

A Meeting of the Meridian City Council was called to order at 6:01 p.m. Tuesday, April 11, 2023, by Mayor Robert Simison.

Members Present: Robert Simison, Brad Hoaglund, Luke Cavener, Jessica Perreault and John Overton.

Members Absent: Joe Borton and Liz Strader.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Mark Ford, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Liz Strader	<input type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglund	<input checked="" type="checkbox"/> John Overton
<input checked="" type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is April 11, 2023. It's 6:01 p.m. We will begin this 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 signed up under the community invocation.

ADOPTION OF AGENDA

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we adopt the agenda as published.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

1. **Approve the Minutes of the March 28, 2023 City Council Regular Meeting**
2. **Sherwin Williams Water Main Easement**
3. **Poiema Subdivision Water Main Easement**
4. **Poiema Subdivision Sanitary Sewer Easement No. 1**
5. **Final Plat for Friendship Subdivision (FP-2022-0001) by Centurion Engineers, Inc., generally located at 6168 Elk Ranch Ln.**
6. **Findings of Fact, Conclusions of Law for Rackham East Annexation and Rezone (H2022-0085) by Brighton Development, Inc., Annexation located at 1032 S. Silverstone Way, south of Interstate 84, northeast of Overland Rd. and Eagle Rd.
and Rezone located at 1074 S. Silverstone Way, south of Interstate 84, northeast of Overland Rd. and Eagle Rd.**
7. **Development Agreement (Kingstown Subdivision H-2022-0045) Between the City of Meridian and High Lakes LLC (Owner) and E5 Holdings LLC (Developer) for Property Located at 2610 E. Jasmine St.**

Simison: Next item up is the Consent Agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of the Consent Agenda and for the Mayor to sign and Clerk to attest.

Cavener: Second.

Simison: I have a motion and a second to approve the Consent Agenda. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the Consent Agenda is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There were no items removed from the Consent Agenda.

PROCLAMATIONS [Action Item]

8. Month of the Military Child Proclamation

Simison: So, we will move on with proclamations and the proclamation tonight is the month of the -- Month of the Military Child and if I could have those joining us -- Alyson with the Child and Youth Coordinator for the Idaho National Guard. Halle Allen, Avery McIrvine, Alexis Pittman, Sergeant Moore join me at the podium that would be great. So -- so, one of the things I don't like to do is steal your thunder by talking a lot about what we are here to do this evening. But we are here to celebrate the Month of the Military Child and on April 1st we did have the honor of welcoming a new business to Meridian, Skyhawk at Settler's Park on the 1st and it was great being a veteran and there to support our community and families and had some military family children there as well and so it was -- it was great from that standpoint. So, I will read the proclamation and, then, I will turn it all over to you to talk about this -- this month and what you are all focusing on. So, whereas April is the Month of the Military Child and is an opportunity to recognize military children for their courage, personal sacrifices and resilient spirit and whereas the strength of our Armed Forces comes not just from those who wear the uniform, but from their families who will also serve on behalf of our country and whereas military children continue to make significant contributions to family, community, as they endure prolonged and repeated absences of one or both parents and adjust to families moving on average every two to three years and changing schools and whereas these children and youth are a source of pride and honor to -- and honor to us all and it is only fitting that we take time to recognize their contributions and celebrate their spirit and whereas the Month of the Military Child will recognize the military children serve to -- and citizens of Meridian will be afforded the opportunity to don the color purple every Friday in April in support of these children. Therefore, I, Mayor Robert E. Simison, hereby proclaim April 2023 as month at the Military Child in the City of Meridian and encourage the residents of our community and communities across the country to observe the month for military kids and to wear or display purple on April 14th for purple up day to honor, support and thank military children, dated this 11th day of April 2023. So, thank you for being here and we are very honored and privileged to support you in this endeavor.

McIrvine: Thank you so much to the City of Meridian and our Mayor for recognizing this month as the Month of the Military Child. We are so proud of our military youth. They do not choose to serve or to sacrifice and yet they still do every single day. They don't choose on where they move, but they still bloom where they are planted. We are so proud of them as they grow into these beautiful people showing -- showing courageous and encouragement as they go through life. We are so proud of our military kids.

Thank you so much for recognizing Month of the Military Child and I hope you all have a great day. Thank you.

Simison: So, Council, I don't think you are going to see that same energy from the wrestlers next week from Meridian High School. They seem to -- they are a little bit more down, but that was some positive energy this evening.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Can next month be Month of the Parents of Military Children? That's a stressful role, too.

PUBLIC FORUM – Future Meeting Topics

Simison: Amen. All right. So, with that we will move into Public Forum. Mr. Clerk, did we have anyone sign up?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

9. Resolution No. 23-2382: A Resolution Establishing the Appointment of Vassil Ivanov to Seat 4, Crystal Paulson to Seat 7, and Brecken Bird to Seat 8 of the Meridian Arts Commission; and Providing an Effective Date

Simison: Okay. Then we will go on to Action Items. Our first Action Item up is Item 9, which is Resolution No. 23-2382, a resolution establishing the appointment of Vassil Ivanov to Seat 4, Crystal Paulson to Seat 7 and Brecken Bird to Seat 8 of the Meridian Arts Commission and providing an effective date. So, Council, as I always do, I sat down with our applications -- our applicants for this commission and was joined by the chair of the Arts Commission where we interviewed and found the three people that would help round out and fill the needs of the commission. We have artists. We have educators. We have youth in that regards. I don't know if -- how many of you have been over to unBound and have seen Vassil, but he's over there. You know, definitely brings a different perspective from -- coming from a larger city into our local community, but also chose our community because it wasn't a larger city, you know, in that regards for living here and, you know, wanting to get re-involved in the arts in this community as he has now established his career and Crystal, obviously, with her focus as an educator in the arts for kids. It's definitely a different unique aspect for -- that can help maybe a different -- different avenue for the exhibition. That's really -- to a certain extent you are looking for people that have skills, you are looking for people that have passion, you are not just looking for people who just want to go do the exact same thing the Arts Commission has always done either. You know, you want to bring people that have

their own unique elements that they can contribute to that factor. And, then, Brecken is really -- you know, she is a practicing artist. You know, that's really where she is living in that realm and, you know, the view of being able to display art, you know, some of those elements that come, you know, from the artist's perspective, whether it's what we do in Initial Point or what we need more of in the community, you know, from that focus. So, they all brought a very different aspect to what they can do to help the arts be fostered from the Arts Commission. So, I am excited to recommend these three individuals to serve in this role and capacity and I would be happy to answer any questions you may have.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I think these are some great appointments and help round out our Arts Commission and so, Mr. Mayor, I would move that we approve Resolution No. 23-2382 appointing Vassil Ivanov to Seat 4, Crystal Paulson to Seat 7 and Brecken Bird to Seat 8 of the Meridian Arts Commission.

Overton: Second.

Simison: Have a motion and a second. Do I have any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the resolution is agreed to. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 10. Public Hearing continued from March 28, 2023 for Newkirk Neighborhood (H-2022-0088) by Conger Group, located at 4250 W. Franklin Rd.**
 - A. Request: Annexation of 23.67 acres of land with a TN-R (Traditional Neighborhood Residential) zoning district.
 - B. Request: Preliminary Plat consisting of 63 building lots and 8 common/other lots on 21.11 acres of land in the TN-R zoning district.

Simison: Next item up is Item 10, which is a public hearing continued from March 28, 2023, for Newkirk Neighborhood, H-2022-0088. We will continue this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. Happy to be here tonight with you. As you recall, this -- this item was heard on March 28 and the Council actually requested the continuance to allow the applicant and staff to come back before you and address some of the concerns and come up with some appropriate conditions of

approval to go along with this project. During that last hearing there were a couple of major items that were discussed. One was how we were going to handle the removal of Zimmerman Lane, which is this flag lot here – or this little sliver of parcel that touches Franklin Road and runs north and south. How we are going to address the removal of that from both the annexation and the plat boundary and, then, second part of that was how was the ownership or conveyance of that property to the county parcels to the west and, then, the Council also spent some time on maintenance of the triangle -- triangle parcel that was supposed to be dedicated to Nampa-Meridian as part of maintenance of the Kennedy Lateral. I also had some questions from Council Woman Perreault this afternoon that I just want to provide some clarification as well and she had asked me about the alternative compliance requests for the common driveway that will occur with the final plat and I just -- I shared with her the reason -- typically the code does require no more than three units on a common driveway when it's on one -- one side of a common driveway and the fourth one should be opposite of that. But in this particular case the applicant is proposing all attached units along that boundary and so in keeping with the design theme as proposed by the applicant, we were supportive of them going through the alternative compliance process with the final plat to make sure that there is not just one single family detached home mixed in with the remainder of the attached units and that's where we are probably going to land on our recommendation of approval for that -- that alternative compliance request. But at least wanted to put that on the record as why we would more than likely be supporting that request with their final plat. You can see here the applicant did provide revised annexation boundary and a preliminary plat with the removal of that right -- that roadway essentially. The applicant will be providing you an update on the progress that they have had made in the last couple of weeks. But I think the biggest lift that we made and the applicant's in agreement with is the specific condition of approval that I have on the slide in front of you and that's the -- that's the DA provision or the requirement for the conveyance of the right of way and the timing for that to occur and as you -- as you recall we spent quite a bit of time on that and so, again, staff's recommendation before City Council tonight is that we do not record the annexation or execute the development agreement until that property boundary adjustment is done. So, we can go ahead and approve the findings, let them continue to work through the county's process. Once we -- once they have proved up that the county has approved that property boundary adjustment, we will make sure that the ordinance and the recorded development agreement is on your agenda for approval and that will conclude the annexation and the new boundary of the plat and remove Zimmerman Lane and that will allow the applicant to work with the three adjacent property owners to convey ownership of Zimmerman Lane and, then, prior to signature on the first phase of a final plat the applicant will demonstrate that they have completed that and we feel like that's a good compromise. I have worked with the applicant, also worked with the city's attorney's office and we feel comfortable with this language tonight. Again, the applicant will -- the applicant also met with Nampa-Meridian Irrigation District and they have informed them that they do not want the triangular -- triangle property as I previously discussed or disclosed at the last hearing. So, essentially, staff is recommending that you strike DA provision 1-C as it is no longer relevant. But staff would recommend that you add a new condition of approval that the -- the amended plat or whatever phase -- second phase of the final plat, the applicant

would include that as a common lot and it's to be owned and maintained in -- for owners association, which is consistent with the UDC. Again, those were the outstanding issues. Staff's new condition that is mentioned to and the one presented to you tonight on the screen is what we are recommending for changes and I'm happy to stand for any questions you may have.

Simison: Thank you, Bill. Council, questions for staff? Okay. Thank you very much. Would the applicant like to come forward and make any comments?

Clark: Mr. Mayor, Members of the Council, good to see everybody. Hethe Clark. 251 East Front Street in Boise, representing the applicant, and I will be quick, but, you know, essentially, what we are trying to do tonight is to just kind of give you an update from what we discussed a couple of weeks ago. So, as mentioned before, just to kind of make sure everybody's back up to speed, you know, this is a project we feel strongly meets the goals of the Ten Mile Plan. We worked through all of these odd -- oddities and challenges of the site. We are providing the mid mile collector, which is very important for the area, because it unlocks the traffic solutions that are needed in that area. We have the 35 percent open space, but still hit the density targets and we have got a variety of housing types, including the alley loaded that has been discussed at the last hearing and, again, we are in agreement with Planning and Zoning's recommendation and staff's conditions. So, just to kind of bring you up to speed on the items that we talked about two weeks ago, as Bill mentioned we have been in touch about the condition regarding Zimmerman Lane and the land transfer and we are in agreement with that language. With regard to the Zimmerman Lane transfer -- the transfer is actually going to happen. We have had additional conversations with all three of the property owners that will be receiving property. We have prepared an LOI with each of them. Two of them have signed. The third one it's out at the attorney's office for review and you know how attorneys are. The next piece, just to confirm Bill's points on the triangle parcel, we discussed that with Nampa-Meridian, they don't want the -- we are fine with calling that a common area. That's what it should be if it's not going to go to a third party and we did discuss with them maintenance. There is not going to be an issue with allowing for maintenance of that. To -- Council Member Borton asked a question about whether we would reach out to the apartment complex that's to the east of us to talk about maybe some sort of joint maintenance. We have sent a certified letter to the owner. We will -- we will track that one down. In some ways that makes a lot of sense, so -- and, then, finally, as Bill mentioned, we have at staff's request provided the updated annexation legal, the updated preliminary plat documents and, then, Bill and I discussed Condition 1-C today and agreed that it made sense to remove that and, then, replace it with the common area requirement. So, with that I think that we are all on the same page with staff. We have -- you know, we are, again, in agreement with the Planning and Zoning recommendation. I'm happy to answer any -- any final questions, but I think we have done all of our homework so far.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Hethe, I didn't see the annexation legal and revised preliminary plat in our packet. So, is that something that was sent just today or the last couple of days and has staff had time to -- had time to review it?

Clark: I will let Bill answer that one.

Parsons: Yeah. Mayor, Council, after the hearing I asked the applicant to submit that just in -- because we were anticipating some findings being adopted on the same hearing night as 3/28 and so that didn't happen. So, no, I did not want to get that forwarded or looked at until we had this discussion tonight. So, I have had a chance to look at it. It is consistent with what we have talked about at both hearings, but I just wanted to make sure that before we put too much out into the public record that you guys were comfortable with him moving forward with that being removed and, of course, the findings and the record will reflect those revised documents if that's your desire to take action on this tonight.

Simison: Okay. Any additional questions? Thank you, Hethe. I wouldn't go far or don't -- we don't have anybody online. Is there anybody in the audience that would like to provide testimony on this item? No one is jumping up. Does the applicant waive any final comments? Okay. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we close the public hearing for Newkirk -- Newkirk Neighborhood, H-2022-0088.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I will make a motion. I don't see anyone that's jumping to speak, so after considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0088 as presented in the staff report for the hearing date of April 11, 2023,

deleting Condition 1-C from the staff report, which requires the conveyance of irrigation district property.

Overton: Second.

Simison: Have a motion and a second. Is there discussion?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Bill, is that sufficient? Do we need to add the – the part two to that -- add a new condition that the lot be added as a common lot and owned and maintained by the owners association in accordance with our city code?

Parsons: Yes, please. And that doesn't necessarily need to be in the development agreement. It can be just part of the – the plat and landscape plan conditions.

Perreault: First agrees.

Overton: Second agrees.

Simison: First and second agree. Is there further discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: It's not something I think needs to be included in the motion, but maybe a request for you to have staff reach out to the highway district. I do have some concerns, you know, as -- as Aviator gets punched through we are going to create a challenge both for the school and, frankly, for these future residents of parents leaving the school going through their neighborhood at high speed. So, I think we, as a Council, discussed accelerating Black Cat improvements as part of our previous conversation around ACHD improvements. I just think maybe a request to them that in light of this development we may want to have them even start looking at that even sooner.

Simison: Any additional comments? Then Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ORDINANCES [Action Item]

- 11. Ordinance No. 23-2014: An ordinance (Kingstown Subdivision H-2022-0045) annexing all of Lot 4, Block 1, Jasmin Acres Subdivision as filed in Book 59 of Plats at Pages 5829 and 5830, records of Ada County, Idaho, located in the northeast quarter of the southeast quarter and the northwest quarter of the southeast quarter of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described in Exhibit "A," rezoning 8.20 acres of such real property from RUT (Rural-Urban Transition) Zoning to R-8 (Medium Density Residential) Zoning District; directing city staff to alter all use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.**

Simison: With that we will move on to Item 11, ordinances, which is Ordinance No. 23-2014. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to Kingstown Subdivision, H-2022-0045, annexing all of Lot 4, Block 1, Jasmin Acres Subdivision as filed in Book 59 of Plats at Pages 5829 and 5830, records of Ada County, Idaho, located in the northeast quarter of the southeast quarter of the northwest quarter of the southeast quarter of Section 32, Township 4 North, Range 1 East, Boise meridian, Ada county, Idaho, more particularly described in Exhibit "A," rezoning 8.20 acres of such real property from RUT (Rural-Urban Transition) Zoning to R-8 (Medium Density Residential) Zoning District; directing city staff to alter all use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

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

Cavener: Mr. Mayor?

Simison: Councilman Hoaglund – or Councilman Cavener.

Cavener: Move we approve Ordinance 23-2014 with suspension of rules.

Perreault: Second.

Simison: Have a motion and a second to approve the ordinance under suspension of the rules. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the ordinance is agreed to. Thank you.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Or do I have 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: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 6:24 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK