

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, April 23, 2024, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Liz Strader, John Overton, Anne Little Roberts and Doug Taylor.

Members Absent: Liz Strader.

ROLL-CALL ATTENDANCE

_____	Liz Strader	_____	(Vacant)
<u> X </u>	Anne Little Roberts	<u> X </u>	John Overton
<u> X </u>	Doug Taylor	<u> X </u>	Luke Cavener
<u> X </u>	Mayor Robert E. Simison		

Simison: Council, we will call the meeting to order. For the record it is April 23, 2024, at 6:00 p.m. We will begin today's Meridian City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next if you would, please, all rise and join us in the Pledge of Allegiance.

(Pledge of Allegiance recited.)

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: If I could I would like to take a short bit of time to recognize the events of this past week.

Simison: You are recognized.

Overton: Most people don't realize of the loss of an Ada county deputy. Strong roots in our community. The deputy worked for our agency for a year and a half and just recently gone over to Ada county and for those in the room that don't know, it's been over 27 years since our department had to attend several weeks funerals. More of them are close to our city. The second deputy that was seriously injured in a car crash also came from our city and she worked for us for three and a half years. What that and what I'm telling you is although this is a terrific and tremendous tragic event for Ada county, it has hit our department very very hard. I have talked to several officers over the past few days and it's -- it's a feeling I have a hard time putting words to. It's truly like losing a member of your family. The police funeral that's coming up next week, as any first responder funeral, is one of the hardest things you can ever go to. It tears at

the very fabric of who we are. With the City of Meridian we want to make sure we recognize how this occurred. What a senseless act of cowardice and violence it was against a great officer, a young man in his prime. We need to make sure that we understand that and support our officers, our firefighters, all of our first responders and that they know it's not just us having our thoughts and prayers, because sometimes those words just feel inadequate for the moment, but it's not just our thoughts and prayers, it's our full support for what they do and understanding that sometimes we forget about the honor, respect, the service and the sacrifice they bring to the job 24 hours a day, seven days a week, to protect our community. For the City of Meridian we want to recognize what Ada county is going through and what Meridian Police Department and the City of Meridian is going through. We understand that it's a tragedy and we wish the best for the families, Deputy Tobin Bolter and Deputy Dallas Denney as she recovers during this very tough time. Please join me in a short moment of silence. Thank you.

COMMUNITY INVOCATION

Simison: Thank you, Councilman Overton. We appreciate your words and comments on behalf of the elected officials, but also to go to our employees at the city as well. So, with that we will move on to our community invocation. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. And, Pastor Drake, we appreciate you being here and we know that you were informed about this, so I'm sure your comments will help us all tonight.

Drake: Mr. Mayor, Councilman Overton. Lord God in Heaven, I was just reminded that the Apostle Peter said to cast our cares upon you, because you care for us and it's something that we can certainly do right now. Certainly on behalf of the -- all of the officers that have been affected and -- and our fallen friends, family and close friends and, God, our heart just pours out to them and so we just ask, God, that you would comfort them like nobody else can. Give them peace and help us to remember the sacrifice that's been made and -- and, God, I just also lift up all of the other first responders and ask for protection for them. Lord, they rush into harm's way for us all the time and we -- and we desperately need that and appreciate it, but I just pray, God, that you would keep them safe tonight and every night, so that they can -- we can avoid another tragedy like this in the future and we do just pray for peace in our city, God, that those who would seek to cause harm that, God, I know that you -- you allow people to choose their way, but I just pray, God, that you would influence folks in our community to not cause damage to other individuals and -- and that they would get help as they need it and people would intervene and so we just -- we just pray, God, we do just cast our cares on you, a big care of ours, and that you would help us and -- and, lastly, but not least, God, I just pray for the Council meeting tonight, the -- the wisdom of our Mayor and the Council Members, God, that you would bless them and give them an extra measure of grace as they seek to make decisions for our city and do the best for us and so we just ask that you would bless them like nobody else can, God, and do what no man can do and so we just appreciate you so much and it's in your name we pray, amen. Thank you.

ADOPTION OF AGENDA

Simison: Thank you. With that next item up is adoption of the agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we adopt the agenda as presented.

Overton: Second.

Simison: Have a motion and a second to adopt the agenda. 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: FOUR AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the April 9, 2024 City Council Work Session.**
- 2. Approve Minutes of the April 9, 2024 City Council Regular Meeting.**
- 3. Movado Village Subdivision Sanitary Sewer and Water Main Easement No. 1 (ESMT-2024-0035)**
- 4. Final Plat for Foxcroft Subdivision No. 3 (FP-2023-0032), by Kent Brown Planning Services, located at 3720 W. Pine Ave. (Phase 3)**
- 5. Final Plat for Hadler Subdivision No. 1 (FP-2024-0002) by Ben Thomas, Civil Innovations, PLLC., located at 7200 S. Locust Grove Rd.**
- 6. Findings of Fact, Conclusions of Law for Keep West Subdivision No. 2 (H-2023-0047) by Jarron Langston, located at 2625 E. Lake Hazel Rd. and 6519 S. Raap Ranch Ln.**
- 7. Approval of Construction Contract to Treasure Valley Drilling, LLC for Construction of Production Well #34 project for the Not-To-Exceed amount of \$977,670.00**
- 8. Landscape Maintenance Services Amendment No.9 to Lawn Co. for Landscape Maintenance Services for Fiscal Year 2024 services for the Not-to-Exceed amount of \$259,200.00**

9. **License Agreement between Nampa Meridian Irrigation District and the City of Meridian for multi-use pathway along the Tenmile Sub Drain at Foxcroft Subdivision**
10. **Equipment agreement to ECB Solutions, LLC for the Not-to-Exceed amount of \$445,000.00 for five (5) Power Transformers at Wastewater Resource Recovery Facility**
11. **Resolution No. 24-2448: A resolution vacating the five foot (5') public utilities, pressurized irrigation, and drainage easement located along the interior side lot line of Lots 11 and 12, Block 7 of The Oaks North No. 1 Subdivision, being more particularly described in Exhibit "A"; and providing an effective date.**
12. **Resolution No. 24-2449: A Resolution of the Mayor and the City Council of the City of Meridian Approving City Council President's Appointments of City Council Members to Serve as Department Liaisons; and Providing an Effective Date**

Simison: Next up is the Consent Agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve the Consent Agenda as presented. For the Mayor to sign and the Clerk to attest.

Overton: Second.

Simison: 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. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

PUBLIC FORUM – Future Meeting Topics

Simison: So. Madam Clerk, anyone signed up under public forum?

Lomeli: Mr. Chair, no one has signed up.

PROCLAMATIONS [Action Item]

13. Idaho Gives Week Proclamation

Simison: Okay. Then with that we will move on to our -- our two proclamations this evening. First one is Idaho Gives Week Proclamation. If I could have Kevin and anybody else from his team join me at the podium, please. Idaho Gives Week is coming up right around the corner. I know I have been asked to do a couple things that I have been really fortunate to do and we are happy to have a proclamation this evening to help support the efforts of the needs here in Idaho and so I will go into the presentation and turn it over to you for some words regarding that. Whereas nonprofit organizations help build and sustain healthy communities in our state and enhance the quality of life for Idahoans and for others throughout the country and the world and whereas over 7,000 charitable nonprofit organizations based in Idaho contributed significantly to the economy by providing services to our communities, employing over 67,000 Idahoans and providing total revenue of over 8.5 billion. Whereas nonprofit organizations often fulfill their missions by advocating on behalf of those who cannot advocate for themselves and whereas Idaho nonprofit leaders often are entrepreneurs, create new solutions to problems and fill previously unmet needs in the areas of health, recreation, education, research, arts, social services and more and whereas Idaho Gives Week serves as a time for Idahoans to join together with one voice on one day to contribute to and amplify the efforts of Idaho nonprofits. Therefore, I, Mayor Robert E. Simison, do hereby proclaim April 29th through May 2nd, 2024, as Idaho Gives Week in the City of Meridian and encourage all citizens and residents to continue to recognize and support the many nonprofit organizations that help in our community, dated this 23rd day of April 2024. Kevin, thank you.

Bailey: Yeah. Thank you very much. Idaho Gives Week -- this is the 12th year of Idaho Gives and collectively over those 12 -- last 11 years we have raised \$23.6 million for nonprofits across the state. So, we will cross that 25 million dollar mark this year. In our office we like to say Idaho runs on nonprofits. So, our communities, the services, the things that make our communities great places to live is largely because of nonprofits and nonprofits like the WCA, which is here at this meeting, to nonprofits that deliver meals to the hungry, to the arts and culture, to the conservation and access to our great outdoors and the trails. So, it's a great celebration of nonprofits next week and we encourage folks to get out and support those causes they care about. So, thank you so much to the City of Meridian and thank you, Mayor.

14. Denim Day for Sexual Assault Awareness Month Proclamation

Simison: And as Kevin mentioned we do have one of those great nonprofits coming up next, so, Beatrice, if you and your team would like to come up and join. This is becoming one of our annual proclamations that we really enjoy doing. I know a lot of the city employees also love to participate in this upcoming day to recognize everything regarding -- regarding sexual assault in our community, even though it's an unfortunate topic, but one that we need to bring attention to. So, we are going to do a publication

and turn it over to you. Whereas the United States government has declared April as Sexual Assault Awareness Month and the Women and Children's Alliance has declared April 24th, 2024, as Denim Day and whereas both events are intended to draw attention to the fact that rape and sexual assault remains a serious issue in our society and whereas Sexual Assault Awareness Month and Denim Day were also instituted to call attention to misconceptions and misinformation about rape and sexual assault and the problem that many in society remain disturbingly uninformed with respect to issues of assault and forcible rape and whereas with proper education on the matter there is compelling evidence that we can successfully reduce incidents of this alarming and psychologically damaging crime and whereas the City of Meridian is an important partner in the Women and Children's Alliance efforts to educate our community about the true impact of rape and sexual assault, therefore, I'm, Mayor Robert E. Simison, do hereby proclaim April 24th, 2024, as Denim Day for Sexual Assault Awareness Month in the City of Meridian encourage all citizens to speak out against sexual assault and support local efforts to help provide help and healing to victims of these crimes, dated this 23rd day of April 2024.

Black: So, thank you so much, Mayor Simison, and we are so grateful for this opportunity to have this proclaimed as Denim Day and to have the engagement and involvement of so many of our community members wearing jeans. I also want to give our condolences and extend that to all of those in law enforcement, all our first responders. I think that two of the most difficult calls that are ever done our traffic stops and domestic violence and assault calls and so we are so incredibly grateful for the work that you all do every day. Wearing jeans can be really fun, especially if you typically have to wear a dress suit or a uniform. So, we find that it gets really good reception in schools and in law enforcement and other areas. I know our nurses in hospitals enjoy it as well and so it -- it's just a really good way to encourage and invite conversation about how come you get to wear jeans today. Why are you wearing jeans. The whole impetus is to try and encourage the conversation about how victim blaming can be so damaging and for those that don't know the reason for the jeans is that a sexual assault conviction got overturned because the Supreme Court of Italy decided that the young woman's jeans were so tight that she had to have help to take them off. Therefore, making the attack consensual and the Italian women in parliament were so outraged that they wore jeans. So, that was really the impetus for the start of why jeans and also why the highlight is on raising the awareness of how dangerous victim blaming can be. So, we encourage you to wear jeans. We encourage you to invite the conversation. You don't have to have the answers. You can send people to our website. You can send people to our hotline and we are so honored to be able to serve all those who come to us thanks to the generosity of our community and one of the ways is through Idaho Gives. So, this is a great partnership that just sort of serendipitously happened tonight. So, thank you, Mayor, and thank you, Council Members, for the support and all the years of helping us as we do this work.

ACTION ITEMS

15. Public Hearing to Consider the Purchase of Approximately 11.365 Acres of Real Property Owned by West Ada School District and Described as Lot 11, Block 25 of Cedar Springs Subdivision No. 3 for the Purchase Price of \$4,261,875.00

Simison: With that, Council, we will move on to our Action Items for this evening. First item up is Item 15, which is a public hearing to consider the purchase of approximately 11.63 -- 11.365 acres of real property owned by West Ada School District. We will open this public hearing with comments from Mr. Siddoway.

Siddoway: Thank you, Mayor, Members of Council. If you can bring up my brief PowerPoint. Thank you. Okay. Thank you. I just want to start off by saying I am incredibly pleased to be before you tonight. We are about to talk about -- many of you know that this has been many years in the making, searching for the right site for our future community center. So, tonight we are -- is the culmination of many years of searching and looking at alternate locations and we think we found the right site that is a true win-win for both us and the school district. The site is -- as was mentioned is 11.365 acres. It's immediately adjacent to Settlers Park on the west side. The purpose of the purchase would be for a variety of parks and recreation purposes, including parking, but the primary use is for this future community center that we have been looking for a home for -- to build on. This land is currently owned by the school district and it was originally acquired for them for an elementary school, but it is no longer needed for an elementary school in that location, although they do have needs for elementary schools elsewhere in our growing community. So, the win for them is that by us purchasing this property from them, not only does it give us a home for the community center that works well for us, it also gives them the ability to, then, reinvest those dollars in purchasing a property that they need for another school site elsewhere. I did watch the school district hearing last night and the purchase-sale agreement was unanimous -- unanimously approved by their board and I believe that this is a true win-win for both of us. So, there are three consecutive items on your agenda tonight and I will just briefly touch on each one. The first is the public hearing, which was just opened, for the property. The purchase price to be specific is 4,261,875 dollars, which amounts to 375,000 dollars per acre. It is a legal lot, Lot 11, Block 25, of Cedar Springs Sub No. 3 and so that's number one. Is it okay if I address these other two items, Mayor, or --

Simison: Go ahead.

Siddoway: So, the next item on your agenda will be the budget amendment of 4,272,130. The only reason that doesn't match is that includes the ten thousand dollars and change of closing costs that come with that and, then, the final agenda item is the Resolution No. 24-2446, which would, then, approve the purchase and sale agreement and authorize the Mayor to execute the closing documents. I do want to just quickly acknowledge -- we do have Kurt Starman here from the legal department. He has been attached to my hip through this whole thing. He is here tonight in case there are any legal questions about that. I also want to specifically acknowledge Jonathan Gillen and

Dr. Bub, who have been working with the school district for getting us here tonight. With that I will stand for any questions.

Simison: Thank you, Steve. Council, any questions?

Overton: Mr. Mayor.

Simison: Councilman Overton.

Overton: Steve, I'm so glad to see it finally come down to this. For all the locations we looked for, with a growing city, with so little land still available that meets the needs of what we needed as a city and for a long time we thought this wasn't going to work. Our first time when we talked to the school district -- I think even our second time when we talked to the school district they were not at the point of being prepared to part with this piece of land. I'm glad that we kept asking. It does look like the perfect location in the city and I'm pretty happy that this day has come that we can move forward on this parcel and see the dreams of that community center come here. Thank you.

Siddoway: Mayor, Council Members, and one of the reasons it works so well for us for our community center is that it is one that it's not isolated. It's attached to a wonderful park. So, for activities at the community center that have an indoor-outdoor-type function, whether it's a summer camp or something like that, it has the ability to do whatever activities are indoors and, then, move right into a park that it's connected to. So, love that possibility. Thank you.

Simison: Council, any additional questions for staff at this time? Okay. Thank you, Madam Clerk, do we have anybody signed up to provide testimony on this item?

Lomeli: Thank you, Mr. Mayor. No one has signed up.

Simison: Is there anybody present that would like to provide testimony on this item or anybody online who would like to provide testimony? I see no one coming forward or -- two staff online raising their hands. Have a motion to close the public hearing.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I would move that we close the public hearing on considering the purchase of approximately 11.365 acres of real property owned by West Ada School District.

Cavener: Second.

Simison: Have a motion and a second to close the 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. ONE ABSENT.

16. Fiscal Year 2024 Budget Amendment in the Amount of \$4,272,130.00 for the Purchase of Property Described as Lot 11, Block 25 of Cedar Springs Subdivision No. 3 (N. Venable Ln.)

Simison: Next item up is Item 16, which is the fiscal year 2024 budget amendment in the amount of 4,272,130 dollars.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I move that we approve the fiscal year 2024 budget amendment in the amount of 4,272,230 dollars for the purchase of property described as Lot 11, Block 25, of Cedar Springs Subdivision No. 3, North Venable Lane.

Cavener: Second.

Simison: Have a motion and a second to approve Item 16 as so thoroughly described. Is there discussion on the motion? If not, clerk will call the roll.

Roll Call: Cavener, yea; Strader, absent; Overton, yea; Little Roberts, yea; Taylor, yea.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

17. Resolution No. 24-2446: A Resolution Approving that Certain Purchase and Sale Agreement Between the City of Meridian and Joint School District No. 2 dba West Ada School District Concerning the City's Acquisition of Lot 11, Block 25 of Cedar Springs Subdivision No. 3; Authorizing the Mayor to Execute Said Purchase and Sale Agreement, Authorizing the Mayor to Execute All Other Documents and Perform All Other Acts Reasonably Necessary to Effectuate the Purchase of Lot 11, Block 25 of Cedar Springs Subdivision No. 3; and Providing an Effective Date

Simison: Next item up is Resolution No. 24-2446. Do we need to ask the clerk to read this resolution, Mr. Nary? Okay. All right. Then do I have a motion?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Be briefer this time. I move that we approve Resolution No. 24-2446.

Cavener: Second.

Simison: Have a motion and a second to approve Resolution No. 24-2446. Is there any discussion?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick before we vote. I think there is a couple of big appreciations that are in order and certainly I think our Parks director and our Park staff for working so diligently on this project. But I also think it's equally important that we thank the school district again for their great partnership, not just with the purchase of this project, but for 15 years West Ada has lent us that dirt for auxiliary parking for Meridian Youth Baseball and other activities. That didn't happen by accident. That's both really two separate taxing agencies really representing our community and trying to do what's best for Meridian and so I just think it's important we also thank West Ada for their past partnership and for -- hopefully for future partnerships yet to come.

Simison: Excellent. Council, any additional questions or comments? If not clerk will call the roll.

Roll Call: Cavener, yea; Strader, absent; Overton, yea; Little Roberts, yea; Taylor, yea.

Simison: All ayes. Motion carries and the item is agreed to. Thank you very much, Mr. Siddoway, Kurt, for all your work. Appreciate it very much and look forward to next steps.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

18. Public Hearing for Shamrock Foods Easement Vacation (H-2024-0003) by Kristen McNeill, Givens Pursley, LLP., located at 1495 N. Hickory Ave.

- A. Request: Vacation to vacate the ten-foot (10') irrigation easement along the west side of the property boundary of Lots 4 and 5, Block 2 of the Treasure Valley Business Center - Phase 1 Subdivision.

Simison: With that we will move on to Item 18, which is a public hearing for Shamrock Foods Easement Vacation, H-2024-0003. We will open this public hearing with staff comments.

Ritter: Good evening -- good evening, Mayor and Council. Linda Ritter, associate planner. So, tonight we are here for an easement vacation, H-2024-0003. The site consists of 15.16 acres of land and it's zoned I-L and it's located at 1495 North Hickory Avenue and the request is to vacate ten feet -- a ten foot irrigation easement located

along the west side of the property boundary of Lots 4 and 5, Blocks 2 -- Block 2, of the Treasure Valley Business Center Phase One Subdivision. The property went through a boundary line adjustment PBA-2023-0010 to consolidate Lots 4 and 5, Block 2, of Treasure Valley Business Center Phase One Subdivision and Lot 1 of the Pleasant Valley Subdivision to the west. The consolidation of the lots created the need for the irrigation easement to be relocated from its current location to construct the proposed addition. The easement will be relocated to the west side of the consolidated properties. No other utilities exist in this easement and so staff is asking the Council to approve the proposed easement vacation and at this time I would welcome any questions from Council.

Simison: Thank you, Linda. Council, any questions for staff? Is the applicant here? Good evening.

Strollo: Good evening. My name is Danielle Strollo. My address for the record is 601 West Bannock Street and I'm mostly here to introduce myself and say if you have any questions I'm happy to entertain them, but we ask that you approve the vacation this evening. Thank you.

Simison: Thank you. Council, any questions for the applicant? Perfect. Madam Clerk, anyone signed up on this item?

Lomeli: Mr. Mayor, no one has signed up.

Simison: Okay. Is there anybody present who would like to provide testimony on this item? Or online? Seeing no one coming forward or using the raise your hand feature -- does the applicant have any final comments or do you waive final comments? Comments are waived. Okay. Council, what's your direction and desire? Councilman Cavener.

Cavener: I move we close the public hearing on Item 18, easement vacation, H-2024-0003.

Little Roberts: Second.

Simison: Have a motion and a second to close the 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. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Pretty simple request. No reason to slow this down. So, I move that we approve the Shamrock Foods Easement Vacation, application H-20243-0003 as presented and include all staff and the limited applicant testimony.

Little Roberts: Second.

Simison: Have a motion and a second to approve Item 18. Is there any discussion? If not, clerk will call the roll.

Roll Call: Cavener, yea; Strader, absent; Overton, yea; Little Roberts, yea; Taylor, yea.

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

MOTION CARRIED: FOUR AYES. ONE ABSENT.

19. Public Hearing for Taylor Annexation (H-2023-0062) by Robert Taylor, located at 3840 E. Overland Rd.

- A. Request: Annexation of 1.01 acres of land with an R-2 (Low-Density Residential) zoning district for the purpose of connecting to City utilities.

Simison: Next item up is Item 19, which is a public hearing for Taylor Annexation, H-2023-0062. We will open this public hearing with staff comments.

Hersh: Good evening, Mayor, Members of the Council. The applicant has submitted an application for annexation and zoning. The site consists of 1.01 acres of land currently zoned R1 in Ada county, located at 340 East Overland Road. History on the property is none. The Comprehensive FLUM designation is mixed use regional. The applicant proposes to annex a 1.01 acre parcel, including the adjacent right of way to the section line of East Overland Road with an R-2 zoning district. A legal description and exhibit map for the annexation area is included with the application. This property is within the city's area of impact boundary. The reason for the annexation is the water table for the existing well on the single family residential property failed late last year and the applicant had to hook up to city water and sewer service. No new development or redevelopment of the property is proposed at this time and this use will remain residential for the foreseeable future. The applicant entered into an agreement with the city for extension of domestic water and sewer service outside Meridian city limits for the subject property. This agreement allowed the property to hook up to city water and sanitary sewer service with disconnection from the private well and septic system. A provision of the agreement requires the property owner to apply for annexation of the property into the city as proposed with this application. So, this application is, essentially, a formality. The customer's already connected to city services. And due to the presence of an existing home on this property with the intention to maintain its residential use, an R-2 zoning district requested as a placeholder zoning district until the property redeveloped in the future. Opting for a zoning district within the mixed use

regional designation would recreate a nonconforming use. For example, a single family residential dwelling on an acre is not a permitted use in the commercial zoning district and it fails to meet density requirements for an R-15 or R-40 zoning district, which is not preferred. Prior to redevelopment a rezone should be requested and a development agreement proposed consistent with the commercial FLUM designation. Single detached family dwellings are listed as a principally permitted use in the R-2 zoning district. To ensure future development is consistent with the Comprehensive Plan and land use desired for this property, staff recommends a development agreement as a provision of the annexation, which requires the property to be rezoned and the agreement modified to include a conceptual development plan prior to any change in use and/or development of the property. Access to this property is currently from East Overland Road. With future development of the property access to via East Overland Road and interconnectivity with adjacent properties will be evaluated in accordance with the provisions in the UDC. Commission recommendation was approval. In favor at the commission public hearing is Robert Taylor, the owner. In opposition was none. Commenting is none. Written testimony is none. Key issues were none. Key issues of discussion from Commission were none. Commission changes to staff's recommendation were none. Outstanding issues for City Council are none and written testimony since the Commission hearing is none. And this concludes staff's presentation and I stand for any questions.

Seal: Thank you, Stacy. Council, any questions for staff? Okay. Would the applicant like to make any comments? The applicant is here and waives any -- any comments. Madam Clerk, anyone signed up to provide testimony?

Lomeli: Thank you, Mr. Mayor. No one has signed up.

Simison: No one has signed up and no one else is in the room. Anybody online want to provide testimony? Seeing none, Council, what's your direction?

Cavener: Mr. Mayor?

Simison: Oh, wait. The applicant waives any final comments? The applicant waives any final comments. Councilman Cavener.

Cavener: Stacy, thanks for this. We normally don't have an applicant who makes -- doesn't want to make any comments. I completely understand. It's a pretty cut and dry application. I just want to make sure. You have kind of walked the applicant through the redevelopment -- can't redevelop, can't do anything without coming back through for a rezone and all that and applicant was all in agreement with all that I assume?

Hersh: Mr. Mayor, Commissioners -- or Council Member Cavener, yes. So, the applicant understands what the conditions are going to be in the development agreement.

Cavener: Thank you. Appreciate the promotion to commission. That's --

Hersh: Sorry.

Cavener: Mr. Mayor, with no additional public hearing -- or public testimony needed, I move we close the public hearing on Item 19.

Little Roberts: Second.

Simison: Have a motion and a second to close the public hearing on Item 18. Is there any discussion? If not all in favor signify by saying aye? Opposed nay? The ayes have it. The public hearing is closed.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve application H-2023-0062 as presented.

Little Roberts: Second.

Simison: Have a motion and a second to approve H-20230062. Is there discussion? If not, Clerk will call the roll.

Roll Call: Cavener, yea; Strader, absent; Overton, yea; Little Roberts, yea; Taylor, yea.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: With that, Council, anything under future meeting topics? Or a motion to adjourn. Councilman Cavener.

Cavener: Move to 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. ONE ABSENT.

MEETING ADJOURNED AT 6:36 P. M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ DATE APPROVED
ATTEST:	

CHRIS JOHNSON - CITY CLERK