your development agreement with the new concept plan. You are not entitled to develop with R-15 uses and daycare centers, townhouses, duplexes are not approved by right with this annexation, because you haven't submitted a concept plan. So, again, you had multiple questions kind of in there. I'm pretty comfortable with where the discussion -- and I think we have vetted a lot of these -- these concerns out. I would -- back to one of your last comments. I would like to -- and I appreciate Ms. Nelson, you know, kind of running through those, where they are at and -- and back to you. Just so I'm clear and if recommendation -- or the -- the motion is to approve tonight, make sure we get it right for the -- the findings and the conditions, I would like to read back to you what I heard and understand and that way there isn't, you know, too many iterations of this and I -- I don't think it will take as much time as it did earlier, but just some clarifications on the 8/16 memo if -- if and when that's where you guys are at and want to do. I do have some just -- want to make sure I heard everything correctly and we document it as such.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm not intending to interrupt Caleb. I have a question before he goes through that process. So, wouldn't it -- considering that you didn't draft these conditions, the applicant did, which is kind of unique, would it not make sense for you to -- for staff to have more time to really go through that in detail and bring us back potential conditions that add anything that may have been missed? I mean you have commented on the conditions that the applicant created, but you didn't set any of your own and -- and wouldn't it be better for us to just not -- at this point I -- I would like to further explore staff's request to change how these categories are set up and not do it by square footage, but, rather, do it by design review and time frames or CZC time frames and have the applicant go through that with staff and figure out that process versus the square footage before we even talk about the details of the DA provisions that they proposed.

Hood: So, Mr. Mayor, Council Woman Perreault, I -- I -- and, again, I'm -- I'm not Alan and wasn't privy to potential conversations he had, but I have been enough involved with this where I do know there were some back and forth and the conditions you see now aren't what they looked like back in April. So, we have had some things -- hey, can you address this in your proposed conditions? Can you -- and, in fact, we note that in a couple of these. Hey, this was added at the request of staff. And so we have had that. I haven't personally done that, but I, with some confidence, believe that Alan has. So, I don't know that continuing it so we can make sure that all the conditions are addressed -- I think we are down to somewhat wordsmithing. I think most of the issues are on the table and I don't know that a delay to make sure that every single T and I are caught -- again, I somewhat trust that Alan did most of that exercise over the last few months. So, again, this isn't -- even the 8/16 version that you have tonight, there was three or four versions of this before and they have added some things at our request and say, hey, can you address this, can you address that. Is it worded how we would prefer it? No. But at least it's addressed to some degree.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess the general -- just general question for Caleb and maybe for Bill. Wouldn't it make sense to -- we will decide where this goes or whether it's a general approval or a denial, just like with any project. We would list the additional conditions generally and, then, I think we would have to see revised findings that would reflect that. Like I don't think we would be approving the exact findings tonight. That feels a little clunky. I think we have -- if we got there, if we get to an approval, I think we would have an idea. But I just saw Bill nod, so is that what you would recommend?

Nary: Mayor, Members of the Council, Council Woman Strader, that's normally been our course. When we have had a situation where the staff has recommended denial, P&Z's recommended denial -- I think Caleb's right, I don't know that the level of detail of -- of -- needs to go back to like square one. I think they have probably got this to a point that it

is going to be crafting what the actual final findings look like, having the applicant review them and make sure they are in line with what their recollection and what their notes reflect and so -- but the staff is -- like Caleb said writing it and wordsmithing it the way that fits our template, our type, so that we are comfortable with it. Like Caleb said, a lot of it is going to be making sure we put in either triggers or some way to put some checkmarks in as to when things can happen and what is the consequence. I mean one question I wasn't clear on was on that -- and -- and maybe we have cleared it up now. We talked about the road and when the road would have to get extended and we discussed 60 days, six months, 90 days, whatever the number ends up being and, then, what? If they don't then what? I mean that's kind of what I think Planning gets sort of tasked with at the end. Okay. This says you have to have the road completed in 90 days or 180 days. Okay. On day 181, then, what? What do we do? Are we holding up other -- is there other permits? Is that what's anticipated? So, I think there is a little bit of that stuff that Planning usually nuances before you get the final one. So, that's what I would suggest. And, again, obviously, Planning is going to craft this, so what Caleb's direction is is probably the most critical. But that has been our norm is that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm happy to kick off some discussion if we think it's time for some discussion. Maybe we will keep the public hearing open in case we have a question. Long process for you guys and for us. It's been a long process. This is a big development, important part of our city. I'm glad that that process has happened and I know the continuances have been hard, but I think it has really improved what would happen here. You know, I'm strongly in support of this one. I don't think it's without its issues, but to me this is really like the future of where the economy is going and a great use in Meridian for generating jobs. The truth is, you know, offices are -- there is a lot of vacancy in the office product right now, but I don't just think that's for now. This working from home thing is not going to go away. COVID is not going to go away. I think having this type of industrial use that can benefit from the trends around manufacturing and the internet and all those things is a good thing. They have made a lot of changes. I appreciate that. Especially acquiring all the right of way along Black Cat. I thought that was a significant change on their part. I appreciate that it's phased. You know, as they expand they are going to comprehensively ensure that the road network gets updated. Understood -- and understanding there is no one forcing ACHD to do it. No one can guarantee that. But it's certainly in their best interest, I think, if all this right of way is acquired and they seem more open in their letter to working with them on a development agreement, so, you know, with some conditions -- a lot of conditions I think along the lines of what we talked about, I'm supportive of this one. I think it's in our best interest.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think -- I tend to agree. I really do. I think the timing has always been a challenge. Clearly the applicant's aware of that. I think the pros of what this brings and the improvements up to today outweigh the difficulties that we have with the -- its location and the -- and the sequence of its onboarding into the city. For me procedurally what I thought of as we went through this process and -- and heard these remarks and discussion is if a project -- if this project were to go forward that, you know, a public hearing would be closed and we wouldn't necessarily have to take action on it, but, you know, with the direction of staff, with this discussion to provide the complete conditions of approval as amended tonight, up to and including your recommendation with regards to the R-15 lot, and have the complete amended conditions of approval available for an official vote, if there is a general direction that the Council would be supportive of it, based upon what we heard tonight. To do that really right now might be difficult and we hate to create and approve specific language in that manner, but maybe if -- if you were to get a consensus from Council to go that route, at least you would be able to -- to craft that language for an official action. I -- I don't feel totally comfortable making a vote on it without seeing the exact wording of those conditions, because this one's a little funky in the order, but I -- but I am certainly supportive of what I have heard and what this project brings to Meridian. So, those are my two cents of how to act on it and how we could proceed.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm still a bit unclear on the purpose of just doing an annexation without, as Caleb mentioned, a DA and a concept plan. What -- what does that benefit the applicant to just be annexed and -- and, you know, not have those other elements? It is really unusual. At least I have probably only seen two or three applications that -- just for annexation that don't have anything else tied to it. So, I'm -- I'm just trying to really wrap my head around what the benefit would be to annex it -- what the benefit would be to the city to annex it with -- without any other guidelines included.

Hood: So, Mr. Mayor, Council Woman Perreault, I don't know if there is a huge benefit to the city to annex the one acre. However, it has to be part of the annexation, because that's the path of contiguity if you want to annex the 130 acres, because that's, again, the point of connection. So, if the concept plan is no concept plan and their plan isn't to plan, that's okay, too. I think we just need to document that in here to say you have got a single family home on there. Continue to have a single family home. R-15 -- you can have a single family home in the city in R-15, hook it up, you are good to go. If you want to do anything else, though, you got to come back, because you are not entitled to do anymore than that and that's just what isn't clear right now. So, your question about, you know, is there a huge public benefit or -- not -- not really. But it needs to be part of the application in your action or else the 130 acres is ineligible, so --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: Mr. Mayor, I appreciate the dialogue we have had and -- and the attempt to make changes and -- and trying to meet the situation that exists out there. Expansion of roads, dealing with the traffic, things that others have commented on at past hearings and -- and it -- it has come a long ways. One of the things -- you know, we talk about adhering to our Comprehensive Plan or the Ten Mile Plan and that's always a good thing, but we -- we are always also looking at what has changed that makes it so we can do different things or it's -- it's okay to do something different and -- and to me the game changer is the extension of Highway 16 that connects to the freeway. When -- when you look at that -- that design, it -- it's going to be different than say Ten Mile or Eagle Road and having those types of retail and service type things that are along those corridors. You have right-in, right-out. Access is real close. You notice those long on ramp -- on ramps, off ramps and everything is going to take place there at -- at that intersection at Franklin and, then, those services are going to spread out. To me it's -- it's more akin of what we are seeing at -- where the Amazon facility is at -- at Robinson Road and Franklin Road. It's -- it's going to be at a different type of thing and to me this -- this facility -- the I-L zoning is -- is appropriate for here. It -- it makes it work. There are challenges. You know, we need that north connector to Franklin Road, but it's on property they don't control, but that can come in time when that property goes to develop, we can have those connections made. They handle what they could handle and that is the right of way on -- on Black Cat Road. I -- I -- I think it will fit our Ten Mile Plan. It is some use that we envision as part of that. It is -- I think Council Woman Strader is -- is correct in her -- her assessment that this is what is needed and what is moving to in many ways. The -- Deputy Chief Bongiorno does give me pause. It is a seven minute time to -- to response time, but at the same time I know we have done some other things in other areas where the -- the times are stretched a little bit, knowing that we will have to build a fire station in north Meridian. We will have to build a fire station in south Meridian and now those are happening. We do have to build a fire station here in this western -- if you want to say -- yeah, I will just call it western Meridian. That -- that will serve -- serve that area and -- and that work is beginning. We are searching for -- for land and Mark's out there, so we will put a bug in Mark's ear. So, to me I think with the -- the changes that Council Woman Strader has -- has doggedly pursued and made sure we have -- have in -- in this DA, I think Caleb makes some very good points about the property that -- for the R-15, some of those changes need to be made and I -- I think if we can do it -- a question for -- for Mr. Nary -- Mr. Nary after my comment and that is, you know, if -- if we just want to have the DA coming back to us for final review, can we -- do we need to vote on annexation tonight and, then, do that or if we reschedule -- if we have another hearing, even if it's next week, does it have to be re-noticed.

Nary: So, Mr. Mayor, Members of the Council -- and, again, I would say I want Caleb to weigh in. I think if you want draft findings and a draft development agreement, I would think your earliest time to be able to see that would be September 6th, which I think might already be a little full. I would suggest if that's what your intent is -- you continue it so that you have an opportunity to comment -- not necessarily for public comment, but for you to make sure the findings of the DA, that Planning is comfortable with what it is, all of you are comfortable. I did hear a little bit of concern about wanting to really see the language. So, you are not really necessarily going to vote on -- on approving it tonight, you are going

to vote -- you are going to direct the staff to prepare findings with the desire to approve this project, with the conditions that have been discussed with the specific notes that have come up tonight, like, for example, the additional information that Ms. Nelson provided about providing access to that small out-parcel that's adjacent to Franklin Road, that that would be included. I -- I think that would -- that's what I would envision and I don't know if Caleb has a different thought on that, since Planning is the one that has to craft this, but I think -- I don't -- I think one week is a little tight, because, really, the deadline for one week is tomorrow morning.

Hood: Yeah.

Nary: So, really -- and we don't have a meeting in two weeks. So, it really would be 9/6. But I think Mr. Johnson had told me earlier that we also have a pretty full night. But I think at that one we are really reviewing the findings in the DA. I don't think we are talking about a lengthy hearing.

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: Yeah. I mean wouldn't we normally be -- help me out, because I don't understand how this is different. Like for -- for most projects wouldn't we normally be approving it in general subject to reviewing the findings, because, then, we would put those on a consent agenda. I guess I'm just wondering why -- if it's really important that we not vote on it tonight or we -- or if we can vote on we desire to approve the project and directing staff to prepare these findings and the DA with these conditions -- and we can list them if we -- I have them if we need. I'm just trying to understand how it's different. That's all.

Nary: I guess, Mr. Mayor, Members of the Council, Council Woman Strader, I think the only thing that's different is I wasn't -- I wasn't sure without any specific language, other than what's been crafted by the applicant and what's been commented on in a memo, that all of you were comfortable -- at least four of you are comfortable enough to send -- to approve the project subject to just the findings, bringing them back on a future Consent Agenda, which might be on the 6th or might be on the 13th, depending on if there is language that needs to be wordsmith out a little bit more. But if that's the desire you certainly can approve it. I guess what I was hearing from a couple of you was I'm not ready yet. I want to see the language, I want to -- I want to know what the specific wording is, not the converse, not just based on the conversation, but actually read it. So, it really is your -- your decision. If you are comfortable enough to make a decision based on what you have and that's the direction you want to give us and we will craft the findings subject to the agreement between both parties, that's certainly within your authority. So, it's up to you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I had raised that sort of sideways process, only because the manner in which we got here is a little sideways and it didn't originate with language crafted by our staff and if this project, you know, has the head nods and direction to go forward from Council, which I don't -- we have got to hear from three more, so hear from three more and see if this thing goes that route. But if -- if it did have that approval, even the general head nod and direction, I think that's what the applicant is comfortable with. If it takes two weeks to craft the language and bring it all back -- or three, that's not the concern. I think the concern from the applicant's perspective of get the direction that we are all on board with this and let's just make it right. I -- a matter of a week at this last stage to ensure the language is right, we -- we talked about it. I don't have a record of it. I didn't take notes specific enough to make sure something is not missed. That was the only reason to not be in a rush, if there is direction, but we will see what the other Council Members say and it might --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks, Council Member Borton. I think you are kind of tracking right where I am at and, you know, my biggest concern about this project has always been -- I think as with most of Council has been the roadway network and making sure that both existing residents, future residents, as well as the users are going to be able to access these roads efficiently. I want to commend the applicant for -- for their work and their effort to make that happen. I was meeting with some folks a couple weeks ago and they were going on that I think the City Council sometimes continues too many of these meetings and the result of those really speaks for themselves. It's a better project for our community. It's a better project for the applicant. It's a win across the board. I -- I'm supportive conceptually of what we have been discussing tonight. I would like to see the -- the findings come back from staff. I think it also gives the applicant an opportunity to review and make sure what they thought was going to be covered was covered. What we as Council think is going to be covered before we make a decision here in -- in two or three weeks and, then, Mr. Mayor, if I can real quick, you know, we are a team and we don't -- we don't pass out game balls and I know that we -- we may not take some action, but if we did have a game ball, boy, I sure think it goes to Council Member Strader tonight. I just wanted to thank you for -- being -- maybe this is a good decision for Council to put me in a -- in another state, so I'm relatively quiet through the meetings, so I just want to thank Council Member Strader for her very thorough review and questions and -- and the applicant and staff for working through that all.

Simison: Council, any other comments from anybody? Just for -- you know, I -- I have met with the applicant like many of you before they did and I have never been a proponent of this project. I'm still not. I know it doesn't matter. I know the votes were here last time. I knew they were going to be here this time. But I do think that we are stretching our services and our growth area for this community further than where we are. We are,

essentially, asking ACHD to now re-divert their funding to other roadways in this area when we have other road areas of our community that we have somewhat identified as a priority, potentially along Ustick take it out to the high school out there. I'm just concerned about extending our services, fire, roads into this area. The job information is much better. I mean I'm -- I'm -- I'm pleased to hear about the -- the -- the job numbers. I'm excited to hear who it is and expect to see that press release as soon as this is announced about who is -- who is staying in our community or who is staying in the valley and coming to this location. But, you know, in my opinion on behalf of this city staff, who voted -- who recommended denial, your emergency services, who have concerns and, quite frankly, a road network -- I was hoping the applicant was going to come back and build all the roads and that ACHD wasn't going to be the one that was going to be funding it, because I do think that this -- if they want these time frames to be upheld it is going to impact other roadway priorities in our community, but I think that most people would say is a need right now, whether it's Black Cat, Ustick, McMillan, Linder Road overpass, these projects are going to compete with those dollars for those projects. But as I stated, I -- I have heard -- I have heard your comments and I could have just stayed quiet, but I felt it's important for me to put that information from my standpoint out there, that I think it's going to be a challenge for our community to continue to -- really you are opening up a new sector of our community that we have been trying to hold back a little bit and it's going to be harder for the next one to come in to continue to hold that line, which we -- we have that request all the way up and down Black Cat to the west. You are kind of jumping over a little bit. Not far, but it -- it's -- it's enough to make the conversation different as we move forward up in this area of our community, so -- but it has been a process and I appreciate the work that everyone did and -- and go from there. So, thank you for allowing me to say a few words.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: With that discussion the public hearing is still open and the consensus chatter has been some direction to staff that we are on board with the project, we talked about perhaps three weeks, but if the applicant wants to -- I don't want to make you head nod, but if you want to come up and -- if you think that's an awful idea, that's a great idea, or there is some issue that we haven't contemplated. Maybe there is -- you bet.

Nelson: Thank you for your patience. We -- we are just looking to get to the finish line as -- as quickly as possible, so we would ask -- there has, as Caleb noted, been a lot of back and forth and so -- and I think the notes were pretty clear. I think several of us were taking pretty good notes about what the -- the discussion was tonight. So, we would ask for a condensed time frame. This is not to go draft all the conditions. So, as -- as short as possible. You know, also we -- you know, we lean towards the approach that -- that Strader outlined -- Council Member Strader to have the -- the vote as you normally proceed and come back with the findings to have that presented then. That would get us even closer to the finish line to handle that at findings. But at a minimum we would just ask for the shortest time frame possible. Thank you for letting us weigh in on that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Simison: I'm willing to give it a try. We could see. And if I miss stuff you interject, help me out. I think -- yeah. Thanks, Councilman Cavener, that was very sweet. Yeah. Can I -- can I -- question though. Can I make a motion without -- can I leave the public hearing open or do I have to close it?

Simison: You must close the public hearing.

Strader: And we would have to reopen it if we go back. All right. Well, I move that we close the public hearing.

Borton: I will second.

Simison: Motion and second to close the public hearing. All in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, I move to approve File No. H-2021-0064 as presented in today's hearing date with the following modifications: We direct staff to draft appropriate DA provisions and findings for final approval as per normal course of business, going off of the August 16th memo, but with any additional changes that are needed to be made by staff and with the following modifications: Under Condition 1-1.1A we will remove the word primary in reference to self-storage facility, reflecting that self storage will not be a permitted use on the property. In addition, we will note that vehicle impound sales and repair will not be a primary use on the property and that any use of vehicle impound sales and repair would be conditioned upon keeping the inventory of vehicles inside of the building. Under Condition 1-1.1B we would note after applications, including our architectural design review process. Under Condition 1-1.1C1 we will add the building facades fronting on and adjacent to Black Cat Road, Interstate I-84, and north facing facades facing Franklin Road will all be considered frontage for the purpose of applying the development guidelines. Further down under Condition 1-1.12G, just to reflect the discussion. We will allow the Rosenlof Drain to be left open. Under Condition H-2, the east-west collector must be extended to the western boundary. We will add the language to reflect that it can -- that it must be done within 90 days from the end of the available connecting street on the western boundary. To clarify, meaning that the extension of the east-west collector must be accelerated to be faster than the applicant building to 960,000 square feet. If the stub street has been completed on the western boundary it must be completed within 90 days of that taking place. I will leave it

in the staff's discretion whether to specify the ramifications of not doing that in time -- would include building permits being withheld in the future and whether they want to include bonding as a condition. Under 1.2A I want to add a provision that building anything in the R-15 zoned property beyond the existing use would require a DA modification and a conceptual development plan. Okay. And, then, finally, a couple more new provisions need to be added specifying that the three acre parcel needs access to the arterial and that the applicant needs to work with the Fire Department to take any measures necessary under our normal course of business to mitigate the risk of a fire or an EMS event at the facility and noting that the building material must be primarily made of concrete, as the applicant has stated, and have sprinklers. I think I got it. I'm looking around.

Hoaglund: Mr. Mayor?

Simison: Do I have a second for discussion?

Hoaglund: Yes, I will second.

Simison: I have a second. Councilman Hoaglund.

Hoaglund: Yeah. I just -- on the access for -- for the -- the home at 350, to the collector. Not -- not -- not the arterial, because Black Cat would be the arterial. So, it's collector; correct?

Strader: Thank you, Councilman Hoaglund. Yes. That's correct. I will make that change to my motion.

Simison: Second agrees?

Hoaglund: Second agrees.

Simison: Discussion on the motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Kudos to Council Woman Strader. That was pretty darn accurate. I -- so, I just want to be clear in all of my questions this evening. I -- I don't -- I'm not opposed to this project and its purpose and its use. I'm happy to have members of our community that want to bring something like this forward. But I just still have too many questions to feel comfortable voting yes on the annexation. So, I won't be supporting it, but I -- I don't want there to be a misunderstanding that I'm not supporting any application at all, it's just I don't -- I'm not supportive of this particular motion at this time for the annexation before we vote that the -- that I just have too many questions that I need answered before I can say yes on the annexation.

Simison: Is there further discussion on the motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: You might have -- it might have been mentioned, but the motion includes the catch all, you know, any and all other remarks from the applicant and staff that were discussed, but might not have been specifically addressed in the motion itself?

Strader: Mr. Mayor, absolutely. If I did not -- I thought I stated that, but if I did not I absolutely intended to.

Borton: Okay.

Hoaglun: Second agrees.

Simison: Second agrees.

Hood: Mr. Mayor?

Simison: Mr. Hood.

Hood: I -- I agree. I think the motion was -- tracked with my notes very well and I'm not trying to belabor this, but I do want to bring up one concept that's a little bit different than what we have talked about tonight. Like the old adage, I think a picture is worth a thousand words and I would like your general blessing -- I don't think we have to open up the public hearing again, but if they have some concerns with this that's fine, but I think on a couple of these items -- like, for example, on B, Council Woman Strader, your motion mentioned to include the DES process. I think if we can just attach to the development agreement, the submitted renderings, and things like that that will help. So, just as an example -- and if you say don't do that I'm -- I'm open to that, too, but I -- I would like to include the roadway phasing exhibit that we saw tonight in the development agreement and I think that will really help on page two, because there is a lot of square footage things, but to have the picture to go with the words I think will help and there may be -- need be some slight tweaks that match the words based on what was said with the 90 days and all that, but I think it will be clear, then, for future when someone reads this -- well, what are you talking about? And same with, you know, the concept plan. So, putting the concept plan in there, so it's -- it's referenced, but it's an exhibit. So, I just wanted to generally get head nods. I saw some over here, but I think there will be some wordsmithing -- and I don't want to take too many liberties in that. I appreciated at the beginning of the motion you added that, but I just wanted to make sure that's not a big deal for anybody and it doesn't seem like it is. The other thing I want to just give you a heads up, then, that I will likely include, as I talked to the applicant about modifying the exhibit that shows the phasing for the roadway exhibits -- and, again, I'm not trying to belabor this too much, but we do run into issues sometimes with the building official and

occupancy. I'm not worried about the first one. That makes sense. Prior to first occupancy we -- we have a hammer there. Sometimes, though, the developer is out of the picture when you get down the line to phases two, three and four and you made reference to withholding building permits potentially. I'm much more comfortable with withholding building permits than occupancy, because sometimes you get a developer and they sell a lot to somebody who is building the building and we hold up the building occupancy for something the developer is on the hook to do. So, building occupancy isn't always the best hammer, because we hold someone's feet to the fire that wasn't initially on the hook to perform. So, just -- I will talk with legal a little bit about that, but we have had issue after issue with withholding occupancy and if we can make that more we will withhold building permits we are not so far down the line and someone is just chomping at the bit to get in their building and yet we say, oh, you are missing a tree over here. Well, it's not my responsibility. That was the developer that was suppose to put the tree in. So, again, I'm -- just don't be surprised --

Strader: Mr. Mayor?

Hood: -- and we may need to talk about that and pull it off the Consent Agenda potentially if the applicant doesn't agree to some of that and we will talk about it, but --

Simison: Council Woman Strader.

Hood: Yeah.

Strader: I believe my motion specified building permits, but I'm happy to clarify that that could be -- I actually gave Planning some pretty wide berth to add whatever conditions are necessary and encourage them to do that.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Yeah. I just -- Mr. Mayor, Members of the Council, Council Member Strader, I heard building permits as well, so I -- I think we are okay, but I -- I think what -- Caleb is right is that, you know, we want to make sure we are real specific, so we will -- we will have that conversation with the applicant. The only other thing I was going to suggest -- and this is mostly, again, I think kind of the warning that Caleb has had, that we are not talking about the current planning staff today, we are talking about a future planner five years from now. I know Ms. Nelson said that, you know, again, part of their construction is these buildings are predominantly concrete. I don't want someone to have to figure out how much is predominantly concrete. I looked at the renderings and I think that's what we normally do is attach renderings. I would imagine these buildings appear to be -- in the pictures to be concrete, glass and steel. So, I would assume that's the general material that these buildings are made out of that are consistent with the drawing. So, I would suggest instead of just identifying concrete, it say concrete, glass and steel and, then, consistent with the -- with the renderings that are submitted. So, then, a planner doesn't have to go

figure out does this have too much concrete, not enough steel, too much steel, not enough concrete -- I don't think we are going to care. I think --

Strader: Mr. Mayor?

Nary: -- we need to say what does it look like.

Simison: Council Woman Strader.

Strader: Great suggestion. So moved.

Hoaglun: Second agrees.

Strader: In addition --

Simison: Second agrees.

Strader: -- I would like to also add to my motion that planning staff may add as an exhibit any renderings, roadway phasing exhibits, concept plans, any slide of any presentation or attachment on the public record that will further clarify the findings and DA provisions.

Hoaglun: Second agrees.

Simison: Second agrees. Is there further discussion on the motion? Then Clerk will call the roll.

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

Simison: Five ayes. One no. And the motion is agreed to.

MOTION CARRIED: FIVE AYES. ONE NAY.

FUTURE MEETING TOPICS

Simison: Thank you all for your time, energy, and diligence on this item and with that we already did Item 5, so are there any future meeting topics or do I have a motion to adjourn?

Hoaglun: Mr. Mayor, I move we adjourn our meeting.

Simison: Motion 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 9:52 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK