

**NOTUS PUBLIC HEARING
AND CITY COUNCIL MEETING MINUTES
April 1, 2024 @ 7:00PM
at Notus Community Center, 389 1st Street, Notus, ID, 83656**

1. Meeting Called to Order

Mayor, David Porterfield called the meeting to order at 7:05 PM.

2. Roll Call

Roll call was taken with the following results: Councilwomen Bonnie Emly and Lupita Connor, Council President, Steve Ahlborn, were present. Also present were the Mayor, David Porterfield and City Planner and Engineer, Antonio Conti, City Attorney, Bryan Norton. Councilman, Rob Hartsock was absent with notice.

3. Pledge of Allegiance

4. Approval of Amended Agenda, ACTION ITEM

Mayor stated the agenda was amended to change the wording 7.3 of the Planning and Zoning board discussion and adding 7.1 (proposed annexation, rezone, and Conditional Use Permit of approximately 382 Acres, action item) which is new and will give Council the choice of direction at the conclusion of the hearing. Ahlborn motioned to accept the amended agenda. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, Lupita; yes. Motion carried.

5. Public Hearing to receive public comment regarding proposed annexation, rezone, and Conditional Use permit of approximately 382 acres. Located southside of Hwy 20-26 from the intersection of Conway Road and Hwy 20-26, going east past Stafford Road intersection by approximately 1,450 ft. The majority of Industrial will be from Hop Road, east and between Hwy 20-26 and the railroad track. A Conditional Use Permit for mineral extraction for that portion of property south of the railroad tracks and lying below the old river bench. The majority of said C.U.P. is intended to become a conservation easement after the completion of mineral extraction.

Mayor opens public hearing. He asked if there is any Exparte communication to disclose. Mayor declared that because a citizen has come into the office several times with questions and information, he has had contact with this individual. Councilman Ahlborn asked Mayor to repeat his statement just to make sure he heard correctly. Mayor stated that through the weeks leading up to the hearing, an individual has come into the office several times asking to talk to him and staff members in regard to the project, but we have not discussed the project with any answers, yes, no, anything like that. Only clarifying the (hearing) process. Councilman Ahlborn declared that he was not aware until tonight but last October he received a phone call from a gentleman that he had worked with years ago in another business, Doug Pill. He was asking him about this (topic) and Ahlborn told him he didn't know anything about it. He let him know that even if he did, he couldn't talk about it because he was on the Council. Once he saw him tonight, he thought he might have talked, possibly about this but not sure at the time that this is what it was. So out of an abundance of caution, he wants people to know the connection that he had 15 years ago to Mr. Pill. City Clerk verified the hearing was correctly advertised and published. Mayor introduced applicant, Brian Burnett of RBK Frontage, LLC. He stated that they are seeking annexation, rezone and conditional use permit of property adjacent to Notus, along the river. This is not a final concept plan. That is for other agencies to work with and develop a plan for the Department of Water Resources, Fish and Game, the wetlands people, and Army Corp of Engineers. This is just for annexation. It's important for people to realize there are government processes that you have to go through, and this is just the first process. There will be a lot of questions about details and design but that really comes into effect after, when you actually do a layout, and those government agencies are who we follow. There are three different owners of these parcels. This is a joint venture under RBK. Two of those individuals have been doing business in the Valley for decades and have a proven track record of development along the river from Boise to Parma. They are under government agencies' eyes all the time and have to do things a certain way. Burnett reviews photo slide show of a past project in Middleton of 90 acres along the river. They got permits and worked with the city of Middleton, county and other government agencies to basically change this to what they envision for Notus. Aerial photo reflects mining out 2 conservation lakes, making it into residential development that was never actually developed into residential. Because the area was a riverbed, there was wildlife there but nothing like there is now. The wildlife has increased in numbers and

more species. These photos show you what these types of projects look like before and after completion. The project is called Riverbend Middleton. Hopefully we can name this project Riverbend Notus. Would like to show a pattern to people that this can look better than just extrapolating gravel and leaving the aftermath. This just takes more time, and it takes leaving vegetation for habitat. You will notice in our presentation and maps we plan on taking that whole bottom shelf of the river, below the train tracks to conservation. So, after it is mined out like that nothing would be built around it on a portion of the area which we will go over later. The conservation has had community support from all of the government agencies that we have talked to on this project. Most of the time to get started on a project of this size you start by going to the City Council. This was a bigger project so we thought it would take longer to get through the government agencies, but they were very willing to help us with this project, in particular Union Pacific Railroad. Because there are multiple crossings along this corridor where you have deaths or compromised situations when people are trying to cross the tracks, safety was a big concern for them. When we brought in this project to them, instead of being in line for 5 years they brought it to the top of their list and even helped design what they thought was a safer environment for Notus citizens and people crossing into this area. Now to address the economic impact for Notus. Currently this is zoned into the County and as such we are able to extract gravel under small parcels. We have over 34 permits on this property where we can do minor mineral extractions and take out 2 acres per permit. So, it is possible that we could get started on this project right away but we feel it is more important to make a master plan and work with ITD and the City of Notus so you can expand your city and get the tax revenue from it instead of the County. There is no cost or burden on the City. Because we are digging ponds and building conservation and future industrial park, which is down the road, we do not need city services. So, it would be a situation where you would get revenue from taxes, but you wouldn't be burdened with any need to bring services to the property. Reviewing the map, the yellow area is the depiction of the conservation area and where we would be slowing mining gravel, working gradually towards the City. This layout is completely hypothetical. The ponds are not actually where they will be. Once again, we are just trying tonight to offer the City to annexed and zoned properly to do this project. But we will still need to go through several government agencies after this for layout and design. As developers we do not get to say where these lakes are going to be. We do not get to say if trees are going to come down or if wildlife is protected, the government agencies depict that. We bring them the land, the Fish and Game, the Department of Lands, all of them depict and help lay out where we will mine and where will be protected. That's really important for you guys to know. You, as Council members don't have to make those decisions as that is kind of the next step. The benefits of conservation we feel to the city is a healthy functioning eco system, plant and wildlife, and biology. The one in Middleton is an example. There is obviously a hunting and fishing opportunity down there, that's already taking place. We are fine with having a walking path along the river once we are annexed in and are adjacent to the City of Notus, if that is something that you are interested in. And wildlife observation so people can go down there or just have a place to walk around lakes and be around the river, with community river access. The project conforms with the City of Notus Comprehensive Plan. I tried to make it clear to the people at the neighborhood meeting that I don't get to depict what happens on pieces of land. The cities and the constituents that you elect get to decide on the future planning of what they want parcels to be and where they think it makes sense. In the plan this parcel, in the conference room at City Hall basically shows on the future maps for Notus, that this is basically industrial. That is what we are asking for. It is also, everything north of the train tracks and against the highway, on Canyon County future land use maps as industrial. So, we are following what the future planning maps for Idaho show this ground should be. The second bullet point is Union Pacific Railroad. Plan is drastic safety improvements. There are uncontrolled crossings on these properties. Five of them. They are super dangerous. There have been deaths along these pathways. You can look them up as they are public record. A prime example when we held the neighborhood meeting, everyone heard the train running and thought it would stop and stick us there. Everybody jumped in their vehicles and raced out, trying to beat the train as fast as they could. So, Union Pacific has been very easy to work with on trying to make sure we can eliminate crossings and we have agreed to build frontage roads down the train tracks, where there is double tracks to make sure that everybody can get out safely. They have agreed to build us out a controlled crossing so you can't race it. We think that is super important and super hard to achieve with Union Pacific. The last bullet point is ITD. Idaho Department of Transportation. We have an approved approach. And already have an approved road. We would be building all the enteral roads and exterior roads to the Hwy to County standards. We can actually get that started right away if we would like to, as that does not take annexation approval and neither does the Railroad work. Reviewing a photo of Notus showing industrial area, north of the train tracks. The reason

why we need to annex it is just to pull the gravel out, we really don't care what happens after we finish off the lakes. We don't plan on building industrial buildings. We have one homeowner in the room (tonight) that is at the very base of Wilson Lane and that is where you would access most of this property with a controlled crossing. He has visited with them and made sure they were aware that the parcel number that surrounds their house, he would put a deed restriction on it that would say its zoned industrial, but we can never build any vertical industrial next to theirs. We just need it for mineral extraction. So, they have agreed to help those neighbors with that. The current status of the project: With ITD, they have Wilson Lane permit. We have not talked with the Wilson's yet to see if they would like to leave it named or we can change it to a different name. We know that this second one complies with all Canyon County ordinances for short term mineral extraction that was mentioned. So, if we wanted to get started now in the County, we could start mining 2-acre ponds on 34 parcels and pull out 68 acres of gravel and build these roads and get it started. We are giving Notus the opportunity to collect taxes and work with us in the future. If this is annexed and zoned, you people as residents will have a say in the future development of this project because you will have to vote on everything that happens on this project. So in other words if an industrial user comes and wants five acres and wants to build a building, that would come through a hearing and you will decide if that is the right use for the property. You will get to vote on architecture if it makes sense. So will the Railroad. This is just one step of the process. Union Pacific and Wilson Lane has agreed to build out that crossing to a controlled crossing and work with us if we need to. If there is an industrial user that needs a spur line. They are really excited about this because they close down and hold trains on that have strange intervals. There is a tenant in the room that has a little kid and it's a life safety issue. Sometimes they can't get out of their house. So, these frontage roads along the tracks down to Wilson Lane will allow them to get out of this property safely. We have talked with Notus and Parma's Fire Departments and also Canyon County Fire Department and they have endorsed this project. Making sure we are building the roads to standards and that the crossings and accesses will be fire safe with hammerheads at the ends of the roads that are dead ends so that they can maneuver their trucks. Viewing the Notus Comprehensive Plan map showing industrial zoning, our whole property and other property west, continuing on through the City boundary, is mapped out for future industrial by your elected officials. I mentioned ITD and Wilson Lane. I got a lot of questions from the Wilson's because nobody wants a big road pushed in front of their property but if you drive that part of the Hwy, you will notice a lot of bends and turns with lots of blind spots, causing a lot of wrecks. We worked with ITD to pick out the safest location and to straighten out that road with the Hwy and build an acceleration lane, heading towards Boise. So, as we are merging into traffic, nobody that is coming out of this project will just turn and slow down traffic. They will be able to wait in the acceleration lane or slowly merge. They (ITD) thought this was an important piece and the place to do it, that is why they have already granted us the permit for it. Also disclose that is for gravel mining. The Wilsons and some of the other homeowners on the south side of the tracks have worried about traffic in the way future, when industrial get built out as industrial workspaces. In the future I would think that ITD would probably give us other access points along the industrial so you could be moving in and out of that industrial from the main Hwy not just from Wilson Lane. I think that history shows that these residential areas and even industrial areas would have been mined along the rivers. Gravel is really important. Taxpayers pay for these roads in Idaho. This allows us to take gravel and build safer roads. Create infrastructure that is desperately needed and as it gets held off more and more the prices escalate. And we pay taxes on all those price increases as citizens. It has a potential economic impact. We all know that from the broad economy that construction is a huge labor forum. I would like to think that this place all gets developed into workplaces for citizens in Notus and helps the City more than it burdens the City. More economic impact: What are the revenues that I am talking about that Notus has the opportunity to receive versus Canyon County if we do get annexed in and rezoned? Hopefully higher paying jobs in the employment that I just mentioned. Community access and workspace. There is about 230 acres north of the tracks that would be industrial in the future and about 150 acres of conservation on the other side of the tracks (blue and then yellow on map reviewed). As an example, used: On Simplot Blvd where there is gravel being mined along the river with an industrial corridor of manufacturers, trucking, and any kind of industrial you can think of. Looking at the assessed value of that land sales for on the tax rolls, it's going for about \$2 per sq. ft. Looking at a land mass it's about \$97,000 per acre. Which would give this project a valuation of \$22 million dollars. If it was improved with buildings on it (once you have vertical construction the building is taxed, and the business is taxed) it would be about \$372 million combined. So, looking at our (Notus) tax district and levy rates for 2023 would mean that the City of Notus would get approximately \$792,000 dollars a year and the School would get \$974,000 a year for a total of \$1,766,000 a year. Keep in mind that is tax rolls not market value,

so we think that would be largely beneficial for the City of Notus. I am aware you have a problem with your water. You have 2 wells; the wells are older with a lot of aging city infrastructure. I know developers have come out and tried to provide housing and weren't able to because the City didn't have services and didn't have money to expand services. So, I feel like a lot of towns build residential first then find themselves and the citizens burdened with the taxes because they don't have commercial or industrial. So, I feel like this is a way to be a little bit outside the city and give the City of Notus a leap up on tax revenue. The conservation area is a whole other photo slide show and of course that doesn't have the economic impact, its more visual and public access. The land valuation there is only \$6,500 per acre. Which gives a total of \$1,020,000 and the tax revenue on that for Notus would be \$2,100 and the school would be \$2,600. To a total of \$4,841 using 2023 levels. If you wrap it all together, looking at \$1,766,000 in today's dollars. Now we don't know what prices taxes are going to do in the future and that project is large. The industrial, I don't know what it is going to be at, but I would think that it is going to be at the higher valuation. So, the tax revenue for Canyon County or the City of Notus, as they decide, is substantial. We feel that this project, I know it looks large but can have large benefits for the City of Notus, the impact of wildlife, and for conservation. I don't even know many other developers that do big conservation things like this, but you saw what we did in Middleton, and I think it is impactful and my idea is to do this in the City of Notus and make it look like that. And then move on to the next one. Hopefully people will look back at it, like some of the neighbors that will speak for me and say, "ya, it was gravel, and it took a little while but it sure was worth it". Any questions? Mayor thanks Brian for his presentation and asks if there are any questions for Brian. Question: How long does a project like this take? Brian: Completely depends on the market. Right now, I would tell you that is going to happen faster because there is so much economic growth in Boise and so much federal dollars for infrastructure for roads being built right now. When we first went into the project in Middleton, we said it would take five years. And it only took about 8 months to mine the gravel out because the demand is so high. So, when I talked with neighbors and the Wilsons because they are going to be directly impacted the most from the gravel. But it completely depends on the times. So, if we can get started, the times are really good right now and the gravel would move really fast. But other projects because of economic downturns can take a lot longer, so it's really market driven. Same with industrial, its market driven. Question: So, you're basically saying that the tax revenue for the City of Notus is not until infrastructure goes up and you have no intention of putting up infrastructure? So, you're basically doing it for your gain. At what point does the City of Notus begin to see that impact? Brian: instantly, as soon as it's annexed in, the city starts making the tax revenue on it that it's not right now. It depends on what the tax rolls are right now for Ag ground, or R-1, Commercial, Industrial. Some cities tax them differently, some do not. Question: How many trucks are there going to be? 500? Brian: I would tell you that it is proximity to projects. Trucks are going all the way down to Parma already. All those trucks come through her, right? All those same trucks will get from us first because we are closer. So, there won't be that much more traffic because they will come to us because we are closer until we are done. It's all about trucking, mileage, gas, how far do you have to go. It's all proximity. Question: You did mention in all of this that it is going to be the back end, not the front of the studies for impact and you did mention about wildlife. That is a real huge concern of mine because there is a piece of property down there that is a natural habitat for deer to come down to the river. It's kind of dodgeball when you go through there for most of us that live here do avoid hitting those. My concern is that you're back loading this concern saying your when we get this study, we will find all this out. I would like you to address it ahead of time, instead of backloging it. We love the wildlife. We would like to have that ahead of time so we can know what you guys are thinking. Brian: Unfortunately, we don't get to decide that, it's the Army Corp of Engineers, Fish and Game, The Department of Lands, Department of Water recourses. Even if I had a plan showing exactly where it was, those are decided by the Government. We don't get to decide that so you couldn't look me in the eye and say I don't want you to do that. Well, that is what Fish and Game is making me do. I don't get to make those decisions. As a developer I hear your concerns but that's your government, your tax dollars at work. You've given them the right and the ability to make those decisions for you. Resident: So, in retrospect, now that you know. They don't say anything because they don't know. They may not know and don't say anything. But those of us that live out here for any amount of time, know that it is there. Now that you know that, you need to put that in your report. Brian: yes, absolutely. And to be aware, we have already worked with Fish and Game down there and there is elk, deer, and turkeys. We know where their migration is at, we know how to avoid it. We know that the Fish and Game want to get rid of them. So that is a state regulated entity that I need to listen to government officials and do what they tell me to do. I don't get to tell them what to do so unfortunately. I'm originally from Alaska so I'm pro-wildlife. Question: when you say you can start

this immediately, what does that mean? Like tomorrow? Brian: yes so, we have the train crossing approval, and we have Wilson Lane access permit from ITD and we have it in the County right now. It's not zoned industrial but how it is zoned right now, we are able to do mineral extraction, in small increments. So, 2-acre ponds on each building permit parcel. We have over 34 parcel permits on the property of about 68 acres. So, we have the potential to start whenever we want in the County and get going. But I believe that with a master plan is much better. I don't want to go and punch a bunch of 2-acre holes, which we can. I think it would be much better, like we did in Middleton, and build a 20-acre lake and make it more beautiful than making 2-acre holes everywhere. A masterplan is usually better for everybody in the community. Question: Have you actually talked with Fish and Game? Brian: Yes, all the time. Resident: I talked with them today and they haven't heard anything about any of this. Brian: yes, they know about this, they gave us deprivation permits for elk that we didn't shoot that are all at this end of the property and I deal with them all the time, so they should know about it. Resident: you can't hunt out there anyway without a special permit. Brian: yes, landowner permits. Most of the government agencies should know about this project and even if they don't, to get approval to do any of this once annexed and zoned, we have to go to those agencies and say here is my project. I haven't done a layout because the first step is to take the plan to the City and then to Water Resources Developer that goes along the river and say, "ok can you delineate this project?" which means can you show me where the wildlife is, the wetlands, everything you don't want me to touch and then I have to work within those constraints. Resident: That's all wildlife down there. We see it every day. Deer crossing the Hwy. Turkey in my backyard. You do all this, and it will eliminate all that. Brian: I don't think so. There's more deer, more turkeys and 5 bald eagles that live on that lake in Middleton. Question: So, at this point you don't have to get an environmental impact inspection or anything like that to do that miner extraction of gravel? Brian yes, we do, but we only have to do it where we are going to dig the lots. So, I would just say "Hey I'm just going to do this smaller lot and I just going to start right here, so come out delineate this for me. So, they would do just that area for you. Unless you give them a master plan for the whole area. It's shocking but it's better for the wildlife because you're not doing just one little piece at a time. Resident: you made it sound like you don't have to get Fish and Game and Army Corp of Engineers to check that. Brian: No, we still have to call them but there is enough areas that we know that don't have streams or rivers and stuff through them that we know they will sign off on them. We know it's an area that's not going to impact anything. It such a big property there is enough of those areas that we can start. Question: You talked about the pluses, why we should annex, revenue, taxation but what do you get out of it? Brian: So, in the future, once the gravel is all mined out of it and the industrial pads are up by the Hwy, we would sell those pads off to industrial user. Then industrial user would have to come to the City and say (then that's when you would have a vote instead of the County) hey, we need full sewer and water, we need to dig some wells, we need to do this, that, you get to decide, the city gets to decide what gets to go there. As you saw these parcels and you need services, then you need to help the City put in those services. If you want to build a building and need services, you might need to upgrade their sewer, or you might have to help them with their well. You might need to do those things to make it a project. That's why it's not just a turnkey. It's going to take a long time. It's going to take a while. Resident: Why now? Why not, later down the road after you develop. It has to be more than the revenue. What benefit will you get now asking to come into the city as opposed to waiting? Brian: One of the reasons to go to the City of Notus is because you're adjacent to it. You're in the annexation path. Usually when you're a developer you're trying to help out the local city and expand out those services. If you don't then you just stay in the County. The benefit for us is to be able to go faster. The County is backed up about 12 months for me to get a public hearing. So, it would take longer. So, if I was pushing in that direction, I would be opening up small ponds to start while I'm waiting for the County's public hearing. And I can tell you that along this whole river is because Canyon County realizes the impact of expansion. They know their roads are dilapidated. They know the traffic is bad and they have to fix that problem. That's one of the biggest problems in the Treasure Valley. So, they are willing to open up gravel, so that they can fix the problem. I feel like we have a very good chance with Canyon County but I'm here today to hopefully get into Notus, so that we can go faster, get started faster and then you guys get to partake of the revenue. Question: Why come to the city instead of just going ahead with the County? Brian: It's timing. Question? It's not because they have a new environmental engineer that they just hired this year to help them to oversee these types of projects. Brian: No. What you saw on the screen went through Canyon County. I know everyone at Canyon County. Resident: I don't feel like our City has the facility or the knowledge to work with you. I feel like you came to the city because you can promise them this tax money and they're going to let me do whatever I want. I'm sorry, that's the way I honestly feel. Resident: Will you explain the will serve clause? When we annex,

we have an obligation to provide services and I noticed on your flyer you said 'at this time you don't need them from the City' infrastructure. Brian: you're not required to bring us service just because we are asking to annex or infrastructure. Resident: But there is a will serve clause. Can you clear that up? Brian: Does Notus have a will serve clause, Mr. Counselor? The City Attorney responded; I don't know what you're talking about. "Will Serve"? Resident: when we annex, we become obligated. Brian: I have never heard about that. Attorney: are you talking about services, water sewer? Brian: are you saying that you are obligated to give it to us? No, you are not. Resident: I have a question about the pond. What does that look like? Are they stagnant, are they a mosquito breeding ground? Because we are honestly suffering with mosquitoes. Brian: That is one of the benefits from doing larger ponds is that we can get them deeper and larger, and they stay cold better. So, you don't get algae and mosquitoes and things, because they don't warm up. It's the fact that you take a pond and make it bigger so it's not a breeding ground. If its small it grows algae, gets warm. We would not do that. If we dig, we would add four parcels together and take 80 acres at time. That would be deep enough that we wouldn't be getting the issues we just talked about. Question: You would do the whole project, 300 plus acres? If you don't annex in, you have 68 acres that you can dig? So, the other 300 acres goes to conservation and industrial park, is that kind of what you're looking at or? Brian: No, I have to go through Canyon County and get a master plan done. I would take the 68 acres (gravel) out while I'm waiting on the County for the public hearing. Resident: so, you can just walk all over us anyways. That's what you're saying? Brian: No, no. In Idaho you have landowner rights. So, when you buy your property, spend your money, you have certain rights on your own property. Those are rights that the County gives you, so you don't have to go to a public hearing if you have miner rights on your property. So, if those need to be changed then you go before the elected officials and ask for those to be changed. But those are my property owner rights that you have on your property too Sir. Resident: I can tell you that is wrong because Canyon County made me put 40 acres in perpetuity in farmland because they said they do not want farmland to go away. So, they made me stick my property where I can't touch it and that is unacceptable. So, they're allowing you to do it. Brian: so what they do is look at viable ground and non-viable ground. So, this is not growing crops right now so they are fine with it. Question: So, you are going to do this master plan whether it's the City or the County? Brian: yes, I am going to try to. I can tell you that this is County future zoned as industrial, and I can't see them changing their mind when they just revised their maps last year. I know most of the developers and they don't give this much land to conservation. I think that is a huge benefit. When I came to the City the first time and met with the staff and said we would like a trail along there and some conservation, well why don't we do this. I worked with the Wilson's on this, kinda worked with everybody to say hey what can I do that's for the best for the most amount of people? Not just the one guy that's mad but most of the people. What are their ideas and how I work with those constraints. Mostly government agencies but with the public too. Question: so, you're saying you're going to open this to the public, so who's going to monitor that, is the City going to police it? The city will get to decide that. If they want to open it and have a trail down there, great. If they don't OK. When I met with the City they said, as with all the city along here are trying to put a trail along here (river). Resident: so, your conservation plan is to open this whole area up to the public? Brian: if that's what the City wants, yes. If its conservation area, I'm fine with whatever. Resident: what is it conserving? Brian; wildlife habitat. Resident: I live right down the road here, near the lake that was dug out, so I know what it is like. It is amazing. The wildlife habitat there I have pelicans to egress to seagulls to bald eagles. Recently Canadian geese. Its amazing what we have there with four homes. Just knowing this gentleman (Brian) for a little bit, and looking at his projects, he really takes into consideration working with the County and the people which I have found to be really good compared to other people that I know working with developers, doing what they want to do, they don't care. My thought was that having conservation is awesome out here. Resident: I am one of the owners of Wilson Lane. The land that we have that you guys already own on both sides of the property is cattle grazing. You can't do anything else with it because it's gravel. You can't grow anything in it, you can't build anything on it. So, gravel is coming, that's just what's it's going to be. At some point you just need to realize that it's going to happen. So, for lack of a better part, you just got to get what you can. So, if you want to get rid of the elk that is destroying your fence every friggin' day and costing you tons of money every year because the elk are destroying everything you have. You have to figure out what's going to be best for you. So that's my little tidbit. It's coming, regardless. So, it's a choice whether Canyon County gets to decide, or you do. Resident: it just gets frustrating driving, seeing mountains of dirt berms, it's just blocking everything. Brian: yes, unfortunately they do that on purpose to keep the dust and noise down. Once it's done, it's conservation. You won't have the traffic. Resident: once it's in city limits you can require them to cover their loads. Resident: I heard you say you are open to walking paths along the river.

While I was on the Council we secured an 25 ft easement along the river from the bridge past the sewer ponds for a green belt. Out of the goodness of your heart, are you going to send some of your equipment down to help us clean that out too? Brian: that's a question for my business partners. Question: Are you willing to provide documentation from the railroad exempting the City of Notus from being responsible for whatever should happen in the future? Ya'll know how much they maintain our tracks. It was once every three years, now it's once every three months. I'm sure you have all noticed it. They're willing to put in new crossings at others' expense. I love this community. This community is well known for its gullibility. Brian: what I can tell you is that they are going to replace the tracks on our property and the crossing. I don't know what the maintenance schedule is for new stuff, but they will take care of it. Resident: As I said I think either have that (document) on file with the City from the railroad that they will not, if you are annexed into Notus, that were not responsible. If you're not going to do that then how about you at least supply street for this community with all the millions you're going to be extracting from the river. You supply all the streets and storm drainage, curbs and gutters. It's a drop in the bucket and something this community has needed for god know how long. It's all about choices.

Council questions: Connor: Would we be responsible for the track, or would we be exempt? Brain: I do not believe that the City is involved or responsible for the railroad tracks. Connor: you said it depends on the quickness of development. In Middleton you anticipated 5 years, but it only took 8 months. What is your estimate for here? Brian: I believe most of the CUP's that are written up are for most of the larger gravel pit projects written up for 20 years. But I don't know. It's based on gravel demand. If you went through like in '08 recession where there is an economic downturn and nothing happens, so you have 10 years left and 10 years to keep going, you would need to calculate that in. It's really driven by economics. Right now, there is a billion dollars in federal funds for roads in Idaho so I would suspect when we get this open it would be faster, but I can't predict the future. As it is right now there is very high demand. Connor: with the will serve clause. I believe some people went to the neighborhood meeting and the individuals there were indicating that if the property is annexed into the city...(inaudible) , and that's regarding the other entity, that once your annexed into the city that the citizens of the City of Notus would be responsible to providing sewer and water. Brian: No. I will put it in writing that we don't need sewer and water and we will not burden the City with it, if you want. That's one of the benefits for Notus is I don't need that. And depending on the industrial user, how big they are or what they need, It's possible that they won't need city services. If it was residential, you would need city services. With industrial, If it was a warehouse with one toilet it's not that big of deal. Connor: but we would have to supply that. Brian: We would. We would have to come to the City and upgrade your infrastructure to not be a burden on the taxpayers. Ahlborn: I heard or read in a letter someone use the words "pillage and then left". That's a lot of mindsets of people and then you start to think that is what's really happening with the project. Can you speak to that again and also, hearing you talk a little bit about Middleton and what's happened there. What seems to happen a grand look at all the things we can do. We're going to be the savior. And do this and that. I have heard from you things you can't do and this is what we're doing. Can you speak a little bit more about the Middleton operation and what you've done there? Brian: What I can tell you is that 20 years ago, gravel was extracted and left. Now land is too valuable to do that with. So, they look a lot nicer now. They usually leave some residential pads for houses in the future. I talked to the Wilson's about digging a lake next to theirs, instead of putting an industrial building. And maybe I will leave a pad there and I come back in and ask you people, hey instead of doing something next to a lake, can we put a house there. Ask for a zoning change for that parcel. That's an option. What I will tell you is that gravel guys used to get gravel when the prices of land were the same as what you were extracting gravel, so it's the best use of the property. Now with residential prices and industrial prices are so expensive, you only want to buy what you can mine out. So, the gold mine of gravel is diluted drastically by the real estate values so now you want to make it nice. You want to leave as much property as you can. You don't want to just take it all out. Because it is worth \$30,000 for gravel, it's worth \$150,000 in land. So, the mind set changed with the price escalation of real estate. So now leave nicer projects. Because the more land you leave, the more money. We are seeing a transition. That's why the gentleman that spoke, that lives on the lake, he could have mined it all out, but he didn't mine it all out. He left some residential pads, and he made it really nice because the value is in leaving those pads. So that is why you have seen these projects change from what they were 30-40 years ago. Ahlborn: where is it, as far as in the writing, the agreement between the City and you, the developer that explains that portion of it? That's something that has already been written into the agreement with the City. Brian: No, that would be when we come back to you for design. If you annex and zone us in, then we work with you on the design and all those other agencies that I was talking about because I don't get to say "I will leave a residential pad here and here and make it all pretty and

they say nope, that's a wet land area here and here. So that's why working with those agencies is when we lay it all out. Ahlborn: I get all that. My concern is I guess I'm hearing citizens say that all sounds good, they annex in and then the ball drops and its not what it is. So where is it in that process that says hey, we will make this agreement that says once we annex then we will work on this step. Brian: So, your city council could say we approve annex and zoning, but we want a reclamation plan. A reclamation plan says this is what it looks like when its done. It's in one of the reclamation plans that you do with one of the environmental agencies that works with the other environmental agencies I was talking about. So, most people have to submit a reclamation plan to the city. So, if you would annex and zone us in, before we got started on the project, we would submit a reclamation plan. Reclamation plans are internal city documents that doesn't go to public hearing but you guys, the elected official get to see it. Question: So you develop that and build these million dollar homes, how much are the taxes going to go up in the City. Brian: I'm not building million-dollar homes.

City Planner, Antonio Conti - staff report: First thing I want to address as the City Engineer; The will serve clause does not exist. When you develop a project, the way this works is, even if you annex into the city, its first comes, first served. If you want to build out before there is water and there is no water, City says sorry you can't build. There is no obligation of the city to provide service. If you want services, you have to be in the City. But in the end, we have no obligation to provide. In regards to the project, he is asking for annexation and rezone. The property is attached to city limits, its connected by the west end, down by the river. Our comprehensive plans call for industrial, like Canyon County's and that's what he is asking to do. So, he is following our comprehensive plan. He's adjacent to city limits. In regard to the questions of how we can make sure he has a reclamation plan as requested, that comes with a development agreement: Once this is annexed, I'm sure the development agreement will be outlining all the City requires and the consequences for not meeting those requirements. That is pretty standard in the Valley and a way to handle any concerns. We have an ordinance that requires streets to be paved. We understand gravel trucks run on gravel streets. We understand that but once you're done, the streets need to be paved. That's going to be part of the development agreement. That's one of our requirements, even on private roads. It will be the responsibility of the developer to get railroad permits, ITD permits, Fish and Game and all the other permits that come with this. So, the bottom line is the findings; The proposed parcel is adjacent to city limits. The requested zoning is in compliance with the future zoning in the adopted land use plan. The decision, if you decide to approve the conditional use permit, this is leaving it to gravel extraction. What this means is that the moment he comes in to do a industrial pad and industrial building, he is going to get a separate conditional use permit. He will need to come before this board. Question: Do you live here? Antonio: no, I live about 5 miles from here in the County. Question: You said the roads have to be paved. Are you saying their road within the river right of way has to be paved? Antonio: According to the conditions of the project, it will have to be paved. The challenge is if you build paved roads for gravel trucks, they are not going to last with trucks running around. Question: what happens if there is industrial or people that also have to use that road? Antonio: they need to maintain the road. But gravel roads are all over the county. If you live here, its pretty common. The challenge of paving it when they are running their heavy equipment around on it. Not the trucks but the heavy equipment scratch the roads. They are going to destroy the roads. So, they are going to need to maintain it and the best way is to keep it a gravel road. But we want to make sure in the development agreement that when it done, as the phases move along that its going to have to be paved. I know ITD is going to make him pave at least the portion before he gets to the highway because they are not going to want tracking of mud on the highway. But internal roads make perfect sense to pave them at the finish of the project. Question: Can you explain what the red line is on the future land use plan? Antonio: those were two hash lines overlapping each other. Question: are you saying those should have been commercial? Antonio: no, what I am saying is to color code a map you have to put a color hash and when they overlap it, they get darker. That's all it is. Comment: it's a computer glitch. Question: So, you're saying that, that road on the north side is in the plan to be commercial? Antonio: from Hwy 20-26, south to the river is all industrial. 20-26 Elgin Road, south to the river in our land use plan, is industrial. Always been, since I've been around for the last six years. Question; then its commercial above? Antonio: on the other side its potential for commercial. On the other side of Hwy 20-26. Question: so, the red line around it, what's the red line? Antonio: as I said it is a cade (color) issue. Just a drafting error. Question: so, there is an error of map, the plan. Antonio: no, it's not. Question: is there a way to do it in phases? Annex them in conditional upon this, then get a master plan. Figure it out and make sure they are proving it to their word. Not giving them cart blanch from start to finish. Maybe there is two phases. Or three. Or what ever it is. Antonio: Theoretically, yes but they are starting from the east to the west and I can not annex out there. It must be

adjacent to City limits to annex. So, the way this plan is designed, its planned to start near Wilson road and move in so why I don't think that would be possible. Comment: annex the whole thing with conditions, once you get 75 acres done you going to have to come back before City council and we are all going to discuss this. Making sure you are on board where you want to go, it that a possibility? Antonio; No but what we can do is put conditions in the development agreement that if what he is doing is not up to par for what was agreed upon, we can stop. Comment: but the public is not involved in that, is what I'm saying. Antonio: City is pretty straight forward about this. If you want to know what's going on you send a letter to Loretta and within 3 days, you get the information. Comment: if they knew they were getting re-elected and knew they had to face us 3 times in the project, then it might affect them. That's all I'm trying to get at. Mayor asks for questions from Council for Antonio: none stated. Mayor asked if any written correspondence were received. City Clerk stated that Council has copies of nine written comments submitted in front of them for review. Public Comments, Opposed: Renee Taylor; three things you need to take into consideration. This is a 2.7 mile added into City limits. Its not just a little strip of land. You will be liable for those (RR) crossings. We have been sued before. When someone got hit right here on Notus Rd. So, there is a liability there. The proposal for this looks good on paper. Sounds good but everything is back in. What it will really benefit us? How will it benefit us? Throwing a dollar amount at you is just not reasonable. How will it benefit us, to bring this into our city limits? I didn't get that answer tonight. If I had to make a decision myself, I couldn't make it. My answer would be no. If it's not beneficial to us now, other than the tax dollars I can't see how it would be beneficial any other way. And that's a poor reason to annex something in. I ask you to consider saying no. They can come back to you with this. Randall Taylor: One thing I hope the Council members did read the letters you received. Particular the one from Union Pacific by Anna Palmer, that says "Loretta, UP does not support the annexation of its property, Thanks." If you do not annex the Union Pacific property then the rest of the property does not adjoin the city limits and its ineligible to be annexed. So, keep that in mind. William Wessel; You should have these three letters that I sent to you. The first regards the Oregon light company. The city sent their notice to Idaho Power. Oregon Light Company has a different PO box and it's my understanding that this is like the ownership of the land and Idaho Power is a different entity. Second one regards that little red line. And it's my understanding that that little red line was actually shown as commercial on both sides of the road, all the way out. The Planner said no its all industrial. But that red line shows on both sides of that Hwy to be commercial. So, I don't believe this corresponds with that plan. Third thing. Does someone have this (excerpt of state code) that wants to read this to see what the city council is responsible for? He reads" the City Council should not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right of way. And that is exactly what it is, over here is says needs to own both sides of the railroad. So, they cannot legally, and you have the liability because you don't have a planning and zoning to make this decision. You need to follow the law or you could be personally held responsible for it. There needs to be a planning and zoning and not just three people up here. And the County can handle all this. City Attorney, Bryan Norton: What he is referring to is a shoestring annexation. This does not apply from what I have seen on a map. A shoestring annexation has a very specific definition that is my understanding that this does not apply. City Council is well within its rights to make this decision. You do not need a planning and zoning to make this decision. City Council has that power. Chris Coombes: no longer present. Acie Alvarez; I would like to see a lot more involvement from Fish and Game especially before we move through with any of this. And how that's going to impact the wildlife and resources. Also, would like to see a traffic impact study, before we move through with any of this. Roberto Bahruth; Dear neighbors, I'll be brief. I am in favor of reasonable, measured growth within the capacity of our present infrastructure. Annexation equals obligation. The "will serve" clause in the agreement encumbers the present citizens of Notus to bear the brunt of the financial burden to fulfill the will serve obligation. As Devin prefaced in his motion to deny the previous annexation application, the city council is obligated to represent the wishes of those who elected them. The one hundred and fifty signatures of past referendums expect nothing less. If the council is so sure development is what the people want, put it to a popular vote. I would like someone to explain to me how we stand to benefit from any new annexations. Promises are promises but I hear a lot of stories about developments in this area. Richard Wallace, Sr. I care about this community. I've seen people come in here before, money makers like them guys. That's what they're after. They don't care about us. They don't care about what we have here. They don't care that we don't have paved roads. They are going to make their money on both ends. They're not here to help us. Their here to line their pockets. It's the people here that pay taxes and we don't want that kind of stuff. We had subdivision put in our face and we put them down. Start at the dam and come this way and

count the number of gravel pits. There's probably fifteen or 20 right here. We don't need more. They will sell their gravel and make a million dollars and we will still have our poor roads and no services. I just don't agree with this. Neutral: NONE. In Favor: Doug Pill; I am with this group today presenting this project. I have been doing this business for a long time. It is an honor for me personally to work with these folks, just based on how they impact the local communities that they work in. I have heard every concern from these folks today. I grew up in a small town just about the same size as yours in northeastern Oregon. I get it. If you look at the business that these folks have done along the river in the treasure valley and throughout the Treasure Valley, history has proven that their goal or objective is to make the community better. Positively impact working with municipalities, state agencies, Fish and Game, Wildlife to ensure when they leave and are done with that project, it beautifies and improves the local community. Randy Wood: I am the R in the RBK. I own about 150 of these acres. I am in the gravel business. I own Nampa paving. I didn't even think about having any of my employees come but I employ about 100 people, that appreciate having gravel pits and having a job. We are always looking for more gravel pits. There are only so many yards of gravel in an acre. It's my private business and I like to have my own (gravel) source. In the 90's we bought a piece of property, 40 acres, for a gravel pit. We went to the Conditional use hearing and many people in opposition didn't know me, but we got our conditional use and mined that property. When I bought the 40 acres beside that and went to get my CUP on that, there was no opposition and three of the neighbors who were against me originally came and spoke in favor of me. I'm really proud of that. I'm a good neighbor. I care about being a good neighbor. I care about doing what I say I'm going to do, and I do what I say I'm going to do. Terri Burtch; Ima from Middleton next to the project that Mr. Burnett did in Middleton. I have to say it is like a national park. I enjoy being out there every day. He is an upstanding man. He does what he says he's going to do. He has a huge heart, and you can trust him. Brian Burnett; Will speak later. Holly Hood: I live in Middleton and was part of that project and in the same position as you all are. I did not want change. I was skeptical of what they had in mind. All the same worries and all the same fears. We actually fought it pretty hard. But as we learned through the process that it was better to work with your neighbor than against them. Mr. Burnett and his cohorts came through on everything they said they were going to do. They continue to still be active members in community and neighborhood by helping out with any little projects that any of us have. My kids and I continue to use the property. We walk and run and swim and do all sorts of things. It gives me peace of mind knowing my children are safe around the area. I work in healthcare so I had a lot of fears about the gravel pit and what it could do Healthwise. But it was quick, and all of his cohorts worked really faithfully and cleanly. At the end of the day, they did everything that they said they were going to do. I know it's not exactly the same as what you are going through but the wildlife is prevalent, more so than I have ever seen it in years before. Todd Watts: I live right down the road where the lake and big houses are that people are complaining about, driving their taxes up. But I also have a house out in Middleton by the golf course that is in Canyon County. What happens over in Middleton is that all the people that live in Middleton get screwed on their taxes because all those people in Canyon County go to the schools and don't pay the taxes like the people in Middleton. So, friends in Middleton complain their taxes are so high because Middleton didn't annex all that other property. So, it goes back to what are you fighting for? So now what's going to happen is people are going to use the roads. Going to use everything here but not have to pay the taxes to Notus. They are going to pay to Canyon County if you fight it. One other thing is I have known Brian here a few months and have been looking at his projects. He is a very good person, and he works with people. Just fantastic. Now living and benefiting from the wildlife right over here has been amazing for my family and I. We love having our acreage there along the lakes. Unfortunately, I've seen it. I used to live in Meridian. I got out of there because I was on Fairview and Eagle. You know what that's like. I hear what you are all saying. But he is going to make something beautiful. And he is going to do something that will benefit your city. You might as well get the taxes because you know what, people are coming anyway, so it's going to go to Canyon County or it's going to go to Notus. Alan Mills; Just a little experience with taxes. The assessor didn't tax property on what's is zoned. They base the tax assessment on what it's used for. So, you have Ag right now but if a gravel company moved in and started extracting, they would up those taxes to industrial. That's what would happen here. Immediately taxes would go up on that property that is under the CUP. You can check that with the assessor. 34 building permits are what the County gave us in writing. But there is a provision in the ordinance that allows more if you meet certain criteria. There could possibly be 40 (County) building permits there. We could have potentially 34 nice homes and wouldn't give a dollar to the City of Notus, it would all be County. That's an entitlement that's already with the property. I've worked with Middleton. I have good friends there. I've been in business 53 plus years in Middleton. I watched them lose the Coke plant in the 70s. I watched them lose

High Country Classics in the 80's. They didn't have a home for them. All that tax revenue and the jobs went elsewhere. A good healthy city, with at least 25% industrial/commercial zoning. 75% max residential. This project would give you give you a head start and get you well above that percentage so you could pick and choose your residential as it comes. You would set yourselves up very well for that percentage of healthy 25-75. In Middleton right now they are fighting that battle right now. They are 95% residential. They would love to have this type of project to balance their budget. Trevor Zimbleman: I would like to say that I know Bryian and Kelly, both personally for the last couple of years. They are very honorable men. They keep to their word. I think also the tax benefit you guys are going to get if you go ahead with the annexation will be good because it's going to happen anyhow and you will have more things to say in the future, if you're a part of it. If it doesn't get annexed in, it will happen anyway and our say, will be less. That's my thoughts. Councilmember Ahlborn asked where he was from. Trevor: I live on one of the properties that is being annexed. Andrew Knowles: I really don't have any skin in this game. I have had the experience of working with Brian on a couple of projects, in Gem County and Middleton and Caldwell. To many echo those, if Brian says he is going to do something, he does it to the tenth degree. He leaves the property better than he saw it. I think this industrial would be fantastic. The jobs and the potential along the railroad would be fantastic for the City. Notus is a great city. Caldwell is a great city. Parma is a great city. The growth is all coming this way because the freeway access is really great. I just wanted to stand up for Brian and Kelly and let you know that they are a man of their word. Daniel Wallis: I live on old Hwy 30. I am just here to give a character reference for Brian. I have a saying "if your good with Brian, your good with me." I have worked with him on several projects and his acts of kindness don't get advertised. But his positive impact on the community does. You will have a positive impact and you will notice those things. I fortunately get to partake and visit that Middleton project area. Take my boy fishing. I would be able to do it otherwise. I just really want you all to take into consideration, this is a person and his whole team. You cannot annex, and you will get some random builder that will dig two-acre mud pits. Or you can get someone that's going to master plan this out for the benefit of the whole community.

Mayor asked Council if they have any questions: Ahlborn stated that he heard that the railroad was not in favor of the annexation. Could you speak to that? Brian Burnett: I believe they are referencing their land. They have land on both sides. 100 ft right of way on one side and a 200 ft right of way easement on the other. That doesn't split the annexation. They are just saying they don't want their land annexed in. They are referencing their land not mine. They are already giving me verbal on the crossing. I would just like to say that these crossings are dangerous. That's the whole reason Union Pacific is involved. We are getting rid of 3 out of the five crossings. We are literally taking all liability out of this. If you believe you are liable for crashes, we are eliminating that by 70%. They are on board with this project so I'm not sure what that letter says. Mayor asked if they have had situations like this before when dealing with the railroad where they were subjected to annexation of their property? Brian: Yes, I believe that the railroad owns their property and has since the 1800's and do not believe when you annex in that they partake in that with their property. I think it all stays under county or state or whatever their structure was from the beginning. They look at their property completely separate from ours. So, when we go to ITD or other agencies, those agencies only have authority up to the right of way of the railroad and then the railroad controls everything. They are not government, but they should be because they make their own rules. You are not even allowed to work there. They have their own people, and they work within that. You're only allowed to work to the edge of it. Mayor: so, your design plans do not include their right of way, is that right? Brian: correct. There is a small portion in the front of Mr. Wessels house that butts his property that goes up to their right of way and for some reason, I don't know why, I think it was an act of God, they had 200 ft there instead of 100 ft so they are going to a licensing agreement for me to be able to put the road through their little stretch because Mr. Wessel would not allow me to go through his property. So, there will be a licensing agreement on one of the frontage roads for that footage for me to get onto their right of way and out. Mr. Wessel: because it would have to be paved when it's done and it's not going to be in the City so who's going to control this right of way? Mayor asked for clarification. Mr. Wessel: when its done its going to be paved but the railroad is not going to be in the City and their road is going to be in the railroad so who has control of this road? Brian: I do because I have a licensing agreement under my agreement with them. Councilwomen Connor: I feel like the citizens need to have a voice. We are only a party of four and one person is not here. One of the letters felt like there wasn't enough notification for our citizens to be here. That's a big concern for me. Brian: So, we, because we actually missed a couple of these commercial buildings, we actually stalled the public hearing two times and gave ample, you know, followed the laws and what the government rules as established for notification. So, we did that twice. I put those signs up and I changed the date on those twice. So, anybody that drove through Notus had to

see those 3 signs at some point in the past two months. I feel like we have gone above and beyond what I have experienced in other Counties and Cities for notification. Councilman Ahlborn: I think the citizens of Notus did a really good job of getting the word out, putting papers on cars, changing the reader board sign to make sure people saw that the annexation meeting was tonight. I felt like it had a lot of publicity. Mayor: Brian, can you tell us if there are any existing residents in the proposed annex area or businesses, that will suffer a loss of have interference on their properties by the proposed development? Brian: I don't know what you mean by loses, I'm trying to improve a property. You have heard character witnesses. Many people had concerns. One person thought we would drain the wells; the water would go away so I put in a well for them. One person wanted a pond to match mine, so I dug a pond for them. I'm very open door with reasonable neighbors that have requests or if they are negatively impacted, we will do what we can to fix the situation. I don't know what those situations will be, but I can tell you our track record is that it's what we do. Question: We own Wilson lane and that will now be a two-lane road. It was originally proposed as industrial buildings and he came to our house and sat with us and changed their plan, so we don't have 100 buildings out my front window. They were instantly willing to work with us. Brian: to the lower section where Wilson lane does enter their property. I am more than willing to work with somebody if they a condition and not just a loophole they're trying to find to stop me because they are mad. But some valid concern that is happening. Wilson Lane owners: They are open to communication. We were going to burn the place down with our pitchforks, that was our initial thought. We were like THIS IS NOT HAPENNING. But there has been a lot of open conversations, and we feel a lot better about what's going on. Brian: let me just say that's not just me, there are character witnesses for Kelly. They have been doing this business for 30-40 years. Their dads had the business before them. They live in this community and the Treasure Valley, their whole entire life. That's why I'm partners with them. I've never had to question either one of them on any project we are doing or if it's going to be done right. I met these people, and I jumped on board. It's not just me. It's everybody behind me and around me and those people I surround myself with. People with character. Mayor: it looks like you're acquainted with Caldwell's plans. Can you speak a little bit about what Caldwell's plans are along Hwy 20-26 and how similar or dissimilar your plans are compared to theirs? What do you see that they are proposing to do that makes you feel like this plan coordinates well with what they're planning. Brian: So, I will tell you one of the biggest benefits of this project is that after the gravel is gone, the industrial space is in extremely high demand. And being able to access the railroad, if Union Pacific is willing to put in a spur in there so we could load and unload off there. All the roads around here are just ripe with trucks, everyone agreed, windshield repair etc. When the gravel trucks go away there are still semi's coming, they just come from Salt Lake or Oregon. This eliminates a lot of that stuff. They can actually utilize the railroad more efficiently and it's not bothersome to traffic. It will actually, in the future, become more rail than traffic. There's really no other area except along this corridor from the freeway all the way to Parma, where you have the access, we have the railroad here. That's why it's so important to them. I think I told you that I was originally told that they would not talk to me for at least five years, but they picked up the phone right away and asked how can we make it safer, how can we help you? So, I think that speaks volumes that these agencies are willing to help me, to help to make this safer. They know that I'm following their lead for the future planning maps for the best use of the property. A traffic impact study will be done. It's just not required when you're moving gravel. It will be done in the future after a certain truck count or traffic count. So, they are monitoring that, and they will tell us when we come in with an industrial user, we need to research what the traffic will be for that user. We will have to do a traffic impact study and bring it back to you guys and say here is the traffic impact study, this is the entity that wants to go on that piece and you guys will get to vote on it. You have that control. You lose that control if you don't annex. That's just another example of things that you may need like traffic studies. Traffic studies are such in legislation that city and county have a certain traffic count. You guys are not at the traffic count yet. They did feel that this road, although it might not be believable to citizens, is at the amount that isn't needed for a traffic count. So, it will get better. It is in our ITD permit that once we added anything but gravel, we needed that traffic impact study. Mayor asked the Council if they had any more questions. None stated.

Final word from applicant: Brian Burnett, on behalf of RBK Frontage. Thank you to everyone for your time. Some concerns I heard was "what's in this for me, seems like it's all for you". Well, the elimination of those (RR) crossings is a huge safety issue. Some people were talking about liability and the city would be liable for this project. Well, we are eliminating 70% of the liability right off the top, if that's what you believe is on you. That's one of the reasons that Union Pacific was so willing to work with us. The benefits; trails, rivers, access to the river. Everybody wants access to the river. Whenever we do projects along the river there are people walking, people in the river. It's one of the things that makes the treasure Valley

amazing and why everybody wants to live here is to have areas where people can go on the river and enjoy it. We are willing to have this large portion of it to go that public use. One other thing that was brought up and I just want to clarify. I did just hear about it 2 hours before I got here that you guys got a letter saying we missed (notifying) somebody. We sent a mailer to Idaho Power instead of Idaho Oregon Power. I did get on the phone and called both entities. That divestor is gone and Idaho Power owns 100% of that now. So, confirming that we did mail the right person. With the 30-year track record I hope you learned something. I, as an investor, drive around, I look at properties and when I see something that I can make beautiful, that's exactly where I buy. I have done this all up and down the river, from Maine to Alaska. I'm a floatplane pilot and so I've done this over and over. It's kind of a passion of mine, so that's where the track record comes from. I appreciate your time. Thank you. Mayor: Council we are at the end of this public hearing. Asked Council if they have received enough information or do you feel this needs more discovery or exploration and have time to continue that before making a final decision. Are you ready to close this public hearing or are you wanting to continue it to another date? Ahlborn stated he doesn't feel like he needs any more information and is ready to close the public hearing. Connor has some concerns about the letter about the map red line issue from William Wessel. Mayor asked City Planner, Antonio to address this concern from the land use map. Antonio: That line is an overlap between two hashes. It's a cap head. When we draw the hash to show industrial from the southside and the north side. At one point we made an overlap, and it made it look darker than the other one. It doesn't mean anything. The separation between industrial and commercial is just an overlap and it has been fixed already. When Mr. Wessel brought it up to me, we figured out what it was and got it fixed. That piece of property has always been intended to be industrial in the future land use plan. When we redid the map a few years ago the future use stayed as industrial. We had all the meetings and public hearings for this. There is no change on that portion of land. Ahlborn: I can attest to that as well. Bonnie (Emly) and I were on the Council when we finished the comprehensive plan and reviewed the land use map. Everything south was already industrial, so we kept that and north of it was commercial for a strip and then residential behind that. Antonio: we tried to keep with what currently you have right now. The north side of Elgin is commercial. Everything on the south side is mostly industrial with pockets of residential but mostly industrial. That's why we decided to go down that road. Ahlborn motioned to close the public hearing. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, Connors; yes. Motion carried.

Mayor stated that that the public hearing is closed. There is a potential action item scheduled for the remainder of business time this evening. We will have to see about our schedule for that as the hour is late. So, the public hearing is closed, and we will proceed with other business that is on the agenda. Thank you for coming. If you wish to stay, that's great and we will continue to take a look at this. Mayor calls for a 5-minute recess. Mayor calls back to regular session.

6. Consent Agenda, Action Items

6.1 Disbursement List

Emily motioned to pay the disbursements in the amount of \$12,975.47. Ahlborn seconded. Roll call was taken with the following results: Emly; yes, Ahlborn; yes, Connor; yes. Motion carried.

6.2 Council Meeting Minutes

Emly motioned to approve the meeting minutes of March 4th and 18th 2024. Ahlborn seconded. Roll call was taken with the following results: Emly; yes, Ahlborn; yes, Connor; yes. Motion carried.

6.3 Committee Meeting Minutes: Library, Community Events committee

NONE

7. Business

7.1 Proposed annexation, rezone, and Conditional Use Permit of approximately 382 Acres, ACTION ITEM

Ahlborn commented he appreciated all the public input, emails received and letters. We continue to hear at these meetings some frustration that the process isn't working but I think this is the process and that's why its meant to be the process because people can voice their concern. They can send information to us, who are elected by them and to represent them and their concerns as well as the Developers who also

get to come and express what they want to do. So, I appreciate the process and I think it worked well tonight. Mayor: Thank you. We do have this listed as an action item which can be an approval of the annexation and conditional use permit or take an action of tabling for examination or denial of the proposal. Conner motioned of denial of the annexation. Motion dies for lack of second. Connor motioned for it to be placed on a public vote. The City Attorney stated that is not a proper motion. Connor asked how to do that then? The City Attorney stated that you don't. It's not up for public vote, it's up for City Council action, so that's not a motion you can make. Mayor stated that if there were other issues that you would like to lay before Council, that is permissible. This is Council discussion time at which time you have the opportunity to sort those things out and decide whether or not you have too many negatives. Just to make sure we are clear on the issues that give you those feelings, that of denial. Ahlborn stated that coming into tonight with all the letters and response from the public, I didn't have much hope for this development and what they were planning to do. As with any development we ever have there's going to be problems, people that suffer from it. There's gravel trucks on the road already, I get it. People think it's more an issue and I had gone into this thinking I don't necessarily see this being Notus. But the very thing we are fighting against is the thing we are asking for. Which is conservation. That's why I asked so strongly before, what does that actually look like. Because I can hear it sounds good but then you take off after it's mined, and you're done. Hearing people say that this is actually what it changed for us and our community added a lot for me. But knowing, it really took me from, I'm not really sure about this. I don't think this is a benefit. The same things I heard people asking for is what this can provide. As well as taxpayer dollars to do the infrastructure things that we need. Is it enough? No, it's not enough but it's a start. Ahlborn motioned that we annex, rezone and do a conditional use permit of approximately 382 acres. Emly seconded. Emly stated that one of the things that she was concerned about it that Rob (Hartsock) is not present. Ahlborn stated that it would have been great to have him here because he has a lot of knowledge as well. Emly agreed and was impressed with the presentation. Mayor commented he appreciated Ahlborn comments about the conservation aspect of things and the testimony that there seems to be improvement of the wildlife and so forth after the project as compared to before. Ahlborn stated he knows that comes with time. He knows that at the very front of it we will hear complaints. But hearing actual testimonies from people is really where it's at. Testimony from our citizens, testimony from people from other cities, that have experienced the same thing. And on top of that it's coming anyway. If we don't do anything then somebody else benefits and they're going to get the same thing. So, I feel like it's a win under quite a few conditions. Yes, it comes with some negatives as well. Mayor asked Council what they are thinking in terms of cost and the breakdown. The City Attorney stated that there was a motion and a second that needs to be acted on. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, Connor; yes. Motion carried.

7.2 Resolution #24-01, Community Center Fee increase, ACTION ITEM

Emly motioned to approve resolution #24-01. Ahlborn seconded. Roll call was taken with the following results: Emly; yes, Ahlborn; yes, Connor; no. Motion carried.

7.3 Planning & Zoning Board- Review of Formation discussion and possible, ACTION ITEM

Mayor stated he has been trying to get 3 people to agree to be on a P&Z Board but has not been able to get enough names to bring to council for approval of appointment. City Attorney cautioned the action and stated that the board is an option but is not mandatory. The Council has the power to act on a P&Z request. It can add another step and could be a drawback. Attorney can look at the code and review for compliance. Ahlborn likes the suggestion of the attorney reviewing the P&Z code.

8. Mayor & Council Comment

Mayor stated that this is Councilwomen Bonnie Emly's last meeting with us. He thanks her for her service to the City.

9. Adjournment

Ahlborn motioned to adjourn at 9:51 pm. Emly seconded. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, idCMC Notus _____

Approved by David Porterfield, Mayor _____