

A Meeting of the Meridian City Council was called to order at 6:02 p.m. Tuesday, September 10, 2024, by Mayor Robert Simison.

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

Other Present: Chris Johnson, Bill Nary, Caleb Hood, Bill Parsons, Bruce Freckleton, Lacy Ooi, Emily Kane, Chris McGilvery and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is September 10th, 2024, at 6:02 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up is the community invocation, which will be delivered by Nate Wheeler. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Nate, nice to see you.

Wheeler: Nice to see you again, Mayor, Council people, Council persons. Thanks again for having me here today. Please join me in prayer. Our gracious God, please be with the Meridian City Council as they make decisions about our beautiful city which you entrusted to them. Help give them the wisdom, the clarity, the insights and guidance as to what will be best for our city long term. Give them the strength and courage to make the difficult decisions and give them the grace and compassion to consider not only what is in their best interest, but in the interest of others. May you give them the wisdom beyond their own sight and vision. May the way that they lead and work together be an example not only for our great state of Idaho, but far beyond. Help them not only in their time as servants of our city, but also in their personal lives. May they see you more in the activities of their day to day life. May you bless their families and

their relationships. May you help them be good stewards of their businesses and organizations that you have entrusted to them and may in all things that they do and that we do as citizens of this city glorify you, in Jesus' name, amen. Thank you.

ADOPTION OF AGENDA

Simison: Thank you, Nate. Okay. Next up is adoption of the agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: We are going to make one slight adjustment to the agenda. That would afford Council and Mayor to get out of here almost on time. We did not conclude our business in Executive Session, so I would like to add Item No. 7, Executive Session, pursuant to Idaho Code 706 -- let me get the number right -- 74-206(1)(d), as in David.

Strader: Second.

Simison: Have a motion and a second to adopt the agenda as amended. Is there any discussion on the motion?

Cavener: Oh, Mr. Mayor, I'm going to -- I'm going to need to modify that real briefly. Apologize.

Simison: Okay.

Cavener: Also Item No. 4 we want to at least notice that the Item No. 4 requires a continuance, so we will not be able to hear that item tonight I think due to a posting error. When we get to that, Mr. Mayor, I don't know if it's appropriate now or we get to that item, the applicant is requesting September 17th as the continuance date. I do know we have a pretty lengthy agenda, so I don't know if we can discuss continuing that at a different date once we get to that item.

Simison: Okay. Mr. Nary, just on the -- does it need to be included in the motion at this point in time or was that --

Nary: It does not.

Simison: Okay.

Cavener: Mr. Mayor, adopt the agenda as presented.

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

MOTION CARRIED: ALL AYES.

PROCLAMATIONS [Action Item]

1. Prostate Cancer Awareness Month

Simison: First item up is a proclamation for Prostate Cancer Awareness Month. We will be doing this if -- if Carol Wilson and those of the Treasure Valley Prostate Cancer Support Group would like to join me at the podium, so we can do this proclamation. All right. Well, as -- as we are here once again for this opportunity to recognize this cancer, I will go ahead and do the proclamation, turn it over to you for any comments. Whereas prostate cancer is the most frequent diagnosed cancer in men and the second leading cause of cancer deaths in men and whereas prostate cancer death rates declined from its peak in 1993 to its low in 2017 due to early detection through PSA testing and advances in treatment and whereas it is estimated 1,660 men in Idaho will be diagnosed with prostate cancer this year and it's estimated 210 Idaho men will die from this disease this year and whereas one in eight men have a lifetime probability of developing prostate cancer, but the five year survival rate approaches 100 percent when prostate cancer is diagnosed early and whereas September has widely been recognized as Prostate Cancer Awareness Month with the origins back to 1989. Therefore, I, Mayor Robert E. Simison, do hereby proclaim September 2024 as Prostate Cancer Awareness Month in the City of Meridian and encourage all citizens to join communities across our nation to increase the awareness about the importance for men to make an informed decision with their healthcare provider about early testing and detection for prostate cancer, dated this 10th day of September 2024. So, thank you, for being here. Darrell, any comments you would like to make?

Wilson: Just that it is important, which is why I do this as often as I can and advocate for prostate cancer awareness. I typically don't ask for funds, it's awareness that I'm trying to bring about. I'm an example of that I think. At 59 I was diagnosed with prostate cancer. Didn't even know I had prostate cancer. People didn't talk about that. My grandfather had died of prostate cancer. All I knew was he died of cancer. We need to talk about cancer more and that happens more and prostate in specific. It's got similar numbers to breast cancer and gets half the attention. Thank you very much. Thank you, Mayor.

RESOLUTIONS [Action Item]

2. Resolution No. 24-2471: A Resolution of the City Council of the City of Meridian Appointing Sam Rust to Seat 7 of the Meridian Planning and Zoning Commission; and Providing an Effective Date

Simison: Okay. With that we will move on to Item 2, which is Resolution No. 24-2471. Council, you may or may not remember that this year the legislature changed the law as it pertains to Planning and Zoning Commission where we are required to have at least one person on the Planning and Zoning from the area of city impact. They have a nice

little formula for us to follow and so we went through the process, put out a call for applicants and had a couple people from the -- in the city, couple people from the area of city impact, so interviewed the people from the area of city impact for the consideration and based upon when I looked at the totalitariness of where people live, where we are likely to see future applications, I felt like it was important to have someone from south Meridian, specifically the area where we have actually seen a lot of applications there, on the southwestern section and one of the areas where we have had a lot of involvement was from the Rustler's Place community, you know, that has been there. So, the person I'm bringing forward tonight for consideration lives in that area -- that community, is knowledgeable of development process, but not part of the development process here, that have really -- they have purchased other people's projects and you run -- run them in the multi-family arena, but they don't do development themselves and they don't do really much here in the Treasure Valley. Mostly stuff outside the area primarily. But felt like that would be a good mix to bring to it. As part of that process we also had a member of the P&Z who has had health issues that many of you may or may not be aware. So, in conversations asked him to step down and resign his position temporarily. That we would put the area of city impact appointee into that role and, then, we also know we have at least one of our Planning and Zoning commissioners who intends to not up in January because he is moving to another community and it will be my intention to bring back the one who resigned for health reasons back in January. That way we don't have to expand the P&Z to a larger number. It helps us get in alignment with state law and gives someone new an opportunity to grow into it over the next few months and someone else an opportunity to heal their body, so they can come back stronger for us in January. So, I think it was a win-win-win to where we are and, you know, traditionally we have always had someone from the area of city impact, it's only recently where we haven't in that context. So, I think it always brings a nice perspective to the conversation and so that's why, you know, it's my privilege to bring Sam Rust forward to City Council's consideration for appointment to the Planning and Zoning Commission and can get him engaged here before too long. So, with that, Council, be happy to answer any questions you may have.

Cavener: Mayor, not seeing any questions happy to make a motion. I guess do we need the clerk to read it or --

Simison: Yes, we are okay for a motion.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move to approve Resolution No. 24-2471 appointing Sam Rust to Seat 7 of the Meridian Planning and Zoning Commission and providing for an effective date.

Strader: Second.

Simison: Have a motion and a second to approve Resolution No. 24-2471. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the resolution is agreed to.

MOTION CARRIED: ALL AYES.

Simison: Sam, would you like to come forward and say a few words now that it's too late. It looks like you brought your support group with you today.

Rust: Yes, brought the whole crew. So, this is my wife and seven kids with us today. Thank you for the opportunity to serve at the City of Meridian. Excited to join the P&Z board and look forward to serving the community in that capacity and what other ways that we can support you as a P&Z board. So, thank you very much.

ACTION ITEMS

3. Public Hearing for Proposed Solid Waste Fee Increases

Simison: All right Thank you. Appreciate you stepping up and helping meet that obligation, but also commitment to the community. Do you want to introduce all your kids, because they are sitting there? So, great. Welcome. Welcome to the Rust family and thanks for being here and you don't need to stay longer than this portion if you would like to -- okay. Thanks. All right. Thank you. All right. Then with that we will move into our action items. First item up as a public hearing for proposed solid waste fee increase, which is Item 3. I will turn this over to Director McVey.

McVey: All right. Thanks, Mayor and Council. So, this is, again, our public hearing. No changes from our last time we were here. We did send you guys the follow-up information that you requested. We do have Republic Services here tonight if you have any additional questions, but we did not receive any public feedback over this period. So, with that any questions that you might have. If there is no questions we are planning to bring this back as a resolution in two weeks.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Well, I just have one question either for you or for Republic. Since they have held the contract with Meridian have they ever requested a rate increase less than what the contract allows?

McVey: I don't think so. I think it's generally been either the 90 percent of CPI and, then, the two market labor adjustments. They did do a decrease last year.

Stanley: We -- we have not asked for less than 90 percent. We do continue to give give backs. Like we gave the original -- the first market adjustment -- adjustment we asked for 11 cents on a 95 gallon cart and we gave nine of those cents back last year. We also continue to provide like the VETC CNG credit, which is amounting to 14 cents per year this year. So, in spirit we are.

Cavener: Fair enough.

Stanley: My name is Cord Stanley. I'm the general manager of Republic Services.

Cavener: Thank you.

McVey: And, you know, what Cord didn't mention and we have also talked about, but Republic Services does donate a considerable amount of services to the city every year as well.

Simison: Okay. No other questions for staff you can sit down. Mr. Clerk, do we have anybody that signed up to testify on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present who would like to come forward and testify in this item at this time or is there anybody online who would like to provide testimony? You can use the raise your hand feature and we can bring you in for any comments.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No one fighting to come up to the podium, I'm going to move that we close the public hearing on the proposed solid waste fee increase.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

4. Public Hearing for District at Ten Mile (H-2023-0071) by Ball Ventures Ahlquist, generally located at the northwest corner of S. Ten Mile Rd. and I-84

- A. Request: Future Land Use Map Amendment to amend the Future Land Use Map in the Comprehensive Plan to change the

designations on portions of the subject property and adjacent properties, resulting in a net change in the area as follows: Medium High Density Residential (MHDR) (+9.26 acres), High Density Residential (HDR) (+2.66 acres), Mixed-Use Residential (MU-R) (-10.61 acres), Mixed-Use Commercial (MU-C) (+0.32 acre), Mixed Employment (ME) (-0.22 acre) and High Density Employment (HDE) (-1.40 acres) as requested by the Applicant and as recommended by Staff on adjacent properties if the Applicant's request is approved.

- B. Request: Modified Development Agreements to the existing Development Agreements (Vanguard Village (H-2021-0081) Inst. #2022-049799, Fedrizzi Ten Mile LLC (AZ-11-001) Inst. #112073618, SJJV LLC (AZ-11-001) Inst. #112073617, Janicek Properties LLC (AZ-11-001) Inst. #112073616, to consolidate them into one (1) new agreement, which will replace the previous agreements (or a portion thereof, as applicable) and include a conceptual development plan for the overall area.
- C. Request: Rezone of 7.48 acres of land from the C-C to the TN-C district, 12.96 acres from the H-E and R-40 to the C-C district, 9.13 acres from the C-C to the H-E district, 25.97 acres from the C-C and H-E to the C-G district, and 1.37 acres from the H-E to the M-E zoning district.
- D. Request: Preliminary Plat consisting of 38 building lots and one (1) common lot on 108.77 acres of land in the TN-C, C-C, C-G, H-E and M-E zoning districts.

Simison: So, Council, you will see that back before you in our next meeting. Okay. With that, Council, next item time up is Item 4, public hearing for District at Ten Mile, H-2023-0071.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I mentioned when we were adopting the agenda that September 17 is a fairly lengthy meeting. Our incredible clerk was quick to point out that that is the date that that public hearing has been noticed for. So, I guess, Mr. Mayor, I would -- I would move that we continue the public hearing for item H-20230071 to September 17th.

Simison: So, Mr. Nary, do we need to open the public hearing to continue the public hearing or not?

Nary: Mr. Mayor, because it wasn't noticed properly, no. We are just going to continue it to that day.

Simison: So, it's moving it or versus --

Nary: Yes. It's moving it. Correct.

Simison: Yeah. So, the committee doesn't -- yeah. So, we are going to move this to the 17th. Is there a second on the motion?

Overton: Second.

Simison: Have a motion and a second to rehear this item on -- or to hear this item on the 17th. Is there discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just real quick. I think it's important to note we have to move this, because of the noticing piece. It's not something we are choosing to do. The applicant wants to follow the law. We want the applicant to follow the law. But I would encourage Council to have a light dinner, maybe bring a couple of beverages and some snacks, because we could be set for a long evening.

Simison: All right. With that all those in favor signify by saying aye. Opposed nay? The ayes have it and we will hear that item on the 17th.

MOTION CARRIED: ALL AYES.

5. Public Hearing for Idaho State University (H-2024-0027) by Idaho State University, generally located on the west side of S. Locust Grove Rd., midway between E. Franklin Rd. and E. Overland Rd.

- A. Request: Annexation of 23.254 acres of land from RUT and R-6 in Ada County to the C-G zoning district.

Simison: So, next time up is Item 5, which is public hearing for Idaho State University, H-2024-0027. We will open this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. Next item on the agenda is the Idaho State University annexation. The applicant is here tonight to talk about annexing 23.25 acres of land, which is currently zoned RUT and R-6 in Ada county to the C-G zoning district. You can see here -- I'm sure a lot of you have driven passed this property over the years and said I wonder what's going to go on this piece of property. Well, tonight we will find out. So, they -- the applicant's here to eventually develop this

site with a public education institution. You can see on the future land use map that the property is commercial, so that C-G zoning district does comply with that Comprehensive Plan designation and right now in the aerial on the -- on the right of your screen there are three existing structures that are currently on that property as well and I will go into some detail in my presentation what their intent is for those particular buildings remaining on the site. One -- one thing that I would like to share with Council this evening is typically when we have these annexations the code requires that we get a pretty detailed concept plan to show you how this would develop in the future. In our discussions with the applicant it's become very clear that this is a multi-year project. It's something that's not going to start next year. The applicant has worked closely with staff and partnering agencies to make sure that they can -- or continue to work with us to develop and fine tune that plan and, then, come back with a planned unit development. So, typically, the code would require something like that, but given the nature and the complexity of this property and given the access challenges with this in-fill piece, we felt it best to kind of take the slow approach with the applicant and make sure we get the zoning in place, allows them to access some funds that -- where they can do some infrastructure improvements on the site as they continue to work with city staff and partnering agencies on refining that plan and, again, they will come back to us with a planned unit development and give us those details at a future date. I would share with you as well that the applicant has provided a preliminary traffic study to ACHD based on what they anticipate with some of the build out. Again, this is preliminary. I imagine some of this will be fine tuned, so I don't want to get into too many details with you tonight, but just -- just for numbers, based on that traffic study it looks like the project is estimated to generate 5,300 vehicle trips in an already busy arterial roadway that has only access to an arterial roadway. So, keep that in mind. A.M. peak trips will be 552 and, then, a.m. -- or p.m. peak trips will be 481. As part of that traffic study there was some preliminary analysis again on accesses. So, there was one access -- full access proposed along central drive that connects into the ICOM property that -- which is currently a parking lot and, then, two full accesses -- or, excuse me, one full access to Locust Grove and, then, a right-in only access on Locust Grove. Again none of this is set in stone. We are in -- we -- at least the city is encouraged that the applicant is having discussions with Idaho State Police and with the goal of hopefully getting better access to Central, which is the collector road. We recognize that there will have to be some access to Locust Grove in the future, but having that access to Central will be critical for linking this campus with other activities on -- that are occurring in the area on the south side of Central Drive as well. So, more to come on that. But at least for context you can see some general layout or what you can envision on this site here moving forward. The applicant -- if you had a chance to look at the staff report and you saw the new format -- hopefully you guys are liking that new format. I did raise two issues or waivers for your consideration this evening. So, as I mentioned in the staff report there are -- in my presentation tonight there are three structures on the site that ISU is currently using for storage and that's all that they are using it for. Typically we don't like residential uses to stay on a property when we give them commercial zoning, but given the nature and the timing for development to occur on the site we felt it was prudent to allow them to continue using that, so they can maintain their operations and maintain that property. So, we are in agreement with that -- those

structures staying on the site, provided that they abandoned the well and septic tank when actual development occurs on the site. So, that's really the -- the two asks. So, keep the structures in play until development occurs and not connect the structure to water and sewer. Had a chance to talk with city engineer and they -- he was fine with that -- delaying that connection until actual development occurs. So, again, with any annexation staff does recommend a development agreement between us and the property owner. So, these are the four provisions that we are requesting you to include in the DA as part of the annexation of this property. As I mentioned number one deals with coming back with more refined plans and working out and, then, four is working on the access issues, complying with code and, then, the other two speak to maintaining the property in an orderly manner, so it doesn't become a nuisance and, then, also abandoning the well and septic system. We had our coordination meeting with the applicant on Friday and we are probably going to ask Council to modify number two. We want to make it a little bit clear that the well and septic would be abandoned with future development, not necessarily upon annexation. So, if you can just include that in your motion or at least get some more -- I think the applicant is going to provide to you some more information on their timing on that issue, too. So, just want to at least keep -- put that on your radar for tonight as you get ready to close the public hearing and deliberate on that, let's -- I just want to make sure that number two is clear that -- the abandonment of the well and the septic system will occur with future development when the structures are removed. I have had a chance to look at the public record. Have not seen any additional public comment on this application. The Planning and Zoning Commission did recommend approval at their hearing on the 15th. Testifying was Brian Sagendorf and no one testifying in opposition or commenting, other than the applicant. I did present the application. And, again, no public testimony was presented at that. And, as I mentioned to you, the only two outstanding issues I shared with you tonight were keeping the structures on the site and delaying the abandonment of the well and the septic system until future development. With that the application is pretty straightforward, so I will go ahead and conclude my presentation and stand for any questions you may have.

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

Sagendorf: Good evening, everybody. Mayor Simison. President Cavener. Thank you for the opportunity to be here before City Council. I'm Brian Sagendorf, vice-president for campus operations at Idaho State University. Also joined by Dr. Gabe Borgen, our Dean and also executive director of the campus here in Meridian and Marty Vizcarra, our project manager that's been working very closely with staff. It's been a great experience working with staff through the summer as we have been moving forward on this project. It's really a privilege for us to be here to talk about this very important early step for the expansion and the development of the ISU Meridian Health -- Health Science Center. We know this is a very early preliminary step and we have a long journey ahead, but clearing this annexation and rezoning application will be the start of what we envision as an incredibly important future for Idaho State University in developing student housing on the -- on the -- on the property, clinic space for residents

of the community to receive treatment at and really making this the home of health science research and innovation and education for the state of Idaho. Clearly after tonight if -- if this application is approved, really, the next steps are where the real heavy lifting begins and we are committed to working with our partners and neighbors to making the right planning steps long term. You may see in the annexation application that we have letters of support from the Idaho College of Osteopathic Medicine and also Idaho State Police who want to help us find the right solutions and we do recognize there are plenty of questions about the entry points and exit points from -- from the campus and we will make sure that all parties are around the table making those decisions and planning together for a mutually beneficial outcome that will be great for -- for the City of Meridian. And with that I would love to stand for any questions that we could answer for the Council.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Brian, thanks for being here. I love that we get to say we have got a university in Meridian and we appreciate your ongoing partnership. My wife would kill me for saying this, but she's a proud Bengal and so, Adrian, go Bangals. My son is attending ISU as a student at Renaissance. So, great appreciation for the -- for the university. My only question is -- and I don't know how to answer this. With all the appreciation and love that I have for this, my struggle is with Locust Grove. Not a problem that you caused, but certainly one that will be accelerated if this project achieves what your vision is. How do I overcome my concerns about that?

Sagendorf: Mayor Simison, President Cavener, thank you for that question and we do recognize that is the -- the million dollar question as this planning effort goes forward and we have been at the table already having some very early discussions with the Idaho State Police and we know -- although we don't have the answer to that tonight, what we do know is that the answer is going to be along Central. We -- we know -- we have to add some access points coming off of Central Drive that will connect the campus, also down to our access to -- to the campus -- to our existing campus and the school district. Where that will come in that Idaho State Police property -- we are going to be committed to find that with Idaho State Police and our president, President Wagner, has also been meeting with the governor's office and -- and I know that the state has a very vested interest in making sure that we find that solution with a lot of collaboration from the city and all those parties. So, I wish I had the exact answer tonight, but I know as we come forward with the next stages of planned unit development applications we will have those plans for the city and for your review and consideration.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: One question and one comment. I will go with the question as kind of a follow up on what President Cavener just said. I live right off Locust Grove. Right across the street. I think this is a great opportunity to come to our city, but I have a lot of concerns about Locust Grove with how it is today. Are you comfortable with a request from this Council, if we said that we must have a secondary access off of Central much further to the west to help alleviate people trying to have full access on Locust Grove, which is a challenge today, let alone what it's going to be in ten, 20 or 30 years.

Sagendorf: Mayor Simison, Council Member Overton, yes, we would be comfortable with that as a provision of -- of the approval that an access point needs to be there along Central further to the west and that is the solution that we are going to find with our neighbors and sister state agency in Idaho State Police.

Overton: Mr. Mayor, second question.

Simison: Councilman Overton.

Overton: I spent quite a bit of time on the phone today with ACHD after I read their report. They did a fantastic job writing their traffic study, but it was very very limited and where I live was just outside of what they looked at, which is Woodbridge Drive and the subdivision that is the only east-west connection off of Locust Grove, unless you go all the way to Overland or all the way to Franklin. That would be significantly impacted by this. I put it on their radar that they need to start bringing that as part of this application that needs to be within their focus of what has to be done as this comes to fruition, because that's a tremendously high number of vehicle trips a day for a subdivision that already sees a tremendous amount of cut through traffic today. They say they are going to do that. I want that on the record so as we go forward we understand that it's going to have impacts beyond just Locust Grove and Central and we want to make sure to be the best we can as a city that we have addressed all of those concerns, even though in 30 years this council is going to look completely different. Third thing. Real quick comment. Lifetime BSU Bronco alumni. I just have to admit I think it would be great to have a higher presence from Idaho State University in our city.

Sagendorf: Thank you.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Mayor, Brian, if memory serves me correctly, I think the state legislature has already taken steps to provide appropriation and funding for the initial infrastructure and the first steps of this product -- this program or project; is that correct? And -- and are you on a particular timeline or schedule for when you need to expend those funds?

Sagendorf: Mayor Simison, Council Member Whitlock, thank you for that question. Yes, we did receive capital funds from the permanent building fund this past year for infrastructure development of the property. We aren't on a tight timeline for expending those funds, other than the fact that we recognize that those funds are more valuable today than they will be perhaps two, three, four years from now, but assuming, you know, if this Council approves the annexation and rezoning, our next step would be to begin working with -- with professional design and going through extensive planning discussions with -- with our sister state agency Idaho State Police, with City of Meridian and ICOM, so that we can factor in the appropriate access points and utilize the capital resources that we do have set aside and ready to invest in this property once we answer the very important questions on access.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just a comment. I appreciate the significant give on your part in potentially agreeing to have some type of an access to be determined off of Central. I think that that goes a long way for me in trying to wrap my head around it. We would be really excited to have this expansion here. I think it's fantastic for the whole Treasure Valley. So, I want to compliment you on your plans. Certainly a lot of details to be worked out in the PUD process, but I feel like everyone's going to maybe take a little bit of a leap on this one, but I think I could probably get there on it. Thanks.

Sagendorf: Thank you.

Simison: And I will just add, you know, I think, you know, this is one of those you do have to take a leap, because you got to look at what the true outcome will be and I think ultimately right-in, right-outs only on Locust Grove is what's going to work and function well for everybody and a full access that lines up with Renaissance maybe just -- you are going to say what needs to be. I mean the Renaissance intersection is already a challenge that needs to be addressed. This type of adjacent use will help solve that and I do feel like there are willing partners nearby that -- that can -- can be there and I think when that happens it's also going to give you an opportunity for different full design of this property, because you can't just like put a road through it and, you know, there is going to be more property that's going to be adjacent to your side or more. So, I know that we will even see maybe a different version of this long term. I know that you guys are thinking about that, but -- so, it is a little bit of a visioning process with where we are today to get things moving in the right direction, but it's also I think important to note the challenges. So, you know, the state hears it and the state understands. We want to be supportive of ISU. We want to be part of the Idaho State Police, but there is really a need here to have a higher and better -- best use and connection, because, yeah, you won't get students there, you won't get business investment, you won't get people come to your clinics if you can't get in and out safely and we know that -- that will make a more successful project for everybody long term. So, I see the vision. I'm excited for it.

Sagendorf: Thank you, Mayor.

Simison: Thank you very much. Mr. Clerk, do we have anybody signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present who would like to provide testimony on this item, either in the room or online? If you are online use the raise your hand feature. Seeing no one coming forward or raising their hand online, would you like to make any final comments? Or do you waive? Applicant waives any final comments. Council, up to you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Move that we close the public hearing on Item 5.

Overton: Second.

Simison: Have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye. All those 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 hearing all staff, applicant and, unfortunately, tonight no public comments, I do move to approve File No. H-2024-0027 as presented in the staff report for today's hearing date with the following modifications. Clarifying that the City Council will grant the two waivers of the three existing structures not to connect to city utilities at this time and the ability for the applicant to continue to use the three existing structures for storage, adding the proposed DA provisions one through four with the modification under provision number two that the well and septic will be abandoned with future development and, furthermore, adding additional condition that future -- that in the future the applicant needs to demonstrate an access off of Central.

Overton: Second.

Simison: Have a motion and a second. Is there discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much. Look forward to seeing you at the next step.

MOTION CARRIED: ALL AYES.

6. Public Hearing continued from August 13, 2024 for UDC Text Amendment 2024 (ZOA-2024-0001) by City of Meridian Planning Division

- A. Request: Text Amendment to amend certain regulations and add new definitions, uses, figures and specific use standards throughout Chapters 1-5 of the City's Unified Development Code (UDC).

Simison: Okay. With that we will move on to Item 6, which is a public hearing continued from August 13, 2024, for UDC Text Amendment. Mr. Parsons, any further comments to add?

Parsons: No, sir. Oh, you mean on the UDC text?

Simison: Yes. On that next one.

Parsons: A few. Just to recap what -- Mayor, Members of the Council, just to recap what was discussed at the last meeting and I just want to actually express my appreciation to -- extend my appreciation to Council President Cavener, because I really do appreciate the fact that you want to take your time and review these code changes, because as you know it's -- not that they can't be changed, but we want to make sure we are doing it right and getting it right. So, anytime you guys feel like you need more time to analyze or do something, feel free to do it. I think -- I commend you to do that. I applaud you for doing that, because I do think it's important, but at the same time I want you to know that we tried to fully vet these as we bring them to you as well. So, I think tonight the previous work session was a good example of how we can approve it moving forward and that way when we get to final deliberation we will know we have it right and we will make sure that we have a good code going forward. So, I do appreciate that, Council President Cavener. Let me go ahead and share my code changes here and just kind of go over what I heard last time from the group. I don't think there were really a lot of significant changes that I heard from you or at least things for me to contemplate, but just things that I just want to prod the Council's memory to see if there is any further discussion around certain topics. So, I know at least on page one we spent some time talking about bedroom definitions and why we were adding that to the code. Two, you spent some time on -- I don't know, drive-throughs, if we were going to define the difference between the various drive-through types and that is difficult, but what I can tell you is I -- after that hearing I actually had one of our

applicants reach out and say I do drive-throughs all throughout the country and I would love to sit down and talk to you about them and so I was able to meet with that gentleman and he was able to help educate me or at least say, hey, these are things that work well in other communities of what I have seen and so I also invited him to be part of the UDC focus group. Please bring that knowledge to our team and you could share with the rest of us. So, really, no significant changes, but he did give me a lot of things to contemplate. So, no real substantive changes to the drive-through changes, but I just want you to know that I think what I have tonight meets a lot of what they are doing nationally. So, I wasn't too far off on that, but what he and I talked about is certain codes out there also require certain stacking between a menu window -- or, excuse me, the pick-up window and the menu board and, then, you have stacking requirements from the menu to where you enter the drive through. So, very very interesting discussion to look at a drive through from that way -- that vantage point, because now you are -- now you are actually defining how many vehicles you can fit in a stacking lane. So, in this example that he shared with me -- and I will just kind of give you a peek behind the curtain. This particular code that I saw exhibit in the code was they had the ordering window and, then, their code said a minimum of six vehicles had to stack between the pick-up window and the menu board, so there is six vehicles and, then, the menu board and where you ordered or drove -- entered the drive through had a minimum of four cars. So, in that particular scenario the minimum cars that they had to allow for stacking was ten. Our code is somewhat similar. We said five for each per lane. So, for restaurants or coffee shops and, then, for banks it was two, something that was -- or dry cleaning, something that you get in and out or you order on an app and you just have to drive through and pick it up and get cars in and out pretty quickly. It would probably do a little less, so, anyways, I wanted to share with you that I did have that conversation. We talked about the food courts and whether or not two parking stalls was appropriate or require any parking. I believe the Mayor had some commentary, too, if we are going to treat it like a commercial business, then, we should require the same things of what we do for our brick and mortar stores, which I think was probably a pretty valuable comment. And, then, Council Woman Strader asked me to look at home occs and I said I didn't think I had the opportunity to do that, but I did put something -- some pen to paper and had some of those if we get to that and, then, also had a chance to meet with one of our developers, UDC focus group members, to talk about the mitigation along state highways and how to go about that and I think I had a very good discussion. I think it was a very valuable discussion. But, ultimately, I felt the way the code was drafted and the fact that they are not thou shalls, it's really more to inspire what someone can do, rather than require, that I think what we have on the books is pretty well -- pretty dialed in for some examples. Again, this is meant to spur the conversation, not necessarily require it. Then I had the opportunity to share with some of that literature with Council Woman Strader. So, again, those are kind of the four or five points that I recall from that discussion, but certainly if you have had a chance to read through the code or you want me to dive into any of the specific pages or details happy to stand for any additional questions Council or Mayor may have.

Simison: A quick question, because it's like -- the new definition for bedroom provides one means of egress, is -- is that -- why not two? I mean I was always -- you know, window, door, am I not understanding? Or are we saying you only have to have a door?

Parsons: Mayor, Members of the Council, that is -- I'm not a building code expert, but that is -- it aligns with the building code definition, but typically in my discussions with the building department there is a certain size window you have to have for ingress-egress for a bedroom, too. So, I think that's what that relates to, but I can certainly get clarification on it.

Simison: Yeah. Just that it's -- the door doesn't count as the one, because, otherwise, my closet just became a bedroom in my head.

Parsons: Exactly. It really is meant -- I think it -- believe it's meant to be a window access ingress-egress.

Simison: Anybody in our audience know if egress is defined as a window? Okay. I have a nodding head from a building -- I can't call you a building official, because, you know -- member of the development community. That egress is defined. And just so we are clear, I just want to make sure that's what that is referring to, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think just from some Googling and, granted, that -- that may not be what -- what definition we are using elsewhere, but -- so, it means going out.

Simison: Right.

Strader: It's not specific to how.

Simison: Council, any questions for staff right now?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just one because, I'm -- I'm trying to kind of track my notes and, apologies, I can't get the minutes to pull up. Bill, if -- if I recall that you were going to take some of these back to the UDC focus group, but I didn't hear that as part of your summary.

Parsons: Mayor, Members of the Council, I did not do that

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Bill, did I just have a missed memory, then? Was that -- that was something I thought that we were going to do and am I just not recalling it the right way?

Parsons: Mayor, Members of the Council, I -- I'm with you. I don't -- my recollection wasn't that I should go back to do that and that's what I -- my presentation to you is I heard the discussion, but there wasn't really anything to change, but you guys wanted more time to look things over and, then, I had communicated that I would get with the -- with one of our UDC focus group members to discuss the mitigation along a state highway, so --

Cavener: I'm sorry. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Was that an individual builder? Was that a member of the BCA? Those are -- those are big changes and so I -- I worry if we are just talking to one individual we are getting maybe a subjective perspective, where, again, the focus group or the BCA is designed to kind of give some industry expertise feedback and I would hope that would be something maybe we would want to solicit.

Parsons: Yeah. Mayor, Members of the Council, so that one person that I did meet with was the one that brought that concern to you and the representation from BCA. So, hopefully, if he wants to testify you can certainly ask him to come up and provide comments on our discussion --

Cavener: Okay.

Parsons: -- and his feedback.

Simison: Okay. Well, with that do we have anybody from the public that would like to provide testimony on these items? Laren, if you would like to come forward.

Bailey: Mr. Mayor, Councilmen, again, my name is Laren Bailey. My work address is 4824 West Fairview Avenue, Boise, Idaho. And, yeah, I did testify before last month and we talked about, you know, holding some of this over. Bill and I did have a discussion. I don't -- I guess there is a little bit of frustration on our part that -- I don't think any of the points we are bringing up are being heard and partly the reason why we are so focused on this is we have really looked at, well, what properties does this one ordinance focus on and I'm talking about the highway buffering, UDC Code 11-3H-1. So, we looked at -- throughout Meridian, we looked at the freeway, the new Highway 16. We looked at -- everywhere. There is only one property that this is going to affect. Only one property that has an elevated situation with an overpass at McMillan and Highway 16 and it happens to be our property. So, that's why we are concerned about it. And I know normally we wouldn't change something for one parcel and you wouldn't change a code just because it affects one parcel, but we are making a code that's only going to

affect one parcel. So, I find that kind of odd to start with and we are not really in objection to the code itself, I think parts of it are good and make sense and that's why we actually brought this up to begin with two years ago. We tried to get some verbiage in here, because we knew that the current code wasn't going to work and we are going to have to figure out how to satisfy the current code and what the issue comes down to is -- if you can visualize with me for a minute. I know this is going to be -- might take a minute to understand, but at Highway 16 and McMillan Road, you have got an overpass. So, the highway is going to go over McMillan. There is not going to be an interchange, so no on or off ramps. Highway 16 is just going over McMillan Road. The current code says you have to build a berm slash wall -- and correct me if I'm wrong, Bill, if it's ten or 12 feet, I don't remember exactly. It's ten or 12 feet above the center line of the roadway. So, when you have got the highway, you know, before it starts to elevate when it's just flat level with the ground, you might have it a couple feet above existing grade. So, we have got to build a wall and berm that's ten to 12 feet tall and that makes sense. That's what's been done on Chinden, that's been done -- what's been done in other areas and other parts of Highway 16. The problem is where you start to elevate over McMillan Road you get 20 to 25 feet in the air. Well, we can't build a 35 foot wall to block noise and, you know, sound and things. So, there needs to be some sort of back and forth. It's only a portion of the property. It's not like it's the whole property affected. It's not like it's this big huge deal. What staff has proposed is alternative compliance for that, which is fine, except they have added some -- some pieces of that, some -- they want some air quality studies and some sound studies. Well, one, there is no requirements what -- what passes, what doesn't, what are we shooting for? What are we aiming for to meet, number one, and there is no -- there is no specification on what those studies would be, how they would be conducted, who would conduct them and, then, who at the city would be able to review them? So, we just don't want to get in a situation where we don't have an out, we don't have a way to deal with this, because nobody knows how to solve it. The second part of that is I --

Simison: And just for the record can you tell me more?

Bailey: Okay. Thank you. So, I feel like -- it sounds like we are whining a little bit here and I really -- that's not what we want to do and I'm not trying to make it difficult for staff. I -- Bill and I worked on the focus group a lot and I think we do some really good stuff and I think it's great that we can collaborate. This is just one where I feel like we just don't have it there yet. We have said, hey, we want air quality and we want noise. Okay. But what and where do we go with it and how do we know when we have met it or we don't meet it? That's my concern. We are just trying to get to the bottom of -- is how is that gaged and how -- what are the parameters. With that, yeah, I would have liked to see it go back to the focus group, because I think there is other individuals that have comments and we did talk about it several times and I don't think any of those comments really made it to end product. I also felt like a lot was added to this section of the code after the focus group saw it. So, with that, again, I just -- I feel like it's -- it's one parcel. It's not like this is going to affect the whole city whether you pass it tonight or don't pass it tonight. Now, if you move forward with it can we figure it out? I hope so.

But, like I said, I just don't know what the parameters are. So, with that I will for any questions.

Simison: Thank you. And you may -- at some point in time I assume if you get high enough that you don't go -- the noise goes away even. Is that true? I mean I don't know. I mean I just -- there is --

Bailey: So, what I have read and looked at -- and I even passed some diagrams to Bill. So, what happens is on that asphalt roadway your sound goes down from the car, hits the asphalt and it goes up at -- and I don't know what angle -- 30 degree angle roughly. It goes up and out. So, anything below that you don't really hear a lot of the noise. So, as you rise up, yeah, once you get above that wall it's going up at such a rate that you are not really -- it's not impacting people like it would if you were standing right next to it. It diminishes pretty quickly. The other way to deal with sound, obviously, is that berm and that wall. That's the best way to deal with sound. But at some point you just can't build a wall tall enough to block everything. It's just not possible.

Simison: And that goes back to a bit -- you are not blocking anything potentially --

Bailey: Correct.

Simison: -- with that. I mean I can't think of a place where -- and I'm not knowing what you would propose, that we are just -- just trying to visualize where have I seen an overpass with single family residential right next to it. So, we are going to, but we are going to create that a little bit around Locust Grove. I'm sorry. Linder. They are going to be coming right across -- not at the same speed limit. Is it the speed limit or is it the roadway? And under our code that this would apply.

Parsons: Mayor, Members of the Council, it's the road typology. So, in that case Linder is not a state highway, it's -- or a federal highway. That's -- so, that code would not apply.

Bailey: So, I thought about that, because I thought, well, where can I give an example of and, actually, if you can visualize Broadway Avenue in Boise where Broadway hits the freeway, you have got residential on the north side of the road and the wall is there, but as the -- as Broadway comes up and goes over the wall doesn't get taller, the wall stays the same height. So, at some point you do have an overpass, you got the freeway higher than -- than -- than that wall. There is also -- in Nampa there is a similar situation, but it's not quite the same. So, I'm not going to go into the hole -- trying to describe that one to you, but it is rare that the freeway goes over another roadway. It usually is that the other roadway -- the smaller roadway goes over the freeway or the highway. So, that's, again, why this is not -- we are not going to see this a whole bunch more times. I mean if the state builds another highway than Highway 16 -- and I don't know when that's going to be, but I doubt it's when any of us are still in this room the way things get funded. I just don't see it as being, you know, a big issue that's going to happen again that we are going to -- it's going to be in the code and get used one time.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Looking at the proposed language here -- so, if you are not able to build the wall, which that clearly doesn't make sense, then, we go down to section four. Director may approve alternative compliance as set forth in Chapter 5 of this title where the applicant has substitute noise abatement proposal in accord with ITD standards and prepared by a qualified sound engineer. What are the -- what are those standards and is it our responsibility to ensure you are in compliance with their standard? And maybe a question for both Bill and Laren. I'm trying to understand how that works, because it's ITD standards, our UDC, so if they can't build the wall high enough -- and that doesn't make sense. You are not going to build a 35 foot wall. So, help me understand how we would enforce that if we can.

Bailey: You going first?

Parsons: I can go first, Laren. I'm happy to. So, Mayor, Council Member Taylor, it's -- my research of this topic is it's -- ITD kind of defers to the feds and, then, the feds go -- and, then, you go -- they are not calculated case and, then, they give you a whole bunch of other ways how you can do it. That's why it's a complicated topic and that's what Laren and I keep going back and forth on. It's like we both agree to say we know it's -- it's a silly ordinance. It's not silly, but what I mean is it's -- no, it's impractical to try to combat noise when you have an elevated roadway. That's the difficulty. But what is -- what are -- how do you do that? And, then, like you said, there is -- we -- like Laren says, we trust the applicant to give us that documentation and it's stamped and certified by our professional and that's what we take, which -- we are not sound engineers, we are not technical engineers to do that. Just saying with the air quality -- I mean in bigger cities they have very sophisticated air quality monitoring systems. They have GIS. They can do all this modeling and let you know where all the problems and issues are. I mean that's really how the world works in these bigger metropolitans. This is just an opportunity for staff to say, hey, the UDC focus group brought this to our attention. The only means we have in code -- we don't have a sophisticated process to analyze all of these things, all we have is code and alternative compliance to say, hey, this is one way to get there, it's not the only way, and that gets the -- it's really meant to be flexible, but I definitely understand the position that you are hearing tonight is like who is going to -- who is to say what is going to work and what isn't or the perfect scenario is you don't build residential next to the state highway. That's the easy solution. That's why -- but a lot of times when you go to other communities the roadway is actually built in the ground and the residential can be elevated, so you can reverse that, too. So, again, there is many ways to try to tackle this, but, unfortunately, what Laren is describing is this is the one piece of property that is faced with this situation and the only code we have to combat it is alternative compliance, which won't really mitigate anything. Noise is still going to travel over top of the subdivision and go down to the next property owner. It's just going to travel.

Taylor: Mr. Mayor. Quick follow-up question then. So, if we are involving the fed standards do we run into a situation where we can't move forward with this development because we can't meet these standards?

Parsons: Mayor, Members of the Council, not necessarily. Certainly we will reach out to them and get their input on it, but, again, ITD is going to say we are building the road to the fed standards. We are doing what -- what our permit says. We have done -- we have done the TIS or the environmental impact statement. We have done -- we have got buy in and we have got the federal dollars to build it. So, again, they are looking at it -- if there was something already there, absolutely. If those homes that were there today they would be mitigating per those standards, whatever -- whatever the study said to do. But we have an opportunity where it's vacant ground and so now it falls on us to say how do we want to mitigate that?

Bailey: Mr. Mayor?

Simison: Laren.

Bailey: I have got a couple comments. One, you already have developments on the east side of Highway 16 that don't have a wall, they have a vinyl fence. No berm. No wall. If ITD already deemed those are acceptable and they are not doing anything, then, I would assume that us building a berm and a wall should be better than that. Second, my big concern is with the federal requirements. As we know the federal government can change the requirements at any time, so if you make a city code that says you are going to follow the federal requirement, they change it, then, where are we? I think that's often a problem when we reference other jurisdiction's codes. So, I think those are two issues. And, then, again, as Bill said, I mean this is -- this is the one property and I guess if we need the code for the one property then -- then we do, but I think it's -- we feel like it's overkill.

Simison: Just out of curiosity, not knowing where the property is, in your mind how many lots would this impact in that one property based upon -- two?

Bailey: No.

Simison: Three?

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Bailey: No. It's definitely going to be more than that. We are going to be near the interchange -- the intersection. You are probably speaking about 25, 30 lots.

Simison: That will be below the --

Bailey: That would be above, yeah. That they would be above. I don't know an exact number. I haven't -- I haven't sat down and like drawn out exactly how high the freeway is there compared to what we are doing, where that -- where that line would be. I don't know that I can fully answer that.

Simison: Okay.

Bailey: But it's not going to be two. It's definitely going to be more like 30 or -- the other thing I wanted to point out, Bill -- Bill made another comment about not putting residential next to the highway. I guess that -- that would be ideal, except that's what the comp plan has and that's why we purchased the property, because it's comp plan residential.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just curious for staff's perspective on timing when the comp plan was done, obviously, we have the timing of the expansion of the highway. Can you refresh our memories? Were we aware of that at the time that the comp plan was approved? Help me understand that. I get it, that this is something you made a decision based on a Comprehensive Plan. The Comprehensive Plan might have been made without full visibility into the highway. I want to be honest, I'm struggling with the concept of putting -- potentially putting residential homes so close to this situation. I just want to understand the timing aspect.

Parsons: So, Mayor, Members of the Council, Council Woman Strader, don't have the exact time frame, but it's always been contemplated in our -- in our ordinance and in our Comprehensive Plan that we had goals and policies to set aside for future right of way expansion or construction of State Highway 16. So, I have been with the city since 2007 and that's always been in there to preserve that. That's when a lot of those studies started happening, too. I remember that very well in our discussions at staff. So, we have been planning for this for a long time. But keep in mind, as Laren had mentioned, ITD changed the plan. The overpasses were going to be different and oriented -- they flipped on us and now the highway was elevated instead of McMillan being elevated and so even those projects that are on the east side of McDermott Road we set aside extra right of way for the overpass and now they are just common lots -- extra wide common lots, because we thought that the toe of the overpass was going to be going into those homes. So, yes, we have contemplated this for a very long time. It's -- it's been part of our comprehensive planning code, set aside and preserved for that.

Bailey: Mr. Mayor?

Parsons: And this section has always -- I have -- as long as I have been with the city this has been in our code.

Bailey: One last comment. If you look at this area you have roughly got two miles of Meridian -- two -- two miles that abut the highway and, then, it kind of diverts to the west and is in Nampa's area of impact. In those two miles you have already approved residential developments basically along the whole frontage of the highway. There is a

couple small commercial areas, but you already have approved residential all up and down the frontage. So, we are not asking for anything extra or different or beyond what anybody else has done. Some of them have a berm and a wall and have been approved with that. Some of them don't. Obviously, we would be doing that. But with that I will -- I know this is dragging on, so I will be quiet.

Parsons: Mayor and Council, just a little -- little more context or information and I certainly want to continue to collaborate with Laren on this topic, because I think it is -- it's very intriguing. I'm sure Council Woman Strader read it and said, wow, this is eye opening. It is. It's -- it's important, but what time do we implement something like that as a community? It does get to you a heartstring, because we all want to do the right thing for the community. But, ultimately, I want to let this Council know that every development that was on the west side of the State Highway 16 you guys had required the six foot berm and a six foot wall on top of it. So, you guys were consistent in that 12 feet. Now, as they transition to the Ustick area closer to -- near the high school, it's not practical, because of the elevated roadway that that will -- that situation will be the same. But we are processing a final plat on that application and I believe the engineer of record actually sent over plans to do a berm and a 15 foot tall wall to try to meet the requirement of -- of the ordinance. So, just kind of put in context there, is like everything from McDillon -- Mc -- anything from McMillan between Ustick you guys were consistent on the west side as to how to mitigate that -- that situation and, then, on the other side McDermott Road becomes the backage road and so those properties are actually set back farther from the highway just due to the nature of the alignment of the new freeway. So, we did require some of that berming and sound attenuation, even though they weren't abutting the highway, they were adjacent to it, so we still -- tried to hold them to that standard. I was hoping when I looked out -- we go out there on -- and do field trips to kind of see how the road work is progressing and I drove by the school out there and I -- the school was supposed to have some berming and some trees there, too, and I didn't quite see everything that we had envisioned or required as part of the school to put in either. But just to give you context, we tried to be consistent along that corridor where we could be. At least applying the rules that we have today.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm going to ask a question. I think I know the answer to already, but is it at all feasible that the highway itself would contain the wall in some areas? The reason I'm asking is I was like looking over Council President Cavener's -- what is this -- Google Maps or something and there was kind of an example where I think theoretically there could be a wall on the highway itself; right? Now, we don't control the entity that would do that, but is that something we have explored at all? Maybe you have explored it or we have chatted with them about it. The reason I'm asking is it's completely unfeasible -- not -- it's not economically feasible or maybe practical from a physics perspective to just build this enormous wall; right? But the highway in theory could contain the wall

itself. Maybe. I don't know. That's why I'm kind of asking. It's a little bit of a creative maybe question, but --

Bailey: So, I think -- Mr. Mayor, sorry. I think the answer to that is ITD did -- like Bill said, they did an environmental analysis and ITD has requirements from the federal government when they build highway or -- for funding and all those things and when they do that study one of the things they look at is the sound and those things and if it is an issue, then they build a wall like they did on -- on the freeway, like on I-84. They didn't do that here. Now, I'm intuiting that they didn't do it because their studies didn't require it. Now maybe the studies didn't require it, because it's farmland, but they didn't do it where there is houses either, there is already homes there and they didn't do it. So, what -- at the end of this what I'm wondering is are we chasing the tail of the tiger here? Did it already get -- has this already been analyzed, already been done and it was decided we didn't need a wall and we are now -- I don't know. I still believe there needs to be a 12 foot urban wall combination. I firmly believe that and that's what we intend to build -- or hope to build. I just don't know how to solve this other piece.

Simison: So, can I ask is that what your recommendation was, that, essentially, it continues at the same height?

Bailey: Yes. Yeah. And -- and to one -- one more point. When the highway gets higher it also -- ITD has more right of way. So, they bought -- there is an additional I think 50 or 56 feet of right of way at the interchange -- or not interchange, but at the overpass. So, there is more of a setback there. So, the wall will have to jog and go around that. It will be further back from the roadway at that point, because they needed more room to have the slope, the embankment, for that to slope down. So -- so, there is more, you know, setback at that area.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: This is really odd to me that we are talking about UDC changes, but we are talking about some very specific property. Do we envision the need to make these changes because we anticipate other situations or we are just trying to find a way to be in conformance with what we think we need to be in conformance with? Because it's almost like we are having a hearing on an application and I don't think that's the intent here, but I think clearly we have navigated and identified that we are talking about a -- one specific situation. So, are there other scenarios that we anticipate needing this change or is this just our effort to kind of sort of follow the processes that are kind of imposed upon us by other entities?

Simison: Yeah. And could this be a variance process if there -- if this was in the code some way.

Parsons: Yeah. Mayor, Members of the Council, that's what alternative compliance is, it's -- it's, essentially, staff level --

Simison: Right.

Parsons: -- variance. But that's -- that's the avenue that we feel is the best way to get to where we need to be, because there is nothing else. Like I said, there is -- you are -- like you said, we are debating this -- we all know there is ways to solve it, but I'm trying to think -- at least when we had gone through our map there wasn't few -- few -- that many properties left along kind of the state highways, because we don't require that requirement for commercial or industrial properties. It really is when it's hospitals, schools, churches, residential uses where we require the berming and the sound attenuation.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Yeah. A question for legal. If we grant alternative compliance in a situation like this, can another entity come in and say, no, you can't?

Nary: Mr. Mayor, Members of the Council, no. That definitely is a land use decision that the city would be able to make.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Mayor and Laren, did I hear you say earlier there were some suggestions that you had that didn't make it into this draft and, if so, do you have language that you would like us to look at?

Laren: I didn't bring specific language. I did go through, Bill, the portions that I thought needed to be resolved or changed. I think there is a few other things that I -- I just think they are weird, to be honest with you. One of them is that when we build this berm and a wall it can only be -- every 300 feet it either has to have a jog in it or we have got to change the color of the material and I have pictures -- I didn't bring them. I didn't want to get into all that, because I think it's not that big a deal. But there is a place on Meridian Road that I think everybody's aware of that's south of Victory where their -- the fence is gray for 300 feet and, then, it turns brown for 300 feet -- or a wall and everybody I know points it out and goes that is so weird. Why did they do that? You know. And I -- that -- those are things that I'm weird and I focus on. So, I'm not getting into all that. That's one issue. The other issue is just the air quality and noise study. If we are looking at a federal highway -- I mean it's a -- it's an in-depth process. It's a year long thing to study the air quality. It doesn't just happen overnight. You don't go out once and sample it. You have got to do it over a period of time. The highway is not built

years. It's not at its full build out either. It's going to continue to get built over the next five to ten years. So, I don't know how we resolve it in the time frame if we submit a project, which I'm hoping to submit to you in the next month, I don't know how to resolve it in that time frame. I mean that's the bigger issue for me is I don't even know -- I can go out there and study it today if you like, farm fields with no cars driving by, more than happy to, but I don't know that we get the answer. So, then, what do we do? Then we are -- I'm back here in front of you, we are having a hearing, staff doesn't like our project, because they don't think we have an answer to the noise and -- and air quality. So, now we are having this discussion again. So, I don't know. That's what I was trying to head off at the pass. I thought we were doing the right thing with the focus group. I thought we were getting on the same page and we didn't and so I'm here.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think that was maybe my question that started this whole thing. When you met with staff you were not representing BCA or -- I don't know if you are on the UDC focus groups. I don't know if you are --

Bailey: So, I am on the focus group. I did bring this item up at the BCA and we had a discussion about it last month before the other hearing. They had a small vote of the developers group. So, I'm not representing the whole BCA, but the developers group said, yeah, we agree, this is nebulous and we need some more definition here. It's okay to represent that at the hearing.

Cavener: Thanks. I appreciate that.

Simison: Council, any additional questions?

Bailey: Thank you.

Simison: Thank you. Is there anybody else who is present who would like to provide testimony on this item? Councilman Cavener, you had a desire.

Cavener: Well, Mr. Mayor, I do, but I think there is a couple that I would -- I think it is important for the Council to at least deliberate on. I have three. I'm largely supportive of what is presented with -- I think there is three that I think are worth holding out, either for further collaboration -- either that it's staff led or maybe a larger Council discussion. The first one I think is the one that was just been referenced, 11-3H-1. The second one is 11-4-311, I think if my chicken scratch is correct, and that's one related to drive-throughs. Bill, your -- your engagement with it -- with an expert is really encouraging. I think that -- I know I kind of threw this out there last time, but I do think that we have got to take a larger look at drive-throughs and since this last one Council deliberated over a drive-through request that was, you know, a much different thing than maybe we had initially anticipated. There was a lot of deliberation discussion about that. Your

comments about window order versus pickup wouldn't pertain in that particular area; right? It wouldn't pertain at my local bank. So, I think to your point we would like to get this right. We don't want to come back and kind of fix it. So, I think that's the other one that I would like to hold. The other one that I would maybe like some deliberations and discussion from Council on is 11-5A-64, which is about sign affidavits. Everything you have proposed makes sense, but in our last meeting we had talked about -- and I don't know -- maybe I wasn't clear about it -- if adding a QR code to the signs makes sense. If that's the part of the UDC that we would need to capture that or if that's something else and so I'm not saying you have got to hold this one, but I just was more curious if that was something we delivered. It sounds like a couple council members were supportive of that. I didn't see anything reflected or anything updated on that. So, either, Bill, if you have got an update for us or if there is some discussion for Council about that particular one.

Parsons: Mayor, Members of the Council, I don't -- I like that suggestion, but, at the same time, some or part of me says why do we want to distract people more. Get your phone on there -- shouldn't be on your phone in your car trying to shoot these signs. So, although I like that concept, is it doable? Like potentially. But, again, as far as the sort of certificate of signposting, this is one that was brought to us years ago. I think Laren brought that. So, essentially, goes back to our discussion at workshop about an affidavit of legal interest from the business owner to erect a sign. Same thing here. Our code requires that same affidavit. So, they have to go post the site and, then, take this form and get it notarized and send it saying that they posted the site. So, all we are trying to do is simplify the process. But as far as QR code -- I guess maybe from my standpoint how do you see it? How do you envision it working? Someone pulling off and walking up to the sign and shooting it or riding their bike and shooting this code? A lot of times they are perpendicular to the street per the code and I want to make sure that I'm understanding, because there is only limited space they can fit on that sign, too. So, just --

Cavener: Mr. Mayor, if I -- if I may.

Simison: Councilman Cavener.

Cavener: I think, Bill, I think that was why I thought taking some of these things back to the UDC focus group would be beneficial. This was a -- somewhat of a flippant comment that came from me based on conversations at National Night Out. Your feedback on there -- certainly if somebody's driving down Chinden Road we don't want them hanging their phone out snapping a photo, but after we had that we had an application before us last -- a week or a couple weeks ago, I was in that vicinity and I went to go look at the sign for that specific reason. Now, in that it was adjacent to a parking lot from a retailer I go to, so I parked my car, I walked over looked at the sign, thought, okay, where does that make sense? Maybe upper right, upper left, but I think there are some places where it will be really beneficial -- really beneficial and there is some places that location may be somewhat problematic and I think what I had wanted to hear is from those who do this on a regular basis, how do we improve our ability to

communicate with the public about what's going on there, what makes sense in terms of size, location, et cetera. So, like I said, I'm not so beholden that we have got to hold this one, but that was -- I think that was at least my thought as to -- you brought some of this back to us, you got some feedback, that's why we have got the focus group. Let's share it with them and, then, you can come back with a summary of feedback, trust your feedback from them and, then, we could use that as another basis to help us render a decision.

Simison: And I think there is some basic questions in that that you could have that conversation, cure our code to where and when, because what's being provided to the person making the sign, do you have a -- does it just go to a general one place on our website where the -- as compared to an application file location? You know, those are some very basic -- not knowing when people try to post signs, but that could be the dialog to say what makes sense or doesn't make sense or -- in that conversation.

Cavener: Mr. Mayor, Council, those are the three that I -- I still think maybe need a little bit of massaging.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Well, I don't feel as strongly in all three. I definitely have some concerns on the drive-throughs. I would like to -- I know he has found somebody that knows a lot about it, but I would sure like to see that go through the full focus group and have a lot more heads involved.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think we are going to benefit from kicking things back to the UDC focus group. I don't see any downside to doing that. So, you know, even though I don't -- I don't have a ton of energy around the QR codes, I think it could be beneficial depending on how they are used. I mean -- but they are kind of involved, like you have to generate a QR code, you know, you need a subscription to pay for that. QR codes are going to be specific to each sign in terms of how QR codes work, like we don't just own a general QR code. It's like every QR code. Sorry. I'm losing my voice. But is going to end up being associated with a specific sign and so I think from a technical standpoint that's kind of an involved thing to try to take on. I don't have any issue, though, kicking these three back to the UDC focus group for discussion. I think that that -- that that would only benefit us. I don't think we need to -- the -- the -- the highway one is -- is very involved. I think getting more feedback on that couldn't hurt.

Cavener: Okay. So, Mr. Mayor?

Simison: Councilman Cavener.

Parsons: So, Mayor -- sorry.

Cavener: Please.

Parsons: Council, did you want to look at any of the home occupation changes before you to potentially add to this list. So, I guess in my -- my recommendation for the Council tonight is if those three you want -- keep in mind that two of those were vetted very thoroughly with the UDC focus group and they did -- they did like those changes. The drive-throughs and the certificate of sign posting. But that -- I'm happy to take that back and get some more -- come -- have some more conversations around the QR code with -- for you. But if you do want to remove those, then, I just ask that your motion -- we will hold them out and bring them back and with another code change and I will reopen them up with the focus group and talk about those and, then, move forward with some of these other changes. But I also wanted to share with you some of those home occupations standards if you want to look at that before you deliberate a little bit more on that. I know we didn't have a chance to have public comment on that particular section, but I will turn to Mr. Nary to see if he thinks we should open that up if we are going to look at the home office standards as well.

Simison: I wanted to finish up with the -- Councilman Cavener, do you have an issue with the current language by going away from the notary -- would it be okay to move that forward and, then, evaluate the rest of it?

Cavener: Mr. Mayor, exceptional question and, yeah, the short answer is, yes, I don't have any issue with the language that is currently presented. I just didn't know if it was cleaner to -- if it's back as one piece or if it's a future update. I'm not -- it doesn't matter to me on either of those. I'm -- I'm certainly supportive of including 11-5-864 in the totality, with the request to have staff work with UDC and, Mr. Mayor, if I may, I want to make sure Bill and I are saying the same thing. When it comes to 11-4-311, I'm not quite sure right now that going back to the UDC focus group to say take another look at this makes sense. What I actually think is taking some of the feedback from Council Member Overton, myself, some subject matter experts -- I believe we had somebody here testifying about that and let's have a broader conversation about what drive-throughs are and aren't in Meridian, where -- and where they are not appropriate. Is drive through style X okay in one use and drive-through Y not? Again, I come back to a couple weeks ago we deliberated about a drive through for a bank, but we were not supportive of a drive through for a quick service restaurant. To me that -- Council Member Overton's commentary about that could totally encapsulate the reason we have got to think a little bit bigger when it comes to drive throughs in Meridian. So, I think it's more of a larger conversation first or as you are working through that maybe with your council liaison and, then, take that piece back to the UDC focus group, not just simply saying, hey, what was presented here Council wasn't supportive, they want something else.

Simison: Moving forward with the change to -- so, we at least get the -- because I think that's why our other hearing would -- was not able to go tonight was because it didn't have a legal, you know. So, could help solve some of those simple things to keep -- keep that moving forward and the others.

Cavener: So, Mr. Mayor, I don't think that I made a motion quite yet to close the public hearing. So, I think if Mr. Parsons wants to continue on the home occupations that seems appropriate.

Simison: Okay.

Parsons: Perfect. Let me pull it up and show you what I really drafted up and I would share with the Council -- Mayor and Council that this was also shared with the legal and code enforcement and I apologize, it's not in the same format that you would see in the table, so I just did a quick word version of it for you so you can look at it. So, it's really three sections added. So, I think everyone was aware of the topic that was brought up couple of weeks ago. So, you can see here we added outdoor swim lessons. Let me see if I can make this bigger here. Being finicky here. So, essentially, talking with code they were fine with allowing up to three persons at one time. So, again, it's something that I came up with thinking, too, maybe less noise for the neighbors. So, I'm thinking of kind of along picture everybody that is surrounded by these types of use. So, again, allowing just that particular outdoor activity as part of a home occ and, then, clarifying in a further section that -- where it says it should be entirely in the dwelling, we are exempting swim lessons from that standard and, then, also adding an I that says that they could operate between certain times of the year, from certain months to in terminating it by a certain date. So, that's kind of what we roundtabled and shared with the group, but just happy for feedback. If you like it, don't like it we can certainly continue to -- to vet that and discuss that as well, but --

Simison: Question. Is the word outdoor required? Why not just put swim lessons. What if they have an indoor pool? Would that be okay in the property?

Parsons: Indoor might work depending on how much --

Simison: Well, I'm just saying why -- what's the value of adding the word outdoor generally in this concept?

Ooi: Mr. Mayor, we already have lessons for indoor. That's up to seven people. So, they can have up to seven students if it was indoors. So, we have dance studios and music studios that are approved and indoors they are allowed to have more. So, just by signifying that there would be outdoor was just to restrict it to keep the noise levels down.

Cavener: Mr. Mayor?

Simison: Which one was that? Councilman Cavener.

Cavener: Oh. Thank you. Bill, Lacy, I went through it a little bit of a rapid speed so kind of track it as we were going through this with you. I think the only thing that stands out to me is limiting it to two and this is -- it sounds like this has come from more from a quality of life standpoint. Parks are loud. People survive. Out -- daycares let kids play out in the backyard. We don't limit that to two. If we say -- I assume seven is probably more based on a life safety element, so I would -- the only change that I would look to is to change the number from two to seven.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I agree with that comment. I think two is very restrictive. If -- I think this is very constructive and I want to compliment you for taking this on, because I know this was not an easy topic to try to take on and, again, it's kind of a balance. I think I would be more in the five to seven camp in terms of the number of persons, but I do think it would be good to have this in a -- in a -- in another public hearing to get some more feedback, because it's pretty new, this -- we have been doing a couple of public hearings on these other topics. I think it would be appropriate to have this in a public hearing -- a future public hearing and try to get feedback and, then, we could alert people that we do know are affected or not affected by this, so we could hear from them. I think that would be a good thing. But I really want to compliment you for taking this on. Thank you.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Just a question on outdoor swim lessons for up to and, then, a specified number. Do we need to put some parameters around a time frame? I mean can you look at this and say two lessons per day, two lessons per hour? What do -- what's the time frame that we need to include here?

Parsons: Yeah. Mayor, Members of the Council, it would be two persons at any one time and, then, we also talked about, for example, the in-home daycares are six or fewer. So, we also thought about aligning that with this section of the code, so it's kind of similar language. But certainly if we bring it back I'm hearing what you guys -- the commentary that Council's giving me, so I can certainly take those notes and, then, kind of message that as we come forward with the draft changes that you guys want to open up for public comments.

Simison: And, in addition, if you -- if seven was a number and it aligns with indoor, then, you just go change that portion of the code that just -- rather than having an indoor and an outdoor in two different areas with seven, you say swim lessons for up to seven, would that be how you would want to apply it? Because I don't know where the indoor is -- where it lives, but that would seem kind of weird to have an indoor and outdoor in two different parts of code if the same -- same number was the issue.

Parsons: So, Mayor, Members of the Council, this is the same code that applies to seven or -- it's all the same code. It's just in our application of things we say that it's -- it's in the -- because you see it right here, seven or more. So, again, you could just say that, not -- and be silent on the number of persons, so -- but it says seven or more. That's where -- if we will go to that route we would change that and say seven or fewer and, then, we would have to change other sections in the code to align with that, because -- but that's one way of doing it as well. You could -- again, that's how you can -- so, again, this is my kind of first chance opportunity to kind of get some ideas on paper and, then, share it with all of you and I do appreciate the feedback. I think there is ways we can do it and tweak it a little bit.

Simison: Did I -- I misunderstood? Indoor lessons are seven or less?

Parsons: No. Seven or more. So -- but I said if Council wanted to align with seven or more or seven or fewer, then, we would have to change that section or below that the outdoor swim lessons would have a different --

Ooi: Could -- could I redirect some of the differences between the daycare issue and home lessons? So, for us the difference that we see and the reason that we receive complaints, especially in situations of lessons, is when drop off and pick up is at the same time, whereas a daycare usually they come in and come out at staggered times and usually you are going to have parents that will idle in their cars for the duration of the lesson, as opposed to just leaving and so our complaints come in from those from parking issues, blocking mailboxes, blocking driveways and, then, the noise ordinance -- the noise issues in the back whereas a daycare may let the kids out for playtime or -- I really don't know of a daycare we have permitted that has a pool, because they would be restricted for their pool access. But if they did let's say they played in the pool they would be out there for a half an hour, an hour, and they would come in for a snack, whereas the lessons could go from one hour to the next hour and, then, you can consistently have different groups and parents out idling. So, that's why trying to restrict the number, making it less -- we keep less cars and people involved and the noise levels down that are exposed. Obviously outdoors. Where it's indoors they are going to be confined. So, that's some of the reasons that we are trying to lower that number. It's the consistency that they would be doing lessons during those time periods. So, we do have operation hours for home occupations which is extensive. I think it's like 8:00 a.m. to 6:00 p.m. or something. So, currently it would just operate under the same hours allowed for operations, which could keep your lessons going from -- that same thing, you could do ten lessons in a day. So, maybe there is some consideration of restricting that to how many. Like we have -- it could fall under the drop off and pick off -- pick up, is that you can only have two deliveries -- I mean there is restrictions of home occupations that it was still technically be falling in, but it's different than a daycare, because the lessons are always going to be outside and they are formal.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just maybe a quick follow up, because -- and maybe I misheard, but if you say seven or more for indoor pool. That seems contrary to your argument that we want less cars parking. And, listen, my parents -- the people that live across the street from them run swimming lessons. This is in Nampa. And -- and that's a challenge; right? And they work with the neighbors and borrow spots and all that. But I struggle a little bit to hear we encourage a higher amount of students for indoor lessons than we do for outdoor lessons. But we are saying we don't -- we want less for outdoor lessons because we want less traffic.

Ooi: I struggle with that also.

Cavener: Okay.

Ooi: So, I didn't win when it came to indoor lessons. So, lessons used to not be an allowed use. So, I didn't win with seven. Then I had said six or less, like a daycare, like we allow you to be in care of six children as a person operating lessons you should only have six in your care and considered it like a daycare and, then, seven went in, but seven just requires neighborhood meetings, which in normal accessory use home occupation doesn't require the neighborhood meeting. So, really by saying that you are doing lessons with seven, it initiates that you are going to have a neighborhood meeting. Whereas the other ones are just a sign off.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe a suggestion just to move this forward. I would suggest that we settle on six, because it aligns with daycares and that we have a public hearing in the future to talk about this further and get people's reaction to that and, then, we can try to assess where we are at. I think -- we could sit here and all debate amongst ourselves, but I don't operate swimming lessons. I don't -- you know what I mean? And so let's hear from others. I think we can move it forward. But thank you very much for working on this very tough issue. Appreciate it.

Simison: Okay. So, Council, who has got the motion? How do you do this? Do you close part of a public hearing? All the public hearing?

Cavener: So, Mr. Mayor?

Simison: Councilman Cavener.

Cavener: It's an exceptional question. Before our staff did a good job of stopping me before I made a motion, that's what I was going to ask our city attorney is do we bring these separate ones back as a separate action or do we continue this, because all of these are listed as one action?

Nary: Well, maybe some clarification. Mr. Mayor, Members of the Council, Councilman Cavener and Bill, in the past what we have done is we have said we are going to continue the items that were for further discussion, whether they are going back to the committee, whether they are going back to P&Z or they are going back to -- well, it either be to a public hearing or to staff. The ones that we said to move forward we needed the direction -- bring these items forward, because they still have to come back into you in that -- that form. So, that's really the motion you are looking for is which ones are you directing back to further process and which one do you want Bill to bring forward.

Cavener: So, with that, Mr. Mayor?

Parsons: I'm sorry, Council President, too, if -- if I may just kind of expand on that a little bit. You don't have to keep them active and come back in a month either. Again, if you want me to set it aside for six months with the next round when we come forward, happy to do that, too. It's really what Council wants us to do moving forward, so --

Cavener: Mr. Mayor. Bill, you were tracking with right where I was kind of headed, so I appreciate that. This is maybe keeping track -- the fourth or fifth time, Mr. Mayor, I'm going to move that we close the public hearing on Item 6.

Strader: Second.

Simison: I have a motion and a second to close the public hearing on item ZOA-2024-0001. Is there any discussion on the motion? 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.

Cavener: All right. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move that we approve Item 6, UDC text amendment 2024 -- ZOA-2024-0001 with a couple of modifications. One, that we hold 11-3H-1 for staff to continue to work with the UDC focus group and trade associations to provide some greater clarity. To hold 11-4-3-11 to work with staff, Council, industry experts on bringing back a revised version of that code and to bring to Council at a date certain the home occupation proposed change for a separate action and public hearing.

Taylor: Could I have clarification on the motion?

Simison: Is there a second to the motion for discussion?

Taylor: I will second the motion.

Simison: I have a second. Discussion. Councilman Taylor.

Taylor: I think you may have omitted 11-3H-4D as a topic on the elevation on the highways. You said 11-3H-1 on your motion.

Cavener: Oh.

Taylor: And we see it right here.

Cavener: 11-3 --

Taylor: 4D.

Cavener: Oh. 3H-4D.

Taylor: That was the one we were spending lots of time discussing. So, I think you intended to include that, but --

Cavener: Mr. Mayor, my -- my motion was designed to reflect that item, but I erred by naming the appropriate code and so with Councilman Taylor's correct edit modification, I would amend my motion to include 11-3H-4D.

Taylor: Second.

Simison: We have a motion and a second. Clarification. Did you mean to have all three in there? I thought we were moving one of them. So, which one did you take out just for the --

Cavener: Mr. Mayor, to answer your question there was some deliberation about 11-5A-64 being included, pulling that out. I think staff's got feedback. They have got good direction on that. I don't need a separate action around that.

Simison: All right. So, just with the two -- only two being held. Okay. That's why I just wanted to clarify for the record, we only have two items that are by numerical order being brought back or sent to further deliberative places.

Cavener: Correct.

Simison: Okay. And the second agrees?

Taylor: Agreed.

Simison: Okay. Is there a motion -- is there discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you. Enjoy watching the debate.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION [Amended to add to agenda] per Idaho Code Section 74-206(1)(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code

Simison: With that --

Cavener: Mr. Mayor?

Simison: -- Executive Session. Councilman Cavener.

Simison: Move we go into Executive Session pursuant to Idaho State Code 74-206(1)(d).

Strader: Second.

Simison: Motion and second to go in to Executive Session. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (7:46 p.m. to 8:10 p.m.)

(Motion and second to come out of Executive Session.)

(Motion to adjourn.)

MEETING ADJOURNED AT 8:10 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK