

A Meeting of the Meridian City Council was called to order at 6:02 p.m. Tuesday, September 12, 2023, by Mayor Robert Simison.

Members Present: Robert Simison, Brad Hoaglund, Joe Borton, Jessica Perreault, Liz Strader and John Overton.

Members Absent: Luke Cavener.

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Chris McGilvery, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglund	☒ John Overton
☒ Jessica Perreault	☐ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is September 12th, 2023, at 6:02 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: We had no one sign up for the community invocation.

ADOPTION OF AGENDA

Simison: So, we will move on to adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Move adoption of the agenda as published.

Borton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, did we have anyone sign up under the public forum?

Johnson: Mr. Mayor, we did not.

PROCLAMATIONS [Action Item]

1. Prostate Cancer Awareness Month Proclamation

Simison: Okay. So, we will go into the first item, which is a proclamation for Prostate Cancer Awareness Month. If I could have Mr. Wilson and the Treasure Valley Prostate Cancer Support Group join me at the podium, please. Council, we are here to do a proclamation in support of leading cause of -- second leading cause of death in men, Prostate Cancer Awareness Month, and there is some good stuff going on. So I will read the proclamation, then, turn it over to your -- yourself, Mr. Wilson, for some comments. Whereas prostate cancer is the most frequent diagnosed cancer in man and the second leading cause of deaths in men and whereas one in eight men have a lifetime probability of developing prostate cancer, when women also have a lifetime probably developing breast cancer and whereas it is estimated 700 men in Idaho will be diagnosed with prostate cancer this year. It is estimated 200 Idaho men will die from the disease this year and whereas prostate cancer death rates declined in the mid 1990s to mid 2021s due to earlier detection through PSA testing and advances in treatment and whereas September has largely been recognized as Prostate Cancer Awareness Month with origins back to 1989. Therefore, I'm, Mayor Robert E. Simison, do hereby proclaim September 2023 as Prostate Cancer Awareness Month in the City of Meridian. Encourage all citizens to come alongside the men and their families fighting against prostate cancer by increasing awareness, expanding research and empowering men to reduce the risk of diagnosis. Dated this 12th day of September 2023. So, I want to present this to you on behalf of the City of Meridian and we will get pictures in a second, but if you want to go and make some comments.

Wilson: Yes. This is great. I really appreciate it, Mayor. Awareness is the issue that I campaign or -- more than looking for funds and things like that. Awareness is -- is the biggest issue. If men knew they had prostates, if they knew they were at risk and when the risks are increased, I think we would have fewer people with cancer -- chemo cancer haircuts and not be in the situation that I'm in. We need more awareness. Oh. Thank you. You want to talk about it?

Representative: Sure. We -- we have organized a run-walk in the community of Avimore, which is north on Highway 55 up towards Horseshoe Bend and there is -- it's going to be this coming Sunday from 12:00 to 4:00. We have live music bands, bouncy house, face painting, a whole bunch of different vendors. Couple food trucks. The whole event is free, so you can show up, you can walk and potentially win prizes. It's going to be an experience. So, feel free to come and get awareness, see him at his booth and support some of the key entrepreneurs that are there, which is really fun, too.

ACTION ITEMS

2. Public Hearing continued from August 8, 2023 for 2023 UDC Text Amendment (ZOA-2023-0001) by City of Meridian Planning Division

- A. Request: UDC Text Amendment to amend certain regulations in Chapters 2-6 of the Unified Development Code (UDC)

Simison: Council, with that we will move on to our Action Items this evening. First item up is a public hearing continued from August 8, 2023, for the 2023 UDC Text Amendment ZOA-2023-0001. We will continue this public hearing with any comments from Mr. Parsons.

Parsons: Thank you, Mayor, Members of the Council. Pleasure to be with you tonight. As you mentioned this was continued from August 8th to give -- to do a couple things. One was renote it. As you were aware we missed in the noticing that we included some changes to Chapter 6 and did not include that as part of the noticing. So, I was able to work with the Clerk's office and get that corrected and we did renote that per our city standards. So, that has been notified and corrected. The other issue that I heard at the August 8th hearing was some of the transparency between staff and the UDC focus group. So, after that hearing I actually reached out to the UDC focus group. I sent an e-mail asking -- letting them know that participation had been down and that it was never the expectation that this group would be the same body -- the same people on the -- serving on this committee in perpetuity, that it should be a -- a fluid committee with people exiting and adding new members, so that we can have fresh blood to the group and -- and bring a new -- fresh ideas as we go through code changes. So, I was able to send out an e-mail. I did notify all the current members that if they are -- they are still wanting to participate they can, but just confirm that through an e-mail and I had a very low response. So, I only had like three original members respond back. So, staff is working with the Mayor's office to come up with a new list of members to maybe join the next round of changes that we are working on and, then, I will -- next time I'm in front of you to discuss another round of code changes I will definitely share it with you who are now -- who are the new members -- who the existing members are and who are the new members, so you guys are aware of who is working with staff on these changes as well. So, I thought that was -- I do appreciate the feedback that I got from Council. I had not heard any of that. So, I do appreciate you sharing that with me. And then -- so, we got some of those items. Again, this was left with all of you to look over the changes and ask staff of any further questions. I also copied you on a couple of

updates that I was proposing and I did receive feedback from Council Woman Perreault and Strader and they had asked that we actually kind of pause on the height requirements that you see highlighted in front of you -- remove that from -- from this round of changes and maybe have a -- a bigger discussion in October 17th. So, again, that's -- that's probably the -- the outstanding issue for you tonight is -- because this is currently showing up on the table, if that is the prerogative of the Mayor and the Council tonight I would ask that you remove this item, including the figure one, and we can set that aside, continue this item for discussion at an October 17th hearing to see if we do want to codify or maybe pause on that until we get more information. I was able to reach out to the Fire Department to have that discussion tonight, but based on some of the feedback that I received from all of you it seemed like we really need to pause this and -- and wait until -- until next month. As far as all the other changes I would just clarify -- a lot of these are cleanup items that we need to get done. So, I would -- if you have any questions tonight I'm happy to answer them, but staff really would -- or appreciate Council to move all the other ones forward this evening, so we can get that ordinance done and wrapped up and, then, we could start preparing that other discussion on October 17th with the heights. In looking at the record I did receive a couple e-mails today about some of the code changes. Looked like Councilman Cavener was, again, having some -- an e-mail back and forth with Melissa Bernard. Our one hundred foot noticing requirements for Accessory Use Permit applications. I just remind Council, again, that that is not a code change up for discussion tonight. That was never proposed. It's -- it's currently how -- that's how it's written in code. As you recall at the August 8th hearing I noted that all we were changing was we were noting party of record to affected properties. We were just aligning that section of code with state code, so the verbiage matched. So, it's really more of a cleanup item. So, nothing to do with changing the notifications for AUPs. So, I just wanted to clarify that on the record one more time. And, then, I know President Hoaglund had some conversations with the Parks Department on the outdoor lighting for arts and rec's entertainment facilities and there were some clarification that that would not impact the Parks Department. It's merely for a different use. So, park -- in our code a park is a different use than an outdoor rec center. So, just wanted to go on record, note that I did receive those e-mails and noted that. So, I just wanted to be clear on the record for all of you. With that, again, recommend you moving these along, minus the one highlighted item that I have here in front of you, which includes the verbiage that I changed and, then, also the -- the updated graphic. Again, we can set those aside, but all of the ones we need to get moving forward tonight if possible. With that I would stand for questions that you may have regarding any of other -- other proposed changes -- regarding any other code changes on this round of changes.

Simison: Thank you, Bill. Council, additional questions for staff regarding these items?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Are you saying on this yellow that -- that table -- everything in yellow or just F? For the -- for a future discussion?

Parsons: Mayor, Members of the Council, I have just highlighted that. When the ordinance -- if -- if you move this topic to the October 17th hearing basically that's going to get removed out of this table, so it's -- there will be no changes to that section of the code until we want to change it. So, all I'm -- all I'm trying to graphically represent is that it needs to be out -- removed from this table, because we are not moving forward with that change. So, nothing's coming out of code. The code is going to be the code. All I'm showing is that we just need to remove the change. Yeah. It would be F, though, essentially. We are not moving forward with that change to F at this time.

Borton: The remainder of the yellow would proceed.

Parson: That -- that -- that's currently in code and that's existing code now, so it would stay intact. Correct.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, it sounds like October 17th you checked and that's a good date where you feel like you will have substantive feedback and we will continue the conversation then, the recommendation regarding that specific item 3-A-3?

Parsons: Mayor, Members of the Council, Council Woman Strader, the clerk has been coordinating with both Fire Department and Planning and we have -- we have set aside October 17th would work for both parties to have that discussion.

Strader: Yeah. I think it sounds like it may be more involved discussion, so I would be supportive of that. Thank you.

Simison: Council, anything else? Or what's your pleasure? Direction. Motion. No motion.

Borton: Mr. Mayor?

Simison: Council Borton.

Borton: Not a motion, but I will explain and question for Bill. It's not -- I guess for today, but the third paragraph up on all of these -- anytime there is -- there is a section of code where it speaks to the director's discretion using your professional judgment, that second sentence says shall. Love the word may. Right? Giving you the ability, but not the obligation to make that approval. Take it that word is not part of this edit, but that's what prompted me to ask the -- if that said may that would be a much better paragraph.

Parsons: So, Mayor, Council, there is a lot of shalls in the code. Yeah. And that's -- you are correct, it's not -- it's not part of the change at this time.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just looking around, if anyone has more discussion, but I'm happy to --

Simison: Mr. Clerk, do we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present who would like to provide testimony on this item, either in person or online? There is nobody online, so that would be impractical. Seeing no one come forward who is here would like to provide testimony this evening, Council Woman Strader.

Strader: Mr. Mayor, I would move that we close the public hearing.

Overton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, I move to approve File No. ZOA-2023-0001 as presented in the staff report for today's hearing date with the modification that we will remove all of the changes related to UDC-11-2B-3A.3 for further discussion.

Overton: Second.

Simison: Have a motion and a second to approve it, minus 11-2B-3A.3. Is there further -- is there discussion on the motion? If not, Clerk will call the roll.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, absent; Perreault, yea; Strader, yea; Overton, yea.

Simison: All ayes. Motion carries. The item is agreed to. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

3. **Ordinance No. 23-2023 (Third Reading): An ordinance in accordance with Idaho Code sections 50-328, 50-329 and 50-329A granting a franchise to Idaho Power Company, a corporation, and to its successors and assigns, to construct, maintain and operate in and upon the present and future streets, highways and other public places within the corporate limits of the City of Meridian, Idaho, electric utility property and facilities for supplying electricity and electric service to the City, the inhabitants thereof, and others for a term of 10 years, including the nonexclusive right to physically locate and maintain telephone, cable, fiber optics or other communications facilities; setting forth an agreement not to compete, but reserving the power of eminent domain; providing for the payment of franchise fees; specifying other limitations, terms and conditions governing the exercise of said franchise; and establishing an effective date of November 1, 2023.**

Simison: With that we will move on to Item 3, which is Ordinance and item -- first item up is Ordinance No. 23-2023. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an Ordinance in accordance with Idaho Code Sections 50-328, 50-329 and 50-329A, granting a franchise to Idaho Power Company, a corporation, and to its successors and assigns, to construct, maintain and operate in and upon the present and future streets, highways and other public places within the corporate limits of the City of Meridian, Idaho, electric utility property and facilities for supplying electricity and electric service to the City, the inhabitants thereof, and others for a term of ten years, including the nonexclusive right to physically locate and maintain telephone, cable, fiber optics or other communications facilities; setting forth an agreement not to compete, but reserving the power of eminent domain; providing for the payment of franchise fees; specifying other limitations, terms and conditions governing the exercise of said franchise; and establishing an effective date of November 1, 2023.

Simison: Thank you. Council, you have heard this ordinance read for the third time. Is there anybody that would like it read in its entirety? If not, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Apologize for my voice. I move that we approve Ordinance No. 23-2023.

Overton: Second.

Simison: Have a motion and a second to approve Ordinance No. 23-2023. Is there any discussion? If not, Clerk will call the roll.

Roll Call: Hoaglund, yea; Borton, yea; Cavener, absent; Perreault, yea; Strader, yea; Overton, yea.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Or a motion to adjourn?

Hoaglund: Mr. Mayor, I move we adjourn.

Simison: Motion to adjourn. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 6:19 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____	_____/_____/_____ DATE APPROVED
MAYOR ROBERT SIMISON	

ATTEST:

CHRIS JOHNSON - CITY CLERK