

**Garden City, Idaho,
Special City Council Meeting
December 30, 2025
DSRFY2025-0008
Boise Bible College (The Antioch Apartments)**

Mayor Evans

All right, thank you. Well, again, welcome, everyone, for this Garden City Council Special Meeting. December 30th, 2025. Special meeting means it's not our regularly scheduled time, which is the 2nd and 4th Mondays of the month. So, with notice, which obviously you all received. We were having a special meeting to deal with a single topic tonight, which I will go through in just a moment. Would the clerk certify the notice?

00:00:41.240 --> 00:00:45.479

Lisa Leiby: This meeting has been noticed in accordance with Idaho Code 74-204.

00:00:45.860 --> 00:00:52.529

Mayor Evans: Clerk, call the roll, please.

00:00:46.000--> 00:00:51

Lisa Leiby:

Councilmember Jorgensen?

Councilmember Jorgensen Here.

Lisa Leiby: Councilmember Page?

Council President Page Here.

Lisa Leiby:

Councilmember Rasmussen?

Councilmember Rasmussen Here.

00:00:53.170 --> 00:01:00.160

Mayor Evans: Thank you. Obviously, you will notice that we are one councilmember short.

Councilmember Jacobs has recused himself, and won't, is not in a position to act on this application. So, I've got some housekeeping items I want to go through as we start, and forgive me, we've got lots of paper up here. We gotta... we've gotta keep organized. So, the item on the agenda tonight is a public hearing for DSRFY2025-0008. This item's been continued twice, once from December 12th, 2025, and then again from... I'm sorry, yeah, we've got on here 12-10-2025, that's not right.

00:01:57.730 --> 00:02:07.319

Lisa Leiby: It was, Mr. Mayor, it was originally 12-8, and then again from 12-10.

00:02:10.009 --> 00:02:17.779

Mayor Evans: And then again from 12-10, that's right. Okay, thank you. Does anybody need to declare or have any disclosures that you want to deal with tonight?

00:02:19.170 --> 00:02:21.469
Council President Page: Mr. Mayor.

Mayor Evans Yes, sir.

00:02:21.760 --> 00:02:35.750
Council President Page: I need to disclose an ex-parte communication I had on December 8th, 2025, with constituent Judy Chestnut. The conversation was about this project, I invited the constituent to write a letter, to the council, which, she does and is in... the councilmembers have seen, so this, ex-parte communication's been cured, and I can remain impartial.

00:02:52.840 --> 00:02:54.340
Mayor Evans: Thank you. Any others?

00:02:55.840 --> 00:03:05.539
Councilmember Rasmussen Nope.

Councilmember Jorgensen Nope.

00:02:59
Mayor Evans
I have a disclosure. Even though I won't be voting tonight, I will make the disclosure. I had three meetings with one or more of John Rennison, Zach Turner. Or Caleb Roope. On, 9-10-24, 12-6-24, 9-18-25. The topic of those meetings was discussions, that surrounded sewer service for this, application tonight. I have another disclosure on a meeting I had with, our city attorney, Mr. Wadams, Terry Dean, who is the president of the Willowbrook Homeowners Association, and Kenley Grover, an attorney that represents, one or more residents of Willowbrook, that was on December 18th of... the subject matter of that meeting is disclosed in a prepared remarks from prepared by Terry Dean, and is part of the record, for anyone that wants to read them. Again, the discussion, generally was dealt with, the opinion that will be expressed verbally by Mr. Dean here in just a few minutes.

00:04:44.060 --> 00:05:03.070
Charles Wadams: Mr. Mayor, quick point of order.

00:04:46
Mayor Evans: Yes.

00:04:47
Charles Wadams:
I just want to make a record that there were... there's at least one email that was sent to the Council ex-parte. Those emails, if there was one or more than one, I cannot recall, but all those were forwarded to the planning staff. Those emails have been made part of the record for everybody to see.

00:05:05.390 --> 00:05:14.480
Mayor Evans: Okay, we've dealt with disclosures, are there any conflicts of interest hat

need to be presented?

Councilmember Rasmussen No conflict, Mr. Mayor.

00:05:14.640 --> 00:05:16.250

Council President Page: No.

00:05:16.380 --> 00:05:18.939

Councilmember Jorgensen: None.

00:05:23.520 --> 00:10:02.359

Mayor Evans: Okay, no conflicts so I have a little preamble, that I need to read, so bear with me while I go through this. We are here tonight to consider pending design review application DSRFY2025-0008 before the City Council under Idaho... under Idaho's Local Land Use Planning Act, approval or denial of land use applications must be based upon express standards and criteria set forth in local ordinances, so that permit applicants, interested residents, and design makers alike may know the express standards that must be met in order to obtain a requested approval. Tonight's review is limited and exclusive... pardon me. Tonight's review is limited exclusively to whether the proposed design satisfies the specific findings required under Garden City Code Title 8 for design review applications. The Council will consider only the following eight criteria in making its decision.

Number 1, the proposed design shall comply with all design standards in Garden City Code Title 8.

Number 2, the proposed design shall provide effective bicycle and pedestrian access and movement to, from, within, and across the site.

Number 3, the proposed design shall be compatible with or improve the public's use of existing and planned public spaces, including, but not limited to, the Greenbelt and pathways, sidewalks, parks, roadways, open space, public facilities, Boise River and waterways, canals, and other surface irrigation.

Number 4, the proposed design shall be compatible with the neighborhood in scale and intensity.

Number 5, the proposed design shall not create adverse impact on the surrounding neighborhood.

Number 6, the proposed architecture and site improvements shall have facades, features, materials, and building form, and other physical improvements that are compatible with or enhance the neighborhood

Number 7, the proposed design and landscape shall improve the design and function of the site and be consistent with the Southwest Idaho climatic conditions, and

Number 8, the proposed design shall be compatible with applicable natural, scenic, and historic features, including but not limited to wetlands, the Boise River, waterways, and historic structures. Any issues, concerns, or testimony that do not directly relate to these eight specific criteria will not be considered during tonight's proceedings. The Council

decision must be based solely on whether these express standards have been satisfied. Following tonight's hearing, the Council has three options available. First, the Council may approve the design review application with or without conditions. Second, the Council may deny the application with specific instructions on how the applicant may address deficiencies to satisfy the required findings. Third, the Council may remand the application to staff for further proceedings.

Council's decision will be rendered in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon and explains the rationale for the decision based on the applicable provisions of Garden City Code Title 8.

We will now hear, just in a minute at least, we will hear from the applicant and staff. Followed by public testimony, and then the applicant will have a chance for rebuttal. And then the Council will deliberate. Just a reminder, that...to participants that the testimony and discussion must be limited to the 8 design review criteria I have outlined. I've already mentioned that I won't be a tiebreaker tonight, because there's 3 council members present, and not 4.

Okay, who's representing the applicant tonight? Welcome.

00:10:13.960 --> 00:10:29.249

Debra Nelson: Good evening, Mayor, Council Members. My name is Debra Nelson, my address is 601 West Bannock Street in Boise. I'm a land use attorney with Givens Pursley, and I'm here on behalf of the applicant, Rennison Companies. Members of the entire applicant team are here this evening, which include our architect, Pivot North, our civil engineer, Dave Evans & Associates, who I realize I did not include on this cover slide, my apologies. Our landscape architect, South Beck & Baird, and our traffic engineer, Kimley Horn. Before you this evening is a design review application for the Antioch Apartments.

We are in agreement with staff's conclusion that the project as conditioned complies with all applicable code requirements, and we are in agreement with all of staff's recommended conditions of approval. It is important to note from the outset that we are not requesting any rezone. The property has been zoned R-3 since at least 1998, and we are not requesting a conditional use permit, multi-family is an allowed use in the R-3 zone, and finally, we are not requesting any variance. The project meets all code requirements for the R-3 zone, including height, setbacks, and lot coverage. So, I'll focus my comments on... primarily on how the project meets the applicable design criteria in Title 8, Chapter 4.

First, briefly, the project site is located on the south side of Marigold within the existing Boise Bible College campus, on new parcels to be created by a pending minor land division. It is a quarter mile walk to the Greenbelt, and a half mile walk to the bus stop on Chinden. The applicant is proposing a multi-family development with 236 apartments and two four-story elevator access buildings with large interior courtyard areas.

The buildings include a mix of studio, 1, 2, 3 bedroom units, and providing needed housing diversity for students, young professionals, families that are just starting out, or empty nesters who want to downsize, or just want to live in a place where somebody else fixes

the roof and maintains the yard. As noted in the staff report, the project meets all of the requirements of the R-3 zone, multi-family residential is a permitted use in the R-3 zone, with a density of up to 35 units per acre. The R-3 zone does not have any height limits. The project meets all setbacks, with significantly increased setbacks. We provide 152 and 88 feet setbacks to our adjacent eastern neighbors along that border, where only 5 feet is required by code.

The project also meets all code requirements for multifamily residential uses. We provide amenities and open space in excess of code requirements with a fitness facility, a club room, enclosed bike storage, co-working space, landscaped courtyards, an additional large grassy open space area, walking trails, and a dog park. We also provide the required 80 square feet of private open space in patios or balconies. The project meets all of the design standards in Title 8, Chapter 4.

These are all addressed in detail in the staff report and in the draft findings that are in the record, and I will highlight some of these, really focusing on the items where we've made changes in response to city comments, or where neighbors have raised concerns. The development includes a 6-foot privacy fence along the east boundary to provide screening and privacy to existing residential properties to our east, along the west boundary, we provide a 6-foot wrought iron fence. And at staff's request, we have removed the gated entry to Marigold.

We are in agreement with all comments from the City's reviewing engineer, Joe Canning, with Centurion Engineers, and with the conditions of approval related to utilities. The engineering comments that have been incorporated into a condition of approval to this project require the applicant to obtain city approval of alternate sewer facilities than the existing Ruby sewage lift station, which is at capacity. The applicant has identified an alternate sewer access through the site and through new and existing public easements to our east that are shown in yellow here.

The city engineer has reviewed and determined that the sewer plan meets technical requirements, and the applicant will also pay all required fees for sewer and water connections. We propose to tile the drainage ditch that's in the northeast corner of the site, as allowed by city code, where it's not feasible for it to remain open. This ditch is owned by Drainage District Number 2, who supports the tiling, the ditch lies directly over a public sewer main and a public sewer easement, which creates conflicts for both of the users.

The system is already piped to our north at Marigold, and we will continue that same piping along this stretch in the same 18-inch pipe size. Our civil engineer with David Evans & Associates provided a letter on November 12th in the record describing that the system will maintain all existing flow capacities and ensure continued conveyance of water. Of course, the drainage District will have to approve the plans for the tiling design, ensuring that we meet their standards.

00:16:28.780 --> 00:16:31.170

Mayor Evans: Deb, can I interrupt you just one second?

Debra Nelson:
Yes.

00:16:31.220 --> 00:16:42.639

Mayor Evans: The Dave Evans is no relation to me. Okay, I do have a brother named David, coincidentally, but...Debra Nelson But it's not that.

Mayor Evans

He's not an engineer, so thank you, go ahead.

00:16:42.780 --> 00:16:51.939

Debra Nelson: Another waterway on the site, the Thurman Mill Canal, will be kept open and improved with a 10-foot pathway and low-maintenance landscaping buffer. The project complies with the residential building design standards that are set forth in your code in Title 8, 4.B. So, I'll run through a few slides to show the architectural and material details.

Here you can really see that the building facades include articulation and changes in materials to create a pedestrian scale and visual interest. In response to comments from the design review consultants, the team enhanced the prominence of building one's northeast corner, which is in the top image, by shifting the wall outward to create a plane change, raising the parapet height, and adding decorative overhang to mirror the treatment of the leasing office corner, which is in the lower image.

In response to comments, the applicant team also enhanced the building entries, including by extending the brick volume toward the sidewalk, raising the height of the brick face, adding new accent colors, and adding recessed lighting for wayfinding. We also agree to increase the prominence of these entries further to address the final comments from the design review consultants consistent with staff's recommended conditions. The building... the two buildings are designed to be similar, but not identical, with differing articulation and plane changes and varied but cohesive color schemes to create visual interest and visual continuity. Building two entries were similarly enhanced based on comments from the design review consultants, and will be refined further to address the recent comments from the consultants.

The project proposes high-quality, durable materials and complementary colors to promote a lasting and cohesive community design. The buildings include brick cladding and base, cement fibrous wall siding and various textures, metal railings, and detail accents. And looking at the elevations for building one, you can see that building massing is broken up both physically with lane changes and articulation, and visually with material and color changes, while keeping strong, unifying elements. Roof lines are also varied by changes in parapet height and overhang, the change in planes and colors creates an attached townhome feel. Balconies provide a visual break to the facade and enhance the livability of each apartment with private open space consistent with code.

Outdoor courtyards with pathways, seating, and landscaping provide quality open space for residents to gather or find a quiet bench, and here are similar elevations for building two. In this cross-section view, you can see the significant buffering that is provided to our neighbors. Building 1 is set back 152 feet from the property line, where only 5 is required, we also provide enhanced landscaping, providing a 15-foot landscape buffer where 10 is required, and we've added 69 more trees than are required under code along this border. We will install a 6-foot privacy fence along our eastern border, this is the

maximum height that's allowed under code between residential uses. These buffers reduce the visual impact of the building and protect the privacy of our neighbors.

Building 2 is set back 88 feet, again, where only 5 is required. The same enhanced landscape buffering and privacy fence serves to screen the views, and I also want to point out that due to neighbor concerns about noise and odor, trash enclosures were moved to the west side of the property, with only the recycling remaining on the east border, which is buffered with landscaping.

The application complies with code requirements for parking design and the number of spaces. We slightly exceed the parking that's required by code for the use, with 3 extra spaces, both the code requirements and the parking that we provide also significantly exceeds the anticipated parking demand for the project, based on a study from Kittleson using ITD standards for apartments. This slide illustrates the updated access plan as conditioned by staff's recommended conditions, which was included in the record.

A new access will be provided to the multi-family site, that you can see there along the top part of the slide, it's on the eastern edge of the property. We will include a right turn lane into the site as well, and this has been approved by ACHD. Per staff's request, the main college entrance will be redesigned to match the divided Pinto Way access to facilitate safer pedestrian crossing, and the existing college western access will be removed to minimize impacts on pedestrians along Marigold. Pedestrian pathways throughout the site are safe, lighted, and convenient for movement across the site to public sidewalks.

We're in support of staff's recommended condition that requires enhancement of all pedestrian walkways within the site to be... to have special treatment, colors, and appropriate lighting. The project's trip generation is below the threshold where ACHD requires a traffic impact study, but at staff's request, a traffic analysis was done by Kimley Horn and accepted by both ACHD and ITD.

The Kimley Horn study concluded, and ACHD's report confirms that levels of service on the surrounding roads continue to be met on Coffey Street and Marigold Street with the project. The study noted that only the Marigold-Glenwood intersection does not meet planning threshold service levels now. This is a pre-existing condition, and the project has minimal impact on the operation of this intersection, only contributing...

00:23:42.510 --> 00:23:47.529

Mayor Evans: Okay, please, everybody, do you want somebody laughing at you if you're testifying?

00:23:48.480 --> 00:23:50.839

Unknown: I'd just like to...

00:23:50.970 --> 00:23:56.850

Mayor Evans: Well, if you're gonna start that, you can leave. I'm not gonna put up with any of this tonight. None. I will escort you out of the building if you can't retain your decorum.

00:24:03.960 --> 00:24:05.690

Mayor Evans: Please go ahead.

00:24:07.530 --> 00:28:00.889

Debra Nelson: Thank you, Mayor. So, the reason that it's a minimal impact, as was found in the Kimley-Horn study, is that the project only contributes 2.1% of the total trips in the a.m. peak hour, and 1.6% of the total trips in the p.m. peak hour. Neither ACHD nor ITD required any off-site mitigation based on the project traffic generation. ACHD requested a new right turn lane into the new access point, which the applicant is including. The project exceeds landscape area requirements and city code, and plans have been updated to address all of staff's comments.

The buffer between the building parking and the eastern property line, as I mentioned, includes 69 more trees than is required, and is 5 foot wider than code requires. We are in agreement with the staff condition to provide at least 10 Class-2 trees along Marigold. In fact, our plans were already updated to include 12 Class-2 trees and 5 Class-1 trees, but the legend on sheet L1.01 wasn't updated at the last resubmittal, so we'll be sure that we meet staff's condition here.

We're also in agreement with the staff condition, requesting clarification on the mitigation trees that are required. The difference that was noted by staff between the mitigation report and the landscaping plans appears to be because city staff was counting the existing invasive tree species, which are recognized by the USDA. They're considered hazards and do not require mitigation.

So, we believe the mitigation number's correct, but in any case, we're happy to comply with the condition of approval to ensure that the mitigation number is correct and confirmed and accepted by city staff. Outdoor common open space exceeds requirements for both buildings and the project overall. In addition to the interior courtyards, Parcel 4 includes an over 1-acre grassy area for recreation and a fenced dog park. While compliance with the Comprehensive Plan is not a required finding for design review, the project does meet numerous objectives of the Comprehensive Plan.

Goal 2 is to improve the city image. The project's design includes materials, elements, and open spaces that promote visual interest, complementing the look and feel of the area, and promoting a sense of community. Goal 4 is to emphasize the garden in Garden City, the development's enhanced landscaping and open space, provide screening to neighboring properties, and offers passive and active recreational opportunities for residents. Goal 6 seeks diversity in housing, which this project does by providing needed multifamily development in a variety of unit sizes, consistent with the property's zoning, and finally, Goal 7 seeks to connect the city, which this project does by providing a significant on-site pathway development, including a section of Greenbelt along the Thurman Mill canal, and by providing housing density and walking distance to transit in the Greenbelt.

The Antioch Apartments, as presented and conditioned, meets all code standards and requirements, as has been described in detail in the staff report. The use is allowed, we meet all of the R-3 dimensional standards, all multi-family use-specific requirements, and all design review criteria. We're in agreement with all recommended conditions of approval. We ask for your approval and stand for any questions.

00:28:01.520 --> 00:28:03.660

Mayor Evans: Thank you. Questions, Council...?

00:28:04.650 --> 00:28:09.740

Council President Page: Mr. Mayor?

Mayor Evans:

Yes, sir.

Council President Page:

Thank you, Ms. Nelson, for that report. In the materials that I've reviewed, there was mention of a cross-park agreement, then there was maybe a revocation of that proposed agreement. What's the current status of a cross-park agreement with the college?

00:28:28.010 --> 00:28:43.620

Debra Nelson: Mr. Mayor, Councilmember Page, that was in the original application, you're right, and based on discussions with City staff, we have removed that and adjusted the site to accommodate all parking that's required under City Code on the site itself.

00:28:44.060 --> 00:28:53.680

Council President Page: Thank you. Just a follow-up question, Mr. Mayor. Thank you for the answer. It's been my experience in this city and others that properties that charge a parking fee for, you know, premium spots, or covered spots versus surface spots, or charge in general for parking.

Often, the tenants and the guests find alternatives, street parking and such. As you are probably aware, there is not, street parking permitted on Marigold at that, at that point. Is there any covenant being offered, or assurances being offered that this will not... this development will... will never charge for parking, and will that covenant run with the land?

00:29:36.280 --> 00:29:37.179

Debra Nelson: Is that okay? Mr. Mayor, Councilmember Page, after looking at my client, yes, they are agreeable to do that, and... I'll let Caleb speak.

00:29:46.700 --> 00:29:49.269

Caleb Roope: Yeah, hi, Caleb Roope, 430 East State Street in Eagle. I'm the owner of the Pacific Companies, and a project proponent sponsor. We have about 26,000 units across the western U.S. We don't charge parking for any of them. Just never really have that practice in place.

We want the residents to park on site, we don't want to be a problem to the neighborhood. In that way, and you know, it doesn't do us any good to have, you know, neighbors complain about that, so if we wanted to... if you guys wanted a covenant as such, it would be no problem for us to have that as part of our project to not ever charge for parking. We don't think that's good practice anyway, so it wouldn't be a problem if that was important to you.

Council President Page: Thank you.

Caleb Roope: Yep.

00:30:33.660 --> 00:30:35.569

Mayor Evans: Further questions? Thank you. When we finish up the public hearing portion, you'll have an opportunity to come back, and...close out, and you might be prepared for more questions.

Debra Nelson: Of course. Thank you.

Mayor Evans: So, thank you. Next, we'll hear from, Jenah Thornborrow, our Development Services Director.

00:31:09.240 --> 00:31:14.630

Jenah Thornborrow: Good evening, Mayor and Council. Thank you for your time tonight. I just want to start with a few, house...keeping items. The first of which is, there are two late submittals at the dias at each one of your stations. Tonight, they were included in the Council packet online. But I just wanted to make sure that you have been able to receive those, and read those, and that they're acceptable, to be included in the record, and then the second...

Council President Page: Ms. Thornborrow?

Jenah Thornborrow: Yes, Mr. Page, or Council President Page, excuse me.

Council President Page: Thank you so much. I just want to make sure that I, I've reviewed two letters that are in front of me. One I will call a Jackson-Heim letter, another a Carver-Herbert letter. Are those the two that you've referenced? Or are there others that I need to review?

00:32:04.020 --> 00:32:12.500

Jenah Thornborrow: Mayor, Council President Page, it is actually the the Chestnut Letter.

00:32:15.360 --> 00:32:18.049

Council President Page: Okay, and I had reviewed Chestnut already. Yes, thank you

00:32:18.080 --> 00:50:08.250

Jenah Thornborrow: And the other is Carver-Herbert, thank you. Thank you for the clarification as well, and the second is just for the edification of those who will be testifying tonight. If you haven't already done so, if you could please sign up and put your request in the basket so that the Mayor can call on you, as well as there are, as I understand, 3 spokespersons... spokespeople that are signed up tonight, and if that is an error.

When the... the mayor opens the public testimony...please do let him know. And then just, what is a staff report and this process? A staff report is a review, in synthesis of an application of agency comments, including city department comments ranging from the city engineer, city attorney, et cetera, as well as outside agencies, such as ACHD or DEQ, as well as public comments, and within the context of applicable state and local regulations. Tonight, this is a de novo public hearing.

There is no staff... formal staff recommendation, tonight. However, staff has provided, and it's in the record, a draft, suggested... staff-suggested, decision document. Including, reasoned findings related to each of the required... reasoned statements, related to each of the required findings that the Mayor noted, as he opened up this matter.

I do want to note that the staff, me, or development services staff, are not the experts on all matters. We do rely on others that have, expertise, and it's my understanding that there is representation from ACHD online tonight, if you have any questions for ACHD, of course, your legal representation is up at the dias with you tonight, if you have legal questions. And we have the Public Works Director, that's also available tonight if you have questions regarding, or particularly the engineering comments on, sewer or drainage.

It's also notable that this, application, was brought in under the administrative with notice and, process, and was processed as such, but code does allow for staff to pass this to a public hearing in front of the City Council, and so it was also noticed under a public hearing, with where it is tonight before you. The... there are limitations for the decision maker, as you all know, but, just for those more in the audience, I would say that the decision makers, or the City Council tonight must review the entirety of the record, and make their decision based on what is in the record.

And so, your decision does need to be supported by what's in the record and only what's in the record tonight, and also established on applicable state and local regulations. And with that, I know that the packet, was quite thick, and I know that you have read it all. I know that each of the council members have, but I would like to highlight, some items that, have... have come out through public comment, or that need specific highlighting. Noise is one item that has been of concern within the neighborhood, and I do want to note that there are conditions of approval in the recommended, decision document, staff recommended decision document.

That limit construction hours, as well as the applicant has relocated the trash to the west to deal with noise and odor concerns. There's been concerns about the impact, to the city systems. The applicant would be required to pay impact fees, to all applicable... for all applicable fees, so to ACHD, potentially to Ada County, should the city adopt impact fees for Ada County in the meantime, to North Ada County Fire and Rescue District, as well as, to connect to the water and sewer systems.

There have been concerns about stormwater. The... the applicant, has proposed pavers and drainage, and, the city engineer, if this is approved tonight, this is just step one. It will need to go through further review of the site and the structures for compliance with applicable regulations, and so the city engineer will further review this application, should it be approved, as it goes through the building permit process. As well will, the building reviewer, fire reviewer, etc.

And so there have been questions whether or not elevators, for example, are required, or if it meets fire codes. Before this application can be constructed, it has that whole staff-level review cycle to go through to ensure compliance with those matters. Lighting is conditioned to be down-shielded, and there are... is also fencing between the parking area and the adjacent neighborhood, as well as, as Ms. Nelson had noted, additional vegetation than what's required by code. And then, maybe the more, complex, matters start with the tiling of the drainage district that runs adjacent to the site.

Code discourages tiling of any waterway unless there's extenuating circumstances. There is a letter from the applicant's engineer noting that the ditch and the sewer, the existing sewer shared the same space, which causes maintenance problems for, both the ditch as well as, the sewer system, and due to slope requirements, relocating either one of

those matters is not feasible, and so your design review consultants have recommended that that be considered an extenuating circumstance to allow for the tiling of that waterway.

That's not the Thurman Mill that runs to the rear of the property, that will remain open. The next is probably sewer. The Ruby Lift Station and sewer Monitoring Station are at capacity and the applicant has proposed an alternative connection that would bypass the Ruby Lift Station, and this has been determined by the city engineer to be consistent with regulations, as well as technically feasible.

The next, would be, transportation is a matter, where the neighbor's testimony, there's a vast amount of testimony on this, which identifies legitimate perceived traffic, concerns. Anybody who, spends enough time at this building, as the decision makers do, has first-hand experience trying to get in and out onto Marigold, as do the neighbors that are here, and so there is quite a bit of testimony, identifying these, concerns.

That is, also met with ACHD, review, that, there, there is a staff report from ACHD in the packet, as well as the applicant has provided a traffic study. In looking at, ACHD's report, as well as the traffic study, staff suggest that that evidence is tied to adopted metrics and professional methodology, and...they have found, Kimley Horn and ACHD, that, well, let's go to... ACHD has found, that this application is not anticipated to exceed, the adopted... the ACHD adopted level of services. They have... Marigold Street is classified as a residential collector roadway, which allows for up to 530 vehicle trips during PM peak hours. The existing PM peak, volumes as identified by ACHD in June of 2024, data is 391 trips, and they anticipate that this development would result in 92 additional trips, or 483, so below that threshold, and then the Kimley Horn trip generation review that the applicant provided found that this development is anticipated to result in 2.1% of the AM peak hour traffic, and 1.6% of the PM traffic. It's also, noteworthy, that staff had quite a bit of discussion with the applicant as they were going through this process on refining, or design review consultants and staff in refining, they had proposed three access points onto Marigold.

They... including the Bible College's access, so two... one shared, one for the apartments and one for the college. The most recent submittals and discussions, they've been able to work that down to two access points. Including the shared access that aligns with Pintail, which is controlled by a stop sign, and that's important for a couple of reasons. One, having that alignment with the stop sign, allows for identified traffic, already, existing traffic patterns to remain in place.

And then the second is anytime you enter an access into the main road, you create a point of conflict for roads... for users of the road, as well as pedestrians, and... and so removing one of those access is, is beneficial, and another condition that's required, or that the applicant has agreed to, is where the pedestrians will be crossing the drive aisles, is to bulb out those drive aisles so they have less distance to cross, as well as maintain the sidewalk flush with the adjacent sidewalk, and so what that does is, for those that are mobility impaired, they don't have to be going up and down kind of a all these ramps, and then, probably the most testimony has been on the compatibility of this application with the surrounding neighborhood, and there, there's, certainly a large a prevalent perception that this application is a contrast and is not compatible with the surrounding single and two-story, units, or dwelling units, or homes around the application, or around the

property.

Some have pointed to the Comprehensive Plan as... for incompatibility with the neighborhood, it is noteworthy that the Idaho Supreme Court has found with...certain exceptions, the Comp Plan is not a legally binding document. It's a document that is intended to be a guide for decision makers, an advisory document, with the exception of your zoning ordinances, rezoning, and that conditional use or special use permits cannot be in conflict. This application is not any of those applications tonight, and so, in this instance, the Supreme Court would rule that the Comprehensive Plan is not a legally binding document, but again, rather, an advisory document.

However, the zoning code is a legally binding document that the city, needs to enforce. As Ms. Nelson had indicated, in the R-3 zoning district, multifamily dwellings are an allowed use, they're a permitted use, with densities of up to 35 dwelling units per acre, as well as unrestricted building heights. There has been, testimony that a development does not have to meet the maximum, but that...The staff would suggest that that is true, but in order for this city to regulate, against that, they must be clearly in conflict with a required finding. And for, the benefit...of the audience, as the City Council does know this, it's of note that this current City Council was not involved in the 2015 amendment to the R-3 zoning district, which resulted in the increase to the 35 units per acre and unrestricted zoning height. At that point... at that time, that council, did find that that was in compliance with the Comprehensive Plan and legal.

Staff would suggest that that 2015 rezone application is not germane tonight, and the appeal period has long since lapsed, and moreover, it's not spot zoning, and that it was a city-wide zone, and not specific to this application. Since then, the R-3 zoning designation has faced scrutiny, and this City Council has responded by initiating the R-M, zoning district, which reduces the density and the height.

However, this application, came in before that zone was in effect... in effect, as well as this application is in the R-3 zoning district at this point in time. And so, the R-3 zoning district, regulations that were in effect at the time the application was applied for are what are in effect.

If City Council cannot approve or deny this application, or if you need more time or more information, you certainly can continue. Staff would recommend continuing to a date certain, and during deliberation, staff will, pull up the staff's recommended decision document, so that you can look at the drafted reason statements. There are a lot of them, and if there are any changes. If there are a number of changes to those statements, staff would suggest, perhaps, that the decision document come back at the next meeting on the consent agenda, just so we can make sure that we've accurately reflected, what you intend.

If the Council moves to deny this application, the Council must also legally, provide what can be done to result in approval, what could be done to result in approval, and with that, I stand for any questions.

00:50:09.190 --> 00:50:11.500

Mayor Evans: Questions? Ms. Thornborrow.

00:50:13.020 --> 00:50:14.419
Council President Page: Mr. Mayor.

Mayor Evans Yes, sir.
00:50:15.530 --> 00:50:24.340

Council President Page: Thank you, Ms. Thornborrow, for your presentation. Thorough as always, and I really appreciate the work that your department does for these to support these applicants. It's... it's a no small undertaking, as everyone here can witness. I have a question about the tiling, if we can refer to that. So once... once this, irrigation district facility's tiled. Who then is responsible for the maintenance of that and upkeep of the tiling? Would that be the district, the applicant, the city? I assume tiling fails.

00:50:58.020 --> 00:51:04.879
Jenah Thornborrow: Mayor, Council President Page, the applicant in the rebuttal may, may, address this if I'm incorrect, but I believe that that, that ditch is small enough that the applicant would be responsible for its long-term maintenance versus the drainage facility.

Council President Page: Great, maybe we can get some clarification on that on rebuttal.

00:51:26.130 --> 00:51:29.070
Councilmember Rasmussen: Mr. Mayor?

Mayor Evans Yes.
00:51:30.280 --> 00:51:40.800

Councilmember Rasmussen: And thank you for all your time and energy with this application as well. So, on the lighting that you talked about, that it will be down-shielded. Obviously, I have a visual as to what that really means, but does it... There will be some light that will... spray, for lack of a better word, away from each, each, each light, and I was curious, and I didn't look for detail at the lighting plan, but I'm curious if there's... if there's lighting in the landscape buffer against the eastern property line, and could... Will that be also shielded in such a way that it looks away from those adjacent properties?

00:52:16.640 --> 00:52:34.669
Jenah Thornborrow. Mayor, Councilmember Rasmussen, I do not recall any lighting in the landscape buffer. Okay. However, the condition of approval that's drafted requires that all lighting be down shielded, to try to reduce any potential, light trespass onto adjacent properties.

Councilmember Rasmussen:
Okay, okay, thank you.

00:52:41.180
Councilmember Jorgensen: Mr. Mayor?

Mayor Evans: Yes.

Councilmember Jorgensen: Director Thornborrow, I apologize, but I'm going to bounce around a little bit with some questions. Do we have any representative from ITD here, or

strictly ACHD?

00:52:54.020 --> 00:53:21.319

Jenah Thornborrow: Mayor, Councilmember Jorgensen, I am unaware if there's anybody here formally from ITD. I do know... I do know that there has been a member of the neighborhood who works for ITD that's been present in discussions, but I don't see him tonight, nor if he has the ability to speak formally on... on ITD's behalf.

00:53:22.090 --> 00:53:30.859

Councilmember Jorgensen: All right, I would like to, then potentially ask the ACHD, do we have that representative available?

00:53:32.790 --> 00:53:36.059

Lisa Leiby: I do see Rebecca online. She just unmuted herself.

00:53:36.190 --> 00:53:43.229

ACHD Rebecca Phillips: Mayor Evans, Councilman, Councilwoman, I'm here, yes, Rebecca Phillips on behalf of ACHD. Can you guys hear me?

00:53:44.420 --> 00:53:45.270

Councilmember Jorgensen: Yes, ma'am.

00:53:46.070 --> 00:53:50.410

Mayor Evans: We can hear you. Just formally identify yourself, please, for the record.

00:53:51.270 --> 00:53:56.660

ACHD Rebecca Phillips: Yes, for the record, my name is Rebecca Phillips, Transportation Planner with ACHD.

00:53:57.620 --> 00:53:58.400

Mayor Evans: Thank you.

00:53:59.660 --> 00:54:16.770

Councilmember Jorgensen: Thank you, Ms. Phillips. Within the packet, and Ms. Thornborrow may also need to hop in here, within the packet, on page 14 of the summary from, Development Services, the second paragraph on page 14 states, the city has formally requested that ACHD further evaluate Marigold Street. Was that further evaluation completed?

00:54:27.120 --> 00:54:45.700

ACHD Rebecca Phillips: Mayor, or Mayor Evans, Councilwoman, we currently have a concept study underway at this moment. I'm actually the planner on the study, and we are currently evaluating Marigold, yes, that is in motion.

00:54:48.670 --> 00:54:55.759

Councilmember Jorgensen: Part of my question here is, there seems to be some conflict, in the packet on page 8 of the development services report, under ITD's comments, the department had this... I'm reading the comments. "The department had previously reviewed and accepted the traffic impact study and does not have any requirements for this development. However, and I think this is pretty significant, ITD would like to remind

the City that this corridor is already congested, and the department does not have any funding assigned to mitigate traffic congestion in the Glenwood corridor." Rebecca, how does this tie, this comment... how does it tie to ACHD's study and results... resulting analysis? If it does it all.

00:55:43.410 --> 00:55:48.479

ACHD Rebecca Phillips: Mayor Evans, Councilwoman, thank you for the question. I am not...and you're saying that comment is from ITD. I'm trying to find out which page that you're actually on here. Is it the...

00:55:58.050 --> 00:56:01.599

ACHD Rebecca Phillips: entire design review report. I have that in front of me.

00:56:01.600 --> 00:56:03.290

Councilmember Jorgensen: Correct, yes.

00:56:03.870 --> 00:56:05.109

ACHD Rebecca Phillips: Page 8.

00:56:06.340 --> 00:57:29.139

ACHD Rebecca Phillips: Okay, so just based on what I heard you say. Okay, yeah and so, this is a comment I... I actually previously have heard am familiar with, and it's possible that ITD maybe was tying that into the Marigold-Glenwood intersection, and their corridor concept study that they had. We are still having discussions, and we're still in the process of entertaining any type of coordinated effort in terms of that intersection.

So, there's nothing that's been determined, at this moment. But funds and allocation of funds and all of that, those types of things, they do change on an annual basis, and ACHD does have coordinated meetings with ITD, and those are actually, coming up, and that will be a topic that we will bring forth, considering we are reviewing those with the consultant this year. We're reviewing those intersections of Marigold and Garrett, Marigold and Coffey, Marigold and Glenwood. So, those are all discussions that are being made as we speak.

00:57:30.780 --> 00:57:32.739

ACHD Rebecca Phillips: Thank you.

00:57:33.960 --> 00:57:45.349

Councilmember Jorgensen: Another question, there's testimony, and I believe even statements within the report, that ACHD's study is based on a report from 2024, is that correct?

00:57:46.240 --> 00:57:52.979

ACHD Rebecca Phillips: So... the study is not based on 2024. What I think they are...Mayor Evans, Councilwoman, I apologize. What they are...likely referring to is the traffic counts that are from 2024, and generally, traffic counts are considered reliable for 1 to 3 years before needing revalidation. Especially with periodic checks that we conduct and, all of the different coordinated efforts. We are obtaining new counts as we speak on Marigold, as well as all of the intersections and the turning movements, so that is all being taken into account, and, like I mentioned I'm super happy to answer anyone's questions

after this hearing. If Jenah wants to pass along my information, I'm the planner on the Marigold Street Concept Study, which we're bringing to the public in the month of May.

00:58:46.660 --> 00:59:35.910

Councilmember Jorgensen: Thank you. One more question, regarding the traffic counts and the assessment and recommendation by ACHD, do you know if it factored the, base, again, based on what I've read here and what's been provided, the traffic counts were, assumed or calculated in June of 2024.

We had a fairly significant announcement in October of 2024 of the new soccer fields. Has there been any, calculation or, evaluation on how... what that impact of the new soccer fields and the traffic that that will be, and the impact it will have on Glenwood? And specifically the Marigold and Glenwood area.

00:59:37.420 --> 01:00:04.010

ACHD Rebecca Phillips: Yes, Mayor Evans, Councilwoman, great question. I...there has not been...that has not been factored into this specific application or this staff report. I think with any type of development that large, that's all, you know, something that's likely done with modeling and what have you. That's...a great question, but that has not been factored into this staff report.

01:00:06.440 --> 01:00:14.019

Councilmember Jorgensen: Thank you, I really appreciate the information. Mr. Mayor, with your indulgence, I do have a few more questions for Ms. Thornborrow.

Mayor Evans:
Certainly.

01:00:14.180 --> 01:03:02.550

Councilmember Jorgensen: Director Thornborrow, there's been, as you indicated, a lot of concern and questions regarding the design and the form factor of this applicant, and how it fits into the neighborhood, and I am not a design expert at all. My question is specifically to the appearance of the the project, and...I will go ahead and say I think this applicant has...Based on the information we've received and demonstrated this evening, is willing to work toward resolution to make this application successful. My question is, in the actual facade, we've heard testimony, and in your comments, and specifically from the design review team, there were comments, repeatedly, repeated comments that... and recommendations that there had not been changes to the facade.

Tonight, Ms. Nelson indicated that they're willing to update that façade to comply with design review recommendations. My question... to both you and the applicant, I suppose, is...In looking at the public testimony and this application's renderings, I am concerned that it lacks the feeling of a neighborhood development. Specifically, it looks very, very much like, an urban development, and I'm going to reference public testimony from Ms. Dean, and she provided photos, and one specifically in her public testimony, she indicates as, number one, homes along Willowdale Drive, which are adjacent to the Boise Bible College property and are represented... representative of the architecture, style, and one-story design of all the homes along the street and the Willowbrook subdivision.

Now...I understand code, and there's no intent here to enforce a single-level

development. However, I think I don't even...have the words to identify the very, very different look of this compared to a very, what I would call a squarish box design. What are your comments and observations regarding the disparate appearance of the applicant's product and this neighborhood look... If you have any.

01:02:56.850 --> 01:04:07.230

Jenah Thornborrow: Mayor, Councilmember Jorgensen, certainly. The code does have, a...quite a section regarding design. What code does not have is spelling out for specific neighborhoods, specific architectural styles. So, it doesn't say in this neighborhood it must be a craftsman, or modern, or etc. It more speaks, to addressing in broad strokes, things like the public realm, or privacy, or etc. And so, there are requirements for how different, architectural elements must be applied, but it's... instead of saying it's this specific type of architectural design style. It might say, for example, the front door needs to address the public street, and so, for that reason, in Garden City, you can have a wide range of different styles that you might see, and I guess that's the extent of my answer, thank you.

01:04:07.760 --> 01:04:15.890

Councilmember Jorgensen: I appreciate that. Again, Mr. Mayor, appreciate your...

01:04:16.410 --> 01:04:22.410

Mayor Evans: We're gonna let you go till you finish.

01:04:16.410 --> 01:04:32.389

Councilmember Jorgensen: I appreciate that. I think that will conclude my questions for now, Mr. Mayor.

01:04:32.389

Mayor Evans Okay.

01:04:37.110 --> 01:04:43.620

Jenah Thornborrow: Mayor, Council, thank you.

01:04:37.110 --> 01:04:40.989

Mayor Evans: Any other questions, Council? Okay, thank you, thank you.

01:04:43.760 --> 01:04:45.960

Charles Wadams: Mr. Mayor, can I give a brief legal review?

0

1:04:46.140 --> 01:05:15.270

Mayor Evans: Certainly. Let me ask Rebecca one question, if I can. Rebecca, you mentioned, Marigold-Glenwood, Coffey-Marigold, Coffey-one with intersections, and maybe you mentioned another one, were under discussion. I'm not sure what that means as far as a timeline. Can you help me out on that? Is that something that's eminent, or...

01:05:15.770 --> 01:05:17.490

ACHD Rebecca Phillips: Mayor Evans, yes.

01:05:17.490 --> 01:05:20.530

Mayor Evans: same discussions that have lasted years. No offense.

01:05:20.530 --> 01:07:29.139

ACHD Rebecca Phillips: Yes. Mayor Evans, yes, that's a great question, and we're very excited that this year we're, we're in the midst of the concept study. As we speak, your agency's top priority, one of your top priorities was Marigold Street, and with our new push. That's what we're focusing on, so we're really excited to be in the middle of this effort. There is a timeline, indeed.

Currently we have our cons... our consultant working on traffic analysis, and...Then we'll be heading out to the public, and all of the residents, the neighbors, the businesses, we'll be incorporating all of them into our effort. What we're gonna be doing is, we'll have 3... we'll have the 3 intersections, so Marigold and Garrett, Marigold and Coffey, Marigold and Glenwood. We'll have alternatives, two alternatives, for each of those intersections that we'll propose improvements to all of which, which include bike-pedestrian improvements, traffic improvements, congestion, and everything that we hear from the public will be incorporating into those alternatives.

As well as a, striping plan for Marigold. So, as you know, Marigold is built out, and, ACHD is not proposing for any right-of-way takes or acquisition. We're gonna stay within the right-of-way limits that we have and propose a restriping plan, which we'll also bring out to the public. So...as I mentioned, all of that will be heading out for public involvement around May-ish, and I do have Jenah flagged on my project team. We have our traffic analysis, meeting coming up in February. That will kick off our project team meeting. So, you guys will start hearing more and more about all of that. So, did I answer your question, or...

01:07:30.240 --> 01:07:36.740

Mayor Evans: Hey, I it, it does. You're already getting started on it.

01:07:36.740 --> 01:07:37.770

ACHD Rebecca Phillips: Yep, yep.

01:07:37.970 --> 01:08:00.870

Mayor Evans: I just... I think there's a natural expectation maybe expectations, wrong word. There's a... a curiosity of, does this slip into the 5-year work program? Once you figure out what you want to do, we're looking at down the road a ways, I'm presuming, for any physical changes.

01:08:01.080 --> 01:08:35.920

ACHD Rebecca Phillips: Mayor Evans, the striping plan will be the first approach to Marigold that's going to be incorporated into our 2027 chipseal program. The intersections are scheduled to begin design. I believe they are...already...they're in the five-year plan, the intersections. I believe they're slated for 2030, don't quote me, I don't have that in front of me. But yes, they are in the 5-year plan, and if they are on your agency's priority list, it is a priority for ACHD.

01:08:36.899 --> 01:08:39.199

Mayor Evans: Great, thank you, Rebecca, appreciate it.

01:08:39.200 --> 01:08:40.579

ACHD Rebecca Phillips: You're very welcome, thank you.

01:08:41.630 --> 01:09:07.899

Council President Page: Mr. Mayor? Yes. Ms. Phillips, before... before you go. Can I... can I just sort of put you on hold? I might want to ask you a question, but I want to...talk with the applicant for a second. Does the applicant have someone here representing Kimley Horn in the study? Great. Okay I will not need you, Ms. Phillips. Thank you.

01:09:07.910 --> 01:09:09.000

ACHD Rebecca Phillips: Thank you.

01:09:09.210 --> 01:09:14.120

Councilmember Rasmussen: Mr. Mayor?

01:09:09.210 --> 01:09:14.120

Mayor Evans: Yes.

01:09:14.120--> 01:09:31.249

Councilmember Rasmussen: Ms. Phillips, one last question. What is the difference between a collector and an arterial? Is it just traffic counts, or is there other... other, aspects of a road that makes them different, other than traffic count?

01:09:34.130 --> 01:09:40.019

ACHD Rebecca Phillips: Mayor Evans, Councilman, I... that is a great question. I, unfortunately, do not have that answer. I'm not sure if Jenah, she's... super knowledgeable, if she can maybe jump in, if she knows the difference between that, but I... I'll have to get back to you on that.

01:09:53.779 --> 01:09:55.269

Councilmember Rasmussen: Okay, thank you.

01:09:56.210 --> 01:09:57.910

ACHD Rebecca Phillips: Nope, I'm sorry about that.

01:10:01.920 --> 01:10:15.100

Mayor Evans: Okay, we're doing... we've done the applicant, we're doing staff. If you have another question for the applicant, I'm going to recall them. If you have a question regarding the traffic count.

01:10:15.760 --> 01:10:30.280

Council President Page: Thank you, Mr. Mayor. I was going to wait till rebuttal, but if we can get it in now...

01:10:15.760 --> 01:10:30.280

Mayor Evans: No, I think we ought to get anything that we... you want to know from the applicant that you know now, let's get that dealt with, so...

01:10:15.760 --> 01:10:30.280

Council President Page: Mr. Mayor, can we please call the representative from Kimley

Horn?

Mayor Evans: Yes.

01:10:30.630 --> 01:10:50.670

Mayor Evans: If you would, sir, come... Either way, either way. I don't know if you have what you all... what you have to share. If you would, sir, please identify yourself. I'll let the record reflect, I've recalled. Whoever you are, as part of the, applicant's presentation.

01:10:51.390 --> 01:11:02.540

Tim Nicholson: Thank you, Mr. Mayor. Members of the Council, my name is Tim Nicholson. I'm with Kimley Horn, our address is 1100 West Idaho Street, suite 210 in Boise, Idaho.

01:11:04.190 --> 01:12:02.619

Council President Page: Thank you, Mr. Nicholson. I have a question. I'm referring, just for the purposes of everyone in the room to, to the record, so not part of this packet, but on the record, there's a link provided by the applicant to the findings of your traffic impact study. And I do enjoy technical writing, and it... it, gave me PTSD, because I went back to my methods class in college but... but help me understand. I think the punchline, the bottom line that I heard in Miss... in, Ms. Nelson's presentation was that there were the findings... the final line was 92 trip, trip increase in the count in the peak AM/PM hours. Is... is that... was that the finding, the final finding?

01:12:02.619

Tim Nicholson: Yes, sir.

01:12:03.010 --> 01:12:37.760

Council President Page: Okay, briefly, because there's a lot of people here, and I just... Can you show your work on that in a way that helps me understand how 236 dwelling units most one-bedroom—that might be one car. Some one-bedrooms are gonna have two cars. I think a two-bedroom is probably gonna have two cars, maybe not, and a 3-bedroom's certainly gonna have at least 2 cars. How...How do we come up with 92... trips. In the... in the peak hours.

01:12:38.400 --> 01:12:43.370

Tim Nicholson: Certainly. So, it's based off the ITE trip generation manual the 11th edition, I believe, that we were using, and basically the trip generation manual sets forth, based on national standards and national studies. What each dwelling unit, whether it's one, two, or three-bedroom unit, would have for trips per day, and when those trips will happen. So, essentially, there's, like, 1,071 trips per day for the 236 units, of which 92 of them are in the AM peak, and 92 of them were in the PM peak.

01:13:20.380 --> 01:13:43.249

Council President Page: In this manual, are there grades of... towns. So...I've visited New York City many times, right, and some people have cars, most people don't. A lot of people rely on public transportation. Do they fall subject to this same manual? Are they calculated in that average?

01:13:44.070 --> 01:13:45.800

Tim Nicholson: Yes, I believe they are.

01:13:45.930 --> 01:13:53.650

Council President Page: Versus...I don't know, Riggins, Idaho, right? Where there's probably not a whole lot of remote workers in Riggins, Idaho.

01:13:54.300 --> 01:14:12.230

Tim Nicholson: I would imagine most...people are, driving in Riggins, Idaho, they're not taking too many buses or walking.

01:13:55.680 --> 01:14:41.599

Council President Page: Right, yeah, yeah, yeah, yeah. So that's kind of my point. I'm trying not trying to be clever, but... but how reliable is that in a Garden City application, as far as kind of considering what our typical Idahoan of course, in this area off of Marigold, and judging from the room, you'll see there's many retirees, but people that are attracted to the diverse housing styles that this project represents are generally working people, working professionals. There might be some retirees, but I...probably fewer. I don't know, just... how confident are you in this number? It seems low to me, to be honest.

01:14:41.820 --> 01:15:12.499

Tim Nicholson: It...So the IT Trip Generation Manual is the standard, for all modeling like this. It's used for all applications, whether it's a single-family residential, multi-family residential, commercial, fast food places, you know, you...that's kind of the holy grail for where traffic engineers go to determine what these numbers are, right? So I am confident in the numbers and what they represent.

01:15:12.610 --> 01:15:29.189

Council President Page: I appreciate your confidence and thank you for your time.

01:15:12.610 --> 01:15:29.189

Tim Nicholson: You're welcome, and Councilman Rasmussen, if I could, I can't give you the definition of an arterial street, but the definition of a collector street says, and this is from the ACHD policy manual Section 7206 under Collector Streets. Specifically 7206.1. The primary function of a collector is to intercept traffic from the local street system, smaller streets, and carry that traffic to the nearest arterial, the larger streets. The secondary function is to service adjacent property. Access will be limited or controlled. So, you had asked specifically what an arterial is. The arterial is... kind of the...the backbone of, the transit network to be able to convey most of the traffic from those smaller roads out to where they need to go, and then back down into the smaller, street network.

01:16:09.940 --> 01:16:21.489

Councilmember Rasmussen: Interesting, okay. Thank you very much, and Mr. Mayor, if I can ask a follow-up on this last discussion...sure...with Council President Page, excuse me. I guess just, to clarify what we're talking about with peak hours, excuse me again. Is it 92 in the span of a couple of hours, say, a commute, or is it 92 per hour? It's over the course of 2 hours or 3 hours in the afternoon or in the morning?

01:16:31.760 --> 01:16:46.989

Tim Nicholson: It's 92 in that particular peak hour.

01:16:31.760 --> 01:16:46.989

Councilmember Rasmussen: 1 hour.

01:16:31.760 --> 01:16:58.259

Tim Nicholson: 1 hour.

01:16:31.760 --> 01:16:58.259

Councilmember Rasmussen: Okay, so there's not peak hours, there's one... there's not, like, peak hours from 4 to 6. There's one peak hour that's... that's been identified, and it's 92 in that one hour.

01:16:58.580 --> 01:17:23.290

Tim Nicholson: So that window is looked at, so it's basically from, 7:30 till 9:30 a.m. and 4 to 6 p.m., and we look at the volumes in those hours and determine what the peak, the number of traffic counts of vehicles the most amount of vehicles in any given hour.

01:17:18.510 --> 01:17:23.290

Councilmember Rasmussen: Okay.

01:17:23.440 --> 01:17:31.949

Tim Nicholson: Based on 5-minute increments.

01:17:23.440 --> 01:17:31.949

Councilmember Rasmussen: Okay. Thank you.

01:17:23.440 --> 01:17:31.949

Tim Nicholson: You're welcome.

01:17:23.440 --> 01:17:31.949

Councilmember Rasmussen: Thank you for that clarification.

01:17:23.440 --> 01:17:31.949

Councilmember Jorgensen: Mr. Mayor, may I follow up? I apologize. Can you, reiterate what the hours are?

01:17:32.090 --> 01:17:40.330

Tim Nicholson: It was 7:30 till 9:30, and AM. and 4 to 6 PM.

01:17:32.090 --> 01:17:40.330

Councilmember Jorgensen: Thank you.

01:17:41.850 --> 01:17:44.370

Tim Nicholson: You're welcome.

01:17:44.700 --> 01:17:48.050

Mayor Evans: Great, any other traffic study-related questions? Great, thank you.

01:17:49.020 --> 01:17:52.549

Tim Nicholson: Thank you.

01:17:49.020 --> 01:18:43.820

Mayor Evans: Appreciate that. The Council, are there any other...applicant-related questions. I'm happy he... they brought a team here. If you have any other specifics on any other elements of the...development that maybe, haven't been addressed that you would have a question about. Maybe this would be a good time. We can always do it, after we hear testimony too. If there isn't, we'll move on. I'm going to do a short recess for everybody, and then we'll start the public hearing. Okay?

01:17:49.020 --> 01:18:43.820

Unknown: Sounds good

01:18:34.140 --> 01:18:40.319

Mayor Evans: So, let's get... let's come back here and, I know, as soon as we can get back here. 7-8 minutes, okay?

01:19:11.700 --> 01:19:14.310

Lisa Leiby: We're back on the record, Mr. Mayor.

01:19:16.420 --> 01:19:34.649

Mayor Evans: Okay, thank you, I neglected one final item before we start the public hearing as part of the staff review, and that's our, legal report. So, Mr. Wadams, if you'd give us that.

01:19:16.420 --> 01:22:59.779

Charles Wadams: Thank you, Mayor, members of the Council. Just briefly, I have a Legal Memorandum that's on page 35 of your Council packet. Just a couple things I wanted to point out before the public hearing is opened. On page 2 of my legal memo, or page 36 of the packet, what's really important, whatever the Council decides to do tonight, what's really important from a legal standpoint is the Council needs to come up with a written reasoned statement. What does that mean? A reasoned statement that the Council must come up with must plainly state the resolution of factual disputes.

We have already heard there's multiple factual disputes. It's up to the Council to decide those factual disputes, all of them, and the ones that come up in the testimony. Any factual disputes need to be resolved in the written decision. So, the Council has to plainly state the resolution of factual disputes, identify the evidence supporting the factual determination and explain the basis for legal conclusions, including identification of pertinent laws and or regulations upon which the legal conclusions rest.

So, it's not enough to say, "I believe person number A and not person number B." You would have to put in the decision, "we believe person number A because..." and then you fill in the blank, why you believe that person. So, it's very important from a legal standpoint and for any judicial review, that we have a well-reasoned statement, and that's the main thing I wanted to say right now.

Also, in my memo, I point out some factual disputes that I had identified, and so that's in my memo, and but we're probably going to have some more factual disputes as the night goes on, and we hear further testimonies. So that's the main thing I wanted to say.

Regarding the record, I just wanted to make sure that the Council and everybody present is aware that there's really two different records. There's something we call the "Council

Packet,” and that is on the website, and that’s public. And then there’s also the “Record” that’s put together, and that’s all the hyperlinked stuff. So, when somebody is reviewing the record, the record includes not only the “Council Packet,” but the “Record” that is hyperlinked. And I mention that now because there are three different draft decision documents in either the packet or the record, and I just want to clarify what that means. In the council packet, there is a draft decision, and that’s put together by staff, Development Services staff, and that starts on page 43 of the council packet, but then you’re going to see another version that’s in the record.

Actually, two other versions, I believe, that are in the record, and those have redlines from the applicant’s attorney, Givens Pursley and Deb Nelson, who we’ve heard from here today. So those are slightly different versions of recommended findings for the Council to decide. But the Council doesn’t have to follow any of those.

If the Council wants to deny, that is the Council’s prerogative. But then again, you’d have to explain why you would want to deny. And for examples on why...perhaps a denial would be appropriate, I would point you to the letter written from Jeannie Jackson-Heim. She has very reasoned arguments in her letter, and if the Council wanted to, you could cut and paste stuff from Jeannie Jackson-Heim’s letter as well. So just because there are recommendations from staff or recommendations from the applicant, that does not mean you have to follow it. You could follow Jeannie Jackson-Hime’s letter, or anybody else’s letter.

So, I think it’s important to make clear there has been no predetermination. What’s in the packet are only recommendations to the Council. and I think that’s all I wanted to say, and that’s my legal review, and I stand for questions. Thank you.

01:19:16.420 --> 01:22:59.779

Mayor Evans: Any questions of Mr. Wadams?

01:22:59.830 --> 01:23:16.939

Councilmember Jorgensen: Mr. Mayor? Yep. Mr. Wadams? Does the reason statement need to be rendered at this hearing?

01:22:59.830 --> 01:24:50.450

Charles Wadams: Mayor, Councilmember Jorgensen, that’s a great question, and I did want to comment on that briefly. Because, no, there’s several different ways the Council could take care of this issue. You could start the public hearing tonight and continue the public hearing to a date certain. You could get through the public hearing tonight and start the deliberations tonight, and then continue the deliberations to a date certain.

So, it does not all have to be decided tonight. But if you are to conclude the public hearing and conclude the deliberations tonight, I would recommend you come up with the reason statement tonight, and that’s where we would go through each of the 8 criteria, and I’m going to recommend we put them on the overhead projector, and we go 1, 2, 3 through 8, and the Council can decide what they believe is accurate. And then what I’m going to recommend is that we compile all that stuff, you give direction for staff, whatever you decide. And then staff goes and we continue the written statement, the reasoned statement, until either the next council meeting or the meeting after that.

We come back with that reasoned statement, put it on the consent agenda, or just the normal agenda, and the Council can look at that and determine if that's an accurate representation of what your findings are. So, whatever happens tonight, I am going to recommend it be continued, so the staff can put the final touches on the decision document, and it can come back. And the Council can take a second look at that decision document, because that is the legally controlling document, that would be reviewed and discussed in a court of law if we get that far. So, I think, take as much time as you need to come up with that reasoned statement, but again, the Council needs to decide and determine all factual disputes and what you believe and what you don't believe.

01:24:50.820 --> 01:24:52.350

Councilmember Jorgensen: Thank you, Mr. Wadams.

01:24:50.820 --> 01:24:52.350

Charles Wadams: Thank you.

01:24:53.770 --> 01:25:02.810

Mayor Evans: Thank you. Having said that, I'm gonna open the public hearing in a minute. I will...when I call your name, if you have, again, if you need assistance by showing something on the screen up here, we have a mini presentation, please...go to the podium on your right. If you have oral presentation, you can come to the center podium. It's just...It's just the way we're gonna do that.

When I call your name, I'll indicate how much time you have. We have a timer here, green, yellow, and red. I don't know how many of you plan to testify tonight, but...we typically adhere to a 3-minute testimony time, so we can get through...what could be 100 people in here tonight? So, there will be individuals that I'm giving more time to, it's because they are representing others, so that time is... Added together for certain individuals that have indicated to me ahead of the meeting, and that, those people that they represent, won't be testifying. You have... you've chosen to have somebody, speak for you.

01:26:28.220 --> 01:26:42.730

Mayor Evans: So, with that...

01:26:28.220 --> 01:26:42.730

Councilmember Jorgensen: Mr. Mayor?

01:26:28.220 --> 01:26:42.730

Mayor Evans: Yes.

01:26:28.220 --> 01:26:45.090

Councilmember Jorgensen: Apologize, before we open the public hearing, there was a question of some late submittals and, consideration if the Council will allow those. Do we need to take that up now?

01:26:45.580 --> 01:27:24.229

Mayor Evans: We need to take it up before we deliberate, so I think we can go on with the public hearing portion, and then...before we start deliberation. We might take a... recess at that point, and make sure you have an opportunity to read those. I haven't been able to read them yet. Maybe you guys have but you can just determine whether you want

to read them, or... and make them part of the record, but certainly, you need to have an opportunity to look at them if you haven't. If you decide you want to admit them, that's fine, but we'll do it before we deliberate.

01:27:24.720 --> 01:27:26.039
Councilmember Jorgensen: Thank you.

01:27:24.720 --> 01:27:26.039
Mayor Evans: Okay.

01:27:26.720 --> 01:28:12.790
Mayor Evans: Okay, with that, I will open the public hearing on DSRFY2025-0008. I have a sign-up sheet. I'm gonna... I'm gonna... I'll call your name, and if you need any technical assistance, Lisa will help you. We'll start with, Terry Dean, Terry will have 10 minutes, she's the Willowbrook...Willowbrook Homeowners Association President, and she indicated to me that that would be enough time, so...welcome, Terry. Pleasure to have you here, if you would. Thank you, give us your name and address, so we have it on the record.

01:28:17.350 --> 01:28:20.420
Terry Dean: Make sure that I have it what I've submitted on.

01:28:22.310 --> 01:28:23.260
Lisa Leiby: Let me get close.

01:28:24.070 --> 01:28:52.050
Mayor Evans : Jenah, we may need your assistance. Okay, okay. I'll tell you what sit back down, and I'll start with the next one, and while Jenah is coming... getting ready to...

01:28:24.070 --> 01:28:52.050
Terry Dean: Okay.

01:28:24.070 --> 01:28:52.050
Mayor Evans: Because I can't... I'm sorry, I can't help you over there.

01:28:24.070 --> 01:28:52.050
Terry Dean: Okay, I have other parts I could read first, and go back to the pictures, or...

01:28:24.070 --> 01:28:52.050
Mayor Evans: Well, it's okay, I'm gonna... I'm gonna,

01:28:52.980 --> 01:29:03.379
Mayor Evans: We'll just go to...Can I call you Kenley?

01:28:52.980 --> 01:29:03.379
Kenley Grover: Yes.

01:28:52.980 --> 01:29:28.359
Okay, thank you. Kenley, welcome. Kenley has been allotted 15 minutes, he's representing...additional folks. So, welcome Mr. Grover, I couldn't read your name for a

second. Okay, alright, so, welcome if you'd give us your name and address for the record, please.

01:29:28.460 --> 01:37:38.480

Kenley Grover: My name is Kenley Grover from Lerma Grover Law, my address is 3045 East Copper Point Drive, Meridian, Idaho, 83642, and I'm here on behalf of several residents in the neighboring area around this particular area. Open it up a question afterwards. I have submitted a letter back in July, and also recently just a series of bullet points that the local community brought to the attention of the developer at a recent community meeting. I'll go through those with you, just to outline some of the major concerns that the neighboring residents are worried about and primarily right now, the issue that takes a paramount place is that there are 20 properties directly adjacent to this. While there are setbacks that have been met according to code.

Those particular properties are going to be impacted by this project. We're in the process of engaging with an appraiser to discuss the actual monetary amount that that impact is going to have, but for or against developer did mention at the community meeting that there was no negative impact from positive, which raised a number of eyebrows. But...I know, pretty clear to see that, four-story building next to the 55-plus community of patio homes and single-story homes is going to have a disparate impact on those properties, especially when it comes time to resell them.

There's one particular neighbor that I had a conversation with, where my clients have had conversations with as well, that has indicated that they need to sell their property to disclose this particular project, and lost buyers, because of this particular project. So, the negative impact on these property values is something that we think is worth considering and goes against not only Idaho Code, but one of those directives that you have to address tonight, one of those eighth value criteria you need to meet, and because of that, this project should be denied.

The next issue is regarding parking. Now, the plans that I've reviewed throughout the record show that there was going to be about 152 additional parking spots from the Boise Bible College. I believe Ms. Nelson testified at the outset of this that this project isn't going to be using any of those parking spots, but I haven't seen any submittals that show that they've complied with that in design changes. In fact, I went to look at the record while we're sitting there, and if you look at 12/22/25 additional supplement from Rennison. It outlines that there's actually a photo that they submitted into the record showing those 152 spaces that they were hoping to use and if you put math, the table on page 8, it showed that there are 389 required parking spaces, but the project onsite only had 328, and that raises some concerns with my clients, because there are similar projects for Garden City where they've improved the properties by having these multi-story properties, or buildings, and...parking ends up overflowing onto the street, and with the adjacent neighborhoods, they're concerned that this parking issue would impact them. And we're also concerned that this parking issue does not comply with one of the requirements that they're supposed to meet in this particular project and that should be denied because of that.

Another issue is the impact on the local roadways. Now, we have heard some testimony that this will not take it over the threshold that ACHD or ITD has set. I agree with...President Page that that number doesn't seem quite logical, considering the law of averages across the country, an additional 92 trips, or peak hour, or possibly 300 to 400

additional cars at this particular location, doesn't seem to make sense. Add that to the already overloaded intersection at Glenwood and Marigold. Which...I understand that they've offered some percentages. I would just counsel to take those percentages with a grain of salt, an increase of 2%, an increase of 1.6%. While that may not sound like a lot, if you're already operating over capacity. Even the lightest straw can still break a camel's back and I would counsel you guys to understand and evaluate the premise in which those percentages are offered. Because if we rely on percentages, you could say that this particular project is a 100% increase in height around the surrounding neighborhood. Now, if you go from 2 stories to 4, that is a 100% increase in height. Now, we can use all the dramatic percentages we want, but let's just use some common sense. You're adding 300 to 400 new cars on an already street, and that increase in traffic doesn't sound like it's going to be remedied until possibly 2030. Perfect. Now, that's...It is ways down the road, so let's be cautious in our assessment of this particular project and understand that there are no solutions to the problem and seeing that there's no solutions to that particular problem, we request that you deny this application. We would like to thank the developer for moving the garbage bins, we wish they would do the same with recycling, but at the end of the day, this is still going to create an additional nuisance to the neighbors in excess of what is currently around them, and this increase in intensity and height does not fit with those particular single-family homes.

Now, I agree with Director Thornborrow that the Idaho, or the city's Comprehensive Plan for the Supreme Court Idaho is not controlled, but I would advised the Council today that this Comprehensive Plan was propagated according to Title 67, Chapter 65 of Idaho Code, that spells out that all developments are subject and are required to not violate private property rights, adverse impact property values, or create the necessary technical limitations on the use of adjacent properties. While the Comprehensive Plan is not controlling, Idaho Code is and just because you may have a city ordinance that allows for unlimited height, does not mean the city ordinance preempts state law and I would advise you to abide by state law in evaluating the intensity of this particular project to realize that it exceeds the intensity and scope of the neighborhood. Coupled with that, as brought up by Councilmember Jorgensen, this particular project, while it may be attractive in an urban environment, does not fit in with the particular neighborhood in which they're intending to build it.

Neither the design features, the height, the colors...or the balconies, however beautiful they may be, do not fit in with the surrounding neighborhoods, and it breaks the continuity as required by the Comprehensive Plan and Idaho Code, because of that, this application should be. The next issue that I know is of a major concern to my clients is the sewage question. It sounds like there's a proposal that the sewage lines be run through the Willowbrook subdivision, because there are no other avenues currently in favor of it. Those particular roads that will be torn up are private roads of those particular residents required to be maintained by them, the last thing we want to see is that quiet neighborhood under construction, those roads torn up and poorly patched because this particular project exceeds the capacity. In which it's intended for and while we appreciate the directional lighting, and a privacy fence. We believe that this particular project is not fit for this particular use, and with that, I'll stand for questions.

01:37:38.480 --> 01:37:40.780

Mayor Evans: Thank you. Questions, Mr. Grover?

01:37:41.730 -->

Council President Page: Mr. Grover. I do have a question, at the beginning of your presentation, you indicated that you've retained an appraiser to be doing an assessment of the property values that abut. Is that all 20 properties?

01:38:00.300 --> 01:38:12.020

Kenley Grover: We're working with the appraiser to provide an analysis on the adjacent properties. The scope of that investigation and review haven't really gotten to a conclusion as of yet. There's been some discussion back and forth.

01:38:12.770 --> 01:38:27.499

Council President Page: For a body like ours that's required to make a decision on the record, do you have a record to present?

01:38:12.770 --> 01:38:27.499

Kenley Grover: I don't have anything concrete from that particular appraiser, other than just the conversations that we had, and she mentioned that this can be something of a concern...and

01:38:27.960 --> 01:38:47.370

Council President Page: I appreciate that, but that's anecdotal; hearsay...yeah.

01:38:27.960 --> 01:38:47.370

Kenley Grover: I understand, but also, I had a conversation with a neighbor, not in the middle of the subdivision, but a smaller one, just closer to Marigold, who wanted to sell their house. They were unable to sell their house for what they were hoping for.

01:38:27.960 --> 01:38:47.370

Council President Page: Well, perhaps that person will testify to that.

01:38:47.790 --> 01:38:52.360

Kenley Grover: I'm here to offer that in their place, it's information that I've received.

01:38:53.020 --> 01:38:53.920

Council President Page: Thank you.

01:38:55.380 --> 01:39:03.860

Mayor Evans: Other questions of Mr. Grover?

01:38:55.380 --> 01:39:03.860

Councilmember Jorgensen: Mr. Grover, I do have a couple of questions. Can you indicate or, share with us which subdivision lost a buyer? Was it in Willowbrook?

01:39:08.620 --> 01:39:21.000

Kenley Grover: I can't remember the name of it. It's the one next to Willowbrook, the smaller one. Maybe the community members can help me out here, what the name of it is.

01:39:08.620 --> 01:39:21.000

Councilmember Jorgensen: Thank you.

01:39:21.600 --> 01:39:27.030

Kenley Grover: I believe it was a property that does it, abut...to the Boise platform.

01:39:27.540 --> 01:39:28.760

Councilmember Jorgensen: Yeah, so...thank you. You you repeatedly, in your written statement, you state that you're not opposed to reasonable development. This evening, you repeatedly stated that this application should be denied. What would your remedies be for approval?

01:39:51.330 --> 01:40:03.950

Kenley Grover: I had many discussions with my clients on this particular issue. We would like to see something that fits in more closely with both design and height of the surrounding neighborhood, so if we went from 4 stories to 2 stories. There would be no objections from our end of things, that would also decrease the stress of traffic, possibly help out with some of the sewage issues, and a lot of the other problems we currently have with this particular project. We understand that this development will happen, that Garden City will continue to grow, that their housing needs will still need to be met but we don't do it this particular project as it's presented in this review, complies with type of code, or with the community standards.

01:40:38.560 --> 01:40:43.510

Councilmember Jorgensen: I appreciate that, Mr. Grover. Have you had any direct conversations with the applicant?

01:40:43.820 --> 01:41:02.639

Kenley Grover: A couple of conversations, with the developer...developer, okay. Although not through council, because I was only informed I had counsel with my meeting with the mayor just recently.

01:41:02.639 --> 01:41:21.029

Councilmember Jorgensen: Thank you, and on item 15 in your written, testimony, you indicate that an 8-foot privacy fence between the project should be made of stone, cinder block, or other similar materials. Do you believe that there's a code that allows the council to enforce that or require that?

01:41:21.390 --> 01:41:28.349

Kenley Grover: I believe that's what my clients were requesting. It's now my understanding that there's a 6-foot limitation on fencing presented a vinyl fence, and like I said, we appreciate them making some concessions and working with us on that particular, point. We would like it to be made with something a little more sturdy, to help with sound. So, we'd be probably willing to reduce it to the 6 foot, to meet with the code requirements for that particular.

01:41:47.890 --> 01:41:51.219

Councilmember Jorgensen: Thank you.

01:41:51.219

Mayor Evans: Thank you. Anything further from Mr. Grover?

01:41:51.810 --> 01:41:53.200
Councilmember Rasmussen: Mr. Mayor?

01:41:53.200
Mayor Evans: Yes.

01:41:55.870 --> 01:42:09.299
Councilmember Rasmussen: I don't want to put words in your mouth or anything, but... and thank you for being here today, but I want to make sure I understood what you said.

You said that, if it would be approved, or you'd be supportive of it if it was two stories, and did you say single-family homes, or...

01:41:55.870 --> 01:42:09.299
Kenley Grover: It could be multifamily homes.

01:41:55.870 --> 01:42:28.369
Councilmember Rasmussen: Multifamily homes, okay. Do you know that if that were to happen, there wouldn't be 200 plus, or 235, or 240 dwelling units on this... On this parcel? On these parcels?

01:42:28.540 --> 01:42:38.659
Kenley Grover: It's my understanding that if we were to take the existing building design and remove the top two stories, you go from 236 down to 115 or so, give or take just sticking with the plan as it currently exists.

01:42:28.540 --> 01:43:17.719
Councilmember Rasmussen: But that assumes the same footprint, so... but that would require less parking, so possibly more buildings, Or... or townhomes, right up against the east property line. So... I'm just trying to get a sense of... it sounds like you were pretty confident that a change in the... in the application would make you... feel better about it. And I don't know if there's a guarantee of that, but it sounds like you're confident that there is.

01:43:07.120 --> 01:44:10.440
Kenley Grover: I'm confident that my clients would be willing to withdraw any objections if the building height went from 4 stories to 2 stories... well, we did have a number of discussions about some other issues, possibly flipping the building so that the balconies faced the Boise Bible College, and we got more of the green space facing the Willowbrook subdivision. I mean, we came with a number of items that we would like to see, and I was pleasantly surprised to see that they had incorporated some of those into the did a recent proposal in the fight. He said they're working with us on that pushing for, a little bit... more... with the surrounding. So, if you had people with more buildings, but they want a two-story, again, we'd be more open to that discussion, and we'd be willing to discuss that with the developer if we have any changes. Again, if we start to trend in that direction, I have plenty of times to be more than willing to betray any objection.

01:44:10.920 --> 01:44:12.960
Councilmember Rasmussen: Okay, thank you for your testimony.

01:44:13.290 --> 01:45:02.429

Mayor Evans: Anything further? Thank you, Mr. Grover, okay, Terry, I think we're ready for you now. Jenah, can you come up and assist, please? Okay, Terry, you have 10 minutes, and it's a pleasure having you. If you would, give us your name and address for the record.

01:45:02.560 --> 01:50:40.399

Terry Dean: Hey, good evening. My name is Terry Dean, and I live at 5567 Willow Lawn Way in the Willowbrook neighborhood. I am the president of the Willowbrook HOA. I represent approximately 231 households. I sent a letter on December 23rd with pictures of the apartments on Bald Cypress and Records, which the developer had said was an example of what their property would look like. As you can see by these pictures, you can see that the development does not...look like what's in our neighborhood. This is Willowdale Street. That is the Antioch Apartments, or the Bald Cypress, the ones on Bald Cypress.

Their Meritage Apartments is the name of it. This is a picture showing the view of the fourth... third and fourth stories being able to look right down into somebody's backyard, and this is showing open carports, and which, at night, I have another picture showing the evening or morning picture, and this is showing parking on the streets, even though there were parking spaces in the lot, I... I'm assuming these were guests, or company, or...or somebody else living there that...Anyways, obviously there's street parking, and it's common knowledge that there's never enough parking when apartments are built, and they ignored the...The signs, the no parking signs, more street parking, and then here is showing the lights from the carport that would be glaring into the Willowbrook neighborhood, and I believe that this is...very great concern of why we would want the garage the carport's enclosed, and...and I don't know if down lighting would resolve all of that.

Also, another reason why we wanted a concrete 6-foot wall, because that would help with the lighting issue. We basically do not want the Antioch Apartments at the Boise Bible College to be built as it is presented. As a four-story building, the transition and scale do not fit in with the surrounding neighborhoods, you've heard that this evening. There are no buildings taller than two stories west of Glenwood, next to single-family homes other than Strawberry Glen, in which the developer worked closely with residents for workable solutions.

The developer for the Antioch Apartments has offered Willowbrook very much in the way of buffers. The Antioch Apartments may have met design standards, but they have not met Willowbrook standards. We have made several requests of the developer at the 9/22 meeting, and it seems that most of them are being ignored. For example, we only found out that they are planning on putting their sewer line through our neighborhood a couple of weeks ago. This seems like foul play. When you look at the sewer plan, it looks like it dead ends in our neighborhood right by our water canals.

We should have a right to review all easements and to have our attorney review them to see when they were established and if they were completed lawfully before it gets approved. We implore you to not approve the Antioch Apartments without conditions for Willowbrook and surrounding neighborhoods, and the details of the sewer. If you approve it tonight, it gives the developer no motivation to meet any of our conditions, or to give us any information about the sewer, or ditches, or effects on our water pressure, etc. On the

9/22 meeting at the clubhouse, a developer said he would consider flipping the apartment building 180 degrees in order to have less apartments that are able to look down into the yards of our single-story homes. He also mentioned that we also asked about a concrete wall, and the developer also mentioned that it would be fenced in because the Boise Bible College doesn't want to be imposed upon by the residents of the Antioch Apartments. This should speak volumes.

We don't want to be imposed upon either. If you approve this tonight without getting the sewer details figured out, as well as requiring conditions to protect Willowbrook. It will put our Willowbrook neighborhood at a severe disadvantage. If they want to put the sewer through our neighborhood, it would at least give us some negotiating power in order to get the buffers and greatly needed information about the sewer and water that we need in order to protect our Willowbrook neighborhood.

It doesn't make sense that there are the R-M zoning that is in the process of being approved down the road to protect us, but if this gets approved before we get buffers that we are requesting, what motivation does that give the developer to work with us if he gets the approval tonight? And I would like to submit a list of some of the conditions that we want put on the developer if this project gets approved tonight. We don't have enough information for this to be approved tonight, in our opinion. And...I don't know if you want me to read this, some of them have been covered by Kenley, there's a few more.

01:50:40.540 --> 01:50:50.550

Mayor Evans: That's your discretion. You've got four and a half minutes left. Okay. If you want to read them, or you can submit it, and then we'll make them part of the record, and the Council will have to...

01:50:50.550 --> 01:52:58.869

Terry Dean: I guess I'll go ahead and read them. Okay, go ahead. The building slipped 180 degrees for less exposure to Willowdale homes. Dumpsters moved far away from Willowbrook due to noise, smell, and pests, and that's all dumpsters, because not every person is conscientious about only putting recycling in the correct dumpster. Plus in the mornings, when they're picking him up, there's the noise, the trucks. It's, it's just... it would be... Not good, 6...6-foot concrete wall for privacy, enclosed carports to keep lights from shining into our neighborhood.

We want an engineer that we hire to look at the sewer and water and canal ditch plans to protect Willowbrook water pressure is low at times in Willowbrook, as well as a sewer vein maxed out, and possible drainage issues reduced height to 2 or 3 stories at most, gabled roofs to fit in better with the surrounding neighborhoods. More parking, as was mentioned at the 922-25 neighborhood meeting at Willowbrook. They mentioned some parking up front, but I... that wasn't the same parking that was mentioned in their original application. It was...he mentioned another section, and it was on the... close to Marigold, and I'm not sure, but he mentioned some extra parking there that they might have access to, might be able to make work.

Okay, privacy or directional lighting on all buildings and parking structures to avoid light being directed at Willowbrook homes, and if they go through with the sewer in through our neighborhood. We would want them to pave all of Willowdale, if... even if it affects 3 quarters of it, we would want the whole street paved. Just some of the conditions I can

think of...this time. Thank you, Mayor and City Council

01:52:46.600 --> 01:52:58.869

Mayor Evans: Thank you. Are there questions, Council?

01:52:46.600 --> 01:52:58.869

Council President Page: Mr. Mayor? Yes. Thank you, Ms. Dean, for your presentation. I, in particular, enjoyed your letter that you submitted. Even before you came up here, I was a little bit smitten with the, the light trespass in the picture over there by the village from the carports, and I just wanted to make a record that in rebuttal, I'd like to maybe get some clarification on what the characterization of the lighting will be in that, because it's...And it's... Wow. Yeah, that picture had an impact on me, thank you.

01:53:24.510 --> 01:53:38.240

Terry Dean: Thank you. Any other questions?

01:53:24.510 --> 01:53:38.240

Councilmember Jorgensen: Mr. Mayor?

01:53:24.510 --> 01:53:38.240

Mayor Evans: Yes.

01:53:38.240--> 01:54:23.910

Councilmember Jorgensen: Ms. Dean, I do have a couple of questions. I appreciate...both your, written submittals and your testimony here this evening. I was trying to capture all of the asks as you were speaking, rattling them off. They seem to align with your written, testimony on December 2nd and I believe December 1st. My question is, you indicated that you had a meeting with the developer's, representative on... in September.

01:53:38.240--> 01:54:23.910

Terry Dean: He... that was our... the neighborhood meeting on September 22nd that was at our clubhouse.

01:53:38.240--> 01:54:23.910

Councilmember Jorgensen: And do you know who that representative was?

01:54:16.050 --> 01:54:23.910

Terry Dean: I believe... John Rennison was there, Caleb... Yeah.

01:54:24.370 --> 01:54:34.690

Councilmember Jorgensen: And subsequently, it... appears that you're... you did not feel like you got adequate follow-up from the developer.

01:54:24.370 --> 01:54:34.690

Terry Dean: Correct.

01:54:35.040 --> 01:54:49.659

Councilmember Jorgensen: Have you had any other conversations with the developer or the applicant?

01:54:35.040 --> 01:54:49.659
Terry Dean: No. Since September? No.

01:54:49.659
Councilmember Jorgensen: Okay. One other question, same question to you, do you have any code that you can cite that this council would... could require the developer to, for instance, apply and require a 6-foot concrete? building?

01:55:03.670 --> 01:55:10.930
Terry Dean: Well, I believe there is one at Strawberry Glen. Oh, I'm sure, in there.

01:55:12.560 --> 01:55:23.190
Councilmember Jorgensen: One other comment that you made I find interesting is in comparing this development to, I'm going to refer to it as Strawberry Glen. Is that okay? And...I would acknowledge, and you will all hear me talk about this, I believe that the best solution is conversations between the neighborhoods and the developers, and I understand that we're all very, very busy, but usually the success at Strawberry Glen, I would, submit, is primarily due to engagement between the developer and the neighborhood. So, I appreciate your testimony, appreciate your candor, and, for me, Mr. Mayor, that concludes my questions and comments with Ms. Dean.

01:55:12.560 --> 01:56:07.450
Mayor Evans: Okay, any further, anything further, Council? Thank you.

01:56:05.720 --> 01:56:07.450
Councilmember Rasmussen: Thank you.

01:56:08.370 --> 01:56:24.780
Mayor Evans: Jeannie Jackson Himes. You certainly may, Jeannie. It's nice to see you.

01:56:25.200 --> 01:56:35.670
Jeannie Jackson Himes: I am Jeannie Jackson. Himes, for the record, I live at 8550 West Atwater Drive, just down the path here from you all in Garden City, and I'm here tonight in two capacities. I'm here as a representative of River's Edge Homeowners Association, and also my personal capacity. I just want to clarify the staff summary of the public comments in the packet erroneously states I'm only representing River's Edge, so I just want to make sure that it's in the record that I'm here on my own behalf.

01:56:25.200 --> 01:56:35.670
Mayor Evans: Okay. And, incidentally, you've got 15 minutes. Okay, I'm sorry, because you represent so many people.

01:56:59.810 --> 02:11:30.040
Jeannie Jackson Himes: I want to make sure my comments are included in the record. Okay, thank you. I did not want to make you sit through a recitation of my, lengthy, epistle, and I appreciate that it looks like many of you have at least glanced at it, if not read it, and I really thank you for that, because it has a lot of good stuff in it. I do want to just start by reiterating a couple of things. The Local Land Use Planning Act requires that any decision, whether for approval or denial, must include an explanation of how the project

complies with the standards and criteria found in the contingency plan, zoning ordinance, or other appropriate regulation, and, as you know, Section 8-6B-3 of the Garden City Development Code requires the City Council to examine the proposed design and make specific findings that the design is compatible with the neighborhood in scale and intensity. It does not create an adverse impact on the surrounding neighborhood, and has facades, features, materials, building form, and other physical improvements that are compatible with or enhanced the neighborhood, and these are findings 4, 5, and 6 in the draft decision document. I wish to draw your attention specifically to Garden City Development Code Section 8-1A-4C, which states, compliance with the minimum standards does not automatically ensure acceptance of an application.

Additional requirements may be added by the decision makers before acceptance in order to implement the purpose of this code, the objectives of the Comprehensive Plan, or provide for the public health, safety, and general welfare. I would submit to you that this gives you broad latitude to make findings that, this project as designed does not, the findings cannot be met. That, findings 4, 5, and 6 cannot be met. The current R-3 zoning designation does allow a maximum of 35 units per acre. The analysis does not end here, however, the maximum is 35 units per acre, if the design of the project is compatible with the surrounding neighborhood in scale and intensity, and if it does not adversely impact the surrounding neighborhood, and if it has features and building form that are compatible with or enhance the neighborhood. Now, many of these are subjective, subjective findings, and we aren't going to, you know, we aren't going to settle that. But, I would like to point you to a similar example.

The speed limit on I-84 between Mountain Home and Twin Falls is 80 miles an hour, right? Which is the maximum speed one can legally drive, if conditions are optimal. However, sometimes there's an accident, or a lot of traffic, or the highway narrows to one lane or another. Then you have to slow down, and sometimes the most you can do is 35 or 40 miles an hour, or maybe you even have to stop completely. You are never guaranteed that you will be able to drive 80 miles an hour just because the speed limit is 80. That's the same situation here. The applicant is not automatically entitled to the maximum density and etc, right, in regards to development code. The opinions of staff and the applicant are relevant, but they are not the only opinions that count in your design analysis. You must also consider the testimony of those who will be impacted by the proposed design.

In reviewing the written comments submitted in advance for this application, there was not one single person who thinks a four-story apartment building is compatible in scale with mostly one-story homes, or that 236 apartments is an appropriate intensity next to subdivisions of single-family detached homes, or that a blocky urban design enhances the more traditional existing neighborhoods. In fact, I did not see one comment in support of the project design at all. But I did see quite a few comments as to how the current design would adversely impact the surrounding neighborhood in terms of parking, light pollution, noise, traffic, and more. This is evident...Excuse me, evidence the city is obligated to take into account. In addition, the city itself has already recognized that 35 units an acre is too intense for this parcel. The city has proposed a rezone for this property to a lower density of 15 units per acre, and that rezone is currently making its way through the planning process you know, we could probably just stop the discussion now, because that's pretty much case closed for the argument that 35 units per acre fits in the surrounding neighborhoods. It clearly does not, or the city would not be rezoning it. Your

findings must be supported by substantial and competent evidence, defined as relevant evidence which a reasonable mind might accept to support a conclusion. IDAPA 62.01.01, Rule 475, states that evidence is admissible and excludable as provided in Section 67-5251. We can take you back, the presiding officer may exclude inadmissible evidence with or without motion.

Evidence should be taken by the presiding officer to assist the party's development of the record, not excluded to frustrate that development. The presiding officer at hearing is not bound by the applicable rules of evidence, except as to rules governing evidentiary privileges or were otherwise required by statute or rule. So that means the evidence that you take into that doesn't have to be statistical from a manual, from a traffic count, but a book that includes Portland and New York City traffic studies or parking requirements. Its evidence can be admitted if it is of a type commonly relied upon by prudent persons in the conduct of war fares. I submit that anecdotal evidence, common sense, and things we can see with our own eyes should rule the day. For example, the city attorney states in his December 30th, 2025 memo to the Council that, according to the applicant's traffic analysis, and I think this must be a typo.

There will be... there will not be more vehicle trips onto Glenwood Street than the current use of the site. I don't understand how that's possible, because I don't think a proven person would believe that adding 236 apartments and at least 389 cars would have zero effect on vehicle trips from Marigold down to Glenwood. The project does not... is not over-parked they may be required pursuant to the...the ITE Parking Generation, Generation. It's proposed to have a maximum of 1.65 parking spaces per unit. The River Point project on Strawberry Glen has only 89 units and 195 spaces, or 2 spaces per unit. Yet the streets are full of parked cars even during work days. I took another picture yesterday, which you already have a picture in from our comments, but I took another picture yesterday, and the street was loaded on both sides, and it was during the middle of the day. I think that based on that evidence, the Antioch project will not be overpark, and rather, it will be even more insufficient than River Point, and it will almost certainly spill over into other neighborhoods, because there is no street parking on there.

The City Council has the authority, and in fact the obligation, to consider potential adverse parking impacts caused by development that was allowed by right under the City Zone order. In the case of Lust LLC versus the City of Boise, the court reversed the grant of a condition on insurance for a multi-family project because the City did not consider potential adverse parking impacts to the surrounding neighborhood. Even though the development was allowed by right under the city's zoning ordinance. That's the case we calculate today. Once this design is approved, you will be stuck with it, and there won't be any...Our HOA does not want to deal with parking problems in our subdivision, and we shouldn't have to. Another issue that just actually came to light tonight during the applicant's testimony is the issue of, tiling or piping the ditch. Maybe you are not aware that that ditch runs through River's Edge subdivision. It crosses Marigold, and it comes down, and it goes through the entrance into our entrance aisles, and we actually grow water from that for our water feature, and it runs back down into the ditch, right into the piping, and goes out to the pump, and out. Eventually, too we are required to maintain the piping under the roof, pursuant to the terms of our subdivision approval from many years ago. And in fact, there was, some consternation a few years ago when we, were advised by ACHD that, we were having some issues with the perforated pipe, because there were tree roots and things in it, and we had to remove some trees, and we have to

agree to have that cleaned out by one of the year. I'm a little concerned about the idea of putting all of that in piping now, and, what happens if that overflows or causes some impact on our subdivision piping that we have to maintain. So, I don't know that that's the case, but it just kind of popped into my head tonight, and I just want to make sure that whatever they change to that... whatever changes are made to that existing niche, that it doesn't impact our allegations or our subdivision, because we have to face it out, and especially if that... the perforated pipe was put in place so that it would help collect stormwater and drain it away. And, and if they tile that, and now, if it gets so much, it would overflow, and it wouldn't cause a problem, but if it... if it can't contain it all, or it's... I think... I think you're gonna have problems if it's... and maybe I'm, I don't know, but I just... it's a concern I have.

When the Riverside developer first submitted their application for apartments in 2019, there was a lot of opposition, and you know what? They sat down and came and met with us, with me, maybe Carver-Herbert, and some others. And several times, not just once, and after the neighborhood meeting when we raised some concerns, and they were entitled to a four-story building that right there, and they lowered it to three stories, and they did some other things that made it so that there was a transition from their project into our single-family, mostly single-story homes street, because they got right up to our site, and we ended up with a design that included real mitigation and transitional design elements. Conversely, the Antioch applicants conducted the mandatory neighborhood meeting and had not even very much interest in discussing a different design, and I personally agree with whoever said it, that the best solution is one that we can all kind of live with. Maybe we don't all love it, but we can live with it, and I would like to figure out if there's a way, if this project would get denied tonight, or sometime in the near future. Perhaps I would encourage the applicant to sit down with us and figure out what exactly we could do to make this so it's more palatable to the neighbors.

The block fence that was discussed in Strawberry Glen in River Point was a result of the negotiation with the developer, and there were some other things that were done because of that, and, I think... and they enclosed... they enclosed the garages. They did some other things because they had proposed some things, too, that were gonna cause some light going into the I think if the... I'm sorry, I'm very nervous. If the developer was strongly encouraged to work with the neighbors, I... I think his project has merit and will benefit Boise Bible College, but it must not be allowed to do so at the expense of the existing neighbors. And I am pretty sure you would rather not be a musician of breaking up a fight. I think that, for time's purposes, I would respectfully request that the Council make the following findings and deny the design as presented. Based on testimony from the neighbors and photographs demonstrating potential project impacts and existing neighborhood conditions, the proposed design does not meet findings 4, 5, and 6.

The scale and intensity does not fit into the surrounding neighborhoods, and the design is not compatible, to gain approval, the design should be reduced, not going to say a maximum of two stories, and the number of units reduced from 236 to somewhere around 118 or 120. This would make the project just a little more dense than River Point, which would dramatically reduce potential parking, traffic, and other adverse impacts. The design should also be changed to include more traditional design elements, such as float booths, to better match the existing neighborhoods, and I would also say that I think the applicant should be encouraged to, The project should utilize... I have some concerns with adding an access point off of their hold. I think it's not a good time to be discussing

that. I realize that this is their project, and this is what they proposed, but I don't think you have to approve that. I was at the meeting when Ms. Dean said that, when he said that the Bible College didn't want to be impacted by the project, and we all just kind of busted up, because, gosh, we don't even... The project should be required to guarantee that all parking will be housed on-site, and that residents and guests will not be allowed to park in River's Edge or the other surrounding neighborhoods. Perhaps a development agreement could be required that would be reported against the property to ensure future compliance, or a recorded shared parking agreement with Boise Bible College to address the issue.

02:10:23.580 --> 02:10:41.599

Lisa Leiby: Two minutes, 2 minutes.

Mayor Evans: Okay. Okay, all right

02:10:23.580 --> 02:10:41.599

Jeannie Jackson Himes: The applicant is encouraged, and the final condition would be the applicant is encouraged to meet with the neighbors to negotiate design changes that will better mitigate the impacts of the project, and return with a revised design that can be approved at a future review, and I would respectfully ask that, that you would deny this application as presented tonight. I think that rather than having you or staff or anyone else try to figure out what that should look like, I think the applicant should have to sit down with us, and... and we should be able to figure it out together. I know everyone will not be pleased with everything, because I know some people would not want to see anything built there, and I don't think that's a reasonable ask. I think there's, you know, they're entitled to have something built in. I just don't think it has to be this project. And I think you have the right and the obligation to consider the impacts and all the testimony that you're going to hear and that you have heard, and tell the applicant that it's... he should go and come back with something else. And I thank you so much for your time.

02:11:30.280 --> 02:11:32.800

Mayor Evans: Thank you. Any questions, Council?

02:11:40.570 --> 02:11:46.130

Councilmember Jorgensen: Mr. Mayor?

02:11:40.570 --> 02:11:46.130

Mayor Evans: Yes.

02:11:40.570 --> 02:11:46.130

Councilmember Jorgensen: Ms. Heim, is that the correct?

02:11:40.570 --> 02:11:46.130

Jeannie Jackson Heim: Yeah.

02:11:46.400 --> 02:12:00.880

Councilmember Jorgensen: Thank you very much for your testimony, both your written testimony and your, the information you presented this evening. As you can tell by the reaction of the audience they find your presentation very credible, as do I. I think your citing of code and, case law is very interesting and carries a lot of merit. I also agree that,

I am somewhat concerned of what I perceive as, although maybe technically concluded communication with the neighborhood. As I indicated, we here on the Council have seen repeated success when developers in our small little city spend a little bit more time with the neighborhoods. I have a couple of questions for you. First, was a question regarding one of the photos you submitted. It is a photo that indicates looking down in... from a four stories into a property. Is that... where was that photo from?

02:11:46.400 --> 02:12:00.880

Jeannie Jackson Himes: That was from the property where we were appointed for Mr. Mayor and Council Jorgensen. That was from... taken... Our point was filled, and it's a drone photo from the height of the fourth story, showing what that was, what the view would be from the fourth story, and it was the best we could get, because... Yep. Interesting.

02:13:19.380 --> 02:13:24.080

Councilmember Jorgensen: I want to spend some time with you discussing, anecdotal testimony. You've heard reference to professional calculations, the... the study... the traffic studies that have been presented, and I may... switch to, Mr. Wadams, so I apologize if I bounce around a little bit. I'm very interested, and Mr. Mayor and Council, and Ms. Heim, what do you consider anecdotal?

02:13:57.530 --> 02:15:07.630

Jeannie Jackson Himes: Mr. Mayor and Councilmember Jorgensen, I consider that to be things that we can observe, or people... things that people have experienced that maybe don't come from a book. That, are from an expert, or a consultant. I think that just normal people, things that we've experienced, and the fact that you can sit, and I have, sat through two and three life cycles at the former Glenwood and Marigold trying to turn left, and sometimes you can't even where the light is waiting because the traffic is stacked up left. I have personally observed traffic stack on variable past Bible college, on several occasions, and I think these are things that... and that was not at drive time, that was in the middle of the day. It was on a weekend, of course, but, you know, the fairs might be expanded to three weeks in another year or two, we've got the soccer field coming with the activities, and I believe that areas gonna be I'm trying to, you know, there'll be more people tarn, and maybe the ball field, and these kinds of things, and I think those are, pieces of maneuverable evidence that I take notes of it, considerably.

02:15:08.150 --> 02:15:25.980

Councilmember Jorgensen: So, Ms. Heim, I'm glad you brought that up. You mentioned that you have personally observed traffic on Marigold. Is this recent observations, or are you referring to some...

02:15:08.150 --> 02:15:25.980

Jeannie Jackson Himes: Within the last 6 months.

02:15:08.150 --> 02:15:25.980

Councilmember Jorgensen: Within the last 6 months.

02:15:08.150 --> 02:15:25.980

Jeannie Jackson Himes: And Mr. Mayor and Councilwoman Joregesen, I also observed the traffic counter on Marigold on September 2nd, and it was there for almost a week.

And no one seems to know where that came from, or who put it there, or who's counted cars. But somebody is! I don't know if it's ACHD as part of their railroad study. I know they put all of their traffic counts on their website, and so you can look up on any given the street to see what their most recent traffic counts are. That one's not on there.

02:15:08.150 --> 02:16:01.370

Councilmember Jorgensen: Ms. Heim, if I may, I'm going to ask Mr. Wadams. I took note of that comment in the written testimony, and I believe that that was a traffic count that the city initiated, and do we have that information? Were we able to contact Chief Stambaugh?

02:16:01.370 --> 02:16:24.549

Charles Wadams: Mayor, Councilmember Jorgensen, Jenah Thornborrow could probably better answer that question better than me. My understanding is that that was perhaps something done by the Garden City Police Department, but I believe Ms. Thornborrow has more information than I do. If she's somewhere?

02:16:24.710 --> 02:16:31.389

Councilmember Jorgensen: Apologize to make you come back up here.

02:16:24.710 --> 02:16:31.389

Mayor Evans: Good exercise.

02:16:36.730 --> 02:16:49.379

Jenah Thornborrow: Mayor, members of the Council, my apologies. I don't know that I have more information than Mr. Wadams. What I do recall is just a brief conversation with the Chief a while back, where he had indicated that there had been some sort of counting, something where there had been high speeds noted on Coffey. I believe he did discuss that, with the City Council, and it's my understanding that it was just...perhaps counting of, the speeds that are on Coffey Street, but I may be misrepresenting that, and without the Chief, present...

02:17:04.830 --> 02:17:24.679

Mayor Evans: I'll text him, I'll text him and find out.

02:17:04.830 --> 02:17:40.870

Jeannie Jackson Himes: Mayor? Councilmember Jorgensen it was... the traffic counter was not on Coffey. It was on a Marigold. And so, therefore, it would not have had anything to do with Coffey. Perhaps they had one on coffee at some other time. But this was on Marigold, and it was actually in between coffee and the Bible College project. So it kind of led me to believe that perhaps this had something to do with this application.

02:17:41.059 --> 02:17:51.340

Councilmember Jorgensen: Ms. Himes, I have recollection of this, and the other council members may also. I believe that that was part of a business discussion not necessarily an application. But I do know that we saw the images and received information, so we can easily, recall that. Ms. Heim, I have asked Mr. Wadams to verify the, case law that you cited in your written statement. Mr. Wadams, have you had a chance to verify the case law and the statements made?

02:17:41.059 --> 02:17:51.340

Charles Wadams: I have.

02:17:41.059 --> 02:17:51.340

Councilmember Jorgensen: And Mr. Wadams, do you find that the cases cited are accurate?

02:18:21.790 --> 02:19:12.599

Charles Wadams: Mayor members, Mayor, Councilmember Jorgensen, I did run through her legal authority. She generally correctly cites LLUPA in her letter. She generally correctly cites the Garden City Code and the Comp Plan and LLUPA, so those are accurate representations.

Looking at her case law, I don't have any big issues with how she mentions the case law. There are a couple things that I did want to address, like she references a *Klamath* case, that's a Ninth Circuit case, not out of Idaho, so that has no controlling effect here. They have their own version of LLUPA, but it's not identical to LLUPA in that jurisdiction. So that, I don't think, is particularly controlling or persuasive in this particular case, and then, she references a hot...

02:18:21.790 --> 02:19:12.599

Councilmember Jorgensen: Mr. Wadams, may I interrupt you?

02:18:21.790 --> 02:19:12.599

Charles Wadams: Of course.

02:19:12.959 --> 02:19:19.540

Councilmember Jorgensen: Directly above that, is referenced *Worrell vs. Kootenai County*. Is that applicable?

02:19:22.510 --> 02:19:27.689

Charles Wadams: What page are you on, Councilmember Jorgensen?

02:19:22.510 --> 02:19:27.689

Councilmember Jorgensen: Page 12 of written testimony from this time.

02:19:33.010 --> 02:19:47.750

Charles Wadams: I mean, the standard... I mean, it's accurate for the representation that the Council's findings must be supported by substantial and competent evidence, and defined as relevant evidence, which, yeah, I think that's an accurate statement of that case.

02:19:49.350 --> 02:20:05.319

Councilmember Jorgensen: Continue? Thanks. I mean,

02:20:05.319 --> 02:20:29.060

Charles Wadams: So, I don't quibble with anything that she states in there. One is not controlling on this case, the *Hawkins* case, I didn't see a lot of applicability in the *Hawkins* case. *Hawkins* was a different type of application. So, I don't think *Hawkins* is particularly controlling, but it's not misstated. I just don't think it's controlling in this context. Other than that, I think she accurately represents the Garden City Code, LLUPA, the Comprehensive

Plan, and the case law that she cites. I think those are all accurate. We could... we could disagree on some terms, but I think for the purposes that she cited them, I have no disagreement.

02:20:30.640 --> 02:20:33.880

Councilmember Jorgensen: Thank you, Mr. Wadams. Thank you, Ms. Hime.

02:20:30.640 --> 02:20:33.880

Jeannie Jackson Himes: Thank you.

02:20:37.120 --> 02:20:38.910

Mayor Evans: Thank you. Any further questions?

02:20:40.160 --> 02:20:41.620

Council President Page: Mr. Mayor?

02:20:40.160 --> 02:20:41.620

Mayor Evans: Yes.

02:20:41.730 --> 02:21:20.809

Council President Page: Ms. Jackson-Heim, I just, also have to say, that I spent considerable time in your, in your, letter, and really... Just really appreciate the time and effort. And... and thoughtfulness that went into that, and... Would hope that... that other... Garden City, constituents would look at this maybe as an example on... Proper manner, too most... the most persuasive way to address the Council. So, just a compliment. Thank you.

02:21:23.740 --> 02:21:32.639

Mayor Evans: Thank you. Thank you very much. I'm... I'm police hunting, trying to find the answer to that question, so... I'm not playing cards, I promise.

02:21:33.100 --> 02:21:38.699

Mayor Evans: Okay, thank you. Next, we'll have, Katie Jennings. Well, Katie, you've got 6 minutes to work it over, because you're helping Lord Grimes out by representing her as well tonight. But welcome, Katie, it's a pleasure to have you here, if you'd give us your name and address for the record.

02:21:32.639

Katie Jennings: My name is Katie Jennings, my address is 8610 West Greenville Court, City, and Mr. Mayor, I have, packets that I would love to share to Council. May I pass those out?

2:22:10

Mayor Evans: Yes.

02:22:15.920 --> 02:22:16.680

Council President Page: Thank you.

02:22:19.160 --> 02:22:19.860

Unknown: Okay.

02:22:21.860 --> 02:22:24.369

Councilmember Jorgensen: Sheriff, thank you.

02:22:26.860 --> 02:22:30.070

Unknown: Is there... Oh, I didn't stop.

02:22:30.200 --> 02:22:31.110

Unknown: His turn.

02:22:34.170 --> 02:22:44.620

Unknown: Actually, I don't I'm sorry, I did not want a color copy under policy.

02:22:45.290 --> 02:23:00.760

Mayor Evans: You know what, I will pause you just a minute. I'm gonna take mine, and Oh, you got one? Oh, okay. Alright, I'm sorry, go ahead.

02:23:00.890 --> 02:23:10.109

Katie Jennings: I don't have to talk about half of what I'm going to talk about because we covered it so thoroughly, but I do want to talk about, the compatibility, and both scale and intensity of this development, which is how it feels I'm sorry. The first page just, indicates 1, 2, and 3 storage homes in our area, and as you can see, blue represents single-story homes, red, twos, and...three-story homes are represented in yellow. Some of even the yellow ones are actually two stories because of the did they put discovery in front of us? And then the green indicates commercial, single story, except for the Library and City Hall, which is indicated with the red dot, and I just would like to say that this is 83% of the single-family homes surrounding Boise Bible College property.

Our single story comes, there's only 5 that are adjacent, that are two-story. Every other home is around the vast majority. Our single serving house, If you turn to the next page, you'll see me standing in front of my lovely little home, which is on Greenville Court, which is directly across from Boise Bible College. So, you go down...My first cul-de-sac, and, this right here, my home, I drove out on the city streets, to get that map, and it is very indicative of what our homes are like in our area. Single story, you know, a pring techniques, just cute, little, comfy, cozy homes. And that's why we chose our name, because we looked for two and a half years for this home. We wanted it to be our forever home. We love Garden City, I love Garden City so much. I love living here. Because of this, and the scale and intensity, as you can see, that's me standing way down at the corner of, and these are the apartments at the village, which seem 4 stories, and you can see the scale and intensity does not match.

Next page is a view from our front porch. So, right now, it's directly across the cul-de-sac. Our new view would have, balconies looking down into our cul-de-sac, and I don't have it at the horse because I live on the opposite side. So, all of my neighbors that are on... along Marigold, they will have these balconies looking directly down each other, our neighbor Pam is here. We love Pam and Alamo, they live on Marigold, they're across from us, and...They've already hired a really because they've said, I can't... we can't have people just looking down in our yard, and I've been noticing, when you drive Marigold this time of year, the trees cast a shadow, and I'm thinking that this time of year, their backyards and their backyard homes might even be covered in shadow. So, they're already out, and that is a loss. They are also...But I can't say we couldn't be more behind.

The next page, you'll see this is our front entry, looking out toward Boise Bible College. We will be sitting on our couch. We're looking at more specific partners without things like that our cul-de-sac. The next page is in the Willowbrook subdivision. This is on top of Oasis, and you will be looking, toward Boise Bible College, that is what your view is now, and this is what your view will be, and again, I just keep on ringing through my head, is the proposed design shall be compatible with the neighborhood in scale and intensity, and I think we can all agree.

That's... I know it's subjective, but...pictures say a thousand words, and we did all of the measuring, and, this is very similar to what well, I know that there will be treaties, and there will be some breakup, scale and intensity. The next page is just a showing of different angles of the apartments, and then different pictures of our subdivision. This is in 3 different subdivisions in our area, also. And I just would like you to see what what homes look like, and...What, our neighborhood consists of, and then look to your left, you see that the buildings just do not, they do not flow, they're not the same field, and they're not the same, but I would love you to look at this page, this is...I think the page never saw it. So, this is a...picture of, the Strawberry Glen Apartments, and this is facing...So, I'm parked right here in this cul-de-sac, and I'm looking at the Strawberry Glen Apartments. And this is what... this is a two-story behind this one-story home. It's a very similar situation, where there's carports, a street, grass, and then the apartments, you have a two-story.

So, that is, you know, that's reasonable, and so if you add two stories, this is exactly what we'll be looking at from my...And everybody along my street, and unfortunately, people in (inaudible) had it. So, you can see the measurements there. I know there's some setback situations, but actually, we have a lot of wiggle room because the this is, like I believe 34 feet.

02:28:29.690 --> 02:28:36.980

Mayor Evans: Katie, can you kind of wrap it up?

02:28:29.690 --> 02:28:36.980

Katie Jennings: I... Yep, that was it. Actually, I was going to talk about parking, but I don't need to, because...

02:28:37.130 --> 02:28:50.469

Mayor Evans: I... in my zeal to get hold of the PD, I didn't start the timer. So, incompetence on the part of the mayor there. Thank you, Katie. Any questions?

02:28:52.150 --> 02:28:57.989

Council President Page: Mr. Mayor?

02:28:52.150 --> 02:28:57.989

Mayor Evans: Yes.

02:28:52.150 --> 02:29:22.950

Council President Page: Just a comment, Ms. Jennings, I just really appreciate the effort. That went into this. I have, done similar things in Garden City, going around and mapping out, for different kind of research I was doing before applications came in. This is, this is no small effort, and I just really want to thank you for being so, illustrative for us.

02:29:23.880 --> 02:29:32.279
Katie Jennings: Thank you.

02:29:23.880 --> 02:29:48.559
Mayor Evans: Thank you.

02:29:23.880 --> 02:29:48.559
Katie Jennings: (inaudible)

02:29:23.880 --> 02:29:48.559
Mayor Evans: Thank you, You could have said it's about time. Thank you. Next, we've got, Linda...You're gonna have to tell me what's the last name. Very good. You're welcome. Come on up.

02:29:52.760 --> 02:30:05.960
Councilmember Jorgensen: Mr. Mayor?

02:29:52.760 --> 02:30:05.960
Mayor Evans: Yes.

02:29:52.760 --> 02:30:05.960
Councilmember Jorgensen: As Ms. Linda makes her way up, can we, get clarification on public testimony, if there's correlation to written, testimony that's been provided?

02:29:52.760 --> 02:30:05.960
Mayor Evans: We can sure ask each applicant, and, before you start, I did hear back, the traffic...there is a traffic count effort that the police installed there. I asked them, and they said they... we did, they're having a hard time downloading the data, so they're trying to work on extracting the data. So, the answer is yes, we have no data.

02:29:52.760 --> 02:30:05.960
Excellent.

02:29:52.760 --> 02:30:05.960
At this time.

02:30:42.810 --> 02:31:09.340
Mayor Evans: I didn't... I didn't know they were...doing that. I don't know if it's for speed or counting cars. It could be for either. Sometimes we do that to get average speeds, for our traffic enforcement, efforts at times. So, sorry for interrupting you and making you stand there, but it's a pleasure having you, if you'd give us your name and address for the record.

02:31:12.100 --> 02:31:13.189
Linda Gurro: (inaudible)

02:31:14.930 --> 02:31:23.070
Council President Page: I'm sorry, can I just interrupt? What was your last name again? It's

02:31:14.930 --> 02:31:23.070

Linda Gurro: G-U-R-R-O.

02:31:21.610 --> 02:31:23.070

Council President Page: Thank you.

02:31:24.900 --> 02:31:27.900

Linda Gurro: Members. I was gonna show you a picture of myself in the notes so I can match it, but... I want you to know that our home, where we live, is directly east of the city, I don't know what I need. They're here, I'm here. I made the joke that Our backyard was planted by the water. So, I looked at this... these pictures, and I realized that This is not remotely compatible. The disadvantage of this huge... Crazy developments considering It does not provide even transition for the surrounding homes. The scale is so massively different to ours. Our homes are suburban, and this project is definitely urban. Asthma, diagnosis before coming up. As for the traffic impact, ACHD has not done the traffic survey that I know of since 2023. I'm sure they think it's not going to be an impact on traffic.

Whereas, we are now going to have, in addition to this huge development the huge development of State and Glenwood impacting traffic. We're going to have this one impacting traffic, and then we're adding a third week of the fair and the supper park is going to add to traffic on Glenwood. It's the only transition between State Street and Chinden. Marigold will be impacted by school buses that go through our neighborhoods for children. Morning commutes and people coming home when they have to stop and wait for children to get bogged off the bus. This impacts how our families live, and it is going to impact the emergency personnel, ambulances, fire trucks, police cars, motorcycles police use. It's gonna be a little parking lot out there.

The hours for building are going to affect how people live their lives when they work late hours, and many people are able to sleep. The impact of this bill will grossly impact our home prices. Some may say, oh, no, but this is our city, and it's being ruined. We've all worked very hard to have homes we can be proud of, and now, if this trans... if this building goes in, it's completely going to destroy the... the actual attitude. for her. That coziness of our neighborhood, and it's all... our houses are a one and two story If that's a four-story building, it's going to be looking right down into my home, and I already deal with lights coming from the Bible College impacting our neighborhood.

02:31:24.900 --> 02:31:27.900

Lisa Leiby: That's 3 minutes, Mr. Mayor.

02:31:24.900 --> 02:31:27.900

Mayor Evans: Okay, thank you. If you can kind of wrap it up quickly?

02:31:24.900 --> 02:31:27.900

Linda Gurru: Yes. I just wanted to thank you guys for having this meeting and letting me air (inaudible).

02:34:27.020 --> 02:34:42.599

Mayor Evans: Well... Well, I appreciate your comment. Any questions, Council?

02:34:27.020 --> 02:34:42.599
Councilmember Jorgensen: Miss...

02:34:27.020 --> 02:34:42.599
Mayor Evans: Yes.

02:34:27.020 --> 02:34:42.599
Councilmember Jorgensen: Ms. Gurro, had you provided written comments?

02:34:27.020 --> 02:34:42.599
Linda Gurru: Yes.

02:34:43.410 --> 02:34:45.740
Councilmember Jorgensen: And it would be under your name?

02:34:43.410 --> 02:34:45.740
Linda Gurru: Yes.

02:34:47.080 --> 02:34:51.200
Councilmember Jorgensen: Thank you.

02:34:47.080 --> 02:34:51.200
Councilmembers & Mayor: Thank you, Mr. Mayor. Thank you. Thank you.

02:34:56.980 --> 02:34:57.760
Mayor Evans: Wendy? Wendy Carver-Herbert. I hope I don't offend anybody by using first names, it's a little easier to read sometimes.

02:35:15.330 --> 02:35:16.649
Wendy Carver-Herbert: (inaudible). Alright, so...Mr. Mayor, may I ask a particular question before we get into the testimony?

02:35:15.330 --> 02:35:16.649
Mayor Evans: Yes.

02:35:15.330 --> 02:35:16.649
Wendy Carver-Herbert: Okay, so, I am one of the, members who submitted my testimony, unfortunately 4 hours too late. My... I take full responsibility for that. I thought I wasn't thinking about 7 days. I forgot the day of the hearing, encountered that. And, unfortunately, it is considered late. If you don't make a decision until later, I don't know whether my testimony is going to be accepted or in its entirety, or whether I should just highlight some things?

02:35:15.330 --> 02:35:16.649
Mayor Evans: I'm gonna go out on a limb and say that I think the Council will likely accept the late submittal.

02:36:10.190 --> 02:36:20.099
Council President Page: Sounds like the boss spoke.

02:36:10.190 --> 02:36:20.099

Wendy Carver-Herbert: It is actually online, so I don't know if Mr. Wadams was explaining early on, but it would still be considered permanent. (inaudible).

02:36:21.580 --> 02:36:30.200

Mayor Evans: Since we're gonna be here a while, I'm going to give them time to read it. If they, if they agree with what makes sense.

02:36:30.290 --> 02:36:49.029

Councilmembers: I've read it. I've actually read it, yeah.

02:36:30.290 --> 02:36:49.029

Mayor Evans: We've got them up here. Okay.

02:36:30.290 --> 02:36:49.029

Wendy Carver-Herbert: Okay, so you kind of... And I'll also change direction a little bit, so I will say. I don't intentionally, deviate from what I do, but I've already provided.

02:36:30.290 --> 02:36:49.029

Mayor Evans: Okay, I need to get your name and address for the record.

02:36:49.380 --> 02:36:57.869

Wendy Carver-Herbert: And really, the focus of what I wanted to do tonight, and what I provided in my testimony, was really to try to address the concept of intensity, because certainly the findings, finding number 4 talks about intensity. And I can speak from experience what it...Feels like to live next to an apartment complex. We keep referring to Strawberry Glen, and I was keenly involved in a lot of the negotiations that happened between our university and developer, and I would tell you, I think that they did a phenomenal job in trying to come up with a development beginning right in the middle of our single family.

Neighborhood adjacent to all the single-story, single-family homes. And trying to do the least amount of impact that's neighborhood adjacent to it. What I can say is even with all of the things that they did, there still is a level of intensity that is very different they would live next door to an apartment complex doing the best work with other single-family neighbors. It's intensely different, and I describe someone with that intensity, how it is different in my letter. You know, I have been woken up. It's 6 o'clock in the morning from the trash trucks picking up trash. And by the way, those trash receptacles are in the middle of their development.

I have a garage between me, and I have an apartment complex, a building between me, and I can still hear those trash trucks and backing up, and moving the trash, and it happens, and fictionality? And it's something that we just run to accept, and we move on lightning still can be a problem, and I know that the city really tries to do a good job in having down facing lighting, but if you have it in the right spot, that lighting can still shine into your backyard, as I just described in my letter. We have a tree that's 10 years old that finally, just this summer, because we felt comfortable being able to have our windows open. Without having that light shining, it's more of a... we have to have blackout shade, for the first couple years in order to be able to keep that light from shining. I can tell you, I really do worry about relying only on landscaping as the buffer between multi-family

development and the single-family acres that live next door. The developer didn't put in the, 15...big difference, and I do know that this, applicant is proposing more trees, and I am grateful that they are doing that. But I've had, because I have 168 we have about 8 to 10 of those trees on our property line. 1092 and 3 of them have died, been removed, and have never been replaced. If I didn't have a garage as a buffer between my home and their development, it would have created an intensely different light gout coming into my fighting space.

The one thing that I really spend a lot of time talking about, I think most of you know how I feel a lot about this whole concept of what can be seen from the viewpoint of 3 and 4 stories into neighboring properties. There have been examples that have been provided in the record. I've provided some examples my testimony that were taken, certainly discussed that two of those pictures, one is from 77 feet, and another is from 200 feet. And you can see, even with a garage and a cardboard as a buffer, now granted, not all of their landscaping is behind, but it can give you a sense of what it really looks like. So, with that, I just want to say...It is intense, but definitely different, and I hope that you'll take it as inspiration, because it is wonderful.

02:40:45.480 --> 02:40:48.009

Mayor Evans: Any questions? Great, thanks so much. Bob, is it Sorvaag? You can correct my pronunciation when you get up here.

02:41:10.630 --> 02:41:16.339

Bob Sorvaag: Scandinavian heritage.

02:41:10.630 --> 02:41:16.339

Mayor Evans: You're forgiven.

02:41:19.390 --> 02:41:27.580

Bob Sorvaag: Well... And I didn't, (inaudible) back in July.

02:41:30.830 --> 02:41:43.799

Mayor Evans: If you would, give us your name and address for the record, and then we'll let you proceed. Thank you.

02:41:45.460 --> 02:41:49.430

Bob Sorvaag: I've broken my comments here again 3 points by making it. My concerns are, how do we get here? Number 1...Garden City did not zone this property, and others similarly zoned around it in compliance with the Comprehensive Plan as adopted in 2006. Been updated in 2019 for residential medium density. I was a member of the Comprehensive Plan Advisory Committee in 2019, and I assumed compliant rezoning would happen in a timely manner. Complicating this, Garden City amended with a text change, not a rezone, in 2015 that jumped the maximum allowable residential density of R-3, from 10 to 35 units per acre. Without proper notice and engagement of those that would be impacted. Second point? click my 3 Boise Bible College, the landowner, a long-established, welcoming, and appreciated youth in the neighborhood. Connected with a developer advocate.

Apparently, the landowner and developer applicant did not conduct the due diligence to learn what the Garden City Comprehensive Plan policies and vision for this property is,

and the required design review findings that would be needed for approval. If they did, they chose to ignore it. Instead, they are trying to take advantage of Garden City's failure to protect this neighborhood for compliant, conforming, compatible development. Boise Bible College and the developer saw this vulnerability, and appeared to be trying to take advantage of it. But last point number 3.

Now you, the City Council, representing your constituents in this greater neighborhood, have the opportunity and responsibility to do the right thing and use your discretion to engage the fail-safe provisions and directors of your city code, Design Review of Section 8-6-B3 and to deny this application. This community...neighborhood does not think that you would want a looming, out-of-place, 4-story apartment building powering over a surrounding neighborhood of one- and two-story residences to become a perpetual eyesore, monument, reminder, and legacy of their action. Those who would be caught in the increased traffic congestion using Garrett, Marigold, and Pintail, should this pass, would see this towering apartment building and wonder what the blank was Garden City thinking?

02:44:44.290 --> 02:44:54.110

Mayor Evans: Thank you. Any questions, Council?

02:44:44.290 --> 02:44:54.110

Councilmember Jorgensen: Mr. Mayor? Yes. Mr. Sorvaag, I appreciate your public testimony and your written comments. I have a question for you. In your written comments, you asked for an independent traffic study from the applicant, which they have completed. Do you have any comments regarding that study?

02:45:09.480 --> 02:45:13.689

Bob Sorvaag: No, I have not seen that study, but I understood. Also. On that, I found it interesting that, ITD and ACHD don't seem to be on quite the same page as the neighborhood, and what we see is what's going on, and the individual is coming forward. I did not see that statement. I don't... I don't have a statement.

02:45:31.050 --> 02:45:39.989

Councilmember Jorgensen: I appreciate that. Follow-up question, or another question for you. How would you propose if, If there is a conflict between the Comprehensive Plan and code, and we've stated that code is the governing law, how would we reconcile the difference when there's conflict? Do you have any suggestions?

02:45:31.050 --> 02:45:39.989

Bob Sorvaag: Well, if I can understand your question, you have that discretion under design review to take it all into consideration. The, Idaho land use law in regard to Comprehensive Plan, you're supposed to look at projects through the lens of The Comprehensive Plan.

02:46:14.400 --> 02:46:15.420

Councilmember Jorgensen: Thank you.

02:46:16.040 --> 02:46:17.830

Mayor Evans: Do you have any further questions, Council? Thank you, sir. Thank you, Mr. Sorvaag. Thank you very much.

02:46:24.660 --> 02:46:40.759

Mayor Evans: Council, how you doing? We good to go for another one or two? You wanna take a break?

02:46:24.660 --> 02:46:40.759

Council President Page: How about if we plan for a 9:30 break?

02:46:24.660 --> 02:46:40.759

Mayor Evans: Okay, we're gonna plan for a 9:30 break, so we're going to keep going. Is that alright with you, Teresa?

02:46:24.660 --> 02:46:40.759

Councilmember Jorgensen: Absolutely.

02:46:41.040 --> 02:46:42.680

Mayor Evans: Okay, all right. Karen Crosby.

02:46:43.500 --> 02:46:44.580

Karen Crosby: I'll pass.

02:46:44.870 --> 02:46:58.820

Mayor Evans: Okay, I can represent that you're in opposition to the...project, and what you were going to say has probably already been said.

02:46:56.750 --> 02:46:58.820

Karen Crosby: Yes.

02:47:02.000 --> 02:47:06.020

Mayor Evans: Okay. Matthew... is it Dopko?

02:47:25.390 --> 02:47:39.250

Councilmember Jorgensen: Mr. Mayor?

02:47:25.390 --> 02:47:39.250

Mayor Evans: Yes.

02:47:25.390 --> 02:47:39.250

Councilmember Jorgensen: Can we... would you mind asking if written,...

02:47:25.390 --> 02:47:39.250

Mayor Evans: I'm sorry, you already asked me to do that, and I haven't.

02:47:25.390 --> 02:47:39.250

Councilmember Jorgensen: Yeah, I'm trying to correlate.

02:47:25.390 --> 02:47:39.250
Mr. Dopko, did you supply any written testimony?

Mathew Dopko: Yes.

02:47:39.800 --> 02:47:50.169
Mayor Evans: You did. Okay, I'm gonna give...

02:47:39.800 --> 02:47:50.169
Councilmember Jorgensen: Got it.

02:47:39.800 --> 02:47:50.169
Mayor Evans: Councilmember... Have you got it already?

02:47:39.800 --> 02:47:50.169
Councilmember Jorgensen: Got it, June 24th.

02:47:39.800 --> 02:47:50.169
Mayor Evans: Okay, if you would, give us your name and address for the record, and we'll give you your 3 minutes.

02:47:50.470 --> 02:47:55.080
Matthew Dopko: (inaudible) Little Availability. Garden City.

02:47:57.540 --> 02:48:00.360
Mayor Evans: Okay, welcome. Hi.

02:48:01.640 --> 02:48:05.410
Matthew Dopko: My wife Lynn and I, department. Willowdale Lane, which is on the second house. Just right on the east edge of the we'll make sure the parking's gonna be in the driveway. So, I'm really super closes. We're directly affected, and I agree in opposition, but everything's been said before, so I don't want to be redundant. But, the scope of the project, the four-story building, is sitting right in my... not in my backyard. It's their property, but adjacent to my backyard. It's gonna be brutal. It's gonna change the way...my property value is, I think, and I think it's gonna change the character of the neighborhood adversely, and if it is approved, I would say, you know, 2 or 3 stories are something more compatible with a residential neighborhood to enhance our city. Instead of being developed at the expense of our quality of life.

02:49:05.670 --> 02:49:08.129
Mayor Evans: Well, thank you for your testimony. Any questions?

02:49:08.910 --> 02:49:19.349
Councilmember Jorgensen: Mr. Mayor?
02:49:08.910 --> 02:49:19.349
Mayor Evans: Yes.

02:49:08.910 --> 02:49:19.349
Councilmember Jorgensen: Mr. Dopko? I appreciate your testimony, and I appreciate you submitting written testimony also, so, for my reference. Quick question, what, sorry, let me re... regroup my question here, and make... actually, I'm going to make a statement.

So, I... I appreciate and concur that traffic is an issue. I have a question and a statement, because yours was not the only written, testimony that asked about Garden City creating a new park on the land, and I want to clarify, since, Mr. Mayor, you typically do this, but I want to clarify that this is...property owned by the developer.

The city doesn't own it, and... and for the city to acquire that property, would require funds, and for... and the reason I'm sharing this information is hopefully you've all heard, and we're very proud, that this Council worked very hard to, complete a budget that was balanced.

We managed to do that by the hair of our chinny-chin-chins, and if you weren't paying attention, most of our surrounding cities had to raise their taxes, and to complete a purchase of property and build a park, which we would all dearly love to do, it would be a financial impact to all residents and taxpayers within the city. So, I just wanted to offer that up when... because yours was not the only... I think I was pretty diligent going through all of the public comment.

02:49:08.910 --> 02:49:19.349
Matthew Dopko: It's a great idea!

02:49:08.910 --> 02:49:19.349
Councilmember Jorgensen: It's a great idea! But I do want to clarify why you don't see the city taking ownership of that property and developing a park. So, thank you for your comments, and thank you for your written submittal.

02:49:08.910 --> 02:49:19.349
Matthew Dopko: Thank you.

02:51:09.280 --> 02:51:24.940
Mayor Evans: There was no question there, but you are... you are a good listener.

02:51:09.280 --> 02:51:24.940
Unknown: Yes, thank you.

02:51:09.280 --> 02:51:24.940
Council President Page: I would add that any, any, resident of Garden City, we are open to endowments to pay for parks, let's make a record of that.

02:51:25.230 --> 02:51:27.770
Mayor Evans: Okay, Jonathan Perry.

02:51:41.150 --> 02:51:51.830
Mayor Evans: Welcome, Mr. Perry, it's a pleasure to have you here. If you'd give us your name and address, we'll start the timer.

02:51:41.150 --> 02:51:51.830
Jonathan Perry: I'm Jonathan Perry, I live at 8553 North Willowdale Drive, right back, against the Boise Bible College property.

02:51:57.500 --> 02:52:06.770
Councilmember Jorgensen: Mr. Mayor, apologies for your...

02:51:57.500 --> 02:52:06.770

Mayor Evans: Oh, I'm sorry, I keep forgetting to ask. Did you supply any written testimony?

02:51:57.500 --> 02:52:06.770

Johnathan Perry: And I did supply written.

02:51:57.500 --> 02:52:06.770

Mayor Evans: Okay, let me give, Councilmember Jorgensen, a minute to find it.

02:52:07.310 --> 02:52:14.209

Councilmember Jorgensen: Got it.

02:52:07.310 --> 02:52:14.209 Mayor Evans: Okay, I'm sorry. We'll start your timer over again. Go ahead.

02:52:14.720 --> 02:52:19.289

Jonathan Perry: I... I don't have much to add to what's already been said tonight, but I would like to... think maybe that when I initially heard of the proposal. My wife and I were not against the Bible College building some apartments there. They... the dorms that they have there now are... a little decrepit, but they're two stories, and their lights shine in our bedroom window. It's really annoying, but we would understand the... It's... But it seems that in this whole process, there has been little...effort, as has been stated already. There's been a little effort to really work with the community, and once it was announced that it was going to be a four-story building that was significantly different than what was initially suggested when we first heard about it, and so we do have, those concerns about that. In one of the previous meetings that Willowbrook had, where the developer came in to talk with us, the thing that I remember about that meeting, and it's been several months, but... Dead. When everybody wanted to talk about what was going to be done design-wise, I said, that's not what we're here to talk about. We're just here to talk about our submittal, and it felt very, like, we don't want to talk with you about what we're proposing to do, and so most of us went away from that meeting feeling very disrespected as a community, and I just wanted to state that as...part of the difficulty, and thank you.

02:54:15.360 --> 02:54:18.060

Mayor Evans: Thank you, sir. Any questions, Council?

02:54:18.810 --> 02:54:22.470

Councilmember Jorgensen: No, Mr. Mayor, thank you.

02:54:18.810 --> 02:54:22.470

Jonathan Perry: Thank you.

02:54:18.810 --> 02:54:22.470

Mayor Evans: Okay, thank you very much.

02:54:28.690 --> 02:54:30.140

Mayor Evans: Ken Dillman.

02:54:47.680 --> 02:54:52.810

Ken Dillman: My name is Ken Dillman, I live at 8801 West River Beach, Garden City.

02:54:47.680 --> 02:54:52.810

Mayor Evans: Okay?

02:54:47.680 --> 02:54:52.810

Ken Dillman: I probably have lived in that area. Between River's Edge and Riverwoods subdivision for over 20 years. I've seen the traffic continue to grow and get worse and worse from that aspect of it. I have two properties in that area. One in River's Edge, one in the River, Riverwoods subdivision. White River Edge subdivision backstep vertical and having a four-story complex like that, that is more for an urban development design rather than a residential doesn't not make sense, does it? Fit the comprehensive plan? Does it fit the area? Does it fit the neighborhood?

Doesn't fit anything that we should be proud of to put in Garden City. If we're going to be in a city that's looking up for people, then this doesn't really fit for that type of thing, and what I want to end with is just being there 20 years, I've seen the development around the area, I've seen the tracker grow and putting that type of complex with 230-plus units in it's not going to make anything better for... Marigold, Coffey, Pintail, or the surrounding area. So I'm just... I want to let you guys know that, and... you know...everything else has already been said, so I don't need to repeat, does it fit the comprehensive plan? Does it fit this? Does it fit that? We all know that. It's up to you guys to make the right decision. I was in your area for 20 years.

02:56:42.230 --> 02:56:50.330

Mayor Evans: Thank you, sir. Any questions, Council?

02:56:42.230 --> 02:56:50.330

Councilmember Joergensen: Mr. Mayor? Mr. Dillman, did you provide written testimony?

02:56:42.230 --> 02:56:50.330

Ken Dillman: Nope.

02:56:42.230 --> 02:56:50.330

Unknown: Thank you.

02:56:51.320 --> 02:56:52.950

Mayor Evans: Thank you, sir.

02:56:51.320 --> 02:56:52.950

Ken Dillman: Thank you.

02:56:55.840 --> 02:56:59.170

Mayor Evans: I can't get away with anything. Sandra Chess.

02:57:14.240 --> 02:57:25.310

Mayor Evans: Oh, there you are, okay. Oh, no. Did you submit anything in writing?

02:57:14.240 --> 02:57:25.310

Sandra Chess: Yeah, I submitted a quick handwritten note so I could be a part of it.

02:57:25.890 --> 02:57:47.350

Mayor Evans: Okay, just... okay, you signed up as a party of interest, but you didn't write specific testimony. Oh, okay, okay, I've got... I'm in trouble with Councilmember, so I'm trying to get through this, so... Welcome. If you would, give us your name and address. After that, we'll start your timer.

02:57:25.890 --> 03:00:59.359

Sandra Chess: My name is Sandra Chess, my address is... 8550 West Slope House Lane. Back to the iPhone everybody's covered is covered what my concerns are that I wanted to talk about correctly 100% of it, which dressing. Come on, okay 80% of our traffic. Nobody's mentioning Coffey of 10 minutes when you leave Willowbrook, or if you're sitting at the... if you're sitting up at Marigold and you're packed up at this sign Coffey you're gonna go now, copy, and try to get out of Chinden I don't know if you've ever changed her life some Coffey onto Chinden, and just when you get a chance to go, somebody pulls into the center line to come to the car wash.

So, you have to wait for that worse, if you want to make a simple right-hand turn on the Chinden from a Coffey. You can't until everybody who wants to turn that goes, because there's not a separate right-hand turn and this is without... the new development on the corner of Chinden and Coffee. I don't think any of the tech said publicly week at best, the ACHD testimony tonight, Sunday.? That's been discussed and not positive the... So there's that, and I think everybody's covered that, but I also wanted to, offer expert testimony, if I may, with property values I have been in, majority of that time comes to mortgage elite right now healthy yes, 8. An appraiser provided an appraisal for a single family residence sweet and character suffered.

The subject property was next to a four-story, 236 unit perfect, the underwriter will, every time, ask the prisoner to go back and find a comparable that is next to... Because it will affect. Secondly, I bought... we bought our property from a friend in the October of 2025., not whom I do diligence, I know better. I would not have purchased. I'm on the corner of Clubhouse and Willowdale. I would not have purchased that property. So... In what gender identity is that a property is worth what a buyer is willing to get. So to know that, think if you were looking at identical parties one of them was next to a four-story, 236-unit apartment, one was, a half mile away. Would you pay? More, but one and a half mile away, or would you... Pay more for the one next year.

03:01:03.390 --> 03:01:11.090

Mayor Evans: Great. All right, thank you very much. Any questions, Council? Thank you for coming. Thank you.

03:01:20.840 --> 03:01:22.819

Mayor Evans: Less? There's Less Bock.

03:01:33.710 --> 03:01:34.560

Mayor Evans: Evening.

03:01:35.030 --> 03:01:43.490

Leslie Bock: Good night.

03:01:35.030 --> 03:01:43.490

Mayor Evans: We got a ways to go, too, so anyway... that we're representing.

03:01:43.770 --> 03:02:05.149

Leslie Bock: District 16, Garden City, right here, and it makes me proud to see the community active like this to come in and testify, and then... And so, it's great to see my former constituents here rising up to protect their I don't know much yesterday.

03:02:05.410 --> 03:02:26.379

Mayor Evans: I'm going to get you, though, before I turn you loose, did you... you submitted written testimony. Okay, I've got to give Councilmember Jorgensen time to find it.

03:02:05.410 --> 03:02:26.379

Councilmember Jorgensen: I've got it.

03:02:05.410 --> 03:02:26.379

Mayor Evans: Okay, she's got it, so if you would, give me your name and address, we'll... we'll...

03:02:05.410 --> 03:02:26.379

Leslie Bock: (inaudible)

03:02:26.400 --> 03:02:36.929

Mayor Evans: Sorry, I got a little familiar with you there. I've known him a long time, everybody.

03:02:38.000 --> 03:03:49.509

Leslie Bock: What else? I have to promote the same for the template. So, very close It's very difficult. Following what amounts to Oscar for winning performances. Some of the, some of the testimony's just been outstanding. The one thing I would say I appreciate it. Mr. Ronald's point the... The decision maker has to provide. Straight from... straight from the... written basic statements they're falling behind each other go down the list again, we've been through that several times tonight. But I will say based upon the testimony here tonight conclusory, statements for lots of eyes, one or the other and I do oppose very strongly of this development, and I am too, I'll say at this time.

03:03:49.920 --> 03:03:50.710

Mayor Evans: Great.

03:03:51.000 --> 03:03:52.510

Mayor Evans: Any questions, Council?

03:03:52.650 --> 03:04:06.269

Council President Page: Mr. Mayor?

03:03:52.650 --> 03:04:06.269

Mayor Evans: Yes.

03:03:52.650 --> 03:04:06.269

Council President Page: Mr. Bock, thank you for your time coming here tonight, and for

providing the written testimony. If there was one thing you were going to point to that fuels your opposition, what would that be?

03:04:06.610 --> 03:05:25.219

Leslie Bock: Okay, that's the traffic issue. Traffic. I'm a frequent user of the Greenbelt. Most of everything on the weather is happening, people don't stop we're trying to cross. There have been two or three occasions where I've almost been hit, even as he had the stop sign so to think that we can add some percentage of additional traffic to the, It's astounding to me, because... With far too much (inaudible) someday, someday I expect to hear... That's administrative data careful in this project. That is my biggest concern, because it is the one thing that a treasure of Garden City didn't need to be here, but at any rate, it is the access to the Greenbelt for exercise and even if there's...(inaudible) to stop. That was the picture itself.

03:05:26.270 --> 03:05:26.969

Council Member Page: Thank you.

03:05:27.100 --> 03:05:32.209

Mayor Evans: Any further questions, Council? Period. Thanks so much.

03:05:36.010 --> 03:05:36.680

Unknown: Come on.

03:05:38.230 --> 03:05:42.640

Mayor Evans: We'll do one more. Thanks for helping him out.

03:05:42.900 --> 03:06:52.290

Mayor Evans: Mark... Mark Mitchell. Welcome, Mr. Mitchell, by the way, you're looking right at the...if you're wondering what's going on in here, we... the library has a New Year's Eve party for...for kids here, and so they got a head start on decorating. That starts at 10 in the morning and runs till about 3 in the afternoon. So... so that's... we didn't do this for you, I'm sorry. I forgot to mention that up front, so...But, I can see you just barely under the... under the decoration. But, welcome, Mr. Mitchell. If you would give us your name and address.

03:06:52.290

Mark Mitchell: Sure. Mark Mitchell, 8565 Willowdale Drive...

03:06:53.460 --> 03:06:54.460

Unknown: Okay.

03:06:56.170 --> 03:07:00.499

Mark Mitchell: picked us up off the chair, because I found it kind of interesting. That my home backs up to... No other colleagues.

03:07:08.100 --> 03:11:23.130

Mayor Evans: For the record, we'll pause him for... for the record, he is referencing, Jennings, yes, handout, so...This is my home, and you can see the before and the after. I mean, we don't know the scale of the photograph that we're taking. This building is number 2, 80 feet from my fence line. So, obviously, I object to the development several

reasons, one...Everybody has talked about is the fact that he's at the neighborhood, and all those sorts of things, and I won't rehash all the things that have been said but I did want to make a comment and a concern.

In regards to the stormwater drainage I came from a building background, a golf background, my whole career, I'm tired. 12 years ago I was involved with the Touch Mark Retirement Community great mindset loose, I can appreciate you spell those jobs I've been in their shoes for most of my career. Last 10 years, I was on the development side as a motorcycle. Well, I've seen all of it a little bit, understand what's working, appreciate what they're trying to do to help the vital economy I would be willing to...Support a structure that would be possibly two stories with some sort of a paper (inaudible) on it that would be more compatible you will, with the others.

Marigold, and to the west. In regards to stormwater, the drainage comes down our street, goes from south to north, we're 4 houses from the end of the (inaudible), and the water drains down there, and during a significant rainstorm, it backs up on the whole street we're talking at least a foot deep, and they want to tile the ditch. Property 1... Cross and under their...and then tying back in on (inaudible). I just hope it's engineered to the point where I can take all the water, their water and our water. Their drawings don't seem to indicate what they're going to do for stormwater retention on their property, I assume that Garden City is like most other cities, and it requires that use the percentage of stormwater regenerate. It gets retained on the property, then transferred into the aquifer.

Great, so that's just something to make everybody aware of, and...Couldn't tell from, you know, the (inaudible) how they were gonna handle the meat. Second thing, is the lighting, they have cardboards up against our property line, 6-foot fence. Lighting under the carports, it would be somewhere in the in nights of the range, so obviously...We're gonna get lighting from them into our windows. Again, the home office is shield up, if they shield it, okay, fine, it's gonna reflect off the part, it's gonna reflect off the warm surfaces. For children that have excessive life, so, mitigate that. Plus, we build a wall that would be inside the park purpose? Along with Parkway 1, that would give us relief from the light, we'll give us release only once create a buffer for the pollution report from automobiles and that sort of thing, oh.

03:11:23.800 --> 03:11:27.299

Mayor Evans: Can you wrap it up here pretty quick? Okay.

03:11:27.490 --> 03:12:48.910

Mark Mitchell: I took a look at the traffic from a standpoint of number of deadlines. You talked about that a little while ago, there's 373 bedrooms she figured it out. The worst condition, every bedroom had a car. That's 373 that may be unreasonable, so I said, okay, let's say that 75% of those roads (inaudible). That's 280 and a half, I believe, something like that, now, if those cars travel to and from work, that's 2 trips a day. (inaudible) part of those are, straight up from the wife and stay at home, she doesn't get out as much and go to work but she makes 4 or 5 trips.

Sometimes every day, take them to kids to school, pick them up, going to the grocery store, going to the doctor, her impact on the roads is worse than someone who goes to work. So, as everybody has said, it just doesn't seem reasonable, that number of 90-something impacts for that. One hour a day seems to be a reasonable amount. City, kind of... Council can make a decision on what they want to do, regardless of what the team

might submit.

03:12:50.370 --> 03:13:09.320

Mayor Evans: Very good. Thank you. Any questions, Council?

03:12:50.370 --> 03:13:09.320

Councilmember Jorgensen: Mr. Mayor?

03:12:50.370 --> 03:13:09.320

Mayor Evans: Did you submit anything in writing?

03:12:50.370 --> 03:13:09.320

Councilmember Jorgensen: He did, Mr. Mayor.

03:12:50.370 --> 03:13:09.320

Mayor Evans: You have a question?

03:12:50.370 --> 03:13:23.720

Councilmember Jorgensen: I do. Mr. Mitchell, I appreciate your written testimony and you being here this evening. I do have a question regarding your written testimony. You make a statement that, currently Willowbrook runs pumping stations 24 hours, 7 days a week, year-round, to keep the groundwater from crawl spaces, I want to verify that.

03:13:23.850 --> 03:14:11.199

Mark Mitchell: That's correct. There's actually two pumping stations, there's one at the main fountain area, as you enter the property adjacent to the clubhouse, and there's a second pump that comes in the southwest corner of the property I was (inaudible) when we bought in there in 2015, the purpose of that system, is to lower the water table to keep it out of our home. Dick Phillips developed this back in the early 90s and I have no information or record as to exactly what that does, but it does operate 24 hours a day every day of the year. Not part of the irrigation system.

03:14:13.460 --> 03:14:16.619

Councilmember Jorgensen: Thank you, thank you Mr. Mayor.

03:14:16.619 --> 03:14:27.250

Any further questions? Thank you, Mr. Mitchell. We're gonna take another, break, and we will reconvene in about 10 minutes.

03:14:30.560 --> 03:14:34.600

Mayor Evans: Thank you all, we'll reconvene the meeting. We've got, we've got a few more, that wish to testify. We'll go to Rodney Wolfe.

03:15:03.100 --> 03:15:04.320

Jenah Thornborrow: I did this one.

03:15:16.760 --> 03:15:35.630

Mayor Evans: Good evening. Great. Welcome, Mr. Wolf. If you would give us your name and address for the record, and did you submit written testimony?

03:15:16.760 --> 03:15:35.630
Rodney Wolfe: Yes, I did.

03:15:16.760 --> 03:15:35.630
Mayor Evans: Okay.

03:15:16.760 --> 03:15:44.700
Rodney Wolfe: So, you'll find my testimony on June 26th. I'm the president of the Bentwood Homeowners Association, which is the tiny, little, forgotten, cute subdivision right off Willowdale Lane right adjacent to the to the Bible college property.

03:15:44.700 --> 03:15:57.099
Mayor Evans: Are you speaking for yourself or others?

03:15:44.700 --> 03:15:57.099
Rodney Wolfe: I am speaking for, myself, but I think I'm also speaking to the letter that I submitted for the neighborhood, for the association, so...

03:15:44.700 --> 03:16:09.950
Mayor Evans: Very good, I'll give you some latitude.

03:15:57.100 -->
Rodney Wolfe: Thank you, thank you, I appreciate that. So, I'll keep my comments brief, because I think I could safely say that I... that, in representing my neighborhood and myself fairly consistent in the... our, position with the testimony of this evening, so... Okay. And most of our... the points that we wanted to make are outlined in the letter, so if you want to look there, you'll... you'll primarily see what's...

03:15:57.100
Mayor Evans: As you can probably see, the letter...everything's been thoroughly consumed by the City Council, so if you would, go ahead and give us your name and address for the record.

03:15:57.100
Rodney Wolfe: So, it was early, so I just wanted to remind you.

03:15:57.100
Mayor Evans: Okay, yeah, name and address for the record.

03:15:57.100
Rodney Wolfe: Oh, my name, Rodney Wolf, 5974 North Willowdale Lane.

03:16:45.550 --> 03:17:05.399
Mayor Evans: Okay.

03:16:45.550 --> 03:20:28.150
Thank you, Garden City, thank you. So, I first want to say that, you know, I've lived here... we bought our home there on Willowdale in 2007. We absolutely love it. We love living here. It is a fantastic place to live. We knew when we bought that the Bible College property was potential could potentially get developed, at that time, the hearsay was that there would probably be some additional student housing consistent with what was on the property at the time.

So, and I think that probably would have been consistent with the zoning at the time, which was, I think, from testimony I've heard, and from what I think I remember looking up at the time, was around 15 minutes per acre, or something like that. So, not as dense as it has become. So that in itself has kind of created a little bit of a surprise to us, the fact that it could be developed now at such a high density, besides the fact that it just... Doesn't seem consistent with the neighborhood.

The, before I get... I want to finish up with some comments about the ditch. Which is a really critical concern for us, but I first want to discuss the access, because nobody's really talked about the four-way intersection and the depth that I would like to be considered. The...there was some interesting, clever maneuvers around, that four-way intersection is the obvious... should be the obvious main traffic point. But if you were to look at the overview of the site plan for the development, the secondary access point, which would have probably been the emergency access, is actually the uncontrolled entrance and exit to the main parking lot, and you combine that with the fact that most testimony seems... there seems to be some anecdotes that the Bible College doesn't want them using their road, which is at the four-way stop sign. They don't want to be bothered by the development. So, I'm a little concerned that... that there's... there's talk about meeting the expectations of traffic flow at the four-way stop. That... that the... but in reality you're gonna shift the traffic from the controlled intersection to an uncontrolled access egress, that's on the east side of the property, and adjacent to... to our subdivision.

So,... so, I don't think that's going to be a helpful concern for the... for the traffic in itself. I think it's actually a pretty significant negative, and I think that when we look at what's really will happen versus what we think will happen on paper, that's gonna be something else. The other point that hasn't been covered here is that as a collector, a neighborhood collector, Marigold is subject to, I think by definition, is supposed to collect traffic from the neighborhood and distribute it down to the arterials where they can get to work and back home. However, Marigold is this hybrid, which anybody who travels on there understands, is it's a shortcut from arterial to arterial, because people use the Garrett to Glenwood, shortcut. So... Is it really a neighborhood collector, or is it an arterial? So I think that needs to be considered.

03:20:28.150 --> 03:24:09.829

Rodney Wolfe : Thank you for moving the trash. So, the, the, the, the, we'd like a fence, we'd like a wall, we'd like a... but we'd really not like... we'd really like a much lower density project. Finally, the ditch, and that's why, I brought up the picture. So...this is the... this is, Brentwood subdivision, right here, if you can see on the... on the...and this is the ditch that even Mr. Mitchell was discussing. I believe their drains probably flow into this drainage ditch. It ultimately runs...along the, property line between, Bentwood and the Bible College property here and they're proposing tiling this section with an 18-inch, potential tile. We have some real significant concerns with flooding. in the event that, A, I'm not a hydrologist, but right now, if we get any restriction where it goes underground at this north end, it backs up the ditch floods this zone, and I've had my neighbors in this area, right here, have water right up to just below their driveway, and just adjacent to the exposed part of their foundation.

So... That's with just heavy rain and there's maybe a flow restriction. Somebody will go around, and I think somebody in here probably has gone around and used the rake that the Bible College uses to pull stuff off of the... off of the grate there to clear the flow, but other stuff happens there, too. If we just move that grate to here, we still have all the flow,

we have less area for the water to back up into, into this open ditch. It's now all, all going to be constrained to this area. We have a much higher potential for flooding, and we're very concerned that without a proper study engineered to take into consideration the fact that... that... that... that... We could have some significant damage and potential liability here, and you heard Mr. Mitchell before me talking about groundwater and everything else. Their drains flow into that same ditch.

So, so, my plea is, firstly. I... I... this just doesn't fit... the whole development just doesn't have a... doesn't feel right to me, to the... for the... for the... for the neighborhood. If you guys could wave a magic wand and create density in a walkable neighborhood and everything else that we all dream might... some of us might dream about, I suppose. Great, but all you're doing is taking a car-centric neighborhood, and adding density, and taking away our park, and so there's very little upside here for us. Not the same upside as for them. So, I hope you'll take that into consideration there's a lot of talk here about the subjectivity of these things. If you could have rules that just outline specifically, you know, here's the zoning rule, here's what the requirements allowed if it was really that easy, we wouldn't need to have these meetings. So, it's really... Up to you guys, so, to help us out. If it was in your backyard, what would you think?

03:24:11.330 --> 03:24:13.920

Mayor Evans: Thank you, Mr. Wolf. Any questions, Council?

03:24:14.060 --> 03:24:22.519

Councilmember Jorgensen: Mr. Mayor?

03:24:14.060 --> 03:24:22.519

Mayor Evans: Yes.

03:24:22.519 --> 03:24:23.960

Councilmember Jorgensen: Mr. Wolf, how many residents are you representing? We have 16 homes in that subdivision of Bentwood.

03:24:23.960 --> 03:24:48.810

Councilmember Jorgensen: The... the... Mr. Mitchell, who provided testimony directly before you testified that they have pumps running 24-7, do you have the same issue in your neighborhood?

03:24:48.810--> 03:25:43.959

Rodney Wolfe: No, we don't. We do have groundwater issues in our neighborhood, because the water table is very high in the area that we're at, so we have had homes that have, had to have mitigation issues in their crawl spaces, pumps, and everything. It's high density that every... it doesn't drain. It doesn't have... I mean, we've got to hold all of our water, so it just... most of it goes... most of our property, most of our subdivision drains to a drain right here in the middle of the parking area, and... and if... if, you know, and I'm sure it was probably designed to the average requirement as well, right?

Something, you know, I'm sure there's probably an engineer here who could tell me, you know, it's probably designed to accommodate a quarter inch of rain in a certain amount of time, or whatever, right? Well, the other day, It rained almost an inch and...we were flooded all the way out into the streets. So, you know, and for a couple of days, and for that to finally absorb into the water table, because when the water table fills up, it's even

slower to drain. So, so...

03:25:45.590 --> 03:25:51.620

Councilmember Jorgensen: Thank you, Mr. Wolf.

03:25:45.590 --> 03:25:51.620

Mayor Evans: Any further questions?

03:25:45.590 --> 03:25:51.620

Council President Page: Mr. Mayor?

03:25:45.590 --> 03:25:51.620

Mayor Evans: Yes.

03:25:45.590 --> 03:25:51.620

Council President Page: Mr. Wolf, just...Just think about this ditch issue...

03:25:45.590 --> 03:25:51.620

Rodney Wolfe: the dirty ditch for us.

03:25:58.220 --> 03:26:05.669

Council President Page: The dirty ditch, because this is the first time it's, that I've seen it, kind of sort of graphically, it makes a lot of sense. Imagine a solid wall, that runs along this property, like, some people would wish to have, I've heard plenty of testimony today about wanting some... some kind of a solid wall. That wouldn't allow water to drain into what's now that field, where do you suspect all that water would go?

03:26:24.330 --> 03:26:35.420

Rodney Wolfe: It wouldn't impact us at all, because... because right now, the water would just... the water... the water drains, the ditch is essentially. Our subdivision is designed to basically drain to the middle. That was a requirement of the original development. We have to contain our own water.

03:26:48.580 --> 03:26:56.510

Rodney Wolfe: So, if the... if a wall...

Mayor Evans: Use your pointer....

Rodney Wolfe: Makes no difference...

Mayor Evans: Use your...

Rodney Wolfe: Oh.

03:26:56.770 --> 03:28:03.830

Rodney Wolfe: The, so, so a wall along here would make no... no difference. The ditch would just... just go underground at the tile here, I would assume. Right? So, this wall, if we've had a wall along here. The drainage would be... they would have to be containing their own ground... their own rainwater and everything anyway. Just like we do. So the ditch, the problem is the ditch, there's a... there's... there's water that comes in here. I don't know where the... where all the water comes from, but it comes... it gets to this

ditch, and so, there's, water that flows in from, the, the subdivision here, right at this...this... this area right here, I know there's something that comes in here. Ours comes... it comes out of the tiling right here. It's tiled along this, eastern bound. So, and then just opens up, opens up here, and then goes back underground here.

03:28:03.830 --> 03:28:07.949

Council President Page: So, you... it's your... it's your belief that...when the water backs up and can't cross the street, you know, overflows the mechanism to let it pass under the street, and it starts to back up, that a wall wouldn't aggravate that.

Rodney Wolfe: No, no, I don't think it would make any difference at all.

Council President Page: Okay, thank you.

03:28:23.900 --> 03:28:25.320

Mayor Evans: Any further questions?

1531

03:28:26.710 --> 03:28:29.019

Mayor Evans: Thank you, Mr. Wolf.

Rodney Wolfe: Thank you, guys.

Council members: Thank you.

03:28:30.650 --> --> 03:28:38.290

Mayor Evans: Okay, Fred Free. Fred here? Okay, Council, for the record, Fred's sign-up sheet said he wished to testify. He's neutral on the application.

03:28:55.920 --> 03:29:11.010

Mayor Evans: Sandy Capozzi, I've got a maybe on the testifying. Is Sandy here? I don't see Sandy. Sandy opposes the project.

03:29:16.100 --> 03:29:29.410

Mayor Evans: Jesse Castain, I've got another maybe. Jesse here? Okay, Jesse is opposed to the project.

03:29:32.130 --> 03:30:20.519

Mayor Evans: Mary Mae Gorman? She had to leave, she's unable to stay. Her testimony is, if ITD and ACHD both recognize that Marigold Glenwood is a mess today, how can you consider approval to add any more to the problem? Failure to resolve today's... problems. Today... Five-year plan, question marks, only kicks the can down the road. If Marigold is fully built out, what possible benefit does restriping yield? I am not concerned with improved bike or pedestrian access. I live on Pintail Way, and I'm concerned about the cars.

03:30:28.250 --> 03:30:41.130

Mayor Evans: Carol Zimmerman. Will developer compensate residents for decrease in property values? Opposed? No indication is... Is Carol here?

03:30:50.890 --> 03:31:00.830

Mayor Evans: James Trent, opposed, indicates he does not wish to testify, but writes, the project does not fit...the neighborhood, We'll destroy our peaceful, safe, Oh...place of retirement, traffic already a problem, property values will suffer.

03:31:21.250 --> 03:31:51.660

Mayor Evans: And then, Jordana Trent. I assume is also maybe not here...here. Doesn't wish to testify, writes, I oppose the four-story buildings as they do not fit in the surrounding neighborhood. We'll create worse traffic in an already challenging traffic area and will create parking. Issues in the surrounding neighborhood, and... many additional issues.

03:32:01.880 --> 03:32:26.860

Mayor Evans: Mike? I don't know if it's a Brian or a Brile, Mike here? I'm gonna have to work with you on your penmanship.

03:32:19.720 --> 03:32:26.860

Listen, I'm lucky I got hands left.

03:32:27.950 --> 03:32:29.560

Mayor Evans: Welcome.

03:32:29.850 --> 03:32:30.620

Mayor Evans: Oh. When you're ready...

03:32:31.070 --> 03:32:48.149

Mike O'Brien: I want to thank the Mayor and the City Council for your time, and I'm not a good writer or speaker, even though I work for my job, but...

Mayor Evans: But I need your name and address first.

03:32:48.400 --> 03:32:50.359

Mike O'Brien: My name is Mike O'Brien. Okay. 5587...Willow Lawn Way, Garden City. And... my points I had that I've been working on since last June, not this June, last... 2024, were traffic, house, apartments, prep, I got the parking traffic... Clean Water Act, Clean Drinking Water Act, drainage, and tax exemption, and that's a big... that's a sleeper that you guys have not... nobody's paid attention to that and in this... on the traffic study, I had some help with this on people's, because there's 10 ways to figure out a traffic study not just one, there's 10 out there and you can do it by area, you can do it by volume of traffic in the total area, you can do it by the amount of houses, you can do it by your control streets, your connector streets.

There's all sorts of ways to do it. I had to get help on that to do that, and just today before I came in here, 4:55, between 4:55 and 5:10 today we had 225 cars from the college up to Garret just coming this way. I sit there and counted every one of them, and we've averaged, from September 16th from 11 o'clock till 6, we had 1,350 cars on that street, November 1st through the 18th we were running from 11 to 7 about 1,100 cars intermixing on the streets, but that's the peak, that was the peak... peak day, December 1st to December 23rd we ran between 750 and 1,300. October, we averaged between 5 and 800, December 29th, we had... which was...that's basically today, so... but we had one day in... August we had 2,300 cars on that street during the fairgrounds and that was... there is no set timetable for that street.

You guys know that, and I know that. I did a time... I did a traffic study, also from... Garden City Boulevard, up to Cole, and up on the hill down to State Street, and down the curve for 2 hours I had 4,500... 4,500 cars on that street and that was, basically, this street here was dead in the water, and as for speeding, yes, we have it I had... you were talking about the speed trap... the speed with the police department.

Mayor Evans: I'm guess... I'm guessing, I don't know.

Mike O'Brian: Yeah, but anyway, that trap, that was the speed because we were having drivers going down Coffey and Marigold different times between 55 and 60 miles an hour, depending on the time of the day and the night, two of them were drug runners. They use these streets to get around Garden Boulevard, and the police, and we use them. We caught one car with the help of the police, down here on Coffey, going 95 miles an hour between Chinden and Marigold at 5 o'clock in the morning. So, that's kind of what I've been doing since last June.

Then, as for the clean water, we are under the Clean Water Act and the Clean Drinking Water Act. So, those apartment, you're putting in this parking lot that they're gonna have these cars in, that water can't just drain into your street drain. It's got to be into a water separator to make sure that... because that's going into the river, which is our drinking water and there's a way... and these parking lots and, apartment places have oil, they change their oil, they change their antifreeze in it that gets on the asphalt and the oil, it's gonna go right down in the canals around these people's homes, and we've seen it.

This last rainstorm, we had... we had 5... about 5 inches of rain in that one week period, pretty close, we went walking over here in the Bible school, and we were that much in water, and that creek bed that we have back behind those houses is usually pretty dry unless we, you know, they open up the dam or something had about 6 inches of water running through it then, and it will plug up.

Mayor Evans: You've done a lot of work on that, and I appreciate it. The hour's late, I think we're getting the gist of it, can you kind of wrap it up for us so I can get on to the others?

03:38:06.670 --> 03:39:21.099

Mike O'Brian: Well, between... yeah, between the bridge going up to Chinden, Chinden over about a mile and a half this way, back here down in the river, there is 3,500 homes in there. Which is roughly about 5,000 cars, give or take, that's gonna be going up and down that... goes up and down that street. We're having semis going up and down that street now, which they're not supposed to be doing, but they do, because they can't get around Chinden, and here.

So, basically, what you're asking for is a disaster. If we have a natural disaster, according to the first responder units I talked to in Washington and I sent him the picture, you're gonna have a disaster in here, because we only have 3 ways to get out of here that's it. These people only have 3 ways to get out of their homes, and if Marigold's shut down, Coffey's shut down, you're down to 1. The bike lanes aren't safe on Marigold, we have people riding on the bikes, here's your curb, here's the gutter, you got a little lip, these people hit those curbs, they flip over, and you don't know which way they're gonna flip. So, I'll just kind of let it go with that, because if you have questions, I can... If I'm awake... try to answer.

03:39:21.250 --> 03:39:32.069

Mayor Evans: Well, we'll try to keep you awake, thank you for your testimony. I appreciate

it.

Mike O'Brian: Thank you guys very much, appreciate your time and your...

Councilmember Jorgensen: Mr. Mayor?

Mayor Evans: Yes.

Councilmember Jorgensen: I do have a couple of questions for Mr. O'Brien.

03:39:32.280 --> 03:39:50.930

Councilmember Jorgensen: Mr. O'Brien, are you in the Willowbrook subdivision?

Mike O'Brian: Yes.

Councilmember Jorgensen: Do you know if the, water mitigation, the pumping of water, was that original, or is that...

Mike O'Brian: That was there before, yes, that was in there before even I got there. That's how they keep water getting out of the homes that are back along those canals to keep their pump pumps from going out. The pickleball court, you go down in there, you go this much underneath that pickleball court, and you hit nothing but water.

03:39:56.990 --> 03:40:11.819

Councilmember Jorgensen: Thank you. And then regarding your traffic studies, did you do that independently? You keep referring to We. Who else was part of this?

Mike O'Brian: I had my son help me when he wasn't busy, but...

Councilmember Jorgensen: Okay.

03:40:11.840 --> 03:40:38.239

Mike O'Brian: I did traffic studies when I was in college, and when I worked for Bechtel and E.G&G and the Omaha in Omaha in college, and we... I didn't... I did it the old way, when the city used to come out, take people on unemployment. We bought them lunch we put them out and send them out there for the day to keep people working, I did it that way too, It took a lot of time. My wife wasn't happy about it, but...

03:40:38.520 --> 03:40:52.619

Councilmember Jorgensen: Thank you.

Council President Page: Thank you very much, Mr. Mayor.

Mayor Evans: Thank you. Yes.

Council President Page: Mr. Wright, or Bright? O'Brien.

Unknown: O'Brien.

Council President Page: Oh, O'Brien. Okay, I got an (inaudible) with neither of them. You were gonna say something about taxes?

03:40:53.140 --> 03:40:54.110

Mike O'Brian: Oh...I was...It just pulled out of my hair because my dad had to work with the Catholic Church in Omaha. We got caught with the tax exemption, we lost the tax exemption to one of the churches, and I talked to the people in Washington, there's a possibility that's going on now with this church, because it's supposed to be money for the religious use of the school and religion. If they're gonna put apartments on there. That's a business, and that changes their tax exemption. They can lose their tax exemption, under... 50...501C and 3...C3, and if they're gonna do that, they have to fill out a form called a 990 form... keep them from losing their tax exemption.

Council President Page: Okay, thank you.

Mike O'Brian: You're welcome.

03:41:44.560 --> 03:41:47.460

Mayor Evans: Okay, anything else? Thank you.

03:41:59.920 --> 03:42:08.330

Mayor Evans: Sandy Capozzi, did I call her already? Sandy here? I called her already?

03:42:09.760 --> 03:42:20.290

Mayor Evans: Marsha Jarvis? Marcia here? Marcia just checked oppose.

03:42:23.140 --> 03:42:29.840

Mayor Evans: Kathy Johnson, Kathy. Okay? Just check the oppose.

03:42:33.670 --> 03:42:43.330

Mayor Evans: Randy, looks like Reeder, Randy here? Okay? Just check oppose.

03:42:45.220 --> 03:42:51.969

Mayor Evans: Elizabeth Collier? Just checked oppose.

03:42:56.020 --> 03:43:03.230

Mayor Evans: Mary Jean Norton? Just check oppose.

03:43:05.530 --> 03:43:11.669

Mayor Evans: David Nichols? Okay, just checked oppose.

03:43:13.470 --> 03:43:25.660

Mayor Evans: Pamela Miller? Checked oppose. Wants to be on the interested party list.

03:43:27.570 --> 03:43:35.180

Mayor Evans: Lawrence Chess, checked opposed, wants to be on the interested party list. We'll pick those up when we review the...

03:43:36.540 --> 03:43:43.810

Mayor Evans: Nate, Calvin? Okay, opposed.

03:43:49.130 --> 03:43:50.720

Mayor Evans: Belva Osborne?

Unknown: (inaudible)

Mayor Evans: He's gone?

03:43:52.530 --> 03:43:56.449

Mayor Evans: Okay, thank you. Checked oppose.

03:43:59.600 --> 03:44:37.029

Mayor Evans: Is there anyone here that did not sign up that wishes to testify? Yes, you're welcome to come up. Alright, thank you so much, thank you. If you would, just give us your name and address for the record.

Linda K. Armstrong: My name is Linda K. Armstrong, I live at 6037 Willowdale Place.

03:44:37.140 --> 03:44:44.689

Mayor Evans: Did you? I was just gonna say, did you submit anything in writing?

Linda K. Armstrong: I haven't.

Mayor Evans: Okay, thank you. I'm sorry, I interrupted you, so please go ahead.

03:44:45.120 --> 03:44:48.039

Linda K. Armstrong: I'm also speaking on behalf of Cindy Gwynn, right next door to us.

Mayor Evans: Okay.

Mayor Evans: Okay.

Linda K. Armstrong: On paper.

Mayor Evans: Okay.

Linda K. Armstrong: And from a visual perspective, our properties are right on the corner.

03:45:02.530 --> 03:47:00.849

Linda K. Armstrong: Marigold, and Willowdale. So, in the proposed primary access point coming into the new development, Cindy's...Driveway is right there, so she's gonna have a tremendous impact, cars coming in and out before they even get out of the driveway. We had mentioned to the developer on at least two different occasions, dates that we have this one in September.

That primary access point, by signing. Respect the gentleman that just spoke. It's gonna be extremely difficult for properties to you know, manipulate without there being the benefit of a stop sign, as the developer had given us the indication that that primary access price wasn't going to be there before I was quite disappointed when I saw the rendition, and that primary access point.

We... we don't understand how...from a, you know, ACHD or from a city perspective, why you can have so many roads at one point, you can have a lot of cars going in and out of that stop sign. So, I just wanted to make sure that that was highlighted (inaudible). That's

being neighbors right there, directly. My husband and I can attest that there are times down Willowdale, not into little alcove, but down Willowdale Place, where there are people parking all along that road, just to visit people that already live in the area, on their road. So, that's already being noticed, without even thinking...I just wanted to make that very aware. That was clarified, I did appreciate it (inaudible), right?

03:47:01.820 --> 03:47:16.330

Mayor Evans: Great, thank you so much. Council, any questions?

03:47:16.330--> 03:47:23.449

Linda K. Johnson: Oh, yes, sorry. And then, the impact of the headlights coming in and out will shine directly in Cindy's windows every day, following all of the most headlights going in and out of that driving you know, situation hasn't figured out great. Not only for her, but for us as he likes to be able to.

03:47:25.640 --> 03:47:28.369

Mayor Evans: Thank you. Any questions, Council?

Councilmember Rasmussen: No.

03:47:29.850 --> 03:47:30.880

Mayor Evans: Thank you.

Councilmember Jorgensen: Thank you.

03:47:32.750 --> 03:47:59.629

Mayor Evans: Okay, anybody else that, didn't sign up and wishes to testify? We've got some online participants, anybody online? Okay

Unknown: Sorry.

03:47:59.750 --> 03:48:02.100

Unknown: Nope.

03:48:02.820 --> 03:48:03.860

Mayor Evans: Certainly.

03:48:09.470 --> 03:49:33.520

Adam Jennings: I didn't sign a paper because my wife so eloquently spoke, West Springfield Court, Garden City. One of the other gentlemen was speaking, This spurt a question for me, so I'm... I come from the water industry, we're a wastewater for and been around a lot of stormwater studies.

That's from what we're experts settings one of the things that I'm thinking through is, you know, they're having trouble reconciling the closure of that title and so, that's... that in itself is gonna remove some percolation. Availability that might have happened, so it could relieve some of the pressure on their subdivision backing up in different events and so what I'm worried about is that that 7-ish acre property is going to be now covered in, you know, quite a bit of concrete.

It's going to be funneling water that would normally have just percolate into the ground into that canal, and so I think there's... I think there's a real need for a pretty extensive study to understand you know, how much water is going to be funneled into that. Technology, but technology, beautiful. That's... that's mostly, maybe, maybe my story.

03:49:34.510 --> 03:49:42.750

Mayor Evans: Thank you, and... and we've had several questions, in that regard, and... Oh I don't want to speak for the developer. They can maybe comment on that, but many times, you don't perfect those plans. They're speculative until you get in... until you get an approval, because you don't know what you're going to design to at this point in time they don't have an approval. So...costs a lot of money to have those things properly designed, but I'll let the, on rebuttal, I'll let the developer maybe answer that question for you. Anything else you'd like to add? I hope so. Thank you, thank you, Mr. Jennings. Appreciate it. Any questions, Council? Okay, thank you, sir.

03:50:38.540 --> 03:51:10.920

Mayor Evans: Okay. We've had two strikes at this, I'm gonna give it one more. Okay, with that, we're gonna close the general public testimony. We're gonna turn it back to the applicant for rebuttal. If you need a couple minutes to gather yourselves, that's fine, I can call a short recess. Yes, we'll do that. We'll recess...Until you tell me you're ready. A lot of, a lot of things that we've mentioned.

03:51:29.420 --> 03:51:35.179

Mayor Evans: Great, thank you, everybody. We're back on the record, and Debra's gonna get us, started with the rebuttal.

Debra Nelson: Thank you.

Mayor Evans: So, the floor is yours.

03:51:42.890 --> 03:52:06.869

Debra Nelson: Thank you, Mayor and members of the Council and the public. Thank you for your patience to give us a few minutes. There's a lot to digest, obviously, with hours of testimony, and I'll do my best to synthesize the comments and responses to you. You know, even though a lot of things... there's a lot of different topics, subtopics, so welcome your questions if there's anything you want to flesh out that I didn't cover as much as you wanted. Maybe I'll start... I'll start with lighting, because, you know, Council President Page, you did say you want us to make sure we're addressing lighting.

Council President Page: Thank you.

03:52:16.070 --> 04:08:57.570

Debra Nelson: I think the best thing that, you know, we can point to there that's appropriate is that we are required to do the very things that have been requested to deal with the down shielding exactly. You were worried about the light trespass and that is a condition of approval. In the existing staff report, Condition 7, it requires us to submit an additional lighting plan that includes that down shielding, meets the dark sky standards, includes a photometric analysis, and so you can see that the pathways are being fully lit to provide safety.

But that you're trying to minimize that light trespass. And so, that has been very thoroughly addressed in that condition of approval, and of course, that's the kind of lighting that we want on the site as well and that we would be, inclined to have for our residents, to benefit from the same thing that the neighbors are looking for. There was many questions about stormwater and drainage, so I'd like to, address those.

So...A few different comments have been made about that, and, you know, in visiting with our civil engineer, it's important to understand that we are not going to be adding additional water onto the site. It is already receiving water, and our drainage system will help improve the way that it's being permeated into the ground with diffuse pavers through the parking areas. Dry creek, style landscaping through our courtyards and landscape areas. And...This will be, retained on-site as required by code and filtered appropriately into groundwater. We will meet all required laws. There was concern about that. We will have to meet the standards that are imposed by the city, and this, this will be carefully designed, and the design will be reviewed and approved by the city. We will, also be very careful in the tiling. I spoke about this a little bit earlier. It's... everything that we do on that drainage facility has to be reviewed and approved by the city engineer and by Drainage District Number 2.

We've had our civil engineer, weigh in on this already, and you have the letter in the record that I referenced earlier, that this will be capable of carrying the appropriate hydraulic loads, that it will be, and that it will have to meet all of the standards of the drainage district. It's important to note, too, that the drainage District did request that we include a perforated pipe, and that is consistent with their... and their experience that will help with the water table, and so not only will that, facilitate carrying the water off of... instead of the open ditch better, but it also may help some of the adjacent neighbors that are suffering from the water table, because it will help to have the water table permeate into the pipe and carry more water away.

Turning to, comments on the sewer just want to make sure that the mayor and Council, everyone is aware that the placement of the sewer option will fall within public easements. And so, within our property, we will dedicate the appropriate public easements to the city for, for that sewer facility, and when it's in the Willowbrook area, it will run with an existing public easements. That was established by Platt, before the homes were even constructed or there was any CC&Rs. There was a Platt that dedicated public easements within each of the lots and along the street. So, the private street that's been mentioned, this is a city sewer facility that is within it. That's not a private facility. That is a city sewer that runs under Willowbrook Lane, consistent with the existing easements. And it's appropriate. Of course, you wouldn't normally... you wouldn't accept a plat that didn't include the appropriate public easements for these kinds of utilities, and this... this option provides the opportunity for the city to efficiently use the capacities that you have in your sewer system, to allow this type of infill development to efficiently use that. I'd like to talk about traffic.

There were several comments about, about traffic, obviously, concerns from the neighbors, and questions, too, from, some of the council members about this as I think Jenah said this well earlier when she was talking about, you know, there's a lot of different opinions about traffic, including legitimate concerns and experiences of neighbors, but it's important also to utilize the adopted metrics and methodologies that we do have and so there... there was testimony and questions earlier about the ITE, and so our traffic engineer, you know, tried to do some additional review to make sure that we were adequately answering some of those questions. In particular, I mean, it's important to note that ITE... ITE is the standard. That is utilized and required by ACHD and ITD in their

traffic... for traffic studies and their review of traffic studies. So, and other local transportation agencies as well. And it does have multiple designations, and so it's important to understand that there is an urban designation, a suburban designation, and a rural designation, and so this property is being reviewed under a suburban designation based on population area, so it is not treated the same as New York City or even downtown Boise.

That it has a suburban designation, and therefore it is compared to projects of similar levels in generating trip generation for suburban projects. One quick correction, the peak hours that were, for the AM peak hour time is 7 to 9, not 7.30 to 9.30. Tim, just wanted to make sure I was able to correct that from his prior statement, and then, in addition to these metrics and methodologies that have been only required, but accepted here, the ACHD and ITD both accepted this traffic study and approved it, and we also built into these studies, in the format that's required under ACHD's policy manual and others. There is, modeling that is used from Compass. There is, background traffic conditions that are considered. They have to consider a growth rate. Here, 3% was used. Both the compass modeling and the background growth rate help both the developer and the transportation agencies reviewing it, and the decision makers for land use projects understand that growth is anticipated in the area, and while you may not have every single project that comes up you do have anticipated growth, and so, in particular, I think there's questions about, you know, what about this project that... did you consider this particular impact? If it is timely and already filed, then yes, those particular projects are considered.

For future projects or ancillary projects, it's captured in this modeling and this background condition, so it's also important to understand that that is built into capacity analysis as well and the access, just a related topic, you know, was also reviewed and studied. It was reviewed by Kimley Horn. They, they did a worn analysis to see if a turn lane was even needed there, based on the number of trips using that access. They determined it wasn't, but ACHD suggested that that would provide good mitigation for cars turning in, and so we are providing that and ACHD did approve that access.

Mr. Grover talked about Idaho Code 67-6508, which is part of LLUPA, and he cited this as, standards that are applicable to development applications including private property rights, etc. In fact, that statutory section is a part of LLUPA that's just telling cities how they create comprehensive plans and so, when you create your comprehensive plan, you need to take into account a number of different studies, including property rights, including impact on schools, etc. It's not actually a template for development. But those are appropriate things to consider anyway, and you do take in those into account when you adopt the actual, you know, valid binding zoning ordinance that you have that we are following, and is applicable. Okay, there was comments about the parking, again, from Mr. Grover, that the parking had not been updated. I just wanted to point out for the record, for him and for you, that it was updated.

There was originally 51 off-site parking spaces within the Boise Bible College, but that was updated based on discussions with staff on November 11th was the date of the resubmittal by the applicant, and I did look it up online, it is in the record, and so that was part of the letter that was from Pivot North describing all the changes that had been made, and the site plan is also attached to that and so, providing the required number of spaces. In addition to the letter and the site plan, there's also the project date sheet, that... or the spec sheet that includes all of the new parking numbers as well that are completely on-site. I want to talk about... a little bit about the... the meetings and coordination with neighbors. There were more than... there was more than one meeting. There was a... John, remember, took... counted back and counted four meetings with neighbors. It's

been over a really long period of time. It's been a long process, and there's a number of different components to the application and so, they had a meeting with neighbors before anything was filed. They also had meetings at each stage of different applications, including two that were associated with an affiliated application, the Minor Land Division, because there was some incorrect noticing from the city, so we did it again, so that it doesn't mean that every single person came to every meeting, but there has been many discussions with large groups of neighbors, and there's been feedback that's been received and modifications that have been made.

The dumpster moving has been discussed. Increasing the landscaping buffer, was also a big part of this and, additional architectural considerations that I want to walk through as well and the architectural considerations, we're really trying to address some of the scale and the comments about, you know, blending into the neighborhood, and... and so that... that was taken into account. Part of what the architect did was to work on warming up the facades, with more traditional brick color to be more in line with traditional neighborhood, and the...the work that they've done on the articulation I pointed this out during the hearing, which is really especially evident when you're looking at the elevations, that you can see the different materials and colors and transitions and planes that are used that truly do make this look more like an attached townhome product, and that does also, blend in more with the neighborhood. It is... it is a multi-family building.

It is, you know, both of these buildings, they're not... they... they aren't single-family detached homes, and so you do also have to, respect that it's a different building product, and if you, you know, adding a gabled roof, for example, as was called for, can...one, increase the height of the roof, because that just adds to the additional height, but it also... you can create a product that looks mismatched for what it is, that it... there is a massing in a form that is appropriate for the building type as well, and that's part of what you get with diversity of housing, and that's what's called for in your comp plan, and that's really what a lot of this is about, is making sure...That you're getting that diversity of housing. There was, many changes that were made along the way.

I think, Councilmember Jorgensen, you had asked about whether there was changes. You made a comment, perhaps, that there wasn't changes made previously, but yes, in response to both neighbor comments, staff comments, and the design review consultants, of course. There's many changes throughout, and so what we're left with is some minor remaining comments from the design review consultants about enhancing the entries and making sure that they really are prominent, and we're very agreeable to do that, to, continue that effort with the condition of approval that exists.

But they didn't have, in the end concerns about the style of architecture or the scale or compatibility with the neighbors and, I mean, that really... the most important thing that we've done to create that compatibility that's called for is to have this incredibly large setback from the neighbors. You can put a two-story, gabled, simple, single-family detached houses that are close together along and create more shadowing impact and have less visibility than you get from the enormous distance you get from an 88-foot and 152-foot setback. The enhanced landscaping, adding 69 extra trees on the eastern border, this is significant.

That's creating that compatibility with this product, and so it allows us to bring forward what was called for in the plans. The applicant studied carefully what was allowed in your plans. This is in coordination with the Boise Bible College when they were really trying to figure out how can they best utilize this property to assist their operations. They looked at your plans, they looked at your code, and this is consistent with those plans, and it isn't,

you know, maximizing it. It's... it... you know, obviously you've got no height limit. It could be taller, but they are trying to be respectful of the neighbors with the placement. With the setbacks, and with the design of the buildings, and the increased and enhanced landscaping, while also utilizing the density that's called for in the R-3 zone, and providing that density that brings efficiency of services.

That utilizes an infill property and, that helps the private property owner, fulfill what they'd like to achieve consistent with those plans. The developer has, thought about whether there's, you know, anything else they can provide here. There, there certainly are some... some things that were mentioned by the neighbors that they can, agree to. Redesigning the site to move the recycle, they, they did... Work on that previously, but they... they feel that they can they can make that work. They'll have to work with Republic Services to get the recycle next to the existing trash, but they will... they are committed to make that happen for the neighbors, and additionally, the... to address the concerns about the carport and the car lights, they can add a rear wall on the carports to really help with... capture that lighting so that that's not, you know, causing impacts for the neighbors. So, with that, I mean, I think they're open to other questions and discussion with you, and want to, know if there's anything else that you would like to know from us.

04:08:57.570 --> 04:09:05.759

Mayor Evans: I'll turn it to the Council, but I did have... I did write down, someone wanted to know who maintains the tile ditch.

04:09:05.800 --> 04:09:17.580

Debra Nelson: Oh, yes. Thank you, Mayor. Yes. Yes, I skipped right over that. We would be responsible for maintaining that, that tiled facility pursuant to a license agreement with Drainage District Number 2.

04:09:20.500 --> 04:09:23.950

Mayor Evans: Okay, Council? Questions?

04:09:24.800 --> 04:09:39.729

Councilmember Rasmussen: Mr. Mayor?

Mayor Evans: Yes.

Councilmember Rasmussen: First of all, I want to thank Ms. Jenkins for her presentation earlier. I should have said that at the time. I think those images were kind of helpful, although I am going to ask the, applicant. I'm having a hard time reconciling those pictures with your cross-section that's in your presentation, and I'm just wondering if that would help all of us, maybe, to see that image. Knowing that she gave us that presentation of some of the houses, or excuse me, the buildings superimposed behind some single-family homes.

04:10:04.900 --> 04:10:16.530

Debra Nelson: Let me pull up my presentation, I'd be hap... I think that'd be great.

Lisa Leiby: Is that the one that was handed out?

Council: No.

Councilmember Rasmussen: it was actually...

Debra Nelson: The applicant presentation

Councilmember Rasmussen: Yes, it was in their... it was in their presentation

Debra Nelson: The PowerPoint.

04:10:28.160 --> 04:10:28.840

Debra Nelson: Yep.

04:10:49.340 --> 04:10:50.690

Councilmember Rasmussen: There.

04:10:51.210 --> 04:10:51.990

Debra Nelson: Yeah. Mr. Mayor, Councilmember Rasmussen, thanks for that question, because I think it is important. I mean, those pictures show a two-dimensional version of it, right, that she showed, because it is true those are height differences between two-story and four-story structures.

Councilmember Rasmussen: Right.

Debra Nelson: But this is exactly what I was just trying to describe, is that when you have the increased setback and the increased landscaping. Then you can see a much different impact of those two... those two heights, and... and, you know, you can... you can even imagine what I was trying to describe a minute ago, looking at this slide. If you had the two-story home just immediately on the other side of the property, you've got a much different slope of perception than you do that's going to the top of that four-story building, because it's so far away, and so, it doesn't mean that there's...there's always impact when there's development next to you. But we have worked to provide the increased setback and the enhanced landscaping to address exactly this issue of compatibility and scale.

04:11:53.750 --> 04:12:07.570

Councilmember Rasmussen: And just for the sake of reiterating, what are those setbacks, again, between Building 1?

Debra Nelson: So, for Building 1, it's 152.8 feet, and for Building 2, it's 88.8 feet.

Councilmember Rasmussen: Okay, thank you. Appreciate that.

04:12:17.820 --> 04:12:21.629

Mayor Evans: Council, she's open to questions.

04:12:23.660 --> 04:12:45.359

Council President Page: Mr. Mayor?

Mayor Evans: Yes.

Council President Page: Ms. Nelson, I, I don't wanna...Beat this... this horse to death, but... Just real quick. Tell me how an open, grassy field absorbs less groundwater than semi-permeable pavers.

04:12:46.360 --> 04:12:53.619

Debra Nelson: I may need our civil engineer to come answer that for you. I think you want him, not me.

Council President Page: I can't say that with a straight face. I mean...Sure. Is that helpful for what's being proposed there? Yes. Is it a better improvement than a solid surface? Yes. But grass? You know, it's there now, right? That's far more permeable. I think you would agree with that.

04:13:11.010 --> 04:13:19.870

Debra Nelson: Yes, and... and I... the point we're... that I was trying to make that he conveyed to me is that we're not... we're not increasing the water load within the property, and, and the... the way... and we're also not, as some developments are done, we're also not funneling this to a particular area, and so what the stormwater drains that are designed are going to provide is more of a permeated absorption, because they are pavers throughout the parking lot, as opposed to, you know, a corner swale, and the same in the courtyards.

Council President Page: And while the project, and I can appreciate that the project doesn't add additional water, what it does do is subtract surface area for absorbing that water. That's my point.

04:14:02.110 --> 04:14:26.820

Debra Nelson: But it doesn't change... but with our design, and that's, again, where, you know, he can give you the technical version of this...

Council President Page: Right.

Debra Nelson: I can give you the layperson version of this, is that we... because we aren't adding additional stormwater to the site, and we are responsible for designing a stormwater system that retains our stormwater on site, it is about getting it effectively, you know, to retain on the site, not to wash off into other people's properties, and to, be absorbed into the groundwater, and so...we are not causing... even aside from the, it doesn't improve it, we don't... we don't impact it in a negative way, because, I mean, that's... that's required. Your city engineer is going to require us to do that.

Council President Page: Yeah, I'm familiar with that. Thank you.

04:14:54.680 --> 04:14:55.989

Mayor Evans: Further questions?

04:14:56.390 --> 04:15:01.220

Councilmember Jorgensen: Mr. Mayor?

Mayor Evans: Yes.

04:15:01.280 --> 04:15:17.940

Councilmember Jorgensen: Ms. Nelson, I do have a couple of questions. One is regarding the sewer and the placement of the sewer. You made the statement that it is on a public easement. You've heard concerns, however, through public comment this evening that, although it would be on a public easement there's, considerable amount of concern that it will impact the private roads in the Willowbrook community. What is your response to that?

04:15:31.900 --> 04:15:36.319

Debra Nelson: Mr. Mayor, Councilmember Jorgensen, so, they... the... The construction of the sewer will be done primarily by boring, which is more expensive, but the impact of that is less on the roads, and so it will, other than manholes, have no construction impact on the road, and that would be... and any impact there is, of course, would have to be repaired and that's... that's part of the sewer license agreement. So, the city is the one that holds this easement, and the city has the right to license that easement right for sewer access, and so the city will have to approve those plans, and has required in that sewer license agreement for us to make any repairs that are needed to that road.

04:16:20.530 --> 04:16:33.070

Councilmember Jorgensen: Regarding the... the parking, and I apologize if this is redundant, I'm... I... I do believe that, there was... a question and a somewhat commitment that there would be a covenant that there would be no charges for parking. Does that... You didn't state that, but I want to confirm that that hasn't been altered, and that you, as the applicant, would be agreeable to that.

04:16:52.030 --> 04:16:59.440

Debra Nelson: Mr. Mayor and Council, that's correct. Caleb Roope stated that, and we are still in agreement with that. Thank you.

04:18:01.870 --> 04:20:09.130

Debra Nelson: roof, does do add additional height. Another impact that I didn't mention that's worth considering as you're just kind of looking at roof types, is that we're able to put all of our mechanical equipment on the roof and completely screened behind the parapet. When you have a sloped roof, you have to put all of that on the ground, which creates its own unsightliness takes up space and creates, you know, a less attractive visual of the site for, for everyone looking at the property. You obviously are trying to screen those as best you can, but they're completely out of sight behind the parapet screen.

So, that's... that's important to consider. And then I think it's... it... it does become a bit of an aesthetic, but it's, trying to not have too much visual clutter or... or, discontinuous design features where you're adding on, certain residential features to a building, but it really isn't designed for that, that is more of a single-family detached structure. So, we're trying to be compatible through architectural styles without adding that additional slope as the basis of doing it. Instead, looking at materials, for example, they've got some of that lap siding that's horizontal on many of the planes that are extended.

That's a nod towards architectural treatment in the area, where you see that same kind of lap siding that goes across. The different textures that we're bringing in, again, I mentioned that they went to the more warm color of the brick to try to, be reminiscent... reminiscent of the architecture in the area and more of a residential, single-family, detached residential feel. And so there's other ways that we feel like you can accomplish that that maybe are not as, dramatic or maybe misfit with the with the product type as much, but, I mean, that's a... We certainly have taken a lot of guidance from the design review consultants, and they... their comments... they haven't asked for a different slope on the roof, or thought that that would be more attractive or fitting in this location.

04:20:09.130 --> 04:22:29.330

Councilmember Jorgensen: Again, I want to compliment you and thank you for listening to the comments tonight and being amenable to moving the recycling and adding a rear

wall to the carports. I think that, that is indicative of what I've perceived this applicant and developer, their interest in working with the community, and providing a product that... that comes to a mutual agreement with the neighborhood. However, I will share with you that but I continue to struggle with the traffic study. And... and...I would like to ask your comment.

First, I'm going to make a statement, and then I would like your, your observation and opinion on it. So, this is actually the second application, and I'm going to refer to the first one as the pastry perfection application. In which, the applicant has come in and stated that, based on their analysis, the traffic would not be increasing. Particularly at Glenwood and Marigold. And I will tell you that during that application public testimony, we had the same exact response in which the audience laughed notwithstanding, Outline public, conduct. It is, frankly, laughable to come in and state that we're going to create this development, and that the traffic will be so negligibly increased.

Therefore, my question and your... and my... what I would like your opinion on is how do we dismiss all of this anecdotal information where we have residents, we have, you know, staff that can't get across Marigold? We have...you know, residents doing their own independent car counts that would, you know, it is countered to the professional analysis. However, it's reality. I...I cannot fault, nor... and I actually do believe, Based on public testimony that Marigold is problematic, and ITD agrees. So, how do we reconcile that?

04:22:29.330 --> 04:22:47.140

Debra Nelson: Yeah, Mr. Mayor, Councilmember Jorgensen, thanks for the question. So, first of all, just to be clear, we don't say that there's no traffic increase, because obviously we are adding additional trips, and that's part of what the traffic study analyzes, is the trip generation in addition to the area streets and intersections, and so we...Do not, assert that we are not adding traffic.

The...But what we do have to do, and again, you know, it's appropriate to use these adopted metrics and methodologies that we have to follow in creating the study that create some uniformity and expectation for decision makers as you're evaluating these, certainly for the transportation agencies. When we apply those standards, and we look at the planning level threshold of, you know, the planning levels of service that ACHD has adopted on ACHD's roadways not the same as ITDs, but when we look at Marigold and Coffee, we are not adding more trips than meets their planning level thresholds. And those are thresholds that they have adopted for collector roads, where... and if it was an arterial, it'd be a higher number, right? I mean, this is... this is...These are the numbers that they have adopted that they believe provides for efficient operation. You have many areas where collector, levels of service are not met, and, you know, people continue to drive, you just have more delays.

People find alternate routes and more improvements, off-site mitigation may be required. That's just not the case here. So, it doesn't mean we're not adding trips, it means that the capacity of the system is by design, able to handle it? Do people individually want more cars on their street? No, that's diff... that's a different question about adding cars that people don't want on their street. But when you look at the system as a whole, and the way the city is designed and laid out, and the way that ACHD has lined out their roads. They've determined that this road actually has capacity, that this is a good place to add more vehicle trips, because you do have capacity.

In other places, you don't necessarily at Glenwood and Marigold is the place where we identified that we have a minimal impact because we look at the actual percentages to

make that statement, and so, again, doesn't mean that that intersection isn't frustrating to people, it just means that our impact, when you analyze our particular levels. They were on the very low end of the percentages with... I don't have the numbers right in front of me...

04:25:03.460 --> 04:26:46.089

Debra Nelson: Okay. 2.1 and 1.6% for a.m. and P.M. peak hours. And so, you know, why are those numbers relevant? Well, one, you know, it kind of shows that it is a minimal impact compared to the total. But also, if you look at, ACHD uses, for example, a 10% threshold. If you have a failing intersection and your total trips are less than 10% of that intersection, they don't require mitigation. So, that's not directly applicable here, because you've got ITD involved as well as Glenwood. It's just a measuring point to say that we're well below the thresholds that... for adopted metrics and methodologies that our transportation agency use, that hasn't triggered anything. ITD noted that they, and I do believe that the comment relates to Glenwood, because they don't have any jurisdiction over Marigold, so I don't think they're talking about the Marigold Corridor. I believe they're talking about corridor.

They... the Glenwood Corridor. They note, and they have studied, so it's... the Glenwood Corridor study has been done by ITD to try to address, the conditions there. They're constrained until they want to spend a lot of money on the bridge width, and... and so that will take some time. But nonetheless, they're aware that there's more trips and concerns there, and that there's delays. But they didn't require any off-site mitigation because of our trip generation study, and that they accepted. So, again, there are... there are traffic impacts, but when you look at the traffic impacts of this development based on the adopted methodologies, then we are providing, the only mitigation that is required of us, which is the frontage turn lane.

04:26:48.200 --> 04:26:50.229

Mayor Evans: Okay, I need to, I've just been informed we had a 2-minute lapse in the audio about 5 minutes ago. So, who remembers what we were talking about? I'm gonna have to... I'm gonna have to... I'm gonna have to ask Ms. Nelson.

Debra Nelson: Is there any, whoever indicated that? I wonder if they could tell us the topic.

04:27:11.680 --> 04:27:14.170

Lisa Leiby: You know, it's when our system shut down.

04:27:21.290 --> 04:27:30.179

Councilmember Rasmussen: I might suggest it was Councilmember Jorgensen, I think that's when we started the traffic conversation, but I'm not sure I'm right, but...

04:27:30.550 --> 04:27:46.870

Mayor Evans: What were... what were you talking about before that? I'm, I'm sorry, technology. Say again?

Unknown: Roofline incompatibility.

04:27:48.740 --> 04:28:02.790

Debra Nelson: That seems like as good a guess as any.

Mayor Evans: Jenah may be able to help.

Charles Wadams: Mr. Mayor, just for a legal point of order, we need a verbatim trans... we need to be able to make a verbatim transcript, or we're going to have a problem.

04:28:02.920 --> 04:28:07.070

Mayor Evans: I'm gonna... that's why I'm finding out where we stopped, and we're gonna redo it.

04:28:08.810 --> 04:28:31.960

Jenah Thornborrow: Mayor, just to try to answer that question, I was, writing down Ms. Nelson's, points, and, and so this might help us, where we had massing architectural style, moving the recycling and car light... the car lights in the rear wall were all items that might have been in that time frame.

04:28:36.800 --> 04:28:38.410

Mayor Evans: Okay, well, let's... I'm sorry, but we need to go back, and

04:28:49.070 --> 04:28:52.660

Debra Nelson: Mr. Mayor...

Mayor Evans: You started, you started with lighting rigs.

04:28:55.790 --> 04:29:03.320

Debra Nelson: Okay.

Mayor Evans: You went to stormwater drainage, you went to... Sewer, you went to traffic.

04:29:03.740 --> 04:29:15.620

Mayor Evans: You indicated changes had been made pursuant to neighborhood involvement. You went to... Moving the recycle bin, and then, rear walls on the carports are my notes, so...

04:29:27.010 --> 04:29:32.530

Council President Page : Let's take those notes as an outline and do the best we can to cure this later. We need to keep going.

04:29:35.180 --> 04:29:38.639

Mayor Evans: I mean, if we don't have verbatim, we don't have it. We got a new business. Yeah, well, I just...

04:29:42.670 --> 04:29:51.919

Mayor Evans: Didn't want to miss a salient point on rebuttal, because we might hear about that later.

Unknown: I'm sure we will.

04:29:52.370 --> 04:29:53.250

Mayor Evans: So...

04:29:58.250 --> 04:30:20.580

Debra Nelson: I'm happy to try to recap, or if there's, particular concerns, I don't know, Mr.

Wadams, if you have a preference.

04:30:07.980 --> 04:30:13.739

Lisa Leiby: Mr. Mayor, it looks like the... it cut off about 11:05. Not that that particularly helps, but it does look like it's the... backup audio.

04:30:20.750 --> 04:30:25.040

Unknown: Can you go back and play the recording?

Lisa Leiby: Yeah, let me see...

04:30:27.540 --> 04:30:29.779

Mayor Evans: Why would we do anything that simple?

04:30:30.540 --> 04:30:33.800

Unknown: I know it's, I know it's sort of thereof.

04:30:34.620 --> 04:30:37.209

Unknown: Can I just, start with your [inaudible]?

04:30:37.890 --> 04:30:41.579

Unknown: Thank you. Thank you, Mayor, and there's the Council.

04:30:42.220 --> 04:30:44.010

Lisa Leiby: Take it to the end...

04:30:49.930 --> 04:30:51.990

Charles Wadams: Secondary recording devices?

04:31:02.310 --> 04:31:05.950

Lisa Leiby: Talking about the sewer and the manholes.

04:31:07.170 --> 04:31:10.589

Debra Nelson: So, it made it that far?

04:31:14.220 --> 04:31:44.750

Recording Replay: The city will have to approve these plans. Wire and expert licensure. Alright. That's correct.

04:32:04.280 --> 04:32:10.030

Lisa Leiby: I think that's when it cut off, was right at the end of the conversation about the parking.

(Inaudible)

04:32:15.910 --> 04:32:18.479

Lisa Leiby: And then I believe that's when we switched to traffic.

04:32:20.110 --> 04:32:21.630

Mayor Evans: So, we missed the traffic.

04:32:21.900 --> 04:32:23.709

Lisa Leiby: A portion of it, correct.

04:32:24.230 --> 04:32:36.680

Mayor Evans: Okay. Let's, (inaudible). Ask you to recap, your rebuttal regarding the... Sorry to make you redo all that, but...

04:32:36.680 --> 04:35:11.340

Debra Nelson: That's okay, I just... yeah, Mr. Mayor and Councilmembers, it sounds like we were all the way into questions from Councilmember Jorgensen, as opposed to, you know, the general rebuttal, and so, as to traffic, I think I'll... I can try to be briefer, but we...what we've...In reliance on the adopted methodologies that are required of us for preparing our traffic study that are utilized by the transportation agencies to review this, it analyzes the amount of traffic that we are generating on the site, and where those... and how that traffic is distributed throughout the existing system.

So, you know, what I was trying to explain is that we are... we are increasing trips onto that system, but we're increasing trips that are consistent with that system capacities based on, the existing collector status. So, marigold, coffee, we're both to be determined that we are within those existing planning threshold level of services at... at the intersection of Marigold and Glenwood. We have a small percentage of the total trips that are impacting that intersection, ITD looked at that information and did not require any mitigation. They've... they did recognize that there's concerns on Glenwood and the Glenwood Corridor.

They have studied this corridor. They have limitations based on the width of the bridge, that doesn't enable them to make significant improvements in that area until that is widened, but our... but our percentage threshold is still well below what ACHD looks at when they're trying to determine if off-site mitigation is required. They use a 10% threshold, and we were, Tim said, 2.1 and 1.6%. So...our... we do generate trips, but it is minimal compared to the, capacities that are available to us and the surrounding area, one other point I guess I would add to that that I think is relevant, too, is that this site, because it is already zoned R-3, has contemplated this level of intensity of development in your plans. So, when the city, has... looks at the infrastructure needs, when the transportation agencies, Compass Modeling, etc, look at the transportation, needs that are associated with this type of density, then we are building out within that expected plan.

04:35:14.080 --> 04:35:28.889

Mayor Evans: Thank you. You might repeat. Your response to neighbor input? You said you'd made several changes to the plan?

04:35:30.669 --> 04:35:38.550

Debra Nelson: Mayor, that was prior to the questions.

Mayor Evans: Okay.

Debra Nelson: So, I think that was captured based on what we just heard from City Clerk.

04:35:39.090 --> 04:35:40.070

Mayor Evans: Okay. Hopefully, we're good.

04:35:43.830 --> 04:35:59.449

Mayor Evans: You're likely going to be the one that determines whether we're good or not. That's why I'm giving you this opportunity.

Debra Nelson: Happy to repeat anything you want me to repeat. I don't want to bore you the tears. I want you to...

Mayor Evans: anything you think you should repeat, I'd be happy to let you do that.

04:36:01.029 --> 04:36:02.180

Debra Nelson: Okay.

04:36:02.640 --> 04:36:09.269

Mayor Evans: Any other questions?

Council President Page: Mr. Mayor?

Mayor Evans: Yes.

Council President Page: Yes, Ms. Nelson?

04:36:10.070 --> 04:36:10.640

Unknown: No.

04:36:11.669 --> 04:38:35.059

Council President Page: So... in our city, much... Much finger-pointing, has... has gone to what I'm gonna call the Strawberry Glen development. It... it was met with, similar, I would say community outrage is the right word, and, that was... tempered, and softened, and, it's now a part of our community that we are used to with the exception of some people who have a direct, immediate, impact. Which we heard about earlier today. I feel that... contrasting that experience with the one that we seem to be having today, and contrasting, another unpopular project over in the plantation area. What, what this seems... how this seems to be very different is money, and while I get that community meeting requirements have been met, I understand that.

Just again and again, it's...it sounds like a one-way meeting from the constituents. That's how they characterize it to us, is, you know, hey, we brought these concerns up, and there was sort of no give. Now, that's not 100% true. We've relocated a garbage receptacle, now there's an agreement to relocate recycling, so I don't want to exaggerate it, but it's the perception of the people in this room, and many, many who have left, that there's just not that sort of back and forth, people want to be heard. They want a chance to respond, and that's part of what we're doing here, but we're not decision... we're not, able to change the project in so far as...right? We can make a decision about it, but I just, I feel more outreach and engagement, actual kind of...back-and-forth engagement could happen. Is there a response to that? Is there... is that something that can be done?

04:38:37.740 --> 04:38:49.720

Debra Nelson: Well, Mayor, Council President, I will, you know, venture and answer, and then if the developer wants to add anything, they can, since they were involved in these meetings, and...I mean, I can tell from the meeting notes that were put into the record

and their input to me that they were trying to be thoughtful and responsive to questions that were presented to them, so... but, you know, I acknowledge that, yes, I heard that from the neighbors as well, and people certainly are going to have their own perception. I can tell you from my own experience of representing development that, it...It is... you do always have people that are impacted by development and have concerns, and you can't make them all happy and so, it doesn't mean you don't listen, you don't try, you don't work with them to try to address where you can, but you also still have your development project that you have to, you know, have... you can't compromise it away. And I would...because it just isn't viable, then you won't be presenting anything or doing anything to use your property, and I would suggest that that's not a good outcome for this city either, to have everything negotiated into single-family detached housing.

04:39:51.090 --> 04:40:09.919

Council President Page: That's not what I'm suggesting.

Debra Nelson: I'm not either, and that's an extreme... that's an extreme version of trying to explain why negotiating with neighbors, I mean, what they would like isn't necessarily viable for the project, and so what we are presenting is something that does provide that housing diversity, and, you don't get as much of that density or housing diversity if you go to a two-story product, right? So that's part of what they've asked for.

04:40:20.330 --> 04:41:32.369

Debra Nelson: So, you lose half of the units, with that design, so it...it isn't necessarily going to single-family detached, but it means that if you're... if you're accepting the feedback of what people want next to them as your... your benchmark, it's... anyway, it's just challenging. But they are trying to listen, and they are... they're open to other, you know, commentary, but...

Council President Page: Another thing that many people have suggested is a tiered approach. I appreciate the significant setback and, and efforts with buffering the trees, and the addition of much more trees than is required. It's just many more trees, rather. That's laudable. Lots of, the community have reached out and Said, you know. Why can't we have a graduated building? you know, a lower building after the... a four-story building, garages, perhaps, which is something that we're familiar with seeing, and...I mean, you can design the project you want to design, but... seems like a good question you know, Why not have a stepped view?

04:41:35.010 --> 04:41:37.610

Debra Nelson: I don't know if you guys want to try to address that.

04:41:41.410 --> 04:41:44.909

Caleb Roope: Mr. Mayor, Councilmember Page, what I think one thing you don't see from all this, and, you know, I feel like we can always do a better job.

Council President Page: Caleb, can you put your name on the record?

04:41:55.840 --> 04:47:11.009

Caleb Roope: Yeah, sorry, Caleb Roope, thought, from previous speaking, CEO of the Pacific Companies. Thank you. But I... I would just say that what you don't see is, like, from the beginning, you know, having done roughly 300 of these, you can imagine that

it's not the first time we've been next to single-family residences. Okay, that's happened many times. In fact, it happened on that Meritage project you got to see. Which was a sample. And so, you know, going in, we're trying to do things even ahead of time. I mean, one strategy developers sometimes take is they... they just propose the maximum. You know, no setbacks, or minimal, and whatever they want, whatever they can fit, and they use it as a tactic to sort of bring it down to a scale that they'll be satisfied with. Well, we could have done that here. You know, we could have proposed things that, you know, proposed no setbacks that were significant, like we're doing now, but I intentionally laid this site plan out, directing the architect to say put all of the parking, and get these buildings as far away from you can from the single-friendly residences, and as close to the college as you can. That was the fundamental programming, okay, of the site. So, that was just done, and, you know, everyone kind of just takes that for granted, like...hey, we want this now, and this now, and this now, when there's not really an acknowledgement of, like, you started from a point of setting these buildings back 10 times what they're supposed to be set back, you know, so stuff like that, people don't see. And then I think, you know we talked about a bunch of different varieties of things, like, you know, can we flip the buildings around?

Well, you know, could we figure some way out to do that? Yeah, maybe we could. And we talked about that. That actually came up at the meetings. We didn't propose that specifically, because we didn't have quite the technical elements figured out how to do that, you know, with switching those buildings around, but that's an example of something that we could look at, right? We could actually say that. And so, you know, and the other thing I would just say is that, like. I mean, I don't... I won't easily say this publicly, but I'm gonna go ahead and do it since we're on this topic. This is... we do a lot of projects, about 20-25 a year, okay? We do them... our business earns money from building those projects. We run a successful business. We have for 26 years now this is... this is a different project, okay?

This is... I've been a long-time supporter of Boise Bible College as a personal endeavor. I, you know, have supported the college for a long time, and I basically was there to try to help them figure out a way to diversify their revenue stream from just donations that are lumpy. So, I said, okay, and we've been paying a rent on this ground, like, more as a charitable contribution for, like, past 3 years while we entitled this project, and this whole project, you know, I'm gonna make them a partner in the project to give them money for their operations of their college. That's the whole purpose of this project. This isn't the project I go out and try to do normally, this is one that I'm doing on behalf of the college. And I'm not saying any of this to, like build me up, or personally in any way, shape, or form. I'm just explaining to you there's a background here, and it directly ties into, you know, why not make this two-story?

Why not reduce this to 120 units? Well, I'm trying to deliver some meaningful economics to the college with the development of this project, and so what I've tried to do in every way I can is bring these buildings back, you know, try to figure out a design that works, and yet maintain the economics that I'm trying to maintain for them. So, that's the backstory a little bit, and it's not like we're leading with that, I'm just kind of was late, I'm kind of confessing this to you, like, this is really why we're doing this project. And on the

margins, we can continue to, like, I mean, like, if people are really worried about parking I have no doubt I can get the college to say, like will you give me extra spaces if I have a problem?

Right? And, like, I could probably commit tonight to say, yep, the college will... because they have plenty of parking. They honestly do. There's all kinds of space for people to park, and originally, why it was fine for us to have shared parking with them was because, you know, they have plenty of parking, and they have plenty of space. Well, if you guys wanted to make a condition that, you know, there would be no parking on any streets anywhere, even like the Strawberry Glen project has that issue, I mean, we heard tonight that even that compromised project is producing, like, full-time parking for them. Well, you could say that, because I think here we have really a true chance to not have any impacts to the neighborhood from parking. I'm not saying traffic, because I know traffic's a problem today, before we even showed up. It's a problem. I've driven it, too. I live in the neighborhood, I know how it works. So, you know, that's another example of another condition we could probably put into play that I'd be like, okay, great I will work with the college to make sure there's no parking on street anywhere that impacts Willowbrook or any other neighborhood.

So, that's another example of one that we could do you know, we're trying our best, right? And it's, you know... but when you have kind of, like, a baseline of, like, well, two-story, three-story, or two-story, and 100 units, you know, that's, like, such a deviation from... it doesn't look like we're in a conversation anymore. It's like, well, that's, like, so low that it doesn't work anymore, so...I hope that provides some context to everything.

Council President Page: I appreciate the negotiation approach that some people use, and I suspect it as much when they come in to see us.

04:47:11.010 --> 04:47:21.349

Council President Page: Also, you know I like to make a record of the appreciation we have for your benevolence toward the college. So, thank you for responding to that question.

Caleb Roope: Okay, thank you.

04:47:25.150 --> 04:47:34.540

Mayor Evans: Okay, further questions? All done with the questions?

04:47:37.960 --> 04:47:40.270

Council Member Jorgensen: Mr. Mayor, I have no further questions.

04:47:41.900 --> 04:48:12.950

Mayor Evans: Okay, with that, I'm gonna close the public hearing, on DSRFY2025-0008. Oh, before I turn it to the Council for deliberations, we have the outstanding issue of, submittals that came in late from Wendy Carver-Herbert, and Ms. Chestnut.

04:48:13.730 --> 04:48:31.130

Council President Page: Mr. Mayor?

Mayor Evans: Yes.

Council President Page: Speaking for myself, I read these prior to the meeting. I did...They did come late after the rest of the information that I've read, but I had a chance to read them before the meeting began, so I'll leave this decision to the other council members.

04:48:31.770 --> 04:49:02.240

Councilmember Rasmussen: And I... Mr. Mayor and Council President, I would just echo what the Council President said, so I'm fine with them being added to the record.

04:48:41.930 --> 04:48:50.929

Councilmember Jorgensen: Mr. Mayor, I also am okay with it being added to...

Mayor Evans: Okay.

Charles Wadams: Mr. Mayor, just a point of order on that. There were some other late, late...exhibits, or, you know, that were presented tonight, a PowerPoint, I think. So, I... just for the record, I'd like clarity on whether the Council is going to accept all the late exhibits, not just the two.

04:49:03.290 --> 04:49:07.550

Council President Page: Mr. Mayor, I would move to, accept the, Jenkins exhibit, I'll call it, Ms. Jenkins exhibit. Jenks?

Public: Jennings.

Mayor Evans: Jennings.

Council President Page: Jennings! I'm sorry, I said that wrong. Jones, Jacobson, whatever, I'm sorry.

Unknown: This exhibit, into the record.

04:49:24.210 --> 04:49:25.360

Councilmember Rasmussen: I second.

04:49:25.800 --> 04:49:44.169

Mayor Evans: Okay, are we doing this by motion, Charlie?

Charles Wadams: Yeah, I think it's best.

Mayor Evans: Okay, I've got a... I've got a motion to accept the Jennings exhibit, into the record. Is there any discussion on that motion?

04:49:44.840 --> 04:49:52.960

Councilmember Jorgensen: Mr. Mayor, Mr. Wadams, was there any other exhibits that needed to be considered to be added or included?

04:49:53.120 --> 04:50:24.690

Charles Wadams: Mayor, Councilmember Jorgensen, I'm gonna go from memory, but

there's the Chestnut letter. There's the Wendy Carver-Herbert letter. There's this Jennings material. And I thought there was something else, but those are the three things that I have in my memory.

Jenah Thornborrow: Mayor, if I may, there was, Mr. O'Brian had, his exhibit, and then, Mr. Wolfe also provided an aerial, exhibit, and...I believe that is it.

04:50:25.930 --> 04:50:32.449

Council President Page: Mr. Mayor, wouldn't those come in to the record just by virtue of it being presented at this?

04:50:32.710 --> 04:50:34.210

Mayor Evans: Well, that's my opinion.

04:50:35.240 --> 04:50:44.049

Council President Page: That's your opinion? That's what matters I... yeah. I think what matters...

Charles Wadams: Just accept all of them, if you don't mind. I think the easiest thing is just to accept all of them.

04:50:44.270 --> 04:50:57.839

Mayor Evans: If you could modify your motion.

Council President Page: Yes, I will modify that motion to accept all exhibits, that were presented to us today from the diocese, pulpit, or whatever.

Councilmember Rasmussen: I'll renew my second.

04:50:58.050 --> 04:50:59.210

Mayor Evans: Okay, any discussion?

04:50:59.750 --> 04:51:05.410

Mayor Evans: Hearing none, all in favor say aye.

Council Members: Aye. Aye, aye.

Mayor Evans: Motion carries. Okay, they're in.

04:51:05.940 --> 04:51:14.330

Mayor Evans: So that takes care of that, piece of business. Now... It's time to deliberate.

04:51:14.510 --> 04:52:07.640

Charles Wadams: Mr. Mayor, can I just do one more point of order before deliberation?

Mayor Evans: No.

Charles Wadams: Okay.

Mayor Evans: Go ahead, Charles.

Charles Wadams: Well, it's about the... there's been some reference to this other traffic

study that was done by the police department. I just want to remind the Council that your decision has to be based solely on the record in front of you. If you want to look at this traffic study that was done by the police department, I would recommend you continue the matter to make that part of the record.

Otherwise, my recommendation is to not consider that at all. It's not part of the record, and it's just speculation at this point in time, and then the other thing that I just wanted to say now, so I don't have to say anything later, is that this traffic study that the applicant did, I just want to make sure it's clear, that was not required by our code. That's not a code requirement. That's something that staff requested of them, and they voluntarily agreed to provide, so that's not a code requirement. Those are my legal points of order, I think.

04:52:08.800 --> 04:52:21.159

Council President Page: Mr. Mayor, speaking for myself, I, I find little value in whatever data the police department captured, which we haven't reviewed yet if it wasn't done for this exact purpose.

04:52:23.750 --> 04:53:10.250

Mayor Evans: And I'm not sure what their purpose was. It had nothing officially to do with this, that I'm aware of. Okay, with that, we're at the... it's ripe for deliberation. So, it's properly before the Council. Council needs to decide, do you want to spend the night, or not? Because this is going to take some deliberation, but I'm up for anything Council wants to do I'll turn it to the Council, Mr. President.

04:53:10.550 --> 04:53:22.500

Council President Page: Thank you, Mr. Mayor. Council Members...What is your tolerance for the amount of time you can give this tonight, before you just mentally start to shut down?

04:53:24.140 --> 04:53:37.960

Councilmember Jorgensen: Council President, unfortunately, I've begun to shut down. I do have quite a headache, so I apologize, but my preference would be to continue, for continuance for deliberation.

04:53:38.890 --> 04:53:54.890

Councilmember Rasmussen: Well, I appreciate the onset of a headache, so... because my, my, my place in this was to continue forge ahead, but I also don't want to inflict any discomfort on a fellow council member at all.

04:53:55.230 --> 04:54:41.620

Council President Page: So... Okay. Well, those weren't the answers I was hoping for. For the record, I'm a night owl let's not do this at 8 AM. So, I feel like, Mr. Mayor, giving this the attention and dignity that it requires, and to honor the volume of testimony that's been provided to us today, in a thoughtful manner, that proper deliberations I think they're gonna take at least an hour to an hour and 45 minutes. So, if we can't do that tonight, then...We need to, we need to postpone this, or keep it open and continue to a date certain.

04:54:44.690 --> 04:54:56.169

Mayor Evans: We can do either.

Council President Page: As far as the public hearing portion, I would like to close that.

Mayor Evans: It's actually closed. I've closed it, so you're... you're strictly in deliberation.

04:54:57.820 --> 04:55:54.510

Council President Page: I would like, Mr. Mayor, if I may address the audience a little bit here, if that's... So, the public hearing is closed, so we're going to be deliberating, as you just heard, at a later time, what can't happen. From anyone? Hard stop is contacting us with additional input, or hey, I really should have said this, or I meant that, or...I quoted this number to you wrong, It's... it's done. So, please respect that. Don't make our job harder by having to announce all these problems and ex parte communication that's improper. So, I would just ask that of everyone in the room. It is okay to speak with city staff and, city attorney where appropriate, but, not, not with a decision maker. Is that a proper characterization, Mr. Mayor?

Mayor Evans: Yes.

04:55:55.500 --> 04:55:58.570

Council President Page: Okay. So, now to picking a date.

04:56:01.630 --> 04:56:23.290

Councilmember Jorgensen: Let's do it January 1st.

Council President Page: There's some comp... so, just for the audience, so there's... there's additional complication. In the future, our newly elected council members. Mem... member, council member, will take the...The, the seat up here that she was voted into.

04:56:24.910 --> 04:56:38.850

Council President Page: I would look to our attorney for case law, but I believe that procedurally, this gets super complicated if we're having someone help deliberate that wasn't, a council member, although that person is here in the room. So, whatever we do, we need to do before Inaugurations or swearing ceremony.

04:56:56.220 --> 04:56:59.500

Mayor Evans: Okay?

Council President Page: That's, is that fair?

04:57:00.460 --> 04:57:51.210

Charles Wadams: Mayor, Council President. If that's a question, I think it... I think it's pretty clear that, with all respect to Council-Elect Wendy Carver-Herbert, she's not going to be able to deliberate on this. She's testified against it. So whatever happens, she's not gonna be able to deliberate on this. I think it probably would be cleaner and easier if we could get this done before January 12th, when she is sworn in.

So, I think, from my perspective, if we could get a date certain before January 12th, that would probably help everybody out, and the other comment, since you gave me the microphone, Council President, is if, if this is getting continued, and it sounds like it is, I would like to get tonight transcribed and put in the record so everybody has the transcript and everybody can refer to the transcript when they deliberate.

Council President Page: How long will that take, Mr. Wadams?

Charles Wadams: I can get it done.

04:57:51.570 --> 04:57:54.210

Charles Wadams: Well, I'll contract it out, but I can get it done in a week.

04:57:56.720 --> 04:58:20.439

Council President Page: Looking at my calendar, what a week. My family has, booked a trip for the new year, we will be out of state be returning in time to go to my Twin Falls office for one week. I'd prefer not to deliberate on Zoom.

04:58:21.960 --> 04:58:23.079

Councilmember Rasmussen: Nor would I.

04:58:24.370 --> 04:58:30.729

Mayor Evans: We're running out of days there, because...

Council President Page: Let the record show we're running out of days.

04:58:30.870 --> 04:58:32.569

Mayor Evans: Unless you wanna...

04:58:32.840 --> 04:59:06.920

Charles Wadams: Mr. Mayor, I think legally, if it has to be after January 12th, I think that's okay, as long as a couple things. [Mayor]-Elect Bill Jacobs will not be able to participate. I guess he could be the moderator, but the mayor-elect, excuse me, and then, Councilmember-Elect Wendy Carver-Herbert cannot participate. But with those caveats, it could happen after the 12th. But then, this mayor here, Mr. Mayor John Evans, will no longer be here, after the 12th. So, all those things, you gotta weigh all those things.

04:59:08.970 --> 04:59:13.980

Mayor Evans: So... When are you leaving? On your trip?

04:59:14.190 --> 04:59:16.299

Council President Page: Mr. Mayor, tomorrow.

04:59:20.450 --> 04:59:25.619

Mayor Evans: Well, that basically leaves... And when are you getting back?...It's 28.

04:59:28.280 --> 04:59:29.410

Council President Page: Let me check that.

04:59:33.310 --> 04:59:38.880

Council President Page: No, sir. Back the night of the 30th, and then I leave for my Twin Falls office the 1st back in town on the 5th for someone's reception.

04:59:45.440 --> 04:59:48.090

Mayor Evans: That can...on the 5th. Like, during the day on the 5th?

04:59:50.650 --> 04:59:58.790

Council President Page: No, for the, for your,

04:59:59.360 --> 05:00:01.049

Mayor Evans: Well, that's not till the 9th.

05:00:02.450 --> 05:00:15.399

Council President Page: Why do I have something on the 5th...

Mayor Evans: I've got the 5th, 6th...

Council President Page: I'm sorry, I'm looking at the 7th...Excuse me, my mistake.

05:00:15.720 --> 05:00:17.629

Mayor Evans: Yeah, 5th, 6th, 7th, or 8th.

05:00:19.720 --> 05:00:32.580

Mayor Evans: And you're in Twin Falls that week?

Council President Page: I come back to... I leave for Twin Falls on the 5th, and I return on the 9th. I see. Thank you for the clarification. I knew I was coming back to (inaudible)

Mayor Evans: You're going there. Yeah.

05:00:33.450 --> 05:00:45.859

Mayor Evans: Well... Unless you want to have it over the weekend. It's not gonna happen before the next...

05:00:46.110 --> 05:00:48.820

Council President Page: What are the calendars of the other council members?

05:00:49.460 --> 05:00:54.500

Mayor Evans: You, you gotta be here, can't you? Basically, we're gonna have to leave... deliberation.

05:00:58.750 --> 05:00:59.809

Council President Page: I'm open.

05:01:04.670 --> 05:01:07.010

Councilmember Jorgensen: I'm open.

Council President Page: Go to a weekend.

Mayor Evans: Huh?

05:01:07.330 --> 05:01:11.789

Council President Page: We don't have other choices. I don't want to do it on Zoom.

05:01:12.290 --> 05:01:19.000

Mayor Evans: No, you can't... I would highly recommend it against that. So that's, January 2nd or 3rd.

05:01:21.620 --> 05:01:22.910

Council President Page: Sorry.

05:01:23.620 --> 05:01:39.929
Mayor Evans: I'm just trying to retire.

Charles Wadams: Mr. Mayor, just a point of order that we'll have to make sure that the library is not in this council chamber, so...

Mayor Evans: Well, I'll take care of that. We've got to get... if you want to get this done, well, they're not going to...

05:01:41.760 --> 05:01:43.159
Mayor Evans: They're not gonna be here.

05:01:46.820 --> 05:01:51.890
Mayor Evans: Well, just... Who's up for the weekend or not, starting Friday?

05:01:53.300 --> 05:01:55.749
Councilmember Jorgensen: January...

Councilmember President Page: January 10th.

05:01:55.940 --> 05:02:05.669
Council President Page: Is, I think, the day we're looking at.

Mayor Evans: Oh, it's January 10th, yes. Sorry.

Council President Page: The day I'm looking at.

Mayor Evans: Yes.

Councilmember Jorgensen: That's fine.

Unknown: Can I please address the Council?

05:02:06.050 --> 05:02:23.020
Unknown: If you wait until after the 12th, Wendy recuses herself, Bill, the new mayor, has already recused herself. 83 people who were here for all of this, doing the deliberations. What's the harm of waiting to watch?

05:02:23.190 --> 05:02:32.669
Mayor Evans: Well, that's up to them. Mr. Wadam's already said, yeah, he said that's an option. It's just up to... just up to the Council.

05:02:35.550 --> 05:02:40.040
Council President Page: Madam Clerk, what meeting do... does... Is the swearing?

05:02:40.430 --> 05:02:42.780
Lisa Leiby: Would be Monday, January 12th.

05:02:50.140 --> 05:02:50.920
Council President Page: Excellent.

05:02:51.100 --> 05:02:53.090

Mayor Evans: I don't even want to say what I was thinking.

05:02:53.510 --> 05:02:57.800

Councilmember Rasmussen: Well, we're all thinking that it's just not properly.

Lisa Leiby: Mayor, did you see your phone?

05:03:09.650 --> 05:03:12.040

Mayor Evans: I did. We could start early on it.

05:03:16.130 --> 05:03:19.050

Council President Page: How early do you want, Mayor?

Mayor Evans: Well...

05:03:23.680 --> 05:03:31.570

Mayor Evans: I've got it, regular meeting starts today at 4.

05:03:42.460 --> 05:03:44.550

Councilmember Jorgensen: Mr. Mayor I could not make it at 4.

05:03:46.810 --> 05:04:06.250

Councilmember Jorgensen: out of consideration for the applicant, I would suggest we, you can tell I'm starting to fade. Sorry, team. We Calendar, I am completely okay with January the 10th, and try to get this knocked out as... as soon as possible.

05:04:18.940 --> 05:04:24.040

Mayor Evans: Who's... who's... Gonna get their shorts in a knot over January 10th.

05:04:25.200 --> 05:04:26.150

Unknown: What time?

05:04:30.090 --> 05:04:31.889

Mayor Evans: Back to... back to the Elizabeth

05:04:35.900 --> 05:04:39.759

Lisa Leiby: I can check really quick, Mr. Mayor.

05:04:42.220 --> 05:04:54.619

Mayor Evans: You're giving me a lot of first-time stuff on my last meeting.

Charles Wadams: So, Mr. Mayor, while Ms. Leiby looking at that, if you're considering a special meeting, that would require a motion for a special meeting.

05:04:54.820 --> 05:04:55.650

Mayor Evans: Right.

05:04:56.070 --> 05:05:00.819

Council President Page: What noticing and obligation would we have Mr. Wadams?

Charles Wadams: 24 hours?

Mayor Evans: 24 hours.

Councilmember Jorgensen: yeah.

05:05:01.520 --> 05:05:03.350

Charles Wadams: That's Idaho Code 74-204.

05:05:04.640 --> 05:05:11.449

Lisa Leiby: Looks like, Mr. Mayor, if we start at about 3.30. There would be no conflicts with the library.

05:05:11.800 --> 05:05:13.250

Charles Wadams: We don't need it....

05:05:18.720 --> 05:05:20.360

Mayor Evans: There you have it, the 10th.

05:05:21.260 --> 05:05:22.720

Mayor Evans: 3:30 or 4.

05:05:29.550 --> 05:05:30.250

Unknown: You there.

05:05:30.950 --> 05:05:32.069

Council President Page: I can be there.

05:05:34.140 --> 05:05:35.120

Councilmember Jorgensen: I'll be there.

05:05:37.240 --> 05:05:38.520

Mayor Evans: Hey, it's a motion.

05:05:40.020 --> 05:06:03.959

Council President Page: Alright, Mr. Mayor, in light of the late hour I move to move... I move to, to...push our deliberations to a date certain of January 10th. It's a Saturday at 4pm.

Charles Wadams: That's a special council meeting.

Council President Page: Special council meeting.

05:06:04.100 --> 05:06:05.020

Councilmember Rasmussen: Second.

05:06:05.980 --> 05:06:07.779

Mayor Evans: Motion and a second. Any discussion?

05:06:08.580 --> 05:06:24.440

Council President Page : I'll just renew the discussion is, that there's... we will not be taking public testimony Saturday the 10th at 4. You can certainly watch and participate by observing, but it's not a...we're not reopening the hearing.

Mayor Evans: Okay.

05:06:27.040 --> 05:06:31.750

Mayor Evans: Hey, all in favor say aye.

Councilmembers: Aye. Aye.

Mayor Evans: Motion carries.

05:06:32.210 --> 05:06:36.650

Mayor Evans: That completes our business for this evening. I entertain a motion to adjourn.

05:06:37.160 --> 05:06:39.350

Councilmember Rasmussen: Mr. Mayor?

Mayor Evans: Yes.

05:06:39.660 --> 05:06:48.880

Councilmember Rasmussen: Mr. Mayor, I move that we adjourn tonight's meeting.

Councilmember Jorgensen: Second.

Mayor Evans: Okay, all in favor say aye.

Councilmembers: Aye. Aye.

Mayor Evans: Thank you. Stand adjourned.

CERTIFICATE OF ACCURACY

Joanna certifies that the document produced from the audio file named GMT20251231-011033_Recording.transcript submitted by Garden City, City Attorney's Office on the 30th day of December, 2025 is a true and accurate transcription. The transcript was produced by Zoom to the best of its abilities and no intentional changes or redactions have been made.

Dated: January 9, 2026

/S/ Joanna Ortega
Joanna Ortega, Paralegal