

A Meeting of the Meridian City Council was called to order at 6:10 p.m., Tuesday, July 28, 2020, by Mayor Robert Simison.

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

Also present: Chris Johnson, Adrienne Weatherly, Bill Nary, Sonya Allen, Alan Tiefenbach, Clint Dolsby, Dale Bolthouse, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

Item 1: Roll-call Attendance:

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

Simison: All right. Council, I will call this meeting to order. It is Tuesday, July 28th, 2020, at 6:10 p.m. We will begin this meeting with roll call attendance.

Item 2: Pledge of Allegiance

Simison: Item No. 2 is the Pledge of Allegiance.

(Pledge of Allegiance recited.)

Item 3: Adoption of Agenda

Simison: Item No. 3 is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: It looks like we are going to have to add another Executive Session after the last line and I'm going to get that real quick. I didn't print this out. So, it would be -- I -- do we make it Item 10? Is Item 10 where we want to put the Executive Session?

Simison: Yes.

Bernt: All right. So, we will add Executive Session per Idaho Code 74-206A(1)(a). I just want to confirm that with Bill that I got the -- the Idaho Code correct.

Simison: That is correct.

Bernt: Okay. With that I move that we approve the agenda as amended.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

Item 4: Future Meeting Topics

Simison: Mr. Clerk, did we have anybody sign up under Item 4?

Johnson: Mr. Mayor, the only sign up was for an agenda topic later on the agenda.

Item 5: Resolutions [Action Item]

A. Resolution No. 20-2220: A Resolution Appointing Natalie Schofield and Thomas Vannucci to the Meridian Arts Commission

Simison: Okay. So, we will move on to Item 5-A, a Resolution No. 20-2220, appointing Natalie Schofield and Thomas Vannucci to the Meridian Arts Commission. Council, as has been --

Perreault: Mr. Mayor?

Simison: -- the history --

Perreault: We can't hear you.

Simison: Council, can you hear? Can you hear me now sort of? This is going to be a fun night.

Bernt: Not really.

Simison: Chris, just let me know -- you guys keep telling -- I will talk until you guys can give me thumbs up that things are going well. The Yankees are doing quite well this year. I think that they are going to win the World Series. What do you say, Mr. Nary? Do you agree.

Nary: I totally agree.

Simison: Totally agree. Does this mic sound any better?

Cavener: That sounds much better, Mayor.

Simison: All right. We will move over to this mic and move forward. As has been the custom history of commissions, I sat down with the chair of the Arts Commission Leslie Mauldin and we interviewed several fine candidates for the two vacancies on the Arts Commission. One is the full term and one is filling a partial seat for approximately a year. The two people I'm bringing before you for your consideration are as listed on the agenda. Natalie Schofield and Thomas Vannucci. Just to speak very briefly about each of them, Natalie is what I would -- as you can see there she is at her house, you can see the mural that's in her living room. She is a lover of art. I think that that's -- that's how I would describe her and her viewpoint and it's really bringing the non -- the non-artists to the commission to provide that general appreciation of art, which is something that's very important when you are with a lot of artists, sometimes to get the other people's opinion from that standpoint, but she -- she is very much committed and dedicated to art and is looking forward to serving the commission in that role. Tom is -- comes from a wide variety of background that -- when you look at his resume you may never realize how involved he's been in all sorts of art throughout his life and career, ranging from ballet, into, you know, some more recent artistic endeavors with Disney and others through his companies, as well as some other work that takes him from New York City to California and back again and he just happens to be located here in Meridian, Idaho, and is looking for a place to put his wide variety of artistic endeavors into place for the Commission. So, I bring these both to you for your consideration. I would be happy to answer any questions you have and if the motion is successful I will open it up for either one of them to provide some comment. If not, I would entertain a motion.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Very pleased to make a motion on this. I'm so excited to see what the Meridian -- what the Art Commission has been doing and the growth of the art community in -- in our city. It's wonderful to see and I know our community appreciates the good work of the commission. So, Natalie and Tom, we appreciate both of you being willing to volunteer and provide your time and talents to the commission. Mr. Mayor, I move that we approve Resolution 20-2220, appointing Natalie Schofield and Thomas Vannucci to the Meridian Arts Commission.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Second the motion.

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

Bernt: Congratulations.

Simison: Congratulations. We will do ladies first. Natalie, if you have any comments you would like to say to the Council at this point in time.

Schofield: Thanks for having me. I'm excited to be a part of the Arts Commission and serve our lovely city. I love Meridian and am excited to be a part of it. Thank you.

Simison: Thank you. Tom, same to you.

Vannucci: Thank you. I echo Natalie's sentiments and particularly I'm most excited to have an opportunity at -- at this growth period of time for our city and I think what a wonderful time to -- for all intents and purposes get in on the ground floor. So, I'm really excited as how we are growing and bringing the arts and culture to life.

Simison: Excellent. Well, thank you both. Again congratulations and I know they are eager to get you to work. So, look forward to having you at the first meeting and Councilman Borton will make sure to keep you in line. Okay. Thank you.

Item 6: Action Items

A. Request to Withdraw Application of Franklin Storage (H-2020-0033) by Franklin Storage, LLC

Simison: Council, moving on to Item 6-A, this is a request to withdraw an application for Franklin Storage, H-2020-0033. I would be happy to turn this over to -- is Mr. Parsons online? Is this going to be given by Alan?

Parsons: Mr. Mayor, I'm here this evening.

Simison: Okay. I will turn this over to Mr. Parsons.

Parsons: All right. Thank you, sir. Mr. Mayor, Members of the Council, happy to be with you tonight. I will make -- keep my remarks brief, but if you recall this applicant was before you several weeks ago with a concept plan that you didn't -- originally staff had recommended that a concept plan not be tied to the development agreement. That led to some deliberations by the Council. In moving forward with a recommendation of denial the applicant was clear on the direction that you -- they wanted -- you wanted them to proceed and so rather than going forward with a denial potentially having to wait a year to come back and submit another application, they are just asking that you acknowledge their withdrawal this evening, so that they can continue to work with staff and bring back a project that you can support in the near future. So, I think they just want to keep working with staff to bring forward some industrial property to the city and a concept plan that hopefully this body will support at a later date. That's all I have and I will stand for any questions.

Simison: Thank you, Bill. Council, any questions for staff at this time? If not, Mr. Nary, do we need a motion on this or --

Nary: Mr. Mayor, yes, we need a motion and a vote.

Simison: Okay. Do I have a motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move that we accept the request to withdraw the application for Franklin Storage, H-2020-0033.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

**B. Public Hearing for Gyro Subdivision (H-2020-0061) by
Tealey's Land Surveying, Located at 3030 E. Magic View Dr.**

1. Request: A Short Plat consisting of 2 buildable lots on 0.97 acres of land in the L-O zoning district.

Simison: Okay. Items 6-B, a public hearing for Gyro Subdivision, H-2020-0061. I will turn this over -- I will open this public hearing with staff comments and turn this over to Alan.

Tiefenbach: Thank you. Alan Tiefenbach, associate planner with the City of Meridian. Good evening, Mayor, Members of the Council. This is a short plat. The property is about just a little shy of one acre. It is zoned light office. It's located at 3030 Eastern Magic View Drive. Let's see. So, Eagle is here and this is Magic View and, then, this is South Allen here. So, again, the property is about just shy of one acre. It's consisting of one existing lot. Put some pictures up here so you can look at it, if I can get it to work. Here we go. This property was annexed in 2000. In 2002 the development agreement that was required at the time of annexation -- it was amended. The reason why they amended this development agreement was to allow a restaurant as a standalone use. Restaurants are only allowed as an accessory use in this particular zone district. There was also a conditional use that was approved in 2002 to allow a drive-in restaurant and, then, in 2020 there was a certificate of zoning compliance -- or, sorry, 2002 there was a certificate of zoning compliance that was approved for a Subway restaurant. This was here for a while until in 2019 there was a -- a Gyro Shack that was built and that's what you see here.

Looking at the property here we are on the east and we are looking to the south. Here we are looking south and this is along South Allen Road and I took these pictures just to show you the sidewalk and the landscape buffer that exists. And, then, on East Magic View looking east, again, here is the sidewalk and the buffer. And so this present proposal was to subdivide off a lot of approximately .38 acres. That's what you see here, all this vacant land here, here, and here. Two of our conditions on this plat were for common lots or easements to be there for the required landscape buffers and also we recommended that there be a shared access easement between the two lots from East Magic View Drive, so when this is eventually sold off the access wouldn't be cut off to this. I received a plat from the applicant last night that meets the conditions. So, the easement is what you can see in these dotted lines here and this here is the cross-access -- a cross-access easement. There is an existing curb cut here that is here now. At that they have met all of staff's conditions and I will take any questions if you have any.

Simison: Thank you, Alan. Council, any questions for staff at this time? Okay. Is the applicant on the call with us or present in the room?

Johnson: Mr. Mayor, I cannot identify the applicant by name, so if they are here if they can raise their hand using the button or pressing star six. If you want to go in the room right there, the audio works better in there for you.

Simison: And if you could state your name and address for the record, you will be recognized for up to 15 minutes.

Miller: My name is Doug Miller. I reside at 14150 North Broken Horn, Boise, Idaho. 83714. Mayor and Council Members, I am the owner of the property and just here to field any questions. Everyone's done a great job with this and was trying to split the lot I purchased last year.

Simison: Thank you very much. Council, any questions for the applicant? Thank you very much. This is a public hearing. Is anyone signed up to testify on this application?

Johnson: Mr. Mayor, there were no advanced signups.

Simison: Okay. If there is anybody who is online that would like to provide public testimony on this item, please, do so by hitting the raise your hand -- hand function at the bottom of your screen or press star six on your phone. Give just a second.

Johnson: Mr. Mayor, I want to apologize. Star nine to raise the hand.

Simison: Star nine. Thank you. Seeing no one who is wishing to testify on this item, I will ask the applicant if they have any last words they would like to make, just so we are official.

Miller: No, Mayor.

Simison: Okay. No further comments. Thank you. Council, any questions or comments or motions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for H-2020-0061.

Borton: Second.

Simison: I have a motion and a second to close the public hearing. Is there a discussion on the motion/ If not, all those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After hearing all staff and applicant testimony, I move to approve H-2020-0061 as presented in the staff report for July 28, 2020.

Borton: Second.

Simison: I have a motion and a second to approve item H-2020-0061. Is there any discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion passes.

MOTION CARRIED: ALL AYES.

C. Public Hearing for Delano Subdivision (H-2019-0027) by Boll Cook Investments, LLC, Located at 14120 W. Jasmine Ln. and 2800 E. Jasmine Ln.

1. Request: Annexation & zoning of 15.22 acres of land with R-8 (2.76 acres), R-15 (8.82 acres) and R-40 (3.64 acres) zoning districts; and,
2. Request: A Preliminary plat consisting of 66 single-family residential building lots, 1 building lot for a future multi-family

development, 8 common area lots and 2 other (common driveway) lots.

Simison: Item 6-C is a public hearing for Delano Subdivision, H-2019-0027. I will open this public hearing with staff comments and turn it over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. This project was last heard by the City Council on May 12th. At that meeting Council voted to deny the project. The applicant filed a request for reconsideration of the Council's decision, which was heard and approved by Council on June 9th. The request was based on Council's failure to voice their specific concerns to the project during the public hearing, so that the applicant could respond and address those concerns. The applicant felt there was not adequate opportunity to present all of the information necessary for the Council to make an informed decision on this project. The applicant has since submitted a revised phasing plan and that is shown there on the bottom right for the development that he believes addresses the concerns of Council. A secondary emergency access driveway is proposed to be constructed from Dashwood at the north boundary to North Centrepont Way at the southeast corner of the site with the first phase of development. Four phases are now proposed, rather than three, with the fourth and last phase consisting of seven buildable lots, which are not proposed to develop until such time as Centrepont Way is extended to the north to Wainwright Drive. If the Council approves of this proposal a provision to that effect should be added to the development agreement. Many letters of testimony from neighbors have been received since Council's approval of the request for reconsideration, in addition to those previously received that are included in the public record. Staff will stand for any questions and if no questions turn it over to the applicant at this time. Thank you.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Was that Councilman Cavener?

Cavener: It was. Thank you, Mr. Mayor. A question for -- I guess Mr. Nary. Mr. Nary, am I correct in that we are hearing this, then, like a brand new hearing?

Nary: Mr. Mayor, Members of Council, Council Member Cavener, yes. So, this is like a redo of the prior hearing. So, all of this information is all part of the record. So, everything the Council heard and discussed at the prior hearing is part of the record and so, again, the -- the decision is new. Basically you have set aside your prior decision to reconsider it. You could still grant it or you could still go with a denial. You can still go with approval, make modifications. So, it is -- it is a new hearing.

Cavener: All right. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I had a couple of questions for staff. On page 11 I think of the staff report I just wanted to clarify the staff recommendation. Toward the bottom of the page it says staff recommends North Dashwood Place is extended as a full access street with the first phase and I recall that ACHD recommended it can be connected as a temporary emergency access until Centrepont is extended or within ten years. So, I just wanted to clarify -- I think I just heard staff say they are recommending it as an emergency access and I just wanted to clarify that that is what they are recommending.

Allen: Mr. Mayor, Council Woman Strader, Council, the applicant is proposing it as an emergency access until such time as Centrepont is extended to the north to Wainwright Drive. At that time, then, they would plat that last phase of development and -- and the street would be extended as required by ACHD and the city. Until such time it would be emergency access only.

Strader: Thank you. One more, Mr. Mayor?

Simison: Council Woman Strader.

Strader: Could you give us a little -- I saw that the phasing that was proposed by the applicant was changed -- fourth phase or I think the last phase. Could you just give us a flavor of the staff discussion with the applicant and any concerns that may have led to that and just -- just the context for that change?

Allen: Mr. Mayor, Council Woman Strader, Council, the applicant made the change in response to the discussion at the last Council hearing. Staff has really had no interaction with the applicant on that matter.

Strader: Mr. Mayor, follow up?

Simison: Yes.

Strader: I think I -- I saw in the materials for the application a revised -- like a letter from the applicant saying that they were adding additional buildings into phase four in response to a staff concern about the possibility of phase four not being completed. That's what I was getting at, if that prompts anything or if there has just been too many changes that's okay. I just wanted to -- if there is something specific to that piece of that phase I wanted to get some context for that as well.

Allen: Yes. Mr. Mayor, Council Woman Strader, I believe the applicant will address that also. But -- but, yes, staff wanted some -- a few substantial lots to ensure that that phase would actually get platted in the future and not just a couple.

Strader: Thank you.

Simison: Council, any further questions for staff?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just to follow up on Council Woman Strader's question. Also have a question about the staff's recommendation in the original staff report and, then, ACHD's determination. In that situation, because it's staff -- in the staff report had -- had put in there that it's -- it's city code to -- to require access off a local street if it's -- if it's possible, because of city code, but because ACHD made a different recommendation, is it, essentially, up to us as Council to determine which route to go or maybe that's a question for Mr. Nary as well.

Allen: Mr. Mayor, Council Woman Perreault, Council, are you referring to the local street access to the property that's in the county that -- or in the Boise city to the east that's developing as an assisted living facility? I'm unsure what you are referencing, Council Woman Perreault. I'm sorry.

Perreault: That's okay. I'm referencing the connection of Dashwood to -- instead of using it as an -- so, ACHD recommended emergency access until Wainwright goes through -- excuse me -- until Centrepont goes through and/or ten years. That was what was recommended by ACHD, but in the staff report staff had -- had cited code regarding access taken off of the local street, instead of Centrepont as the collector.

Allen: I'm sorry, Council Woman Perreault, I'm still not unsure -- I'm still unsure what you're -- what you are referencing. Dash -- Dashwood is a public street -- maybe this answers your question -- and it's -- as such it's required to be extended -- I'm sorry.

Simison: Maybe it might be good to hear from the applicant on these items where they can address it in their comments.

Allen: Thank you, Mr. Mayor.

Simison: Anything further for staff at this time? Okay. Then we will turn this over to the applicant. Mr. Clark, you are recognized for 15 minutes.

Clark: Thank you, Mr. Mayor. Hethe Clark. 251 East Front Street. And doing my best not to wear out my welcome. Appreciate everybody willing to listen to this and try to get to a -- to a good outcome here. Address for the record 251 East Front Street in Boise. Let me go ahead and share a quick presentation with each of you. So, to just kind of give you a quick reminder -- and there is no reason to dive too far into these details, because everyone has looked at this from just about every angle, except for the one that we are going to discuss tonight. So, as a reminder this is the location of the property, again, near major transportation corridors and Eagle Road and Ustick. Shopping within walking distance. And, you know, most importantly it is in-fill development. You can see that the

entire square mile is built out, including the areas that are right near us, other than the long parcel, which is to the northeast. The area in red is the Brickyard and the senior center that the city of Boise approved in the past few weeks. The area in purple has just been recently acquired and our project is the area in yellow. As a reminder, the project not only completes your water and sewer loop, but it is precisely in accordance with your Comprehensive Plan, which has this area designated medium density and mixed use residential -- excuse me -- mixed use regional. Also as a reminder of how far we have come since I took over the lead on this, we have reduced the number of lots by more than 20 percent with the access down Jasmine and Centrepont. Reduced the number of lots on the northern boundary, but still kept the single story limitation, which I think is a big deal. We reoriented the internal lot and we expanded the park. Kept it facing Alpine Pointe. We also proposed an emergency only access at Dashwood, which as you know has been a topic of discussion and debate. I don't think that there is any question about the quality of the project -- project, the density and the layout at this point. I re-listened to the Council's comments at the last hearing. Appreciated the kind -- kind comments that were made about the effort that the applicant has gone through to try to address these issues. So, let's talk about the issue at hand. When we were before you last the major issue that led to denial was the possibility of Dashwood Avenue opening before Centrepont Way is connected. In other words, Dashwood would become a sort of de facto collector prior to Centrepont being completed. Council Members Bernt, Borton and Strader all indicated that that was the basis of their vote. Other members of the Council, including Mayor, all indicated that that was the linchpin of the year. So, as this was previously proposed when we last spoke, ACHD was going to control that timing -- the timing of opening of Dashwood and Council was uncomfortable with that, because they didn't feel like there were adequate safeguards in place and that Dashwood would be overwhelmed if it was forced to replace Centrepont. So, our solution is to take that control and place it firmly in the city's hands. So, rather than dedicating the Dashwood Avenue right of way to ACHD with phase one, we would hold that back as part of a new phase four. For now there would only be an emergency access at Dashwood. That would be constructed according to Meridian Fire requirements. There wouldn't be bollards. There would be pedestrian and bicycle access. We would create a new phase four, which is shown in blue on this map, and phase four would include seven lots, plus the Dashwood right of way and, Council Woman Strader, that -- Sonya -- Sonya's description of that is accurate. We would have -- we discussed it with them and they indicated that they wanted to make sure that there was adequate value in phase four, so that no one would forget about it and -- and I promise you that that will not happen with seven lots there. There is about half a million dollars worth of value with a fraction of that required to complete phase four. So, the -- no one's going to forget about it, just put it that way. So, with that here is the critical point. As a condition of our development agreement phase four would not be allowed to proceed until Centrepont connects to Wainwright. This is a simple solution. It eliminates the issue identified by those who voted to deny the application. It is within your standard practice that you regularly condition phased development using a development agreement. The condition would run with the land and you would have a clear standard for when phase four would be released. From a practical perspective you get Centrepont built up to that final missing link just north of our property, so that both properties can develop and aren't waiting on the other. That would address the concern that Council

Member Perreault identified at the last hearing. Again, the city would have security ensuring that no one's going to forget about it, because with seven lot there is a lot of value and it won't be forgotten and the development agreement will keep the applicant and staff on track with regard to future final plats. With regard to the highway district, you have in your record response from them they have already indicated that they would agree to this proposal and no further action would be required. So, to sum that up it does put the -- put this matter back in the city's hands, gives you the control and, then, it will ensure that the concern expressed by Council Members Bernt, Borton, Strader and Council Member Hoaglund will be addressed. Now there was a companion issue that was discussed, which is, you know, what happens in the meantime. You know, can -- can the roads function until Centrepont is connected and I want to clear up any confusion about how traffic would flow and whether the roads have capacity. So, with regard to traffic counts, remember this project has been through multiple reviews at ACHD, including when there were 20 percent more lots proposed. ACHD back in 2019 issued a letter clarifying Centrepont's capacity and stated that Centrepont would be at about half capacity at full build out. Dashwood at full build out also less than half capacity. And now we have 20 percent fewer lots. So, there just isn't a traffic capacity issue. The other question was, you know, whether there are ways in and out of the area and whether traffic is going to channel only in -- in one particular roadway and Council Member Perrault hit this one on the head. The Brickyard also already exists. It has far more units than what are proposed here. So, this is an existing question, but, luckily, we are not talking about a single access point out to Eagle or a single access point out to Ustick. The area is actually quite porous already as you go down to the southeast. There are multiple ways to access out to Eagle Road or Ustick, including through the adjacent shopping center, which has four roads and multiple access points onto Eagle Road and we have shown in dotted lines here the areas that will -- the roadways that will connect in the future, but in the meantime this is already a very connected area with only one segment left to complete Centrepont. So, the way I would wrap that up is that what we have proposed here is a solution that puts the control in your hands in terms of traffic and in terms of roadway connectivity in the existing route, there is just not a basis to deny on that. ACHD has reviewed and approved it and ACHD has also approved this phase four solution that we have identified. So, let me just hit one other thing before I wrap up and there was a fair amount of conversation at the last hearing about, you know, why now and I think a lot of that was based on this idea of, you know, can we do this before Centrepont connects and I think I have answered that question, but let me give you another -- another reason. So, I represent the group that's acquiring the property. Over the past several months I have also gotten to know the sellers, spent a fair amount of time on the phone with them. The area in which they are living is rapidly changing. The square mile is now largely built out and so if you look at this map, the only open spaces you see are owned by the church on the east across from -- from Eagle Road. You also have a little bit of open space on the northwest that is owned by Idaho Power. You have some space on the west that's owned by the school. That square mile is built out. But let me show you what the -- what the immediate area by the Cooks is going to look like here shortly. The Cooks are retired school teachers. They have lived here for a long time and the area is building up around them. The Brickyard's been constructed on their doorstep with Centrepont stubbing right as their driveway. You know what the Brickyard looks like. We have shown you this slide

a few times. It's, you know, R-40 at 22 to 30 units per acre, 215 apartments. That's on their south. On their east, you know, since we last spoke with you in May, at that point there was nothing on their -- on the east side yet, but since then Boise city has approved the Stellar Senior Living Project. It's a three and a half story project right on their eastern boundary with several hundred units. The third down -- the elevation third down is what will face the Cook's property, again about three and a half story project. Large wall. Now, remember, we worked with the City of Meridian and Boise city to get this property into your area of impact and that -- you know, that still makes sense. Boise city is now approving property -- development on the east. You know, the Brickyard is built on the south and the Cooks are severely impacted and the large lot single family residence isn't viable here any longer. They have got three and a half stories looking down on them on the east and the Brickyard looming over them on the south and they need to move on. And we think that we have proposed a project that should let that happen. This has been run through the wringer in every sense of the word. I don't know that anybody -- I can -- I will proudly admit that I have never been through as many hearings on -- on -- on an in-fill project as this one and I haven't even been to all of them. You know, for months and months we have worked at this. We have iterated. We have tried to address the city's concerns. We have tried to make the neighborhood happy and with this reconsideration we have come to you with a solution for the problem that was identified at the last hearing. In-fill development is hard. Never has that been more truly the case than in this application. There are always challenges and we think that we have overcome them in this case with a tool that is squarely within your toolbox. This is -- this is in accord with your Comprehensive Plan. We have made significant modifications to address the concerns. There are no traffic issues. This meets your code, it meets your planning, and we ask that it be approved as conditioned and so with regard to those conditions we only see one that would be modified from the staff's current condition and that has to do with Condition 1-F. This is the one that we previously spoke to and we discussed at the last hearing about whether the temporary or permanent language would be there. What we would suggest is just instructing staff to modify that condition to say that the applicant's proposed phasing plan would be adopted and as a condition of the development agreement that phase four not be allowed to be a part of a final plat and Dashwood not be opened as more than an emergency access until such time as Centrepont Way is connected the Wainwright Drive. So, with that I appreciate your patience and I'm happy to answer any questions.

Simison: Thank you, Hethe.

Bernt: Mr. Mayor?

Simison: Council, any questions? Mr. Bernt.

Bernt: Thanks, Hethe. Got a question for you. Would you guys be willing to include the multi-family, which is currently in phase three, and include that into phase four?

Clark: Mr. Mayor, Council Member Bernt, the -- you know, obviously, we -- we have to look at every -- every issue there, but I'm -- I'm not tracking why that would be necessary

at this point. Are you pointing to a traffic issue or what are your -- what's the -- what's the issue you are trying to address?

Bernt: Traffic. One exit, one entrance into the entire subdivision. Been my concern from the -- from the beginning, it continues to be my concern. I go to Fast Eddy's quite a bit. I know exactly which -- which entrance you are talking about. It's routine to have cars parked on both sides of that private road going through the -- I believe the apartment complex. I just -- I just don't think -- I -- I just -- I just think that that -- that that's going to be a disaster. The traffic is going to be a disaster with the multi-family included in that, so that's my concern. I have been up front with it from the beginning. I'm talking to you about it now. I'm the guy that we got concerned with that didn't bring up his concerns until the -- until the public hearing was closed. So, I'm -- I'm trying to be open as possible.

Clark: No hard -- no hard feelings either, Council Member Bernt. So, let me -- let me attack this in a couple of different ways. You know, when we were at the hearing and listening, the -- the concern that was stated repeatedly was that there was going to be a traffic issue primarily for the folks at Alpine Pointe if Dashwood was open and became an alternate or de facto collector and so that's the concern that we are solving for. That's the concern that we heard at the last hearing. With regard to the question of whether there is capacity on Centrepont, which I think is what your question is now, Council Member Bernt --

Bernt: Hethe, I am not going to argue with you about capacity. You know, I see the numbers. But I see the optics and, you know, I think those are two different things. Do I feel like there is -- that that -- that street can -- can take traffic, you know, maybe. I mean -- but when -- what it looks like now it's going to -- it's going to cause problems and -- because currently as it stands cars are able to park on both sides of the road and when you are -- when you are including, you know, 60 plus single family residence -- homes and -- and, you know, almost a hundred multi-family units on that one entrance and -- it makes it -- it makes it pretty tough, it makes it -- there is going to be a lot of traffic going in and out. That -- I'm not saying that the capacity is not there, I'm just saying that it doesn't mean that it's not going to be safe.

Clark: So, I'm -- I'm -- I'm struggling a little bit with the question, Council Member Bernt, and -- and let's continue the discussion. So, when we -- when we analyze traffic questions there is an empirical basis for doing so and there is for a reason, because, you know, if we base it just on kind of perceptions we wouldn't know if -- if there was an issue or not, you know, so when we talk about it quantitatively, ACHD has specific -- as been very specific in saying that it is -- that Centrepont's at half capacity. Now, when it comes to the rest of this, it is gridded out everywhere below us already. So, we are not talking at -- talking about just a -- a single -- call it a luge pipe, you know, for lack of a better word. You know, there is not just one way out. If you can see on the map that we have provided here there is a whole number of ways out for and that is an existing condition with Brickyard having already been approved and constructed. So, I mean what I'm trying to get at here is that if we are going to say that there is a traffic issue that requires denial,

we need to -- we need to say what it is and the -- the empirical evidence that is before the Council doesn't show that to be an issue.

Bernt: I guess you and I are just going to agree to disagree until the cows home, Hethe. I just think that's what it's going to have to be. I -- I get that there is multiple ways to get to the streets, like to Eagle Road and to Ustick. I get that. There is probably three or four different ways to get to those two roads from this -- this proposed project. But getting out of the project there is one way in and one way out and that's what I'm talking about.

Clark: Council Member Bernt, you know, I -- I'm -- I am having a hard time figuring out how to put your mind at ease there. You know, the -- it's not just three or four, it is one, two, three, four, five, six, seven, eight connections onto Ustick and Eagle and --

Bernt: That -- that's not my concern. My concern is what happens way before then. My concern is the actual entrance and exit to the sub -- your proposed subdivision. That's where my -- that's where my concern lies.

Clark: Well -- and let me also point out that it's my understanding that Fast Eddy's has a secondary access condition as well, which would also create -- and it -- I don't know if it's been built at this point, but we have reviewed the approvals and that does require a secondary access. So, that adds to the already high number of connections that are available through there. In the meantime, what you would be saying is that you are going to deny based on no -- based on -- in -- and I will just put it straight forward -- an opinion that this can't handle -- these roads -- area roadways can't handle the traffic that isn't supported by ACHD's reporting and you would be also basing it on a condition of approval that we would have to connect Centrepont through on a third -- on third-party property up front and that's not warranted by the traffic figures and so you would be placing an impossible condition on us that doesn't have a basis for it. So -- go ahead.

Perreault: I'm sorry. Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I think I'm seeing -- I think I'm seeing -- I'm understanding what -- what Councilman Bernt is -- is stating and I'm understanding what you are saying, Mr. Clark, and I don't want to put words in Councilman's Bernt's mouth, but I also am very familiar with this area and when you are heading south on Centrepont and you are going through Brickyard there is cars parked everywhere, because Brickyard truly doesn't have enough parking and they are on both sides of Centrepont Lane as you are heading south out of Brickyard. So, it -- it's south of Delano. It's not right as you would be coming out of Delano, but as you are on Centrepont and you are in between Brickyard, you have got kind of the office on the east -- or on the west -- west side and you have got a whole bunch of people parked everywhere and, then, as construction has been happening on the road that -- that is going east and west between Centrepont and Eagle Road where -- where you would access Fast Eddy's, there is also many vehicles parked on both sides of the road there and I think some of that has to do with the construction of Brickyard

apartments. You have had construction vehicles parked there -- probably some of that will clear up when all of that construction is done and so I understand that there is some congestion involved in this and so I'm wondering if Councilman Bernt's concerns are really safety related and not capacity related.

Clark: If I could just jump in real quickly as well. You know, I -- Council Member Perreault, it's also my understanding -- and last time I was there Brickyard is still under construction and they still -- portions of it that are staging. So, I see a lot of that as being a temporary condition that's related to the conditions for the construction of Brickyard. In the meantime, you know, when we are talking about safety issue, we are talking about sight distances and we are talking about roadway geometry and, you know, there is just not evidence of an issue like that. Yeah. And maybe one other thing to add to that is just, again, because Centrepont is a collector roadway. You know, it's -- it's built to be large, it's built to move traffic, and in this case it's going to be moving traffic to the south on Ustick until the connection is made to Wainwright.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, Mr. Clark, this isn't a great picture, but I was looking at Eagle View, which comes out -- which is just north of the flag pole part of the party and connects into Eagle Road. Yes, right in there. And it looks like that turns and comes close to the boundary of the property at the apartment complex. Is -- is that going to be -- does it not match up -- it's hard to tell on this, but is -- when -- when would that be matched up? I know Centrepont is outside the realm of this development as it connects to Wainwright, but what are the connection possibilities to that Eagle Point, you just -- I just can't see it from here very well.

Clark: Mr. Mayor, Council Member Hoaglun, thank you for the question and I will clarify that. So, the -- the dotted line that is on -- that I'm pointing at right now is within the -- the senior center property and that -- and we are stubbing into that, so that will provide another access. The senior center property has access on -- has an access onto Eagle Road. We anticipate that when the Wong property develops that there would also be a stub in this location generally that would provide for additional connectivity there. So, those dotted lines are what we anticipate with future development based on the city's standard practices for stubbing to neighboring property.

Hoaglun: So, Mr. Mayor, follow up?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Clark, if you move your cursor there to the left where the dotted line curves -- a little bit -- yeah. Then you come back down south, that curve right there just -- there seems to be a paved -- you know, it's a street right there and I didn't know if that was a

connection that could be made that curves into Eagle View -- if that -- Centrepoint is extended to that point, but it sounds like that's not a possibility at this time.

Clark: Mr. Mayor, Council Member Hoaglun, those two points -- I mean one is that we -- we are stubbing to the property on the east and so to further address Council Member Bernt's questions, that also provides an outlet. There -- Council Member Hoaglun, when you are talking about the area that is kind of sweeping here on the S curve, that's the piece of Centrepoint that everyone is waiting on to connect. We have committed as part of our phase one to build all of Centrepoint on our property. So, that's ready as soon as -- as possible for that connection as it -- as it moves forward and continues north, so -- but we do not control the property that's adjacent to us on the northeast and that's been kind of the crux of the issue here.

Hoaglun: Right. Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Clark, yeah, I was just hoping that there was a connection that looked like from this, you know, satellite view -- but it's not easy to see. It almost looked like by stubbing to your property you could almost connect to that curve that, then, loops out to -- curves around to Eagle View. So, it doesn't look like that can happen. Thank you.

Clark: Mr. Mayor, Council Member Hoaglun, that -- that is what I'm -- we do have a stub to our east into the senior center and so when that -- when that develops that will provide another alternative, if that's what you are asking.

Hoaglun: Okay. Thank you.

Simison: Council, any further questions for the applicant?

Perreault: Mr. Mayor?

Simison: I missed who that was.

Perreault: Mr. Mayor, it's Council Woman Perreault.

Simison: Council Woman Perreault.

Perreault: So, I was reading -- reading through everything again in preparation of this and I recall there being conversation about the -- the landscaping and the sidewalk on the east side, which would be, essentially, in phase three being built as part of phase one. And I apologize I don't remember what the applicant agreed to do in that regard and whether the -- the applicant was in agreement to put in that landscaping and sidewalk in -- you know, in advance of building the multi-family and that being said, would there be any possibility of, then, going ahead and connecting that road at that time or is that -- does that not line up with -- with putting in the infrastructure and the utilities?

Clark: Mr. Mayor, Council Member Perreault, that was an item that was discussed at P&Z at -- you know, at some length. We agreed at that time to build all -- you know, and confirmed that agreement to build all of Centrepont, the entire road sections, you know, with -- with phase one. The concern that we had about doing all of the landscaping, et cetera, on the east side, you know, up against the apartments, but since they haven't been designed yet and we would have to go through a public hearing process in connection with that design, which would further subject that to change and so our concern is -- is not about -- it's not about costs or anything along those lines, it's a concern about just having throw away construction and having to redo all of that if we do it prior to the kind of normal course thing, so -- but I appreciate your point. As I see it, the -- you know, the question of the apartments would be handled at the same time. Essentially, you know, when the part -- when the apartments develop that's going to create the stub into the -- out to the east as well that's going to further address Council Member Bernt's question. So, it wouldn't be necessary until the -- until -- it wouldn't do anything until the apartments come online.

Simison: Council, any additional questions for the applicant at this time? Okay. Thank you very much. Mr. Clerk, I'm going to turn this over to you, because I imagine we have a few people signed up.

Johnson: Yes, sir, Mr. Mayor, we do have 34 people signed in on this hearing application. Seven indicated they wish to testify. And the first is Frank Marcos. Mr. Marcos, you are now able to unmute and turn on your camera if you wish. And it went away, but now it's coming back. Mr. Mayor, I'm not sure what the difficulty is. It's not allowing me to bring Mr. Marcos in, but he is able to unmute.

Simison: He does appear to be in.

Johnson: He is in now? Okay.

Simison: He is in the room. And he's out.

Johnson: I'm getting an error message on my screen. I'm going to keep trying here. Mr. Marcos, thanks for your patience. Mr. Marcos, this is Chris. I don't know what the issue is on this end, but it's not allowing me to change your status. If you -- we can move on to the next person. If you can leave the meeting and rejoin we will bring you in as soon as I see you back in. Mr. Mayor, next I would bring up Susie Mimura. I will change her status now.

Mimura: I'm present by telephone. Can you hear me?

Simison: Yes, we can. If you could state your name and address for the record.

Mimura: Thank you. Susan Lynn Mimura. It's M as in Mary, I, M as in Mary, u-r-a. My address at my law firm is 3451 East Copperpoint Drive, Suite 106, Meridian. 83642.

Simison: Okay. You are recognized for three minutes.

Mimura: Thank you very much. Mayor, Council Members, I appreciate the time that you are affording me. I represent Mike and Maggie Bernard individually. I have met with a number of the homeowners at Alpine Pointe and I certainly don't represent all of them. I know that this is a very contentious issue, but my clients had engaged me to open discussion with the developer and although initially we did have questions as to the Council reconsidering, it has afforded us an opportunity to speak with Mr. Clark. Mr. Clark has indicated that the developer does not oppose Dashwood Place from being an emergency access only lane. It should be noted that the Fire Department also do not oppose it. It does provide the secondary access for them to proceed on development. What I would note is that their modification for accepting a new phase for -- assures the Council that the connectivity between Centrepont to Wainwright must be completed before take -- undertaking any issue related to Dashwood. In further discussion I believe that listening to -- and I did listen to over an hour and a half of testimony when the applicant was first before ACHD. ACHD's Commissioner Baker made it very clear that their province in the review is certainly just to look at the preliminary plat as presented by the developer. It was not to say that this Council does not have the ability, nor the authority to make determinations, it is our position that the City Council -- the City of Meridian is the one that makes the determination related to traffic, the streets, and my clients have accepted the project with the understanding or discussion that the city should exercise its authority in making Dashwood Place permanently the fire or safety access only and that allowed the development to be constructed as such. By doing so on the one hand it benefits the developer, he would have several more feet -- approximately I think 16 feet more -- if Dashwood Place was to be constructed in the standards of an emergency access lane, which is 20 feet. The ACHD report also indicated that Dashwood should be emergency access at this time with pedestrian only access. I think that in looking at Meridian city comprehensive plan -- and I know that from the prior discussions that there was an issue about connectivity and the community. Having the --

Simison: Susie, if you could, please, wrap up, please.

Mimura: I'm sorry?

Simison: If you could, please, wrap up your comments, please.

Mimura: I will. That you are able to connect by promoting alternative modes of transportation, which is also in your comp plan. By the developer agreeing that they will connect Centrepont, you will already have the two accesses and you will not need Dashwood Place to be connected as a public street, thus providing Alpine Pointe not being the cut through of approximately 2,000 added daily trips. I think that by --

Simison: Thank you. I --

Mimura: This proposal -- thank you. By this proposal it meets everyone's agreement. Thank you.

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

Johnson: And, Mr. Mayor, the Deputy Clerk's attempting to bring Mr. Marcos in now. See if she has better luck. We do you see your hand raised. You should be unmuted.

Marcos: Can you hear me now okay, everybody?

Simison: Yes, we can. Thanks, Frank.

Marcos: Great. Okay. Frank Marcos. 2580 East Lacewood Drive, Meridian, Idaho. 83646. Thank you, Mr. Chairman, Council Members, Mr. Mayor and city staff. Although I am the current president of our HOA, I am speaking tonight as a resident and not as a board member. I have some set to go. Unfortunately, a curveball by the applicant's attorney has now -- has now put me in a position to address some other issues. First of all, Mr. Clark identified that there -- that there is no traffic capacity issue. Yes, there is. Dashwood would feed Wainwright, which, according to his PowerPoint, showed Wainwright as a mid mile collector. Wainwright will have front facing homes as a -- as a mid mile collector feeding to McMillan. So, the traffic issue becomes Dashwood and Centrepont feeding through Alpine Pointe for everybody wanting to go left on McMillan Road. So, there is a traffic safety issue. In that few years of our home sales here at Alpine Pointe 75 percent of our homes have been purchased -- purchased by families -- people with families 12 and under. So, where we were previously more of a 55 and older type of community with RV garages, we are getting more and more family-oriented residents coming in and so there is a traffic safety issue if Dashwood is open at this point. Keeping Dashwood closed to through traffic would greatly reduce that issue. Someone just said that there were eight connections through Alpine Pointe. That's eight connections through to McMillan going through residential area with the front facing driveways. The connection for Centrepont in phase four, according to Mr. Clark, why not instead of opening Dashwood connect to Centrepont. He could very easily throw a road that would connect to Centrepont, keeping traffic off of Dashwood and not making it a collector road. Dashwood was not built as a collector road. Someone just commented that Centrepont was -- is being built or has been built as a collector. With all the cars that are parked on it it's not sufficient. Certainly Dashwood with residents parking their vehicles on it will also not be sufficient to be a collector road. At the end of the day I hope that all of you will look to what you had originally said and were concerned about and that's the safety of your residents. Your residents that have put your decisions in their hands for their safety and at this point closing Dashwood to vehicular traffic on a permanent basis is the right decision. Several of you made that decision and we hope that you would go that direction again. I'm not going to get into the particulars about the reconsideration letter, which we have some concerns about, but you have heard Mr. Clark, you have heard our residents, you have seen our number of testimonies or letters, please understand that we are about the safety of our residents, not just creating an in-fill project that will have access through a residential area. So, hopefully, you will see that, you will debate that, and you will understand that it should be the safety of the residents of Dashwood and all of Alpine Pointe as your main concern.

Simison: Thank you, Mr. Marcos.

Marcos: And what I --

Simison: If you could, please, summarize.

Marcos: Thank you. We are not concerned about trying to stop the project, but we want it to be a smart project and connecting Dashwood doesn't do that. So, please, consider voting to either deny or keep Dashwood as a vehicular -- or a pedestrian and bike pass through only. Thank you very much.

Simison: All right. Thank you. Council, any questions from Mr. Marcos? Okay. Thank you very much.

Johnson: Mr. Mayor, next -- Mr. Mayor, next is Malissa Bernard.

Simison: If you could state your name and address for the record. You will be recognized for three minutes.

Bernard: I would like to speak for the HOA, please. Would I be allowed the ten minutes as chairwoman of the neighborhood outreach committee for Alpine Pointe HOA?

Simison: Okay. You are recognized for ten minutes.

Bernard: Hello. My name is Malissa Bernard. I live at 40225 North Dashwood Place in Meridian. That is 83646. The only way I would ever support this project is if Dashwood Place is emergency only in perpetuity and bike and pedestrian access. Connectivity in many ways and for pushing for pathways and such this might be a good alternative to -- to introduce this very vital sort of connectivity. Against the bulk of Delano's plan as it stands and unless these changes are made specifically to this street, there are also concerns with the density to the north to the adjacent homes. I don't know if I can share a screen, if someone could help me with this.

Simison: Chris, could you help her share a screen?

Bernard: -- share a screen option that I --

Johnson: Mrs. Bernard, you can hit share screen right in your Zoom. You have that ability.

Bernard: Okay. Here we go. Okay. Now we are up. Can you see my screen? Okay. As we can see there has been very much a -- there hasn't been much change between the plan presented in 2019 to the present plan. In fact, it's a carbon copy, except for increased density on the R-40 -- or R-15 parcels -- that they are asking for R-40, three to four story project -- or product in this project. I do not think this is compatible. It was a view shed. We have R-4 homes behind us. So, I would consider perhaps R-15 for this

sort of parcel -- for the Cook parcel. There is not a named builder or company, charter price point. There seems to be far too many modifiers. This annexation and rezone without dedication, passion, and follow through is going to result in a run-of-the-mill in-fill project. In-fill projects should be held to strict standards, not the bare minimum to barely meet the Comprehensive Plan and as you can see from this illustration here these slides are well over 15,000 square feet. They average 15,000 -- nearly 15,300 square feet. The average lot size of the adjacent to Alpine Pointe is 5,661. That's a three to one ratio and it's not necessarily a two to one ratio. So, I don't think the neighbors are seeking apples to apples. They are seeking a better transition to their properties that are adjacent to Delano. And we also have to remember that place is in your code as a closed cul-de-sac or a dead-end street. And in all of -- many of your streets throughout the valley we know that place is a closed cul-de-sac or a dead-end street. So, no one was foolish when they bought in Dashwood Place. No one was foolish. The name implies in your code, in Ada county's code. Furthermore, I would like to address the emergency access at Dashwood. It is within your purview as City Council to grant as to the emergency access. You do not need ACHD's okay or their approval on this. This is the power that's granted to you by code and -- and you can waive that. You -- you get to choose where your transportation needs are and if this is going to be a problem as a de facto collector, then, perhaps the best thing to do is to do that to -- to really rescue our neighborhood from a fate that no one knew in 2005 when this was accepted and the master street map and COMPASS didn't come into play until 2008 -- 2009 during the retrofit of the collector street elements. Also we are very high density to the south. As you can see from this we have got the Brickyard. We have four-plexes. We are going to have Stellars. We don't know what the Stellars is going to -- we don't know how big it's going to be. We have all the commercial. We have the possibilities of the Wong parcel and who asked the Wongs or Enslers what they would want. I have spoken to both Mrs. Wong and Mr. Ensler called me this evening. They would prefer one story behind them. Nobody asked them. Well, I'm telling you now. I propose that perhaps for a transition from all this three story product that we consider a two story product. This would be R-15. It could be transitional. And it would also help with the traffic pattern and heaviness that we are going to be experiencing in this area. Here is a very attractive with multi-phases. It is attractive. I don't think anyone wants three to four stories moving behind them in the future. We need to transition from those three story products and this might be a good fit for that parcel. Traffic patterns. I pointed out the 330 foot rule for access points on collectors. If Wainwright is the vehicle collector, then, we should hold this to the standard. It is roughly 180 feet -- 185 feet maybe -- 179, something like that, for both points from Dashwood. This isn't a safe street for -- it's probably fine for a cul-de-sac of very low use, 76 trips per day. When you start increasing this for 2,000 trips per day, then, you do not have the same spacing on a collector. So, I think I have pointed this out the last time. We can pretend the traffic isn't coming. It's coming. We realize that. We accept that. But we still object to having it run through streets that were never designed to handle it. We are designed to residential streets here and we are being retrofitted as mid mile collectors. We were approved in 2005. The mid mile collector retrofit did not come into place until maybe 2008, 2009. We also need to think about what's across the street from us. We get everything across Wainwright from Records. So, as the parcels develop to the east of us we are going to be funneling that traffic in the loop via Wainwright to cut through to Locust Grove and also up to McMillan.

We have all front-on housing. There is very little of our streets that do not have front-on housing. So, maybe consider this as well. And it is named a collector. They keep changing where the goal post is on the collector, whether it's this street or another street. Well, what's happening is it is going to be a full collector throughout Alpine Pointe. So, we need to prepare for when that is going to occur. And we should be held to collector street standards for access points. If you use Dashwood in proximity to Rosepoint it is a dangerous situation and the 330 foot minimum that always applies and also approved access points may be relocated and repurposed in the future as the land use intensifies. Now if there is -- I believe this would qualify as an increase and it changed and perhaps these access points need to be reconsidered. The stub street to a landlocked parcel for the Wagnilds -- not the Bollingers. It's no longer planned. They have everything they need at Centrepoint Way. So, we need perhaps to reconsider the access points of Dashwood Place, which we have seen since 2005. It may not fit 2020 standards. And as you can see here is some measurements. You know, the Centrepoint Way a collector is only going to be 540 feet away. I think if you add Dashwood you are going to add an overconnection to the situation and also for the stopping sight distance. The minimum sight -- sight distance that is required by ACHD is 200 feet. This is where 200 feet runs. It runs between -- to Maple on a curve. This is the view. These two Maples are a way out here. This was in May. This is where you are going to have 2,000 trips per day coming to this point and this point right here it's 179 feet away. That is not to collector access standard, nor is it safe. We have cars going 40, 45 miles per hour sometimes on the streets. So, it's not safe for anyone in the neighborhood. It's not safe for the people who might be living in Delano. So, we need to reconsider this.

Simison: If you could go ahead and wrap up, please.

Bernard: As you can see this is -- I will wrap up it. Thank you, sir. If we are closed to vehicular traffic there are two future access points. Every street in Alpine Pointe is important. So, we need to consider mitigation standards before the traffic problems happen. We need to think about roads. We need to think about retrofitting a neighborhood from 2005 to 200 -- or 2020 standards. The traffic is coming. We are over-urbanized in our area and we really ask for your consideration. It is within your purview by ACHD. The city has final authority to implement conditions related to the transportation system. This right was granted to you by Supreme Court decision in 2003. Please I ask you to consider our neighbors and our neighborhood. This comes before every ACHD meeting, this disclaimer of it does fall within your land use and your land use decision. Thank you so very much. I'm glad you are all well. I really appreciate you. Happy to see you this evening. Do you have any questions?

Simison: Council, any questions?

Bernard: Thank you so much.

Simison: Okay.

Johnson: Mr. Mayor, next is Laura Trairatnobas.

Simison: Laura, you are muted. If you could unmute yourself and state your name and address for the record.

Trairatnobas: Can you hear me now? Okay. Good. Thank you. I hope you don't hear my dog, too. I am Laura Trairatnobas. 4621 North Camas Creek Way here in the Alpine Pointe Subdivision. You have heard and seen me before and are probably tired of it. So, I'm going to keep it really short and sweet. This is what I want to say. If we can keep Dashwood closed until Centrepoint opens sometime in the next ten years, then, we can keep Dashwood closed permanently forever. Think about the logic of that. If we can handle the traffic with both Dashwood and Centrepoint closed, then, why can't we handle it with Centrepoint only once it opens up? Now, if Dashwood has emergency access, great, we need that. If it has pedestrian and bicycle access I think that's fine. I might want to ride my bike over to Panera sometime and I think connectivity doesn't necessarily have to be by way of cars, why can't it be bicycles and people walking. So, let's encourage less car use, more bicycle and walking use. Let's keep it emergency only in perpetuity with bicycles and pedestrians allowed and as Malissa has clearly stated, it is within your purview as the Council to make this decision and I ask you to make it tonight. Please, just put us all out of our misery. We have all been through this for two -- more than two years now. So, let's just -- let's make this our final night together, folks. Thank you very much for your time. Bye.

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

Trairatnobas: Thank you.

Johnson: Mr. Mayor, next is Patty Pitzer.

Pitzer: Good evening. Can you hear me?

Simison: Yes, we can, Patty.

Pitzer: Thank you. Mr. Mayor, Members of the Council. Thank you for hearing us tonight. Although I am a Planning and Zoning Commissioner, I am speaking on behalf of myself. I am here on behalf of the six of the seven property owners. The Argos, Schumachers, Jobs, Kings to the north and Suzanna Walch to the east. We are opposed to the lot transition along the northern border. If I could get -- let me see if I can search through here. Thank you. So, on --

Simison: Patty? Patty, can you make sure you speak closely into the mic so we can hear you and at the end of your testimony I need you to state your name and address for the record.

Pitzer: Oh. Thank you. Yes. Patty Pitzer. 2703 East Wainwright Drive, Meridian. Am I better now?

Simison: Right there you are great.

Pitzer: Okay. Great. On November 12th, 2019, this was heard. Commissioner Bernt and Cavener opined that southern portion was fine. The northern border needed to be reworked. That was his top left item. At that time Jim Conger stood before you and said, quote: We don't want a denial, we would look at the northern borders. That would be traditional lots similar to what's across the street -- across the fence from us. Unquote. Council, Mayor, with all due respect I submit that this is not to happen. Our lots are 1,530 -- 15,000 square feet and the lots proposed are 15,000 square feet. There would be five homes behind the Schumacher property alone. Hardly similar to what's across the street. These are our houses here. This is the Schumacher property that has five houses across there. This is not similar in any fashion. As Malissa stated, this is really a rework of the plan from January 2019 to -- to today is almost identical. So, not a lot of hard work. They did reduce the density from 85 to 66, but that was something that increased the lot sizes in the middle. They did not fit the northern border. Now, I was taught don't come to me with a problem, come with a solution. Several options have been offered to the applicant and I noticed that he has seen many great transitional in-fill projects. Here -- here are some examples of well done transition that could be done here. R-4 to the north. R-8 in the middle. R-15 to the back. There could be an ingress-egress heading out to the future property of the Wongs and the Walkers. I mean why a shared drive when we are -- there is -- we are looking for that new ingress-egress in the future to go through what may be commercial or possibly another small in-fill. We ask that you provide this application as it stands and have the applicant come back with a feasible plan that holds Meridian as a premier community, instead of just low hanging fruit. We feel they have had more than ample opportunity to accomplish this task, but, instead, just gives us plan B. And, then, last, the time allowed. When ACHD approved the initial plat it was with a -- it was with 660 feet going down Jasmine from Centrepont, which created natural connectivity. Now the new plan coming here creates a hard right and becomes a de facto all the way from Ustick to McMillan.

Simison: Patty, if you could, please, wrap up your testimony.

Pitzer: So, Mr. Mayor, thank you. So, this yellow line is what is taking you from Ustick through their subdivision to our subdivision and here. Hobby Lobby, Fast Eddy's, you name it, they are going to find that route very soon. So, in closing I thank you. Perhaps this in-fill is just premature before the infrastructure. And I will stand for any questions.

Simison: Council, any questions for Patty?

Pitzer: Thank you, everybody. Have a great evening.

Simison: Thank you, Patty.

Johnson: Mr. Mayor, next is Kenneth Clifford.

Simison: Mr. Clifford, if you could state your name and address for the record and you will be recognized for three minutes. You will need to unmute your microphone.

Cavener: Mr. Mayor, you were a little faint there. Mr. Clifford might not have been able to hear you.

Simison: Mr. Clifford, if you can unmute your microphone. There you go.

Clifford: How about that?

Simison: There you go. That's great. If you can state your name and address for the record. You will be recognized for three minutes.

Clifford: I can't hear you.

Johnson: Mr. Clifford, can you hear this?

Cavener: Mr. Clifford, I think I heard the Mayor say that he was going to recognize you for three minutes.

Clifford: Okay. Can you hear me?

Simison: Yes, we can.

Clifford: Okay. All right. Sorry for that. My name is Kenneth J. Clifford. 4523 North Rosepoint Place, Meridian, Idaho. 83646. Good evening, Mayor and City Council Members. I oppose this application as submitted and appeal to the City Council to deny both the request for annexation and zoning of the 15.22 acres, unless the maximum zoning is restricted to R-15 and deny the request for the preliminary plat of Delano Subdivision, unless the North Dashwood Place cul-de-sac is permanently closed to through traffic. Opening the North Dashwood Place cul-de-sac will create critical safety issues and as a de facto commercial collector violates ACHD and Meridian city rules for commercial collector streets regarding the required minimum 330 feet distance between access points, front-on housing, driveway spacing, traffic conflict mitigation and stopping sight distances. Meridian City Council created this problem in 2005 and Meridian City Council can and should correct it now. The absolute and non-negotiable decision for -- of the City Council should be to permanently close North Dashwood Place to through traffic. For the past two and a half years this developer has been trying to fit a square peg into a round hole. Over the past one and a half years or so Alpine Pointe residents have submitted countless pages of documentation and many hours of written and oral testimony supporting the reasons why this application should be denied. If it cannot be developed without forcing access through North Dashwood Place it does not fit. If it cannot smoothly provide transition from residential to commercial it does not fit. If this design cannot facilitate an acceptable connection to the Centrepont Way commercial collector it does not fit. It's obvious to me that the Delano Subdivision as submitted is just the wrong development for this in-fill at this time and on two separate occasions, November 12th, 2019, and May 12th, 2020, Meridian City Council agreed with this conclusion. Therefore, in conclusion, I -- I request that the Council deny the request for

annexation and zoning of 15.22 acres as submitted and deny the request for the preliminary plat for Delano Subdivision as submitted. Thank you.

Simison: Thank you, Mr. Clifford. Council, any questions? Appreciate it very much.

Johnson: Mr. Mayor, the last of the in advance signups is Mike Bernard. He's coming into the meeting now.

Simison: Okay. For anyone else who is in the Zoom call, if you would like to testify on this item, please, raise your hand using the raise hand function at the bottom of your screen. That way the Clerk can be prepared when it's your time to speak. Mr. Bernard, if you state your name and address for the record and you will be recognized for three minutes. Mr. Bernard, we have no audio from you.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: While -- while we are waiting for Mr. Bernard's audio, a short question to our planning staff and to the applicant. Not to answer now, but at the end and when the applicant comes back is if Condition 1-F was instead drafted that had phase four could not commence until Centrepont Way is connected and that Dashwood would remain emergency pedestrian only, as opposed to reopening in phase four, if that altered Condition 1-F would be acceptable or if there were reasons it shouldn't be done that way. Not to answer now, but to address at the end. Just a heads up with a question that will come up.

Johnson: Mr. Bernard, try now. We still have no audio -- no audio, but I do have Malissa's audio on, if you can connect through her.

M. Bernard: Okay. How about now? Can somebody give me an audio check? I apologize for those technical difficulties. My name is Michael Bernard. I live at 4025 North Dashwood Place. Now, I prepared comments tonight. Quite honestly I'm surprised we are here again. I think we all know that this has already been denied -- denied effectively three times. Once at P&Z, once most recently that you are all familiar with, and, then, effectively a denial during the last administration that many of you were involved with where instead of an actual denial, it was remanded back to P&Z. Now, during that remanded decision the Mayor nearly dressed down the applicant at that time and reminded him that his development would actually change the character of our neighborhood and I think you see that's why so many of us are particularly upset with the resolution. Now, I think a lot of us believe and know we live in a pretty good neighborhood. But let me give you a little bit of flavor, because I think, unfortunately, since this has been going on for so long, we forget that this isn't just a thing, this isn't just a development, this is really about people, this is really about a bunch of citizens. I mean we have over 220 homes here, well over double that. I mean -- and this category of folks that live here are people that like to live and spend our money locally. The category of people who live here

routinely vote, right, and we care deeply, not only about the city, but specifically a little piece of that that we call Alpine Pointe. So, you know, when -- when there is things to happen -- when there is a snowstorm neighbors shovel snow and there is a community project. People come together with their shovel and rake in hand. And I'm not talking young folks, I'm talking old folks. Maybe spend 30 minutes, maybe you spend all day, but they come in droves. You should see it. And let me tell you quick another story. Now, if you had audio you would see me grinning a little bit, so don't be afraid to smile. But when you or on high decided to cancel Fourth of July for us little minions, you know, that was quite upsetting. I mean during the COVID time. We couldn't celebrate it as we normally would celebrate. I see you appreciate what I'm saying. Well, there is a young man that lives in our neighborhood that has some physical challenges. He comes around the neighborhood doing little chores on his three wheel bicycle, because that's the best mode of his transport. He was upset about that and he said to Frank, our president, he said, Frank, we should have a parade. So, within about seven days they organized a parade and we had like 75 people show up and decorated bicycles and wagons and cars and people from the next door neighbor -- and that's the flavor of Alpine Pointe. I'm trying to -- I'm trying to capture what you guys may not be able to understand. We live in a very tight community. We care very closely about each other. It's nearly family. There is people walking dogs, riding bikes all over the place all the time and as Mike mentioned we are getting younger and younger all the time. There is more children. Here is the point. You have heard this testimony. You know the opposition is overwhelming. There has been over 45 pieces of written testimony submitted in the last three or four days and so here is -- here is where I see you guys are at, in my opinion. We need to solve this and the solution really is only in two ways. One is a four -- ultimately a fourth denial. Now that hurts everyone involved. That means we need to go through this pain in the future. That means the current property owners have to continue to deal with how they go about selling their property. Or maybe we find a solution that maybe isn't perfect, but it's acceptable for most of them and that is Mr. Clark, the representative of the developer, has agreed that he doesn't need Dashwood Place until phase four. He doesn't need Dashwood Place until Centrepunch punches through. So, if he doesn't need it then he doesn't need it now. We get the connectivity via bicycle and, excuse me, foot traffic. It's all ADA compatible. So, the folks that live on my street that are in wheelchairs can maybe access that and maybe go down and have a cup of coffee. So, add those conditions, either deny it wholeheartedly or add the condition that it be built to emergency access only specifications and you build it in such a way that it stays that way in perpetuity. Nobody come back and backtrack on that and, then, reclaim it as a public right of way. Fix this once and for all tonight. Alpine Pointe can have some rest. The developer can move forward. You can put this behind you and you can have this special little info project and the two property owners that have been hung up by this can move on with their lives. That concludes my prepared statement. I will stand by. If not, I would appreciate your consideration tonight. I realize this has been a challenge for all involved, both prior administration and now, but let's make this right. Okay? Let's make this right tonight. As right as it can possibly be for everyone that's worried or concerned.

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

Johnson: Mr. Mayor, next is -- listed is Sandy. I think that's Sandy King.

King: Yes. Can you hear me?

Simison: Yes, we can. If you could state your name and address for the record.

King: Great. My name is Sandy King. I live at 2453 East Honeywood Court in Alpine Pointe. I want to thank the Mayor and all of the Council Members for taking the time to listen to us. I know you all sort of have a life beyond this and we all do appreciate what you do and the time you give us. So, I'm going to do more of a ballpoint kind of a presentation. I'm going to be quick and I'm going to read it to save time. So, I am asking that the Council and the Mayor -- if the Mayor ends up making a split decision -- to please deny the Delano application in its current form. I agree with Mike and Laura that Dashwood needs to be completely closed. If it can be closed for up to ten years it can be closed permanently to traffic. Whether you allow foot traffic and bicycle, that's kind of an option. Maybe. Okay? I would like to see it completely closed, but if you are willing to close it with just the foot traffic it's livable. I think what gets missed is that with the Brickyards, which are commonly called the Barracks for a good reason, with the traffic that you see on the street, can you imagine the number of people that would be coming through Dashwood. They won't be on Centrepont, because it won't exist and speaking of Centrepont, the Centrepont originally was supposed to cut through to Bald Cypress. Perhaps that's a better option, because Bald Cypress homes back onto that street, not face on to it. The other issue would be the apartments. If you limit them to two story, not three story, that is transition from home to two story apartment, to three story apartment. I think that is a strong consideration that should be looked at. The daily traffic from the Brickyard from the homes, from the apartments, from the senior living, from Hobby Lobby, from the service station, from Dick's Sporting Goods, Kohl's, all of that will funnel through if Dashwood remains open, because it is going to be the path of least resistance. They don't want to go to Eagle Road, because you can't go anywhere during rush hour. They are wanting to get to Locust Grove and McMillan to leave. Delano's ability to exit was one of the arguments to use Dashwood is not an argument. They just proved that tonight in their own presentation. There are multiple ways out. So, if the city services are already on the Cook property, which they are, we zoomed in on Google and you could see the access is already there, you do not need Dashwood. Please do not ignore the impact to the neighbors of Alpine Pointe. We are passionate. We are family, quite honestly. We look like a Norman Rockwell picture in the winter shoveling everyone's driveway and sidewalk. You will destroy that relationship in our subdivision if it becomes traffic ridden. Dashwood and the creation of Centrepont Way did not show up on the master street plan until 2018. So, there is no way any of us who purchased, you know, prior to 2012 or during that time frame had no way of knowing that Centrepont Way was going to exist. There were no signs. There was no notation on -- on the street map. And --

Simison: Sandy, could you --

King: I guess my last request -- I am wrapping it up and I appreciate your timing. Thank you. My last request is to please reconsider using Centrepont Way to Bald

Cress -- Bald Cypress rather than coming up to Wainwright. And, then, it's connected and you don't have to wait for the Wong property to sell or anything else to be developed. The streets are already there and you could connect. If you wanted to change the light and remove it from Wainwright and go to Bald Cypress and Centrepoint Way, you would have it. It would be a done deal. So, thank you for your time. If you have any questions let me know. Again, I'm glad you are all safe and healthy and happy summer. Thank you.

Simison: Council, any questions? Okay.

Johnson: Mr. Mayor, next is Joy Cameron.

Simison: Joy, if you could state your name and address for the record. You will be recognized for three minutes. And just need to unmute your microphone.

Cameron: Hi. Joy Cameron. And 4211 North Chelmsford Avenue in Alpine Pointe, Meridian. Good evening, Mayor and City Council Members. I just want to address just a couple things and be done. One was the fact that we currently have three entrances and exits already. So, we have the Wainwright, the Camas Creek at McMillan, but we also have Settlers Bridge, which also cuts through our neighborhood also. We do have those three points. Mr. Clark had mentioned that all of the different exits be able to go out of the shopping center and where the housing is, but with respect to Wainwright that is actually the only left turn to get onto Eagle Road and so when people are trying to hurry to get through to the high school, to get down to the grocery store, anywhere else, that's where they cut through to to hit our light and take a quick left. Every signal is a right turn only into our neighborhood. And, then, the other thing is that I have brought up before is going to be school traffic. Hopefully kids will be back in school soon, but we do have a lot of kids at the Brickyard. There will be even more kids in those houses and the schools that they will be going to will be off of McMillan and, then, also off Eagle Road, so they will be cutting through our neighborhood to miss all of that traffic to get down McMillan to get to the middle schools and the high school and, then, also through Wainwright. And so with all the kids, with our seniors and everything else, that's a lot of impact traffic of school buses and carpooling that will definitely -- we also have the preschool that's right at the beginning of our entrance off of Eagle Road. So, that's additional traffic for those kids and a lot of times those kids are outside, because they have no place else to go, and they are playing right on Wainwright at the street there. And, lastly, we have several families in our neighborhood that have special needs, both intellectual and physical, and we have several people that are in wheelchairs and so, again, for the safety of our -- our homeowners and especially there in Dashwood we have several families that have special needs and I have to agree with keeping Dashwood closed to cars. I feel that that is in the best interest of the safety of our neighborhood on both sides. So, that's all I have to say. So, thank you.

Simison: Thank you very much. Council, any questions? All right. Appreciate it very much.

Cameron: Thank you.

Johnson: Mr. Mayor, the last person with their hand raised is Mr. Dave Martin.

Martin: Hey, fantastic. Good evening, Mayor, Council -- Council folk. Dave Martin. Address 2363 Freezeout Road, Caldwell, Idaho. 83607. I represent Stellar Senior Living and just would love to hear some clarification. So, if you will notice from their map it goes through our parcel and back out on the north side. Our approval for -- for our development there is -- is limited on the trips in and out of that parcel. Senior Living has very low trip count, which is good. It doesn't put too many -- too many trips back on Eagle Road. But having access through our parcel would -- would be a safety hazard for our residents. The average age of our residents is 85 and those that come to visit are of very similar demographic. We are for Delano being developed and we are happy to provide emergency access and that's what our plans show and that's what Meridian approved is emergency access through what is currently Jasmine Lane onto their -- onto their parcel. But we -- it's not part of Meridian's -- or not part of Boise's plan or part of our plan to have just open access into our parcel, even back out to -- to Wainwright in the future. So, just want to share that, maybe hear -- hear their thoughts or their plans of how that would work. But we are more than willing to provide emergency access with -- with a gate or bollards into -- into their parcel. Thank you.

Simison: Thank you, Mr. Martin. Council, any questions? Is there anybody else who would like to provide testimony on this application at this time? If so please indicate by raising your hand in the Zoom or star nine on the phone. Seeing nobody else from my end -- Mr. Clerk, can you confirm that as well?

Johnson: Confirmed.

Simison: I will turn this over to the applicant for his final comments, unless, Mr. Bongiorno, do you have something you need to weigh in at this point in time?

Bongiorno: I do. Mr. Mayor and Council, I just want to make sure that everyone is all on the same page. Listening to Council Member Bernt speak and to kind of address Council Member Borton's comment as well -- and I don't know if I'm early, I can wait until after the applicant speaks, but emergency access -- obviously we in the Fire Department and the Police Department -- everything is time. Time is golden for us and bollards and gates and these temporary measures are a barricade for us. So, the best thing for the Fire Department -- the best thing for Fire EMS is an open roadway and so for ultimate safety -- yes, bollards work and bollards can be used, but the best thing is an open roadway. So, I just wanted to make sure that that is -- is brought up. Planning staff and myself are working with our developers to make sure that -- we are trying to limit these emergency accesses, because it's best just to get us a road. Get us a road in there. That way if your house is on fire or your loved one is having a heart attack, there is no barrier or barricade or bollard or gate that will keep us from getting to your loved ones and so I just wanted to throw that comment out there to make sure that the best thing for the fire department is an open road. Thank you.

Simison: Council, any questions for the deputy chief? Okay.

Allen: Mr. Mayor?

Simison: Yes, Sonya.

Allen: Excuse me. If I could respond to some of the earlier access questions from Council and comments. There are several comp plan policies that support extension of public streets and interconnectivity between neighborhoods. So, that's -- that's one of the big things. The UDC also requires access to be provided from a local street. I believe that's what one of the Councilmen was referencing earlier. Access should be provided from a local street when available and that was why staff's requirement for extension of Dashwood was required. Council can waive that requirement. There is a provision of code that allows a waiver. However, Council should remember that ACHD is also requiring extension of Dashwood as a public street as well. So, even if Council approves this tonight, ACHD would also have to -- excuse me -- approve -- does not require extension of Dashwood as a public street. ACHD is still requiring it eventually in ten years.

Simison: Thank you. Council, any questions for Sonya on that point? I see a couple questioned looks.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think it's a question for Mr. Nary if that's okay.

Simison: Yes.

Strader: So, I understand what the UDC and the comp plan states and I understand that it is almost always a preference to have a street, but it sounded like ACHD has confirmed that Council has the authority to permanently close Dashwood and I would like to know if Mr. Nary agrees with that, based on the earlier testimony from the ACHD disclaimer and the feedback that they have provided to an attorney.

Nary: So, thank you. Mr. Mayor, Members of Council, Council Member Strader. So, ACHD's policy only allows them to make a ten year recommendation. That's what the ten years is from. So, it isn't -- it's their policy that prohibits them from recommending anything beyond ten years. You can make it a permanent emergency access. You cannot close the road. So, the road vacation would be an ACHD decision or it could not be a -- no longer a roadway. They have their own rules on how that gets done. But you can make it an emergency access only. So, that is within your purview. So, obviously, the nuances is what kind of the conversation has been as what authority does the Council have. Ultimately your authority is the land use approval, the layout of the property, the plat that's being proposed and the accesses to that and as Sonya pointed out, 11-3A-3 does have language that says you can waive that provision that requires access on local streets and not collectors when local streets are available. So, that is an action you have taken in the

past or the Council has taken in the past for various projects. So, it is something you can consider.

Strader: Thank you.

Simison: Councilman Cavener, does that answer your question or did you have additional questions?

Cavener: Mr. Mayor, no, I think Councilman Strader touched exactly where I was headed.

Simison: Okay. Council, any further questions before I ask the applicant to close? Okay. Mr. Clark, you are recognized for ten minutes for closing.

Clark: Thank you, Mr. Mayor. Hethe Clark for the record. 251 East Front Street in Boise. So, it's been a bit of a night and I'm sure we are all kind of struggling at this point. It's been a long road. I do want to talk about the history here for a second and, then, circle back on some of these traffic related concerns. So, what is the history? This project was not denied back in November. It was remanded with direction and that direction was to go back, talk to the neighbors, address the transition, lose density and -- and reconsider the connection to Dashwood. As you will recall those connections were previously inverted and there was a gate down at Jasmine and the project was going to take access through Dashwood until Centrepoint connected. So, I -- at that point that's when I stepped firmly into the picture and it's disappointing to me to hear the way that this has been portrayed in terms of those neighbor conversations. We did have the two meetings. We -- I gave them everything that they asked for. The only thing I couldn't deliver, because it's within ACHD's hands and yours, is this -- a permanent closure at Dashwood. We were asked to lose transit -- lose lots on the northern border. We went from 15 to 11. We increased the square footage by 50 percent. We made the lot lines match where we could and the number that was given to me by the board at that point was 6,000 square feet. We got the 5,800. You know, we gave up 22 percent of the lots. We reoriented them. We even made the park for Pete's sake, bigger and kept it near Alpine Pointe's access. So, this is -- you know, it's -- you know, I understand, you know, stepping in and fighting for your neighborhood, but I -- I'm a little bit disappointed in the way that this has been described in terms of us not having done any hard work, because I personally have been involved in all of that since November. One other item before we circle on to traffic. With regard to the R-40 parcel and the future apartments, there is some things that are missing from the conversation from the neighbors. You know, one is that that does require a subsequent conditional use permit where the impacts of those apartments are going to be studied. Alpine Pointe is separated from those apartments. There is no -- there is no common boundary there. The common boundary of the apartment parcel are with the Brickyard and with the senior living center and those are two and three story buildings right next to it. So, to suggest, then, that something like that is -- is improper, not only doesn't reflect the facts on the ground, but it doesn't reflect the fact that this is going to require an additional conditional use permit later. So, let's -- let's circle back on some of these traffic and safety issues. With regard to the Brickyard and the parking, the Brickyard's built to city parking standards and we, as anyone knows, that that's a difficult

thing to make sure you get satisfied. If there are issues with the parking and the Brickyard or safety concerns, those are addressed by Meridian City Code. Those are not within our control. If that's the problem, then, that's something that the city needs to look at in terms of their code provisions or their -- or their code enforcement. You know, as we -- as we talk about this -- and I think it's important to talk about what the connection is down to the south into the -- excuse me -- the gridded area that we have talked about, I just want to show you just a quick picture of what that area looks like and -- with the parking on both sides. So, this is Centrepoint looking south and just a couple of items to add to what we discussed previously. A collector is designed for parking on both sides. Parking on a collector is not a safety issue. Arterials are not parked. The collectors are. And if -- if we think about this from a practical perspective, empty roads create racetrack. Parking on the sides of a collector actually slows people down and actually helps with the safety situation in and of itself. It is safe to be parked on that collector. The -- you know, and, then, in terms of the -- the capacities, which really we have -- we can't lose sight of that. The capacity of what are used, identify safety issues here. With regard to Wainwright, the ACHD finding on that was on -- and I quote: Wainwright Drive west of Eagle Road is projected to operate within acceptable levels of service planning threshold through all phases of this development. Close quote. With regard to the -- and ACHD has confirmed, you know, the -- the sight distances on -- on Wainwright are acceptable. Dashwood. ACHD has confirmed that Dashwood operate -- will -- will at build out operate within an acceptable level of service. Centrepoint. ACHD has confirmed that it will operate within an acceptable level of service at built out. So, that the evidence in the record is that. So, again, what was the problem that we discussed back in May? The problem was that Centrepoint to Dashwood connection timing. We have proposed a solution and I just want to clarify that ACHD has approved -- approved that solution and that approval is not limited to ten years. The prior temporary was limited to ten years, because it was going to be ACHD's right of way from the beginning. But because we are holding that out it's not ACHD's right of way, they don't have the same tenure limitation that we have discussed. So, it would stay that way until the -- it would stay closed until Centrepoint actually connects. So, it -- it truly does solve the issue that was the focus of the last hearing. Now, if this doesn't go, you got to ask yourself what happens next. Because you just -- you just can't avoid the question. It creates a chicken -- a chicken and the egg problem. This property and the Wong property are subject to the exact same rationale. Wainwright is about 55 to 60 percent capacity. Centrepoint will be at 55 to 60 percent capacity. So, you have the exact same traffic thresholds for both. If you are going to deny one based on their not being a connection you are going to have to deny the other and keep in mind that one is within the area of impact of Meridian. The other is in the area of impact of Boise. So, the likelihood of those two parcels going at the same time is remote. So, I just -- I just want to close by just saying, again, in-fill is hard. You know, I have -- I have felt that for a long time. I feel that no more with this app -- than I have with this application. But -- but, Council Members, you know, your concern at the last hearing was the timing of the Dashwood connection and we have solved that. The area traffic capacities are well within hand. So, we are asking for you to approve, because there is no traffic reason to deny it at this point. We have done we believe what it takes to get an approval. We appreciate your patience in listening to all this and call it a night. Thanks.

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

Borton: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Borton.

Borton: Hethe, can you comment real briefly on the question that I posed in the middle of the public testimony with regards to a modified 1-F and in light of Mr. Nary's comments that -- is it at least an option to have a 1-F condition be -- nothing with phase -- your new phase four until Centrepont Way is fully connected and that Dashwood, which will be emergency access, remains emergency pedestrian access even through phase four.

Clark: Yeah. Mr. Mayor, Council Member Borton, so you will recall that that actually was my initial proposal was to try to get that to be emergency only. So, we have no opposition to that. And so I -- I don't have a reason to oppose that at all. The -- I think I will just leave it at that. You know, we have -- we have been hearing, you know, ACHD's points on this and we have heard staff's points on this and we have heard what we thought was Council's points on this, but we have tried to be open to -- to solutions. But, again, we are not opposed whatsoever to that being an emergency condition -- an emergency only.

Borton: Okay. Thanks.

Simison: Council Woman Perreault, do you have a question?

Perreault: Thank you. Mr. Clark, the mixed use regional comp plan FLUM assignment to that eastern property, which will be developed in phase three, what other consideration was made for uses on that property and can you give us a little background in how you came to the decision -- or how your -- how your client came to the decision that the multi-family would be the best to use and trade off for another use that's allowed in that -- in that area?

Clark: Mr. Mayor, Council Member Perreault, thanks for the question. So, you know, the -- the conversations between the cities and -- and -- that we had between the cities went on for, you know, quite a while. Back in -- I think it was in October of last year we went in front of Boise city and the one thing that we heard over and over at -- from a couple of different council members was that they didn't want to see a low density use of this property and they were -- they were basically sending a shot across the bow that we are -- we -- not we, but the city council of Boise was saying we understand that it makes more sense for this to develop in Meridian, but we want to see it going in high density, because of the proximity to the transportation corridors and that they deem that to be a better use of the ground. So, you know, given that direction, you know, their wish -- obviously this is now in the Meridian area of city impact and it's ultimately your decision, but we did try to respect that. So, that's the direction that we have gone with the application. Now, keep in mind, too, that you have the senior center on the east, then, you have residential on

the south. So, we are looking at that as trying to match -- to match the uses -- you know, trying to put a commercial use in between all of that I think would be a little bit more difficult.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, Mr. Clark, could you comment on Mr. Martin's representing Stellar Senior Living about their -- their access points are not a through to Wainwright?

Clark: Mr. Mayor, Council Member Hoaglund, that is -- that was new information to me and so I apologize to Mr. Martin if I misspoke there. That was -- we had reviewed the site plan and that looked to be an access, so if that's the case, then, we understand that. Regardless, the -- the roadways do still function fully within capacity and, again, there is a number of entries and exits and it's very porous from Centrepoint all the way down to Ustick.

Hoaglund: Mr. Mayor, question for staff.

Simison: Councilman Hoaglund.

Hoaglund: I just want to confirm. I had heard that for the apartment portion of the development that they would require a conditional use hearing. Is that accurate, Sonya?

Allen: Mr. Mayor, Councilman Hoaglund, yes, it would require conditional use permit.

Hoaglund: Okay. Thank you.

Simison: Council, any further questions for the applicant?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Real quick. I just wanted to make sure, Hethe, at the last hearing when the motion to approve, which ultimately didn't prevail, but there were some conditions about keeping trees and the -- that would be the southwest corner for that established subdivision to that end. I was trying to remember if there was something else. That's the one that comes to mind. But any -- any comment on those previous conditions that you recall?

Clark: Mr. Mayor, Council Member Hoaglund, our position hasn't changed on those. The tree mitigation condition that was identified by staff is acceptable. If you will recall at that last hearing we did show that a lot of those trees are not in great shape and much of the area that is in question actually backs up to the Brickyard, whereas Champion --

Champion Park, I believe the name of -- Champion Park is on our southwest and we have kind of a 45 degree angle there and our park is located there and we anticipate maintaining the trees, you know, to the extent we can -- to the extent that they are still healthy in that location. So, that -- that is not an issue whatsoever.

Hoaglund: Thank you.

Simison: Council, any further questions for the applicant or is there discussion and thoughts from the Council before we take any action regarding the public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would like to request that we leave the public hearing open during our discussion in case we have more questions for Mr. Clark, if Council agrees.

Simison: Okay. Sounds good. Mr. Clerk, you can probably take Mr. Clark out for now or reduce him down.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will be happy to kick off some discussing. So, one of the things that is a philosophical thing -- I know our Planning staff feels very strongly that interconnected neighborhoods are safer neighborhoods, are healthier neighborhoods, and I think most of the time I agree with that, but I have done a lot of soul searching and I think on this one -- to me I don't define interconnection as sending a bunch of cars through a neighborhood that will already be well served by vehicular access back and forth. I think when Centrepoint is connected that that will provide a great connection for everybody. I subscribe to the idea that Dashwood is not up to the standards and would become a collector and I just generally think that having a pedestrian connection and bicycle connection is the kind of connection that is needed. And I don't define connection as having to do with cars. I just don't. And so from where I'm sitting I think I'm tracking with Councilman Borton's question and I'm leaning toward -- you know, now that we know we could designate Dashwood as permanently emergency only, along the lines of what Councilman Borton was asking about, I would be supportive of that. I think that makes the most sense and I also think we need to put the neighbors out of their misery here with hearing this endlessly and just put it to bed. That's where I'm sitting.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I don't know if I necessarily disagree with that. I have always been a proponent of connectivity in this case and there is definitely a strong argument to keep it an emergency only access. That's fine. My opinion it still doesn't solve the issue of the traffic safety issue that I feel personally, in my opinion, that this -- this one access point will create. I thought it was interesting -- Hethe only provided a picture of going south. I would -- I would love to see what that looks like going north, because that's where the problem is. The problem is that connection from where that picture was taken north through the apartment complex. That's where the issue lies and there is going to be a heck of a lot of cars going in and out of that subdivision, especially when the multi-family project goes in. I would be okay with this project if the multi-family project was moved to phase four and I think that that would be a healthy compromise on my part, but seeing a lack of connectivity in -- in other areas of our city and the problems that it creates in my opinion is a big deal and I was elected, you know, and -- by my -- our constituents in the City of Meridian to keep the neighborhood safe as well. That's -- that's one of our number one responsibilities in my opinion. And I just cannot support something that is, in my opinion, going to create safety issues in regard to traffic until there is a full connection made from Centrepoint all the way to Wainwright. So, I have been consistent with this issue and I -- and I stay true to it. So, I appreciate Hethe. You are a good guy, Hethe. Don't take anything personal. You do a great job. We are just going to have an impasse here. We are going to -- we are going to agree to disagree on this one.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I just want to talk briefly. This -- this would be a lot harder decision and discussion if we were just talking about 66 units and -- and having Dashwood open or not. Really in my mind what -- what the game changer is is the Brickyard apartments. I mean that will -- if we leave that access point open that is their route. I think it was Joy Cameron who said Wainwright is the only left turn onto Eagle. So, unless they go out to Ustick to turn left, I -- human nature being what it is -- leaves that open. That's how they would be getting to that and that's a lot of cars and that's -- and, you know, I -- I empathize with the folks in these neighborhoods who have been there since the mid 2000s and that that makes it a difficult situation. We need that Centrepoint to be open to allow that. That's -- that's why I can once again support making that a permanent -- making it a permanent emergency access. Deputy Chief Bongiorno is absolutely right, open roads are better, allow quicker access, but this is a temporary second emergency access to make sure as -- as it gets developed they have an alternative route into this site, so -- until that Centrepoint become -- becomes open. So, it's not the main access, it's -- it's that secondary access and -- and, then, the fact that we are going to have a separate hearing on the apartments, I think we can address that issue at that time, because the Brickyard and those -- those traffic issues, that is going to be a major part of the issue I think that will have to be worked through on that. So, that's why I'm interested to see what -- what comes of that phase four and closing -- closing Dashwood on a permanent basis and only allow it for emergency and foot traffic, bike traffic, and that sort of thing. So, that's -- that's kind of where I am.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm really tracking along with Council Member Hoaglun. I was -- I was thinking about the very first time I ever came to a Meridian City Council meeting, I was like, I don't know, 12, maybe 11 years old and I -- as you know I grew up in Old Town and there was a developer that was going to build a neighborhood next door and it would have created a -- essentially cut through to the high school and we came in I think, then, Mr. Nary was on the City Council and my parents came much like the folks that are here tonight and said, you know, this is -- this is our neighborhood and we -- we have a great community here and it's important that we create community first and I'm seeing a lot of parallels to what I have heard from the citizens, both at previous hearings and here tonight and -- and, honestly, I think that's what the applicant's hoping to achieve as well is to create community. I had some concerns about the phasing plan that -- the lack of homes with phase four. If -- if Council is kind of trending where I think that they are about keeping Dashwood emergency access only and that -- that addresses some of my concerns. I will kind of wait and see where the conversation goes and if -- if we are trending where I think, then, it's not necessary, but if -- if we are exploring some other options I have got a couple of other comments I may want to make. But I appreciate the -- the discussion from the body here tonight on this particular application. And, frankly, the testimony from the public tonight.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, this is a tough one. This is a tough one and I have spent a lot of time thinking about everything I read in the public testimony, reading through the staff report many many times to make sure I was grasping all of the concerns and really trying to understand the staff's recommendations and the -- the property owners' concerns. I'm very familiar with Alpine Pointe. I have close friends that live there. I'm familiar with it regarding their real estate and the real estate values. What I keep going back to is that I -- and this isn't going to probably be popular to say, but I'm -- I'm in agreement with what ACHD originally recommended, which is to leave that as emergency access and pedestrian only until Wainwright is -- is punched through and the reason why is because I truly believe that -- that people do take the path of least resistance and I think that for me as a driver I'm going to take Wainwright, which is going to be a higher speed and easier to -- to get to. Excuse me. Centrepont. I keep saying Wainwright. But I mean Centrepont. I'm going to take Centrepont to Wainwright and make the right turn out onto Wainwright to get to the light. I would rather not go north on Dashwood, passed homes, and as the HOA president presented, she said, hey, there is potential line of sight issues, there is trees in the way, I'm not going to take that route. I'm not going to take that route, because it's slower. I'm not going to take that route because there might be some fencing, some trees in the way, I'm going to take that Centrepont to get to Wainwright, if that's my option. That's what I'm going to take if I lived in Delano. So, that's what I really believe

to be true based on my years as a Planning and Zoning Commissioner, based on my years of understanding and studying subdivisions and how people move around them, is that I don't believe people are going to want to use Dashwood as a way to access -- other than maybe the property owners that are in phase four. I believe that most people will exit out onto Centrepont, head north and make a right onto Wainwright to get out of -- onto Eagle Road, essentially. So, I don't -- I don't believe that -- that Dashwood is going to be a problem once Centrepont is -- is built all the way through. And I'm not saying that haphazardly, I'm saying that based on a lot of experience and a lot of just education and understanding of how these subdivisions are developed. So -- so, I am not -- I'm not completely against the idea of making it a permanent access -- a permanent emergency access and pedestrian, but I'm not -- in other words, if that's where Council decides to go, I would understand that direction, but I'm not completely excited about that possibility, because I am very concerned about public safety and I am concerned about access for our Fire and Police Departments. As -- as some of the members of the -- of the public had mentioned in their testimony there are several -- if there are -- and there are it sounds like -- like several individuals on that section of Dashwood who have challenges with accessibility, who maybe are in a wheelchair, they are going to need that emergency services more than ever and are we going to, then, add an extra two or three minutes to -- to take the collector road up and around and to get into Dashwood from the north side or are we going to allow that access to them through -- through Dashwood once Wainwright has been built. So, I just -- again, I think that the need for that to stay closed off until phase four is developed and understanding the applicant is proposing that -- that ACHD doesn't have any ability to put a street in there until phase four, you know, proceeds. So, those are my thoughts. I have gone back and forth on this. I understand both sides, but I really truly think that there just will not be a lot of use of Dashwood once -- once Centrepont is built.

Simison: Councilman Borton, would you like to add anything to this conversation or move forward with any other activity at this time?

Borton: Thank you, Mr. Mayor. So, I have been just taking notes of the discussion. It sounds like considerations that I'm hearing from us collectively is -- and this is with regards to 1-F. If something were to go forward for approval with this project, it sounds like at least the vast majority are supporting Dashwood to be a permanent emergency access only with pedestrian and bike and designed for that being the connection. Emergency only. And that phase four wouldn't commence until Centrepont connects. So, that's one basket of options. And, then, kind of in addition to that is what Councilman Bernt had said, which means -- which would say -- which would request to include within phase four the multi-family portion. So, the phase four as currently designed is -- is one consideration, that that phase four -- seven lots I believe. Wouldn't commence until Centrepont. Or does Council want to requests that the multi-family portion be included in the new phase four. I think that's what Trent was talking about. So, I think that's -- and under either consideration the other conditions of approval, the tree mitigation, et cetera, from the previous hearing would be included, but I hear that as sort of a two headed option if something were to be approved. So, I just -- I just put that out there if that's an accurate summary. If I have missed something from the six of us in this discussion --

Simison: Well -- and since it does not appear that my vote will be needed on this one, I will refrain from some of my comments, but I think part of the reason why phase four exists was to allow Dashwood to open. If there is no expectation that Dashwood ever opens up, then, phase four really has no need to exist in all intents and purposes. So, I would encourage Council to reconsider a phase four. Whether or not you want to put the apartments into the last phase and make that contingent upon something, but if Dashwood remains closed phase four has no purpose.

Borton: Mr. Mayor, it does -- to a certain extent it would --

Bernt: Mr. Mayor?

Hoaglun: -- if it -- if it lessens to some degree the impact on the roads and parking, if you have got fewer homes that are constructed prior to Centrepont.

Simison: If that's the rationale. I don't think that was the rationale. The rationale was to try to encourage the rest of the development to occur in that area, so that they would go back and finish what they started. My opinion.

Borton: Got it.

Cavener: Mr. Mayor?

Simison: Mr. Cavener.

Cavener: I -- I'm tracking where Council Member Borton's at and I appreciate that conversation about kind of eliminating the necessity of phase four. I'm not one that likes to come up with phasing plans on the fly, but I guess maybe if Council is going to invite the applicant to at least chime in about it -- in hearing some of the comments about if there would be proposed changes to what they have proposed.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun, is there something else related to that for the applicant? Because I see he is unmuted to answer that question.

Hoaglun: If he's ready to go, let's go.

Simison: Okay. Mr. Clark, do you want to provide comment on that issue?

Clark: There we go. Thank you, Mr. Mayor. So, I think that the -- the question is what is really the purpose of phase four and -- and does it have a purpose if the emergency only condition is permanent and, you know, my -- my comment would be that I agree with the Mayor. The -- that the reason for the phase four was to ensure that Dashwood can't open prior to Centrepont, because that's what we heard was the biggest concern. If Dashwood is just not going to open, then, there is not a reason to hold back that -- that property if --

if that was the -- that was the entire function of that. So, the -- you know, the pedestrian connectivity, the bicyclist connectivity, all of that would be there and wouldn't change.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Hethe, can you comment on including -- can you comment in regard to having the multi-family move from phase three to phase four?

Clark: Mr. Mayor, Council Member Bernt, I think I would kind of reiterate what we said before, that's a -- that's a huge imposition on the property without a traffic related justification for it. You know, I -- I know that you and I don't necessarily see eye to eye on that question. I -- you know, if I'm able to share the screen I would be happy to show you the northbound look of Centrepont, because it looks exactly the same with cars parked on both sides. So, I just -- I don't see that and we have got two buyers here and -- excuse me -- two sellers here that -- and it just really puts the project in a bind if we have to hold the apartment indefinitely and, again, there is not a traffic-related basis to do so.

Strader: Mr. Mayor, I have a question for staff.

Simison: Council Woman Strader.

Strader: I guess a question for planning staff would be if -- and I think to clarify a question that Councilman Hoaglan asked -- so, there would need to be a conditional use permit for the apartment portion of the project, but would there be a public hearing and would that come before Council as a separate decision or not?

Allen: Mr. Mayor, Council Woman Strader, Council, a conditional use permit does require a public hearing and it's only heard by the Commission. The Commission is the decision making body, so it would not go before Council.

Nary: Mr. Mayor. Unless it's appealed. Because they can appeal from the Planning and Zoning to the Council.

Simison: Did the rest of you hear that on --

Bernt: Yeah. Heard something in there.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I could be wrong, but I think some of the disconnect might have been in the previous hearing I think there was a belief that Dashwood had to be opened and that we -- and we didn't have ultimate control to allow it to be permanently emergency and so we

were trying to create some way to draft sideboards on it being open, but maybe if that's the case it sounds like that's clarified now, that we do have the authority despite any control of ACHD to choose to have Dashwood remain emergency only.

Nary: So, Mr. Mayor, Members of the Council, maybe I can help muddy the water. I don't know. So, when we tie it to a development agreement and you are tying it to phasing or you are trying it to permitting, the city, then, has that level of control, right, because we are issuing the permit. ACHD doesn't issue anything. So, unless they -- unless they decide in their master street program to build that street differently at some point in the future, they are not going to come back and tear out bollards. They just don't do that. They don't have the time for it. It's not on their radar. They have no plan to do that. So, their ten year window is kind of a misnomer. Like I said, it's a -- it's a policy decision for them, because they don't have a clock that tells them ten years is up and we got to go rip out bollards all over town. So, they are not going to do it. It just isn't practical for them. If it's petitioned, if it's requested by the neighbors, if there is a process they can follow, potentially that could happen. But, again, the neighbors that are opposed to it today may be different neighbors at that point in time. So, that's why the staff is saying if you tie it to your development agreement you have some level of control. If you require the development do it prior to a phase being built, prior to the last CO getting submitted -- or approved, then, they are incumbent on the developer to do it. If there is no requirement for the developer to do it, then, no one's going to do. So, in my opinion ACHD doesn't have -- it doesn't have the land use authority that you do to be able to say this is the -- this is the plat we approved, this is the -- now, if they won't sign the plat, that's an issue between the developer and ACHD to deal with, because they do have to sign off on the plat. So, if they have a concern about that they could raise it and deal with the commissioners at that point. But the commissioners have recognized that, again, you have a land use authority, they don't, so --

Simison: And my recollection, Councilman Borton, it wasn't so much about whether or not the city could or couldn't, I think there was disagreement on whether they should or shouldn't, but it was a lot more on the contingency of the inability to understand Centrepoint would ever or how it would ever connect. That was my -- that's more my recollection of the issues, but what do I know.

Hoaglun: And, Mr. Mayor, that was my recollection, too, was the issue of that access of Centrepoint, when would that be done, and if it would ever be done and what -- what comes of that. I mean we were kind of holding phase four hostage here to make sure that gets done and I don't think that's a small matter when the applicant testified earlier -- and I heard him say that's, you know, a half million dollars worth of inventory there, you have got street, you have got sewer lines, you have got water lines, why wouldn't you develop seven lots if it's -- if it's there. It -- it just doesn't make much sense from a development standpoint not -- not to move forward with that and -- but the -- as we recognize, the Centrepoint completion is not in their control, so that's the -- that's -- that's the kicker there. I mean they can't develop that until Centrepoint is developed and -- and who knows with this senior living center going in, I'm sure other things will follow that as well, and -- and we will see when that -- what the timing. But to offer the phase four I

think is a legitimate offer to -- to keep that closed until Centrepoint is open, but, then, if ACHD doesn't have that authority -- I was under the same assumption we were trying to do something that prevented action by someone prior to that. So, it doesn't sound like that's -- that's the case now. But they could not develop phase four until Centrepoint is open.

Johnson: Mr. Mayor, I apologize --

Bernt: Mr. Mayor?

Johnson: -- some members of the public have e-mailed they are having difficulty hearing Council.

Simison: Okay.

Bernt: Mr. Mayor, Chris, any specific individuals are they having a hard time with?

Johnson: Did not indicate. It was -- just did come in this moment. Some of those -- Councilman Hoaglund or whoever spoke previous to him.

Bernt: Mr. Mayor, I --

Simison: Councilman Bernt.

Bernt: I'm -- I'm in agreement with Council Woman in a sense that once Centrepoint -- that connection is made to Wainwright Dashwood is going to be a mute point. You're -- you're going to see -- you're going to see very little traffic going through that connection. It's just -- just my opinion. I was on Planning and Zoning as well for a while and saw this time and time again, people are going to take the path of least resistance. I couldn't agree more. So, they are going to go straight up that connector from Centrepoint to -- to Wainwright 90 plus percent of the time. So, if -- just also my opinion, but I will reiterate what I said before and I will say it again, this -- the success and the safety of -- of those who will be living in the apartment complex south of this proposed project is totally determined on the connection from Centrepoint to Wainwright. It's essential in my opinion and I will leave it at that. Hello? Is the -- is the volume on?

Simison: The volume is good.

Bernt: Okay.

Simison: Just looking for anybody that would like to take --

Bernt: I thought -- I thought I lost everybody. I apologize.

Simison: It was just so brilliant in my opinion that I had nothing to say.

Bernt: Sorry to ruin the silence.

Perreault: We are all deep in thought.

Simison: Okay. Well, Council, I think I can count and know where the votes are on this issue, but my -- my denial last time was predicated on the issue of Dashwood alone, so if you guys believe you're in alignment or agreement on that issue and whatnot, then, I think that you are probably ready to move forward if you can figure out what you want to do about the phasing, if that -- where that fits into this conversation. Or we could take a ten minute break for everyone to gather their thoughts and feelings and --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I started work very early this morning and I think I'm on like hour 13, so a short break to refresh my mind would be great.

Simison: Council, do you need a ten minute break? Okay. Let's go ahead and take a ten minute recess. We will reconvene at 9:00 o'clock.

(Recess: 8:50 p.m. to 9:01 p.m.)

Simison: Council, I will go ahead and bring us out of recess and we can continue this conversation or -- the public hearing is still open if you need additional information or would like to start taking -- taking action on this item.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm going to move this toward the action part and we will see where we go. I move that we close the public hearing on Item 6-C, H-2019-0027.

Hoaglund: Second the motion.

Bernt: Second.

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

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We have had a lot of good discussion on this with the applicant and Hethe's done a really good job and the public has provided extremely valuable input over the various hearings that we have had and you can see the Council wrestle with these decisions and considerations, because there is -- there is not a clear bright line policy consideration that makes some of these issues difficult for us to address, which you can tell that everyone takes the concerns of the public extremely seriously in trying -- to try and make sure that we get those addressed. So, we have wrestled with it at length trying to address those concerns. I think the balance of considerations support approval of this project. I think it's -- where I find it to be most appropriate is that Condition 1-F which speaks to the new phasing plan and Dashwood, that it be approved -- that this project be approved and that phase four does not commence until Centrepont is connected to the north as the applicant had proposed and that that Dashwood remain emergency access only in perpetuity. I think there is -- there is pros and cons to both and we have discussed them greatly, but the citizens' considerations do weigh heavily on all of us and I think tie goes into that consideration in this unique circumstance. So, I will make a motion for approval of H-2019-0027, with the modified 1-F. Again, phase four doesn't commence until Centrepont is constructed to the north and connected. Dashwood remains emergency only access.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I will second the motion.

Simison: I have a motion and a second. Is there discussion on the motion? Seeing no one wishing to discuss the motion, I will ask the clerk to call the roll.

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

Simison: Five ones, one nay. Motion passes.

MOTION CARRIED: FIVE AYES. ONE NAY.

D. Public Hearing for Hill's Century Farm North (H-2020-0080) by Kody Daffer, Brighton Development, Inc., Generally Located South of E. Amity Rd. and East of S. Eagle Rd.

1. Request: Modification to the Existing Development Agreement (Inst. 2020-059662 – provision #5.1g) to allow building permits for the commercial portion of the development to be issued prior to subdivision of the property.

Simison: Thank you to all the staff and public and the applicant for sticking with the conversation. Next we will move on to Item 6-D, public hearing for Hill's Century Farm North, H-2020-0080. I will open this public hearing with staff comment and turn this over to Sonya.

Allen: Give me just a second, Mayor. All right. Mr. Mayor, Members of the Council, the next application before you is a request for a development agreement modification. This site is located off the southeast corner of East Amity Road and South Eagle Road. This property was annexed in 2015 with the requirement of a development agreement, which has been amended three times previously. A rezone, preliminary plat, planned unit development for an age restricted 55 and older gated community and a conditional use permit for a self-service storage facility was approved earlier this year. The Comprehensive Plan future land use map designation is mixed use neighborhood. The applicant proposes to amend Provision 5.1G in the existing development agreement to allow for building permits to be issued in the commercial portion of the development prior to subdivision of the property as currently required. Because commercial property isn't typically required to be subdivided prior to issuance of building permit, staff recommends the existing provision is stricken and alternative language is provided instead that would simplify the requirements for subdivision of the property, which the applicant agrees meets their intended purpose as follows: The R-8 and R-15 zoned residential portions of the annexation area shall be subdivided prior to issuance of any building permits beyond those required for the community center complex on Lot 101 as shown on the revised concept development plan dated October 30th, 2019. Building permits for the community center complex may be issued prior to subdivision of the property. Subdivision of the C-N and C-C zoned commercial portions of the annexation area is not required prior to issuance of building permits. Written testimony has been received from the applicant Mike Wardle, Brighton Corporation. They are in agreement with the staff report. Staff will stand for any questions.

Simison: Thank you. Council, any questions for staff at this point? Seeing none, I will turn this over to the applicant for ten minutes. I believe -- I don't know if this will be Mr. Wardle.

Johnson: Mr. Mayor, I have Mr. Phillips in the room as well.

Simison: Okay.

Wardle: Mr. Mayor, Council Members, Mike Wardle, Brighton Corporation, 2929 West Navigator, Suite 400, Meridian. 83642. Sonya has laid it out perfectly. It was an oversight when we went through this process just a few months ago not distinguishing between the commercial and the residential portions and as Sonya noted, typically the commercial does not require the same type of subdivision platting requirements as a residential does. So, even though the language that staff has recommended is slightly different from what we have proposed in our application, we concur with it and ask for your approval.

Simison: Council, any questions for the applicant? Okay. This is a public hearing. Mr. Clerk, do we have anyone signed up to testify on this application?

Johnson: Mr. Mayor, the only sign-up was James Phillips and he is in, if he has anything to add.

Simison: Okay. Mr. Phillips, if you would like to provide testimony, you can unmute yourself and you will be recognized for three minutes. If you could state your name and address.

Phillips: Thank you. James Phillips. 4140 East Rockhampton Street, Meridian, Idaho. 83642. Hillside Creek community. I did have a presentation. I will go ahead and just share my screen if that's all right.

Johnson: Okay.

Phillips: Let me know when --

Simison: We have it up. Chris, could you reset the timer for three minutes once he starts speaking.

Phillips: Mr. Mayor, Members of Council, the purpose of this brief presentation is to provide some insight to specific challenges that southeast Meridian residents are facing and how the mixed use designations could be best used to address these specific challenges. To that end I just wanted to show a visual representation of the 2019 new residential units. As you can see and to the surprise of probably no one, southeast Meridian is one of the residential hot spots. Examining more closely we see that Ada county assessor already has over 850 residential lots designated in the Century Farm, Hillside Creek area. Note this does not include the Hill's Century Farm North land that is being discussed right now. Those numbers also don't include the 850 plus residential lots that are part of the Sky Mesa development and surrounding neighbors to the west, the Shelburne development and surrounding neighbors to the north, nor does it include the preliminary plat plan that we recently received in the mail for development of 355 additional dwelling units that will be -- that's proposed to go across the street from Hillside Elementary. As you know with the growth comes challenges and it's my hope that the city ensures that the mixed use designation addresses these challenges. Community Planning Association of Southwest Idaho, COMPASS, specifically calls out mixed use development as an effective land use strategy for improving transportation and accessibility to meet the needs of residents. By having commercial in close proximity to those residents and Meridian's own mixed use neighborhood description it mentions that mixed use designation can be used to provide the surrounding residents goods and services that they need on a regular basis and provide employment opportunities. It goes on to provide sample use for the commercial aspect of the mixed use neighborhood as you can see there. Currently when the southeast Meridian residents like myself look for various services, this is often what we see in the Google Map results. Here is an example of coffee shop, salon, and you can see there is a big vacuum of space just south of Victory.

Sandwich shop. Ice cream shop. These are all just the different types of uses indicated in the -- the mixed use neighborhood. A gift shop. Drug store. Here I think there is a Rite-Aid about a mile north that just so happens to be in your -- in your -- in network. The 2019 new building permits visual shows only a few nonresidential permits, the red dots in southeast Meridian, which does little to alleviate our concern around the last commercial goods and services immediately underway. Certainly there are other mixed use designations in southeast Meridian, for example, the plaza across the street of Eagle and Amity that's planned to go in, will help. As you can see from the FLUM there are not any commercial only designation -- designated areas south of Victory. For this reason we need to embrace the commercial aspect of mixed use designation in southeast Meridian in order to create a walkable, bikeable, and serviceable community. And that's kind of the gist of it I guess. In conclusion, I hope the City Council will ride through the -- around storage units specifically -- while technically are commercial, my question is whether or not they are really the best use of mixed use designation, specifically as it pertains to southeast Meridian, whether it's a general lack of goods or services within close proximity to its residents. Thank you. Oh, I did look up also the Google Map results of storage units. There is actually one south of Victory. Last time I rented a storage unit it didn't matter whether it was walking distance really or not, I had to bring my truck anyway. It is a prime commercial location. The primary and secondary arterial roads to kind of go to waste.

Simison: Mr. Phillips, if you could wrap up, please.

Phillips: Yes. And, in conclusion, that's it. I just wanted to make sure that it was -- I was able to speak to some of the concerns that I have, along with other people in the community with -- that live in southeast Meridian around not having a lot of commercial in this location.

Simison: Thank you. Council, any questions? Okay. Thank you very much, Mr. Phillips. This is a public hearing. If there is anyone who is still watching online that would like to testify on this item, if you can indicate your desire to do so by raising your hand. Seeing no one who would like to testify, I will turn this over to the applicant for final comments.

Wardle: Mr. Mayor, Council Members, thank you. I'm going to ask Sonya to bring back the site plan, because Mr. Phillips has actually identified the real thrust of our whole program for what we call Century Farm North. There we go. As noted when you look at the complex that started out there originally with the YMCA and Hillsdale school, we have a whole series of commercial parcels available in addition to the self storage that Mr. Phillips cited. So, all of the uses that he noted in that mixed use neighborhood element are possibilities. We don't have those committed at this point, but there certainly are going to be the types of services -- potential retail, as well as professional. So, I believe that the concept that we have brought forward and will be completed with Hill's Century Farm North actually accomplishes the objectives that Mr. Phillips was encouraging the Council to embrace. So, with that, again, we would ask for your change of that one governing condition, 5.1G, to allow the commercial uses to proceed in advance

or platting, whereas the residential must be platted before building permit requests begin. Thank you.

Simison: Thank you, Mr. Wardle. Council, any questions? Okay. Any discussion? Or motions? Or silence.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I guess to kick things off, I would close the public hearing for H-2020-0080.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

Hoaglund: Mr. Mayor, I think this is --

Simison: Councilman Hoaglund.

Hoaglund: -- a fairly -- fairly straightforward change to do some things that staff laid out pretty clearly and put in a format that I think that we could support and so after considering -- I would move that after considering all staff, applicant, and public testimony I move to approve file H-2020-0080 as presented in the staff report for July 28, 2020.

Borton: Second.

Simison: I have a motion and a second to approve Item H-2020-0080. Is there any discussion on the motion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion passes.

MOTION CARRIED: ALL AYES.

E. Public Hearing for Quartet Northeast (H-2020-0017) by Brighton Development, Inc., Located at 4020 & 4340 N. Black Cat Rd.

1. Request: Annexation of a total of 68.73 acres of land with R-8 (48.42 acres) and C-G (20.31 acres); and,
2. Request: A Preliminary Plat consisting of 137 buildable lots (136 residential and 1 commercial), 19 common lots, and 2 other lots on 66.52 acres of land in the R-8 and C-G zoning districts.

F. Public Hearing for Quartet Southeast (H-2020-0018) by Brighton Development, Inc., Located at 4020 and 4340 N. Black Cat Rd.

1. Request: Annexation of a total of 22.26 acres of land with an R-8 zoning district; and,
2. Request: A Preliminary Plat consisting of 50 buildable lots and 10 common lots on 19.92 acres of land in the R-8 zoning district.

Simison: Item 6-E and F are public hearings for Quartet Northeast and Quartet Southeast, which are H-2020-0017 and 2020-0018. I'm going to open both these public hearings with staff comment and turn this over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. The next applications before you --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Mr. Mayor. Sorry, Sonya. I didn't mean to interrupt. Before we start these two applications I feel it's prudent for me to recuse myself from these applications. One of my customers is involved with the building team that will be potentially building in this subdivision -- in these two subdivisions, so I think it would be important for me to recuse myself from these conversations, since I would be directly impacted by it. Thank you.

Simison: Thank you.

Allen: All right. Mr. Mayor, Members of the Council, the applications before you are a request for annexation and zoning and two preliminary plats. A property boundary adjustment application was recently approved in Ada county that adjusted the boundaries of the parcels south of the creek in Quartet Southeast to that shown on the proposed annexation and preliminary plat boundaries per the record of survey shown on the right. Two separate preliminary plats are required because the Five Mile Creek owned by Nampa-Meridian Irrigation District lies between the two properties, because both plats are proposed to develop and be marketed based on the overall project. This site consists

of 86.44 acres of land. It's zoned RUT in Ada county and is located at 4020 and 4340 North Black Cat Road. The Comprehensive Plan future land use designation is medium density residential, which calls for three to eight dwelling units per acre, and that's -- excuse me -- approximately 50 acres of the site and mixed use nonresidential, which consists of approximately 41 acres of the site. A city park is also designated on the future land use map in this general area. The applicant proposes to annex a total of 90.99 acres of land between the two subdivisions with R-8, which is 70.68 acres and C-G, which is 20.31 acres, zoning and develop 186 single family residential detached homes at a gross density of 2.8 units per acre and nonresidential commercial uses on the site. The eastern 18 acre residential portion of Quartet Northeast is located within the mixed use nonresidential designated area, which is a nonresidential designated area that provides approximately a quarter mile separation and buffer to the city's wastewater treatment facility. Because the future land use map is not parcel specific, the applicant requests the medium density residential designation on the western portion of the property is extended to the collector street North Joy Way, which bisects the eastern portion of the property. The portion of the property east of the collector street is proposed to be zoned C-G and developed with nonresidential and commercial uses in accordance with the mixed use nonresidential designation. At the request of the city the applicant included the .97 acre outparcel at the southwest corner of Quartet Northeast Subdivision, where a sewer lift station is located in the annexation boundary. If you can see my cursor it's that little area right there. A concept development plan was not submitted for a nonresidential commercial lot proposed to be zoned C-G. The applicant states this lot will be the subject of future discussion with the city regarding a potential park site as depicted on the future land use map or consideration of other potential buffer uses determined by the results of the Public Works noise and odor study, which is planned to take place later this year. Although some residential uses are allowed in the C-G zone, staff recommends as a provision of the development agreement that no residential uses be developed on that lot unless a subsequent noise and odor study as conducted by the city determines residential uses are appropriate in that area. Two preliminary plats are proposed containing an overall total of 186 residential building lots, one commercial building lot, 29 common lots and two other lots. The subdivisions are proposed to develop in three overall phases, with the first two phases located along Black Cat Road and a third and final phase of the eastern portion of the site. The minimum lot size is 6,866 square feet, with an average lot size of 9,145 square feet. There are two existing homes, one within each of the preliminary plat boundaries, that are proposed to remain on lots in the proposed subdivision. These homes are required to hook up to city water and sewer within 60 days of services becoming available. Access is proposed via one collector and one local street from Black Cat Road. The collector street is proposed to extend over the Five Mile Creek and through the site to the north boundary for future extension to McMillan Road, consistent with the master street map. A 25 foot wide landscape street buffer is required along Black Cat Road and a 20 foot wide street buffer is required along the collector streets. A multi-use pathway is proposed offsite along the north side of the Five Mile Creek and along the east side of the collector street north of the creek to the north boundary in accord with the pathways master plan. If Nampa-Meridian Irrigation District does not allow the pathway and associated landscaping to be located on their property, the pathway should be provided within a 20 -- minimum 20 foot wide common lot along

the southern boundary of Quartet Northeast Subdivision. A minimum of ten percent qualified open space is required to be provided in each subdivision. Six point six five acres is required in Quartet Northeast. A total of 7.6 acres or 11.5 percent is proposed and 1.99 acres is required in Quartet Southeast, a total of 3.4 acres, or 17 percent is proposed, which exceeds UDC standards. Open space consists of half of the street buffer along the arterial street, the entire buffer along the collector street, a linear open space and common areas exceeding 50 feet by 100 feet in area. A minimum of one qualified site amenity is required for developments over five acres in size, within an additional amenity required for each additional 20 acres of land being developed. Based on 66.52 acres, a minimum of three amenities are required in the northeast portion and based on 19.92 acres a minimum of one amenity is required in the southeast portion, for a minimum of four amenities overall. A community swimming pool, a tot lot with children's play equipment, segments of the city's multi-use pathway system and one acre of qualified open space beyond the minimum requirements is proposed as amenities in the northeast portion and an additional 1.41 acres of qualified open space beyond the minimum required is proposed as an amenity in the southeast portion, meeting the minimum standards. The Creason Lateral runs along the eastern portion of the north boundary of the northeast portion of the development within a 40 foot wide easement in a common lot and is proposed to be left open. The Five Mile Creek, which lies between the two plats, is required to be protected during construction. A portion of the site is within the Five Mile Creek floodplain. A floodplain permit will be required prior to development of this area. Conceptual building elevations were submitted as shown for the single family homes. Homes are a mix of one and two story units with building materials consisting of a variety of siding styles, with stone and brick veneer accents. No elevations were submitted for the nonresidential commercial portion of the development, as no development is proposed at this time. The Commission recommended approval of these applications. Mike Wardle and Jon Wardle, Brighton Corporation, testified in favor. No one testified in opposition or commented. Written testimony was received from Carrie Hovey. Concerns pertaining to traffic and safety of existing two lane roadways and the amount of development occurring in this area, which is worsening the situation, and impact of more development on areas schools. Would like these applications to be rejected or at least postponed until road infrastructure and schools can be prepared to handle the additional impacts. Key issues of discussion by the Commission were as follows: Concerns pertaining to growth and traffic and adequacy of existing infrastructure to handle more development until improvements are made in this area and the option of requiring the noise and odor study to be completed prior to development of phase three to determine if residential uses are appropriate in the area current -- currently designated mixed use nonresidential. The Commission made the following changes to the staff recommendation. They modified Condition B-1-2 to require the water main in North Joy Way to continue south through Quartet Southeast to provide a second connection out to Black Cat Road with the second phase of development, instead of the first phase as recommended by staff. There are no outstanding issues for Council tonight. Written testimony since the Commission hearing was received from Mike Wardle, Brighton Corporation, and they are in agreement with the Commission's recommendation. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff at this point? Okay. Hearing no questions --

Cavener: Mr. Mayor?

Simison: Oh, Councilman Cavener.

Cavener: Thanks, Mr. Mayor. And not a question maybe for Sonya, but maybe a question for either -- I see Laurelie is on. I think Dale is here as well. Just give me a sense about the status or the plan for the noise and odor study. I know it's something the department has been considering for a while. I'm just curious if you can give us a quick update as to what the plan is to conduct that and when do you expect it to be complete?

Dolsby: Mr. Mayor, I can do that as well.

Simison: Mr. Dolsby.

Dolsby: Mr. Mayor and Council Member Cavener --

Cavener: Sorry. I didn't know you were on. I'm sorry.

Dolsby: I jumped off and went down to chambers a little while ago, so -- the odor study has been kicked off. We anticipate to have the sampling for the study done in early August and towards the end of September we will get some preliminary results from the study, so that's kind of the schedule we are on right now to complete that study that they mentioned.

Strader: Mr. Mayor, some follow up.

Simison: Council Woman Strader.

Strader: Maybe what would be helpful is kind of walk us through it. Is it an study, enough information to make a final determination on things? I mean that's -- to me its like a wind study, you know, like trying to capture the wind and what it's going to do. Is there an element of discretion involved here where you might require something more than an odor study ideally to make those final determinations?

Dolsby: Mr. Mayor, Council Woman Strader, so to complete the odor study we do do some monitoring out at the wastewater treatment facility. Then there is -- we do have some subjectivity in the results. There is some standards of the industry that you want to keep odors within a certain level, like say the -- for instance, the odor study we completed in 2004 had a diagram that showed different levels of odor and as you move farther away from the plant, obviously, the odor dissipates. The plan that they have shown today that shows the phase one, two, and three, we measured it and the road on the edge of the development is about 900 feet from the corner of our property, which if you went by the study that we completed previously, it would be -- we would be in favor of the plan as it

stands right now. There is no guarantee that the study we are kicking off now we will say the -- result in -- have the same result, but I would say that as time goes on we do try to be cognizant of odors. With new projects we complete at the facility -- we have enclosed our headworks facility last year, which was a major source of odor that we controlled. We are looking at that in future projects as well. There is still odor from the facility. Don't have a high level of complaints right now and we are completing that study as I mentioned.

Cavener: Mr. Mayor, additional question if I may.

Simison: Councilman Cavener.

Cavener: Clint, recognize the study takes in kind of a moment of time today, how does the study comprehend future growth and the impact on both noise and odor, recognizing that the footprint that we have for the WRRF today will not be the same into the future.

Dolsby: Mr. Mayor, Council Member Cavener, so the study will look at the projects we have planned in probably a ten to 15 year horizon, but, honestly, the -- the monitoring they are doing is just based on what's built out there today, but we do look at that horizon when we are looking at the odors that would emanate from the plant and we -- as we do future projects we are making a real effort to control odors in those projects. I mean there is no -- I guess there is no guarantee that there wouldn't be odors that would be reported outside of the areas that we designate, but we are doing everything we can to control odors as we do future projects at the wastewater plant.

Cavener: Sure. Thanks, Clint.

Simison: Council, any additional questions for staff at this time? Okay. I will turn this over to the applicant for their comments for 15 minutes.

Wardle: Mr. Mayor, Council Members, again, thank you. Mike Wardle, Brighton Corporation, 2929 West Navigator, Suite 400, Meridian. 83642. Knowing that Sonya provides all the necessary information on this particular case, she has done so, we did not prepare a formal presentation. We do have some slides that perhaps we would refer to just to articulate a little bit more of the primary issue that you folks looked at and that is the relationship of the property to the wastewater treatment plant. Sonya, I'm going to ask if you would bring in the four slides that I have provided to you and it would be the second slide that I would ask you to focus on. And I have no clue whether it's possible from here or not, so I will rely on Sonya. Back a couple of slides, Sonya. It would be -- that's number four. So, if you go back to number two. There you go. Perfect. Thank you. When we sat down with staff in pre-application discussion of the overall site and property, we knew that this particular issue was going to be a primary point of discussion and concern. It was staff's opinion during that period of time that there probably could be some separation, because if you, essentially, connected the quarter mile location or the quarter section locations, you know, and did an arc around there, it would kind of resemble what the collector roadway, which becomes the easterly boundary of that project is. So, we went forward with a design on using that arbitrary line at this point, creating a

nonresidential parcel for future discussion, knowing that the city would be conducting that study and leaving the question open to future consideration. An application. So, we are aware of the issue and I appreciate Clint's statement that based on the prior studies it would not be an issue with this particular proposal as it has been presented to the Council. We do agree with the -- the recommended conditions of approval and the Planning Commission's recommendations for approval of the annexation with the two R-8 and C-G zones and the approval of the preliminary plat conditioned as presented to you. So, unless you have further questions, I would stand for your -- I would just end at that point and allow for your discussion or consideration. I just would note, since Sonya did cite some of the considerations and discussions that the Planning Commission had, the school issue -- there was a letter presented and it's in the records from the West Ada School District that noted that there is an elementary school just nine-tenths of a mile to the north that will be opening this fall. Hopefully our children and grandchildren will be going back to school, but that facility is actually located partially on property from our Cambridge Subdivision project. They also noted that in the middle school situation -- and, again, it's the Star Middle School, but we don't control their school zones and boundaries, but there would at this point be 308 spaces available in that middle school situation and at Meridian High School 439 spaces available based on current enrollment and their capacity. With regard to the transportation system -- and it was cited that there was a comment made by Carrie Hovey in June prior to the hearing at the Planning and Zoning Commission, her concern expressed about, you know, infrastructure. We would just note -- and, Sonya, if you would go back one more slide -- thank you. There is a little orange dot kind of hidden in the area to the west side of that parcel and that's -- that's the parcel that Ms. -- Mrs. Hovey lives and the same mitigation will be provided by Quartet Northeast as the builder of her home two years ago provided through the impact fee structure of the Ada County Highway District. We all acknowledge the challenges, but, in reality the development in this particular case -- and you can see the -- the total of the future property development that we will be bringing forward -- will provide the infrastructure, sidewalks, roadway widening and improvements that are required by ACHD along that corridor that otherwise would sit and wait for some undetermined action in the future. So, acknowledge the challenges, but the school district has provided information to you, noting that there are -- there is capacity at this point in time and that we certainly will be contributing 187 times 3,143 dollars in impact fees to the Ada County Highway District for improvements in addition to those that we will also construct by widening at intersections and adding sidewalk along Black Cat Road. So, at that point I would conclude and stand for your questions.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Mike, one question that's come up occasionally and this application begs the question. On that phase three, which is to be zoned C-G, it's not platted and it's just in a holding period until the noise study is done. What's the -- the reasoning behind annexing

that part now, other than it's just all one parcel perhaps? I mean given that a zone, you know, entitles it to immediate development rights and, you know, the noise study is going to be done and -- I'm not quite sure how that would formally constrict any future uses. I get the intent is all good, but help me understand that.

Wardle: Well, Mr. Mayor, Councilman Borton, interesting that when we do bring parcels we are expected to bring them entirely or in the case of Quartet Southeast we had to do a property boundary adjustment to create that parcel, but there was already two parcels south of Five Mile Creek, so we just did an adjustment there. So, we would have had to have done the same thing in the northeast parcel, but, obviously, the landowner, the Quenzer family, didn't really want to break it up and create some uncertainty. So, it just felt like the solution was to bring it forward, but note that it would be at this point nonresidential. There are three options that will be forthcoming. One would be -- and it's uncertain as to why the city's recently updated Comprehensive Plan designation actually does put in a park site designation on that parcel in that nonresidential area, so it could be a park, if the city so chose, or it could be a buffer in perpetuity if the city determined that no use would be appropriate, but at that point, obviously, the city would have some responsibility to secure that buffer or based on a determination through the study that Public Works is doing some nonresidential use could be brought forward through some future application. So, it was primarily just because it was an entire parcel and I think you hit that right in the beginning of your comment.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: That's helpful, Mike. I guess one quick follow up on that is if it's, you know, two years down the road -- or maybe not too far down the road, but if a noise study says -- the noise and odor study says ultimately uses one, two, and three are appropriate, but four through ten are not appropriate, so the city says, well, now you can't do four through ten and you say, well, I have got a C-G zone, I want to do four through ten. I mean how does that -- how does that disconnect -- you used the phrase the responsibility is to secure the buffer with the city, I'm just trying to contemplate are there -- are there any unforeseen circumstances where the city in its study might say we don't think you should do X and you want to do X and how does that get resolved? How do we secure the buffer?

Wardle: Excuse me. Mr. Mayor, Councilman Borton, through the same process that we are holding right now and that would be to start with site specific discussions with the Planning and Public Works staff to determine what uses would or would not be appropriate. So, it's -- it's a conversation that we know will happen in the future, but it -- I don't know that we can hypothetically dawn any conclusions this evening of what that may be or may not be, but it's open and it will be discussed and concluded in the future.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The last question on it. And it certainly will probably get resolved and worked out as you have described and maybe it's a Mr. Nary question, but I just don't understand the -- what happens if you don't. I mean what are the -- what are the -- what's the structure built into this request today that allows that to be resolved. Let's say you are having that meeting and there is -- there is disagreement, is there something in the DA that says while the -- if there is a disagreement the city has ultimate final say on that issue or the applicant does or -- I just don't -- I don't understand how that works if there is a disagreement down the road.

Wardle: Well, Mr. Mayor, Councilman Borton, again, staff's saying that it would -- there would be no residential uses there. There would possibly be commercial uses that would be appropriate, we just don't know at this point and we are not concerned at this point until the studies are completed and we know more of what the options are. So, I -- it's just a future discussion that we have, but we are not -- we are not at this point making any determination of exactly what that may be, we are just leaving it open.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just some thoughts. I think we are trying to be very forthcoming about our concerns now with people, with all this COVID out there with life. My main concern in tying the development of phase three to an odor and noise study is that from speaking with the Public Works Department I feel that that study is not an adequate determination of everything we need to know to make that decision. They are not cut and dry. It sounds like they are very subjective and they -- they can say that a two mile radius has some odors, that odors are worse the closer you get -- it depends on the way the wind blows. Just is a lot up in the air. I have been struggling a little bit. I think -- I would need -- personally, I guess I would like the applicant's feedback on is, you know, for phase three, not only could be contingent on the completion of a noise and odor study to determine appropriate uses, but I would also need, you know, the Public Works Department to opine that there is adequate buffer space next to the wastewater treatment plant and I would love to have them sort of sign off on the plan, if you will. So, sort of struggling a little bit with just having it contingent on just a study. I just -- I'm not sure that gets me there. I -- my initial reaction was just to delay the whole thing a little while until everyone could come to agreement and we have that input and from speaking with them it sounded like they were okay -- and I don't want to speak for them -- they are okay with -- they just said phases one and two, but I think three maybe not. So, that's -- I would like your feedback on that, because that's what I'm struggling with.

Wardle: Mr. Mayor, Council Members, I'm going to turn a moment over to Jon Wardle to address this a little bit further.

J.Wardle: Mr. Mayor, Council, Jon Wardle, 2929 West Navigator, Meridian. 83642. I appreciate the opportunity to -- to talk about this for just a minute, because I -- I have had very direct conversations with Mr. Bolthouse and Mr. Stewart on this very issue. It is a

single parcel. So, let me just address that first that because it is a single parcel we are bringing it all in, annexing it at this time. But we did sit down very specifically and looked at that roadway alignment and, basically, established a line that Public Works -- and Clint can correct me if I'm wrong here and I will let you do that -- but we drew a line basically saying everything east of that line, which is the road, would be held in a zone that is compatible with the current Comprehensive Plan until the time that the odor study comes back and, then, we can sit down and talk through that again. We aren't asking for anything on that property at this time. We know that residential currently is not acceptable. We do know that there are conversations that need to be had, but that collector road that will go from Black Cat eventually all the way to McMillan provides a very good line at this point, which in our conversations with city staff, was that it was a -- was the delineation and so based on those conversations that we have had directly we felt like, yes, we could create the commercial buffer to the east and the residential to the west and those conversations, which would be, quote, phase three, could be had at a time in the future and we can come back with a full plan and, like Mike indicated, it could be a variety of things, but at this point we -- we are not asking for any of those, other than the zoning that would be acceptable to the city based on the Comprehensive Plan.

Simison: Council, any further questions for the applicant?

Strader: Mr. Mayor, maybe a follow up.

Simison: Council Woman Strader.

Strader: I guess I'm wondering if -- you know, is there any harm -- or help us understand your -- your timeline for your phasing and -- we are looking to get started like, you know, the end of July -- it sounded like there will be some preliminary feedback in early -- so some point in September -- I'm thinking we are two months away from getting the key input and possibly this could be a stronger application if you, you know, came with a -- maybe opinion for Public Works about an adequate buffer around the wastewater treatment plant. Maybe give me some feedback on that in terms of your timing.

J.Wardle: Mr. Mayor, Council Member Strader, thank you for the question. I do want to restate that we did take this very specific plan to Public Works and the -- the location of that collector road is not like what -- that was deemed to be a good delineating point, so -- that we could come back in the future and address what would happen to the east and as noted by Sonya, we aren't asking for anything on the east of that collector road at this point in time. With that said, our phasing, however, we would be developing in Quartet Northeast, north of the Five Mile Creek first, about a 24 acre phase, but it does come down and it does connect to that collector road. Maybe, Sonya, we can go to the third slide here. Yeah. Right there is great. So, we would be building from Black Cat Road north of Five Mile Creek all the way through and making that first connection to the collector road, which is the buffer and also building a bridge over Five Mile Creek, so that we could provide secondary access. The timing of this is pretty critical for us. As you know, as we experienced recently with the construction on Ten Mile, and, then, building over Five Mile Creek, which also happened in the irrigation season, which also happened

where we had a lot of rain and things like that, the ideal time for us to be building that bridge is this winter and so the longer we take to address what's appropriate of that collector road, which is -- which is a step point, by the way, the collector road as it goes to the north, that also aligns with a future collector on a -- to the north the existing public road -- getting this collector set so we can build it over the winter is pretty critical to us, because we would also be building secondary access out to Black Cat south of Five Mile and creating -- or finishing that water loop, which was also something that Public Works wanted us to do. So, we would have that life safety issue as well. So, that kind of -- that's the timing that we have in play right now.

Strader: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question on the -- on the -- follow-up on the phasing, if you would. That first phase is in Quartet Northeast and I noticed that there will be -- the secondary emergency access will be that perimeter road where your -- your boundary is to the buffer and it will come to Black Cat there out of Quartet Southeast as a gravel road. I was just curious in future when phase one is completed and Quartet Southeast is phase two, if I remember correctly, is -- is that entryway off of Black Cat going to be completed for construction or are they just going to use that for construction? It's just interesting when we do these in-fill projects, the people that are already there are complaining we want the construction vehicles to come in a different way and even though it's -- it's empty right now, those folks will probably be saying the same thing when -- when phase two starts, how come they are driving through our subdivision -- you know, our part when they could come in another way. So, I was just curious about the timing or the -- how phase two would be accessed at that time.

J.Wardle: Mr. Mayor, Council Member Hoaglund, thank you for the question. Ideally Quartet Southeast would be accessed directly off of Black Cat south of Five Mile Creek on that -- that collector road that we would be building. We, obviously, will have some coordination that needs to happen, but for the development work in particular we will be able to come right off of Black Cat Road to do that construction work. I also think that when homes are being built in Quartet Southeast, that that obviously -- the construction -- the direct line to get there would be off of that collector road as well and not coming through Quartet Northeast. So, I don't think the access from a development perspective for home construction will impact Quartet Northeast and, then, we move to the balance of that area of Quartet Northeast we will have that collector road that will come right off of Black Cat as well. So, I do think that we have -- we will be able to satisfy that and minimize the impact. We are very well aware of those. It does happen with every single multiple phase project we have. You know, the first phase that gets built and phases later on happen. We do have a very tight builder team and we -- we do talk with them frequently when these issues come up, so we are aware of it, we do address it, and we will, hopefully, be able to minimize it over time.

Hoaglun: Thank you, Mr. Mayor, Mr. Wardle, appreciate it.

J.Wardle: Thank you.

Strader: Mr. Mayor, I have a question for Bill Nary.

Simison: Council Woman Strader.

Strader: Hey, Bill, a question for you -- I'm thinking of some conditions of approval around phase three -- I don't know how the rest of the Council feels about it yet, I haven't proposed it, but any addition to the study that there is approval by the Public Works Department in their sole discretion on the adequate configuration of buffer space around the wastewater treatment plant. I'm just curious along with what Councilman Borton was saying, if the phase three has a condition and this has a certain zoning, what are the teeth that the city has to ensure that that happens in the future?

Nary: So, Mr. Mayor, Members of the Council, Council Member Strader, there is a couple of questions in there. First, I wouldn't recommend that you have Public Works be the final decider. I think ultimately the City Council should be the final decider on what goes there. The zone that's proposed, again, has some uses. Again, you can put a limitation on that portion of the DA that basically puts the C-G zone. I think from what I understand from looking at the staff report and listening to the testimony, the C-G zone would line up, because, again, that's uses that have previously been allowed here and so it was trying to be consistent with the current uses that are allowed. So, the concern wasn't that somebody would build a C-G project there without the Council of viewing it, but if you wanted something that required the Council to have to review whatever was going to be proposed there you certainly could do that. I don't know if the applicant would be resistant to something that -- that stringent, because, again, we have anticipated uses there other than residential and it's been that way for almost 20 years. So, I think what they are doing is trying to get some movement that residential could be considered -- Public Works' consideration of that in those studies. Council ultimately will be the decider on whether or not residential people will be allowed or any forms of residential, such as -- such as nursing homes or other types of things. But certainly we can craft the DA in any fashion, but I think that Council should be the final decision maker on that, with input, obviously, from Public Works and that we can craft whatever you want in that C-G zone or limitations on that C-G zone, but, again, in the past we have allowed other things in that C-G zone, such as storage, for example. That's why it's right there adjacent to it.

Strader: Follow up, Mr. Mayor?

Simison: Council Woman Strader.

Strader: Totally appreciate that. I just consider this a very abnormal circumstance because of its proximity to the wastewater treatment plant and the specific safety and other concerns around co-locating there. So, if I can confirm, it sounds like a possible

additional condition could be City Council final approval of any use in phase three with input from the Public Works Department. Is that right?

Nary: Yes.

Strader: Thank you.

Simison: Council, any further questions for the applicant?

J.Wardle: Mr. Mayor? Mr. Mayor?

Simison: Mr. Wardle.

J.Wardle: If I might, there -- that additional language that Council Member Strader was recommending, it likely would go into an existing condition that's there already, which is A-1-E where it does talk about no residential uses shall be developed on that nonresidential commercial C-G parcel, including multi-family, vertically integrated residential, and/or nursing home care, unless the subsequent noise and odor conducted by the city determines residential uses are appropriate in that area. So, if -- if you are going to insert something additional, that probably is the spot to put it, just a little bit more clarification, but we have been reviewing these conditions and we are committed to work with Public Works and the city on that point, so -- so, that -- that phase three, which we represent -- it's actually -- we may have more phases in here, but we -- maybe we just will refer to it as the C-G zone, that nothing happens in that C-G zone until the odor study is complete. We have worked with Public Works and we come back to the city with an acceptable solution for that site in the C-G zone and a DA mod.

Bolthouse: Mr. Mayor? This is Dale.

Simison: Mr. Bolthouse.

Bolthouse: I have been -- I have been kind of patiently listening into the conversation and I do have a couple of comments to make as it relates to kind of the historical process of this particular designation and I -- I just want to clarify a couple things for the benefit of -- of Council and the applicant. So, this particular area was developed as part of the 2002 future land use map process and was adopted in August of 2002. The first noise and odor study that was completed by Public Works at the wastewater treatment, did not occur until 2004 -- September of 2004. So, the initial designations that were made were a rough estimate of what might be a reasonable, proper space for nonresidential around the area. It was not predicated on any kind of noise and/or odor study. That came two years after this designation was created. Having said that, that study made an attempt to look at the existing processes at that time, make odor -- do odor analysis around the facility that each of the component processes that were in place at that time, project them to a future growth and, then, model based on atmospheric conditions, if you will, on what the probability would be that you would have odor concentrations and frequency that could constitute complaints and that overlay study and this designation in the blue map seemed to align

reasonably well. That study also identified a number of ways that the facility can, in fact, make investments in the processes to reduce that odor -- reduce those sources of odor and many of those have been completed over last 15 to 20 years -- I guess 15 years since that initial study was completed. Clint did mention a few of those that have been completed -- the largest being most recently with the headworks project where the city made a significant investment in enclosure of those odor causing processes, as well as putting in an activated bio-filter system. There have been another -- other similar movements and just anything we do at the wastewater plant we do take into consideration, you know, its impact on odor. So, it's with that information that we now look at where we are at today. We have been planning this odor study for the last couple of years to get ourself an updated analysis completed to see what that looks like. It is our opinion that we believe that with the investments we have made in technology at the facility that it's likely to have improved since the original study was completed back in 2004 and as Clint mentioned that if we were to kind of overlay this development recommendation, that -- over the old report that it would likely suggest that the risk of odor concerns that are lined out here with the development phasing plan, would -- would likely be an acceptable situation and we hope that that gets confirmed with the study that's underway. As Clint mentioned that study will be concluded here in the month of August. We anticipate preliminary results and something to talk off of by the end of September and look forward to that effort. We did not include noise as part of this study. It did not go show itself as a significant issue back in 2002 and we have not added any noise producing operations in our facility that we haven't consciously made efforts to muffle and enclose and do those kinds of things for noise as well. So, we chose not to include noise, but rather it's just an odor study at this point in time. We have engaged with Brighton and Quenzer on this property discussion some time ago as we looked to secure additional access to the wastewater facility and so one of our options continues to be some kind of access along Five Mile, whether it followed our pressure sewers from our Black Cat lift station on through or in this case, you know, the possibility of securing an access way from the proposed development and the roadway and the bridge that's being proposed here. So, we have had a lot of conversation over the last few years in terms of how this property would develop, what kind of access was going to be secured with it and whether or not we felt like it was going to offer the city adequate buffering space from the no odor standpoint in the odor study. We have had four odor complaints that we have registered at the wastewater facility in the last five years. All of those odor complaints are downwind, if you will, to the east and to the south of the wastewater treatment facility. We have had no complaints in the other directions and we have had two complaints in 2019, one I believe in '17 and one in '2016. So, we look at the developed areas to the east and to the south and we recognize that that appears to be -- even with the prevailing wind, you know, a pretty adequate buffering situation in those -- in those directions.

Simison: Council, any questions for Mr. Bolthouse?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Not a question, just a comment to back up the director's comments there right at the end. For 25 years I have lived directly due east of the plant and it's exactly a half mile -- not to the edge of the property, but to the waterworks itself. And there were times that during the year when you could -- you knew the plant was there and I have to say over the years it has gotten better and better and I can't tell you now when -- when was the last -- when the last time was that I smelled anything from the sewer plant. So, I think their mitigation efforts are helping and it certainly is not an issue where there is going to be a lot of -- a lot of complaints. They do a great job there. I can see, you know -- and the prevailing winds do tend to come from the northwest and west, so -- and occasionally the wind may shift, but certainly if they have laid out that buffer area and are going to explore that, I think that's -- that's a good thing. It's -- I think it's something they need to do, but with the way our plant's operated I'm fully confident they are not going to find much, so I'm optimistic about that just based on experience of living there and having that grow in -- in our neighborhood if you will.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, Jon or Mike, whoever would like to respond to this. I want to start a conversation in a different direction regarding traffic movement on Black Cat, transportation in that area. A lot of the information in the ACHD final report was from earlier in 2020 and -- and prior years and I really don't feel like it reflected -- accurately reflects what is -- what is going to be happening along Black Cat with the many different applications that we have had this year. I think we approved three last week off of Black Cat, something like that, and so we -- we have a lot of residences coming in in a very, you know, short distance from one another. So, what I specifically was wanting to find out from you is did you have any conversations with ACHD regarding when their exact timeline is -- or more specific timeline for the widening of Black Cat between Ustick and McMillan? I know it's set in the -- the five year plan between '21 and '26. Have you received any information from them on when they are going to start design, sort of what the time frame is for that and how -- and, then, could you share with us how it relates to when you -- when your properties will be complete and ready for sale?

J.Wardle: Mr. Mayor, Council Member Perreault, thank for the question regarding transportation. We -- we know that is a -- very much a hot item everywhere. Fortunately, when we did -- and I can't talk to what's happened in the last couple months, but we did go through a full traffic study on this with ACHD, taking in all of the background of projects which are -- had been approved and in the pipeline to look at it. So, we -- we are aware that transportation is something that is very much on the top of everybody's mind. But you are correct that they -- this -- this segment of Black Cat is in their five year work program. I do not have a date in terms of when we will be looking at design. We -- we actually -- and we could probably go back to the previous exhibit that will show it, but we do control a lot of the frontage here all the way down to Ustick down. At this point in time

we are only bringing in a small portion of the project, so that we can start making these life safety connections across Five Mile Creek. We will have more robust conversations with them as well. There is a roundabout planned at this intersection. There are -- at the intersection -- at the half mile that we would be completing and working with them and I would anticipate we would also do a -- a cooperative development agreement to make these improvements as we are working on the project, so that we are not holding out a long period of time. Now, there is a quarter mile north of us, which we don't control, so we will have to have that conversation with ACHD on how to make that happen as well. So, we -- we very much are aware of the traffic situation and we will continue to work with ACHD like they have with other projects to expedite improvements as much as we possibly can.

Simison: Council, any further questions? This is a public hearing. Mr. Clerk, did we have anybody sign up to provide testimony on this item?

Johnson: Mr. Mayor, we had nobody sign up in advance.

Simison: Okay.

Johnson: We do have a hand raised.

Simison: Okay.

Johnson: That is Denise LaFever and she's coming in now.

Simison: Okay. Denise, if you can provide your name and address for the record and you will be recognized for three minutes. You will have to unmute yourself.

LaFever: Got it. My name is Denise LaFever. I'm at 6706 North Salvia Way. I do have some comments back. I was present at all the comp steering committee meetings and I took them seriously. On the day that the future land use map was discussed, Mr. Turnbull and Mr. Wardle were both there. I asked the committee to allow both of them to participate. The mixed use nonresidential that's -- that's shown on the application was later specifically discussed at a later meeting. The developers present voiced their concerns. The consultant, Brian and Caleb, based on comments from the city staff folks all held to keeping this area mixed use nonresidential due to the plant use not being compatible with residents. Residential complaints. And the biggest concern was future plant expansion. They held very strongly to keep it the way it was. In addition to that, I also have concern of just blanketly taking a C-G zoning without any idea or concept of what is going to be built there. That just really puts a real bite into what if they go back to it and want apartments, unless it's conditioned that there is no residential in there. What if the use is really high and now we didn't take into compact that -- take into consideration the additional liability that that may cause for this addition. In addition to that, on the north -- the northwest area, it wasn't really clear what that's going to be developed. Was that -- was that designated float -- floated to mixed use -- mixed use residential? Is that -- I just don't see -- I just don't see where it's really clear what these large chunks of lands

are going to be developed as, which causes a lot of angst for residents in the future, especially those residents that move in to those subdivisions that think that they are going to go back through and have something developed over there, only to find out that the use -- they think they moving into a subdivision and now all of a sudden they have storage or -- or a big commercial use or some other use that they weren't anticipating. I just don't think it's right for the residents. But, furthermore, this was discussed at length at our meeting and it was decided to keep this mixed use nonresidential. That's all I have to say.

Simison: Thank you. Council, any questions? All right. Seeing no one else on the call who would be able to testify to my knowledge and no one in the room, I will turn this over to Mr. Wardle for -- the other Mr. Wardle for closing comments.

J.Wardle: Mr. Mayor, again, Jon Wardle for the record. Thank you very much for the opportunity to testify. I -- candidly, yes, we were very much at the table during the comp plan discussions. We had submitted not only verbal conversations in those meetings, but also letters regarding this issue. We made a very concerted effort to go meet with Mr. Bolthouse and with Mr. Stewart regarding this issue. I think Mr. Bolthouse has already addressed this, but the location of the collector road that we are showing here really is where the city feels like this impact is -- we don't have an impact. So, the collector really is a good designation for this and that's why it's delineated exactly where it is. It provides over 900 feet from the corner as it exists currently from the wastewater treatment plant corner. So, we have not gone into this with -- with some level of understanding. We -- it was also stated to us at the time that the comp plan was going forward that the city wanted to initiate this odor study and, therefore, at that point they didn't want to make a change to that. So, what we are proposing here as part of this annexation and zoning request is to use the collector road as the point. East of it would be C-G. West of it would be residential. We -- we are committed to not proposing any residential on that until there is some sort of consensus as what the appropriate buffer should be on the wastewater treatment plant. And we also know that the city has recently acquired land directly north. There may be a portion of that that -- that truly needs to be the buffer and we understand that as well. So, there is conversations that need to happen, but the C-G zone is appropriate. There is a condition in there that holds very clearly that no residential uses can be proposed. That will be in the development agreement and we -- you know, we agree with that. There is more work to be done, but that C-G zone will come back to the city in the future and we will discuss the appropriate uses and any modification to the development agreement which would be appropriate at that time. We do request your approval. We are excited to be able to propose Quartet and to provide additional opportunities in Meridian, which is a great place to be. One of the things that's kind of overlooked here, but it's important where we have been very focused on with all of our communities is how do we connect people in a nonvehicular way. Five Mile Creek is -- is something that we control quite a bit of. The city controls Five Mile Creek and we are going to be able to create another regional pathway that will connect from Black Cat to Ten Mile where you have connections the other direction already. That's something that we probably should have talked about a little earlier, but that's a great community asset. Not just a Quartet asset, but a community asset for all of Meridian to continue these

regional pathway systems. We do request your approval of the Quartet projects and I would stand for any other questions you might have for me tonight.

Simison: Thank you. Council, any additional final questions for the applicant? Okay. Thank you, Mr. Wardle.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I would be happy to kick off a discussion or happy to close the public hearing, but we have had a bad track record of doing that, but looking around should we just discuss? So, I -- I think in my opinion I really would like -- if we move forward with this project for me to be comfortable I would need not only the completion of the odor study, but I really feel to be comfortable I would, then, need City Council approval on any future use for phase three with input from the Public Works Department. I just think that this location is critical -- an extra critical infrastructure and having their input on the configuration of buffer space is essential and we only have one chance to get it right. I wouldn't even be comfortable tying it to one of the other conditions. I think it should just be in blanket condition for City Council approval on any future use for phase three.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: The battery in my iPad is going to die, so I will share my comments before I maybe relocate back into Council Chambers. I really like the idea of this project. Brighton's got a good track record in our community, but, man, I -- I have some really strong reservations -- not even about phase three. There is elements of phase one and two that I think are -- are, frankly, too close to the wastewater treatment plant that without current updated data it's really hard for me to get on board with this project right now. I'm supportive of having a conversation about limiting anything in phase three. I appreciate what the applicant has done and relying on data and engaging Public Works early on, I just think that some of this is a little premature without a sound and -- and odor study being complete.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. I'm -- I'm less reticent about moving forward. From the standpoint where we have had Public Works engaged in this, we have had them out there -- there has been a previous odor study. Although it's been a while and it definitely needs to be updated and they feel comfortable with that -- where that boundary is to put out there and they are -- they are marking that off, they are not going to put any residential in that eastern part --

Simison: Councilman Hoaglun, it seems like they are having a hard time hearing you. Try a little less is more.

Hoaglun: A little less is more. How is that? Less is more? Can you hear me? Kind of?

Cavener: That's better.

Hoaglun: This is too much; right? How is this?

Cavener: Not great.

Hoaglun: How is this?

Cavener: Even worse.

Hoaglun: How is this? Better?

Cavener: Wonderful. Yeah.

Hoaglun: New Microphone. Okay. Yeah, they just wore out. I was just saying I'm less reticent about having this move forward from the standpoint that they have engaged Public Works, they looked at where the areas of impact could be -- possibly be. They have done previous odor studies. I would like to think Public Works, if it had concerns about this would have made certain that they would be known and -- and Mr. Bolthouse had talked about and gave us some background on -- on how it all transpired and whatnot. The technology at the facility, as I have experienced firsthand, has -- has improved tremendously and I think the covering of the -- the unit -- and I can't remember what it's called, the waterworks one, has -- has reduced some of that odor immensely. I mean we have Five Mile Creek right there and we have a -- our pathway system is going through that and we certainly don't want people -- what my son would call when he was three years old -- stink your nose. You know, hold your nose when you walk by. So, you know, we -- that's -- that's a city amenity. So, we know we have to make sure that that facility is operating well within tolerances of -- so people won't have to stink their nose and -- and that means people who live nearby and there is other development that's going to happen. The area around that is a -- is a commercial application, because we can feel comfortable that offices, warehouses, whatever is in those areas under our C-G zoning will be within -- well within means. They aren't going to be there at midnight and if there is a burb from a methane tank or something, whatever might happen, no one -- no one is going to notice that. So, I'm -- like I said, I'm less reticent. I mean I'm open to ideas on some of this, but I just don't have as much angst over it, but I'm willing to certainly discuss it further.

Simison: Council, my two cents for your consideration is -- you know, we often hear about people that buy a piece of property that expect a house -- they see an empty field and, then, they didn't know what's going to go in next to it. In this case we have a developer who will have a fully functioning wastewater treatment plant in operation where people will be purchasing a homes yet to be built and will have the opportunity to be on premise

first hand and see, hear, and smell before a single home is ever purchased. If that's not buyer beware I don't know what is and, quite frankly, I can't think that a developer is going to put homes in an area that are going to -- you know, knowingly before they are ever sold be -- be subject to those circumstances. Now, I could be wrong. Maybe there is a market for smelly homes that I'm not aware of, but I do think that sometimes common sense and practicality does weigh out and the, you know, future buyers of these homes have one hundred percent full disclosure of the situation, more so than a vacant field that may turn into something else that they don't like.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I -- I couldn't agree with you more. But, then, I -- I recall I think when I worked for the city watching what happened in the city of Nampa with the Lactalis Cheese Factory and development occurred around that and suddenly the people that moved around the cheese factory were upset about the noise and the smell coming out of the cheese factory. The piece that causes me pause is that we are not done building the WRRF. As Meridian grows and expands so, too, will our need to expand out on that campus and we know that citizens will have an expectation based on when they move out there, but any changes or shifts I think will likely be met with a lot of public resistance that I just don't think is appropriate. So, I hear you and I think that you are correct, although other municipalities where the public would understand, haven't necessarily come to that same conclusion.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I -- I think I'm tracking mostly with my fellow Council Members' concerns, but I want to throw a couple of -- of things out there. First of all, there is -- there is a lot of residential already built around the existing treatment plant to the east. All along Ten Mile there is -- there is a lot of -- of subdivisions and residences already there and I trust that Mr. Bolthouse when he says that they have had four complaints in the last five years, that he's done his research on that and that there would have been more complaints from those residents that will be just as close -- or that will be about the distance, probably, as the residences on the east side of Ten Mile. We already know that people live in and near the plant -- the plant as it is and that we can use that information as a -- that history as an indication of what the public's concerns are regarding the wastewater treatment plant. In addition, we still live in a rural agricultural area and I don't know if you have ever lived downwind from a dairy, but it smells a heck of a lot worse than a wastewater treatment plant does and we are not having conversations about whether we are building -- we are building subdivisions next to dairies or building subdivisions next to cattle ranches or building subdivisions on old potato fields. So, I'm not trying to be Devil's advocate, but, truly, I mean -- I under -- I do understand the concerns, but it's kind of like, okay, if we are going to have these discussions for this applicant about the wastewater treatment plant, then, we need to be having other discussions about other uses that are creating just as

much of an issue with -- with smell. So, I would say I -- I agree with the Mayor in terms of -- from a real estate standpoint the wastewater treatment plant is existing. There is nothing between this and there is nothing that -- that the consumer would be unaware of going into this and now for the individual who did live in -- in subdivisions 15 years ago and didn't know that -- that Meridian was going to expand, didn't know that there was going to be an additional 40 acres that were purchased to make -- you know, to grow that wastewater treatment plant, that's a different story. At that time there was no way to know. But now that information is going to be available to everybody that comes through there. So, I'm not saying that as a -- specifically advocating for approval of this, because my concerns are very much surrounding the traffic and transportation in that area. I have lived off of Black Cat for 11 years, I have seen the changes that have happened and my -- my primary concern is that we will create a similar situation to what's happening on -- near Century Farm, which is another Brighton community right there on Taconic where we have one subdivision on the east side of the road, we have another subdivision on the west side of the road and we have what is slated to be a roundabout in between, which currently there is nothing in between, it's just a -- a HAWK signal I think it what's out there. And so I'm very concerned that we are going to create that same scenario between what's existing on the east side and the future site that will exist on the west side and that we are going to be back having conversations just like we have been having over and over and over again with Sky Mesa and Century Farm on a two lane rural road where we have a lot of traffic coming in and out of there on a daily basis and there are safety concerns and there is concerns about kids getting to school, because we have an elementary school going in on the east side of Black Cat and all these new developments coming in on the west side of Black Cat where there is no crossing across Black Cat whatsoever and there is already Coleman Homes going in there on the west side. The Oaks is expanding. We have more -- we have an entire -- there is 700 homes in the Oaks North. There is a couple of more subdivisions that are slated for that area with absolutely no crossing for our elementary school kids to go into Pleasant View. Those are the kind of concerns that I'm really having with this application, more so than -- than the wastewater treatment plant, because those are things that -- that -- that a homeowner or home buyer can know.

Simison: And if Council Woman Perreault just opened up the conversation about roundabouts, let's go. I'm ready for that one.

Perreault: Let's not. It's 10:30 at night. Mr. Mayor, follow up.

Simison: Council Woman Perreault.

Perreault: It seems we oftentimes comes back to this conversation about is it fair to deny or to continue or hold off on a particular application, because we will -- when we didn't hold off on other prior applications because of transportation challenges and we -- we have this conversation really frequently -- it's a conversation about transportation, the conversation we have about schools, which is why we are doing an awesome job with -- with getting more staffing to help manage the city concerns. But, honestly, I'm aware of the -- the fact that it is a challenge to decide where do we stop, where do we draw that

line, what's safe, what's not safe. And I understand all applicant concerns when we start having conversations about how many is too many when past ones have been approved and -- approved and, yet, it doesn't seem like the highway district is -- is -- you know, is -- gives a report where the traffic concerns are going to be worse than D or E or whatever -- whatever the -- that -- you know, whatever the requirement is to -- to do the widening prior to having more residences come in.

Hoaglund: Mr. Mayor?

Simison: Councilman Borton.

Borton: One of the -- the remarks Council Woman Strader had an idea that -- that had great merit with regards to phase three I think. I'm comfortable moving forward on this application. But I think that suggestion of the standalone DA provision that -- that required what it sounded like -- might confirm it if that's correct. It sounded like whatever future use would be contemplated on phase three, that would -- the DA provision would be written to require that to come back to City Council for ultimate approval. You would work it out with Public Works and staff and -- but, nonetheless, the ultimate decision of what would go in phase three and how it would go in phase three, that portion, that would come back for a future Council in the form of a DA modification request to permit that specific use to be determined at that time. I think that's what I heard and if that were to be the way that condition would go forward, Mike, is that something that you would be supportive of? Or comfortable with? Living with?

J.Wardle: Mr. Mayor, we have got a question directed at us. The simple answer, Councilman Borton, is, yes, we would be comfortable bringing back -- back to you specifically on the C-G zoned parcel -- we keep saying phase three, but the C-G zoned parcel, we would work it out with Public Works and we would come back and the City Council would have an opportunity to review that as well.

Borton: Thanks, Mike. I think that's what I heard and I think --

Simison: Jon. You said Mike, but it's Jon.

Borton: Oh, Jon. Sorry. I'm just reading. It's late.

J.Wardle: I have been called worse.

Borton: I apologize.

J.Wardle: No need to apologize. It's all the same.

Borton: Thank you for clarifying that, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing on this application.

Borton: Second.

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Is this closing the public hearing on both of the applications?

Simison: It would be if the first makes that so and the second agrees.

Borton: Second agrees.

Strader: I agree. Close the public hearing on both.

Simison: Okay. All those in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FIVE AYES. ONE RECUSED.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I want to give this a try and I'm counting on Councilman Borton to correct me if I go astray. All right. After considering all staff, applicant, and public testimony, I move to approve file number H-2020-0017 and H-2022-0018 as presented in the staff report for the hearing date of July 28th, 2020, with the following two additional conditions. Number one, that the noise -- that the odor study is determined prior to the development of these three. To determine if residential uses are appropriate in the area currently designated mixed use nonresidential and the second condition that the approval of City Council will be required for any future use for the C-G zoned parcel and that we will take into account input from the Public Works Department and other city staff at that time.

Borton: Second.

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

Nary: Mr. Mayor? Mr. Mayor, Members of the Council, Council Woman Strader, I think both section and references need to be C-G zoned parcel, rather than to phase three. But other than that I think that's fine.

Hoaglun: Mr. Mayor?

Strader: I agree and will amend the motion.

Simison: Does the maker of the motion agree with Mr. Nary --

Borton: Second agrees.

Simison: Second agrees. Councilman Hoaglun.

Hoaglun: Mr. Mayor, I just want to make sure I heard correctly. Was that the noise study or odor study?

Strader: Odor.

Hoaglun: Odor study. Thank you.

Simison: Is there any discussion on the motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just -- just kind of a brief comment. I -- this applicant's done great work in our community for a while and we belabor the point a bit, but fully trust that the applicant understands the intent of the city and the desire and concern on the buffer consideration. So, we appreciate the -- kind of the cooperative commitment that you have made to continue that with that intent. It's much appreciated.

Hoaglun: Agreed.

Simison: Any further discussion?

Allen: Mr. Mayor, may I clarify the motion, please?

Simison: Yes, you may.

Allen: Odor study prior to development of phase three and that is the residential portion in the mixed use nonresidential designated area on the west side of the collector we are referencing; correct?

Strader: Yes.

Allen: And, then, that would not require a modification to the development agreement, that would just require the odor study prior to development to ensure residential uses are appropriate in that area; correct?

Johnson: Mr. Mayor, it looks like they are having difficulty hearing us. You want to come back in the room I think we -- we can shift you in there if you need to speak again, but otherwise --

Hoaglund: Mr. Mayor, question for Sonya on that. Did you say west side of the collector?

Allen: Yeah. There has been a bunch of discussion about phase three and the commercial portion of the development. I just want to make sure we are all on the same page. So, phase three is the residential portion of the development on the west side of the collection street. The commercial is on the east side of the collector street and it's not shown on the phasing plan as a phase. So, if -- if the concern is that the proposed residential uses in the mixed use nonresidential designated area on the west side of collector, the odor study is shown to impact that area, then, that's what I'm asking. Or is it the commercial portion you are talking about?

Strader: Mr. Mayor, can I clarify my motion?

Simison: Yes. Go to the maker of the motion, please, to clarify. Council Woman Strader.

Strader: Okay. I will give it a try. So, my rationale is that the residential portion of phase three is slightly inside of the 900 to 1,000 foot buffer and so my thought was that we need the odor study to move forward on phase three and that we need the odor study to also move forward on any other uses that are not in phases one and two. If that makes sense. And, then, further that the city would approve any future use for the C-G zone as a separate condition. Does that make sense? I will look to Councilman Borton if I'm tracking there.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think that -- I thought we were -- we were framing the -- the limitation on future development to the C-G zone and C-G zone was that portion of this project to the east of the collector road and that -- so, that portion of the C-G zone would have a DA limitation preventing any future development until the odor study is completed and a DA mod application is filed specifying here is what we intend to do in light of those results and any other data that we have.

Simison: So, it sounds like the first and the second are not in alignment as to the motion at this point in time.

Borton: That's why you have to clarify it.

Simison: So, I guess I would go either to the maker of the motion to say if she wants to stick with her viewpoint or if the second wants to retract his second if it -- if she believes phase three of what we just saw should not move forward. Council Woman Strader.

Strader: So, the way I look at it would be that phase three is closer to the area of concern, but I'm okay with moving forward with just having the odor study for the -- I mean I -- I'm not going to fall on my sword over that point. Because I get that we are more comfortable. I just needed that phase three is phase three for a reason and we need to have that input from the odor study.

Hoaglund: Mr. Mayor? I was --

Allen: Mr. Mayor, if I could clarify. Mr. Borton, the -- the C-G portion is -- is right here, if you can see my cursor. The phase three -- the C-G portion is not included on the phasing plan. So, that was the clarification I was making. And approximately -- if you look at the residential area that they are proposing here on the phases one and three, there is -- if you look at the future land use map that's the -- the brown area is the mixed use nonresidential designated area. So, what I understand is that the -- the Council would like to have the development agreement modified prior to any development occurring in the C-G zoned portion of the site to included a development plan.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think that's correct and maybe the motion and the second weren't aligned on that issue, but I think the first part, which is -- it's my mistake to -- I think I missed the additional limitation on phase three development, so -- maybe we can make the motion again and we will -- we will clarify it. I apologize, I might have created confusion.

Strader: Mr. Mayor?

Simison: So, from a process standpoint --

Strader: Shall I try again or --

Simison: Would you like to -- would the second and first take away their motion and we try it one more time.

Borton: Do it.

Simison: Okay. We will make it so. All right. Council Woman Strader, do you want to take another crack at it?

Strader: I think so. So, after considering all staff, applicant, and public testimony, I move to approve files H-2020-0017 and H-2020-0018 as presented in the staff report for the

hearing date of July 28, 2020, with the following additional two conditions. The first condition being that the odor study should be completed prior to development of phase three to determine if residential uses are appropriate in the area currently designated mixed use-residential and that the second condition that the approval of City Council will be required for any future use in the C-G part of the parcel. The parcels.

Borton: Second.

Simison: I have a motion and a second. To my untrained ear that seemed like the same motion as the first one, phase three limitations, so is it -- was that clear? Because -- is the C-G part of phase three or not? So, we are back at the same place we were in the first motion, just so we are clear.

Hoaglund: Mr. Mayor, if I might ask Council Woman Strader on that first one that the odor study be completed before phase three construction can begin and, then, there was a second part to it and my brain was starting to cogitate on that and, then, you had a second part to that first -- first bullet point.

Strader: I think there is just two conditions. The first condition is the one that was in the -- in the staff report or the hearing outline, which is requiring the odor study to be completed for the development of phase three and, then, separately the condition that City Council approve any future use for the C-G zone, which is the area outside of the first three phases, with the thought behind that being that we need the Public Works Department to opine on the configuration of adequate buffer space around the wastewater treatment plant.

Hoaglund: So, yeah, Mr. Mayor, that -- to me that seems like, okay, they do the odor study and if things are fine, phase three just goes on as planned, but if they find issues that might -- that boundary might have to change slightly if they -- if they find something that that occurs. Thank you.

Strader: Mr. Mayor?

Simison: Is there further discussion on the motion?

Allen: Mr. Mayor, further clarification on Mr. Hoaglund's comment just now. If the odor study -- prior to development of phase three determines that residential uses will be impacted in the mixed use nonresidential designated area on the west side of the collector, would that require a modification to the development agreement at that time? I would assume to change the development plan for that area.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Sonya raises a good point. I think we would have to have a mechanism in place to -- to allow that to -- to happen.

Borton: Mr. Nary?

Nary: Mr. Mayor, Members of the Council, probably the easiest way I can think of is -- the purpose of the odor study is to determine where the residential line can be. So, that's going to take both consultant, city, and adjoining property owners to participate. So, they are all going to know where the line is going to be, so the -- the line -- and I think Mr. Borton brought this up earlier. What's the trigger to move that line then? So, if the -- if the -- if the condition in the development agreement is that the odor study is completed and will allow residential use in phase three as depicted, then, they can proceed. If it won't allow residential units in any part of phase three, they will have to come back for a modification. So, they can't proceed with phase three if it doesn't allow for all of it to be residential, because there -- as Council Woman Strader pointed out, a small portion of that is in the area that's previously designated as mixed use nonresidential.

Simison: Council, further --

Strader: Mr. Mayor?

Simison: Yes, Council Woman Strader.

Strader: I guess I would just amend my motion slightly taking into account Mr. Nary's feedback that they complete -- that the phase three study is required to allow residential uses and if the city staff and the report and others do not agree, then, they would have to come back for a development modification and if this doesn't work, I'm giving up and Mr. Borton can try.

Simison: Does the second agree with that modification?

Borton: Second agrees.

Simison: Second agrees. Is there further discussion on the motion? If not, clerk will call the roll.

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

Simison: All ayes. Motion carries.

MOTION CARRIED: FIVE AYES. ONE RECUSE.

Item 7: Ordinances [Action Item]

A. Ordinance No. 20-1886: An Ordinance (H-2020-0030 – McKay

Farms Subdivision) for Annexation of a Parcel Located in the NE of the SE ¼ of Section 32, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, as Described in Attachment "A" and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 10.501 Acres of Land From RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing That Copies of This Ordinance Shall Be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

Simison: We will move on to 7-A, Ordinance No. 20-1886 -- and I'm tired -- and I will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance related to H-2020-0030. McKay Farm Subdivision for annexation of a parcel located in the NE 1/4 of the SE 1/4 of Section 32, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, as described in Attachment "A" and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 10.501 acres of land from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

Simison: Thank you. You have heard this ordinance read by title. Is there anyone present who would like it read in its entirety? Seeing and hearing no one with that request, do I have a motion?

Hoaglund: Mr. Mayor?

Perreault: Mr. Mayor?

Hoaglund: Oh, go ahead.

Perreault: I move we approve Ordinance No. 20-1886 with the suspension of rules.

Hoaglund: Second the motion.

Strader: Second.

Simison: I have a motion and a second to approve Ordinance No. 20-1886 under suspension of the rules. Is there any discussion on the motion? If not, all those in favor say signify by saying aye. Those opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

Item 8: Development Agreements [Action Items]

A. Development Agreement for McKay Farm Subdivision (H-2020-0030) with HBU Investments, LLC (Owner) and Fairbourne Development, LLC (Developer), Located at 5875 S. Eagle Rd.

Simison: Item 8-A, development agreement for McKay Farm Subdivision, H-2020-0030.

Johnson: Mr. Mayor, typically this is on the Consent Agenda.

Simison: Right.

Johnson: Between Mr. Nary and I we had some confusion and moved it after the annexation, when, indeed, it should have actually come before. So, this just requires a motion and approval.

Simison: So, do I have a motion for this item?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of the development agreement for McKay Farm Subdivision, H-2020-0030.

Strader: Second.

Simison: I have a motion and a second to approve Item 8-A. Is there discussion on the motion? If not, all those in favor signify by saying aye. Those opposed nay. The ayes have it.

MOTION CARRIED: ALL AYES.

Item 9: Future Meeting Topics

Simison: Is there any item for No. 9 under future meeting topics?

Item 10 [Amended on to Agenda]: Executive Session per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counteroffer

Simison: If not, we will move on to Item 10.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we go into Executive Session per Idaho State Code 74-2064(1)(a).

Borton: Second.

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

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

Simison: All ayes. Motion carries.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (10:59 p.m. to 11:38 p.m.)

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I make a motion to come out of Executive Session.

Cavener: Second.

Simison: Motion and second to come out of Executive Session. Any discussion on the motion? If not, all those in favor signify by saying aye. The ayes have it. We are out of Executive Session.

MOTION CARRIED: FOUR AYES. TWO ABSENT (Perreault. Bernt).

Hoaglund: Mr. Mayor, I move to adjourn the meeting.

Cavener: Second.

Simison: I have a motion and a second to adjourn the meeting. All those in favor signify by saying aye. Opposed nay. The ayes have it we. We are adjourned.

MOTION CARRIED: FOUR AYES. TWO ABSENT (Perreault. Bernt).

MEETING ADJOURNED AT 11:38 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK