

Meridian City Council Work Session

September 26, 2023.

A Meeting of the Meridian City Council was called to order at 4:32 p.m. Tuesday, September 26, 2023, by Mayor Robert Simison.

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

Other Present: Chris Johnson, Bill Nary, Emily Kane, 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 26, 2023, at 4:32 p.m. We will begin this afternoon's work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next up is adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: We do have changes on our agenda for this evening. Under Executive Session we will not be needing 74-206(1)(d) or (1)(e). We will keep (1)(f) for our Executive Session. So, Mr. Mayor, I move adoption of the agenda as amended.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA

- 1. Approve Minutes of the September 12, 2023 City Council Work Session**

- 2. Approve Minutes of the September 12, 2023 City Council Regular Meeting**
- 3. Collective Labor Agreement Between the City of Meridian and the Meridian Fire Fighters I.A.F.F. Local 4627**
- 4. Amended Emergency Joint Powers Agreement between Ada County, Ada County Highway District, City of Boise, City of Eagle, City of Garden City, City of Kuna, City of Meridian, and City of Star**
- 5. Fiscal Year 2024 Renewal Agreement Between Ada County Emergency Medical Services District and City of Meridian**
- 6. Resolution No. 23-2049: A resolution establishing the reappointment of Hannah Scoville to Seat 9 of the Meridian Arts Commission; James Leckie to Seat 8 of the Meridian Solid Waste Advisory Commission; Hoyoon Song to Seat 4 of the Meridian Transportation Commission; Elle Hood to Seat 9 of the Parks and Recreation Commission; and John Keller to Seat 6 the Meridian Historic Preservation Commission; and providing an effective date**
- 7. Resolution No. 23-2050: A resolution establishing the reappointment of John Nesmith to Seat 3 of the Meridian Parks and Recreation Commission; and providing an effective date**
- 8. Resolution No. 23-2051: A resolution establishing the reappointment of Patrick Gittings to Seat 3 and Debra Pitts to Seat 4 of the Meridian Historic Preservation Commission; and providing an effective date**
- 9. Resolution No. 23-2052: A resolution establishing the reappointment of Scott Walters to Seat 1 of the Meridian Solid Waste Advisory Commission; and providing an effective date**
- 10. Resolution No. 23-2053: A resolution reappointing Jon Wardle to Seat 3 of the Meridian Impact Fee Advisory Committee; and providing an effective date**

Simison: First up is the Consent Agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we approve the Consent Agenda, for the Mayor to sign and Clerk to attest.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

DEPARTMENT / COMMISSION REPORTS [Action Item]

11. Proposed Updates to Title 5, Meridian City Code (Fire Regulations) and Proposed Updates to Title 3, Chapter 1, Meridian City Code (General Licensing and Permitting Provisions)

Simison: So, we will move on to Item 11, which is Department/Commission Reports, propose updates to Title 5, Meridian City Code, fire regulations and proposed updates to Title 3 Chapter 1, Meridian City Code, general licensing and permitting provisions. Turn this order Mrs. Kane.

Kane: Thank you, Mayor, Council Members. I'm Emily Kane, deputy city attorney. I'm continuing my march through the city code to streamline and update it and so I have for you today two -- two updates. The first -- two proposed updates. The first is to Title 3, Chapter 1, which is the beginning chapter of the licensing and permits title of our code. So, the -- it's pretty short. The changes that I recommend are mostly for uniformity and to eliminate some potential conflicts and outdated language. So, starting at the top -- and I will try to hit the highlights here. The -- the first section talks about -- I would suggest eliminating the provision that talks about the blanket misdemeanor penalty for all licensing and permitting violations, because that doesn't apply. It actually conflicts with some more specific provisions that we have in the code already. Moving on to page two of this proposed -- proposed update, this is where the uniformity comes in. So, this suggests having the same notice, the same appeal period, the same appeal process for all licensing issues. So, if a licensee or an applicant has an issue with the action of the city, then, this is the process that we would follow and that they would follow for every license in the -- in our -- that we administer in our code. So, that's the -- those are the highlights on that one. Is there any questions? All right.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One question, Emily. We had talked at one point of the prior appeals that sometimes we get an appeal where it's almost like a request for leniency and I saw the provision down below. I love the uniformity. It's helpful for everybody.

Kane: Uh-huh.

Borton: Maybe I missed it, but I don't think it addressed that issue where folks want to appeal the denial because their felony was X and have a good explanation for it. Are we still going to be allowing those to come to Council when our hands are tied and I feel bad having them present and, then, telling them there is nothing we can do.

Kane: Uh-huh. Mr. Mayor, Councilman Borton, so this -- this update does suggest language that says no person may appeal where the grounds for the -- the appeal are that they -- or the decision or that the applicant did not timely submit the application or the application materials or fees or just didn't submit a complete application. So, that would not be permissible grounds to appeal. The -- I know what you are talking about. That's a tricky issue, because the -- mistakes can be made, but you are right, there is really no -- there is no way for Council to grant leniency if the facts are what they are. So, we could -- we could add that in the -- in the sections where we talk about -- or where background checks are required and we do have disqualifying criminal history, we could make that part of the code for those sections.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It seems like it might be helpful for -- for the applicant as well to add it to what you just read, because --

Kane: Okay.

Borton: -- if I have got a disqualifying conviction I might have paid the fee, I might be timely, I might be complete, but I get denied. So, those -- those triggers don't prohibit an appeal, but if we added one that also said if your application identifies a disqualifying whatever --

Kane: Uh-huh. Okay.

Borton: -- to -- it is tough having us -- you know, they think they got a shot and we don't have the discretion, so if that would be appropriate to add in 3-1-5B.

Kane: Yes.

Nary: Mr. Mayor? Mr. Mayor?

Simison: Mr. Nary.

Nary: I was just going to ask it Emily -- you and I hadn't talked about this, but, you know, we only had this happen once; right? Where one person said he had it -- he had -- it had been vacated or something. I can't remember what he said. Or had a withheld or whatever it was. And we said just get the proof of that and we will deal with it. So, I don't know if there is a way you want to put language -- is there a way to put language in because in that particular one instance if he could have simply done that ahead of time with the lieutenant we would have granted it. So, again, the appeal was really unnecessary should it just follow through and I don't know if there is a better way in the application process to make that clearer, because I agree with you otherwise, it -- it feels frustrating to everybody to come here and there is nothing that Council could do to grant it, so -- but that was the only one I could think of was that one instance. And, again, if he didn't follow through before he came to the Council we would have granted it anyway.

Kane: Mr. Mayor, I agree and I would -- I would suggest along those lines that we have some kind of administrative appeal or just to double check, so that it's -- because there can be mistakes. It is rare, but sometimes it shows up and it's -- it -- someone else, mistaken identity, or it just somehow is a clerical issue. So, the stuff like that we don't need to disqualify that person, obviously, nor does Council need to handle that. That can be something we handle with -- by staff.

Borton: Add some language to add to that section.

Kane: I can do that. Thank you. Okay. Second proposed update I have for you is the -- is Title 5 and so this -- it started as a -- well, I won't give you the whole backstory, but the proposed plan is to move everything around. Title 5 is currently the fire regulations, but there is some information in there that really belongs in other sections or could appropriately be another section. So, what I'm proposing is part of a larger picture to make Title 6 a public safety -- public safety title, so that would be Police and Fire and other public safety issues. Title 5 could become the Parks code and, then, we could cut two titles off the end of our code and make it even -- make it shorter. Title 12 is currently -- has nothing in it. So, if we were to move Title 13 up we could shorten the tail and it would -- the whole thing would be shorter. So, this is all part of that kind of master plan. So, to that end I would suggest that we move the information about the Fire Department and the fire chief to Title 1, which covers officer appointments and directors -- department directors and talks about their respective departments and duties. Moving on to Chapter 3, clean air regulations, which is really about burning -- an open burning. I would suggest we move that to Title -- or Chapter 4, which is about public health. So, I would suggest that we move and renumber that. This was largely just kind of taking out some language that we don't use anymore and some -- that was duplicative. We don't issue burn permits at this -- at this time, so that -- that definition is not useful to us. There is some unnecessary language. On page four there -- it's adding a little information -- or adding one prohibition about burn bans or no burn days, which is what DEQ calls them, which would make it illegal to burn anything in the city during a burn ban. So, a lot of cities do have that and I would suggest that we add that. It also suggests that we change a violation of this code to an infraction, rather than a

misdemeanor. Moving on. So, page five, the fireworks code, it suggests that we move the fireworks code to Title 3, which is our licensing and permits, because it's the largely -- this section is largely about issuing permits to people selling fireworks, so -- and putting on firework shows. So, some of the effort here was to make the language of this code comport with the language in the Idaho Code and the International Fire Code. So, this definition of fireworks is the start of that. It mirrors the language in the state code, so that they -- they don't conflict and they dovetail for purposes of enforcement. A suggested addition is a definition of flame effects, which is kind of pyro technical shows. As Meridian grows we might see some of this and they are popular I think in clubs and occasionally -- so talking to Deputy Chief Bongiorno it -- it covers pyrotechnic displays, like fire -- fire dancers and other ways that people use fire to be entertaining. So, we are suggesting adding that to the regulations that apply to public fireworks displays. Skipping to the bottom of page seven -- oh, this is in addition to requiring a new permit for each sales period. Currently we allow people to apply for a permit to sell fireworks and it covers them for both summer and, then, winter. So, New Year's fireworks as well. But we recommend having two separate permits for that, so we can have two separate inspections and kind of just know that they are there is a large part of that. We would recommend -- I would recommend that we remove the provisions that require tax ID and Social Security number and driver's license number -- in part to not have that information, but also in this case we don't do background checks for fireworks stands or for public fireworks displays, so that's really unnecessary information anyway. We updated the provisions regarding site plans to conform to the Idaho -- or, sorry, the International Fire Code. The -- so Section B12 here on page eight, this is language that I worked with All American to update and I'm going to do that in each -- in each section, so that it's easier to -- it matches up with what we need to see and what best protects the city. Moving ahead. So, the bottom of page 13 I will point out to you that we updated the distances -- separation distances from the firework stand to different things that might be on the site to comply with the 2024 International Fire Code and at the bottom of page 17 one change is that we would recommend that we not allow the use of permanent buildings for fireworks storage. That's not safe. We don't know they are there we can't inspect that, so -- and it's also inconsistent with the way we regulate short-term storage containers and the storage of fireworks. I took out a provision that is already covered by Idaho Code. There is a fireworks code in -- in Idaho Code and it does address the liability of parents and guardians for their children's activities. So, at the bottom of page 21, at the top of page 22, this is the -- this is the inaugural reference to that section I had talked about earlier. It talks about denial procedure, appeal of denial and it just refers everyone back to that initial chapter, so that they are all -- they will all -- they are all the same and they will all be like that. And, finally, page 24, the Police Department requested that we use Idaho Code 39-2609 for our fireworks citations. It's just easier for them. It's already in their system. They are aware of that, rather than having to sift through city code. If it's necessary, if there is a provision that's not covered by that, then, we do have our own regulations, but those are the most common ones. So, I would recommend that we change that citation to reference that code section. I would also recommend that we make it a misdemeanor to violate our codes regarding storage of fireworks and public fireworks displays. Those are really the -- present the most danger to the public, because of the concentration of the fireworks

and, then, also the proximity of the public. But, then, everything else I would recommend that we make it an infraction. That also covers -- that also mirrors what's in state code is those personal use of fireworks violations like that would -- are one hundred dollars under the state code. They are infractions. That is it for my quick presentation.

Simison: Thank you. Council, questions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Good work. That's really thorough and -- and having consistent processes, I love that. Does -- the material does -- a license holder or permit holder who has a violation does that jeopardize their ability to get a license in the future?

Kane: Mr. Mayor, Council Member Borton, no, that's not -- that's not part of our code. That -- it is part of our temporary use permit code. That is a disqualifying event for a temporary use permit, but that's not the case with fireworks. So, could implement that.

Borton: Thanks.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Follow up on that. What's the -- what's the history on that? Why -- why wouldn't we want to disqualify somebody in that situation? We do it with the CUP. Seems to be maybe an elevated life safety risk with fireworks. Any -- any thought? Is that something that we just haven't discussed, haven't suggested, or is there some -- this has been -- hashed out by the legal department and you guys have come to a different conclusion?

Kane: Mr. Mayor, Council Member Cavener, it hasn't been discussed thoroughly. It's largely a function of the fact that we don't do background checks on fireworks owners that -- our firework stand operators rather. The temporary use permit disqualifier is really because that event stresses the city resources. So, when -- it tends to be an issue when special event goes awry that it requires a huge response and expensive response and that's a burden borne by the city. So, that's part of the -- and it's, of course, a danger to the public if that event can't be -- it can't happen safely. So, that's something we could do here as well for the same reasons. It's honestly rare, to my knowledge, that we run into issues. The fireworks stand operators really know the rules and they are compliant and to the extent that they are not Deputy Chief Bongiorno educates them. So, that's to my knowledge not something that we really see and not a problem. It's not a problem that necessitates that in our experience. It could -- as I said, it could be a change that we make.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I have a follow up to that and, deputy chief, can -- process is key -- kind of how we got to this stage? Can -- and I will probably put it to you, Deputy Chief Bongiorno, to comment on the language here and Fire's involved in -- in helping craft it with Ms. Kane. I presume you are involved in all of the language and drafting and what works and what doesn't. So, just wanted to get some context of -- of your perspective on all of these proposed changes.

Bongiorno: Mr. Mayor, Councilman Borton, yeah, I was thoroughly involved with this one. We -- yeah. I know. This really hasn't been touched in a long time. It was well past due. And when she sent it -- when Emily sent it to me initially and I just saw everything being crossed out, I was like, uh-oh, but, then, I realized when she explained to me most of this is already covered in state code. So, we have eliminated a ton of unnecessary language. So, then, we were able to actually focus on some things, like flame effects, because literally we just had fire dancers over at Maddies the other day that we have no permit for that, we have no -- we don't have anything for that yet. So, that was something new. And, then, just in case we have a Royal Dalton's or whoever that wants to do a band with flame effects -- the Station nightclub fire -- again, we -- I wanted to make sure that -- with Emily that we can require a permit for that, so we can inspect it and make sure it's safe. So, we covered that section. And, then, excuse me, even though we are not adopting the 2024 code, there was some language in there that made a lot of sense and so I sent that to Emily as well. So, she brought that into the code. So, we are actually looking ahead at some things that are new that are not in the 2018 Fire Code. So, thoroughly -- love it.

Simison: Council, any additional questions? Comments? Mrs. Kane, next steps?

Kane: The next steps are for me to put this into ordinance form and bring it back to you for adoption if you are ready.

Simison: Great.

Kane: Thank you.

EXECUTIVE SESSION

- 12. Per Idaho Code section 74-206(1)(f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.**

Simison: So, next item on the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we go into Executive Session per Idaho Code 74-206(1)(f).

Borton: Second.

Simison: Have a motion and a second to go into Executive Session. Do I have any discussion? If not, Clerk will call the roll

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

Simison: All ayes. Motion carries and we will go into Executive Session.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (4:53 p.m. to 5:32 p.m.)

Simison: Council, do I have a motion?

Hoaglund: Mr. Mayor, I move that we come out of Executive Session.

Strader: Second.

Simison: Have a motion and a second to come out of Executive Session. All in favor signify by saying aye. Opposed nay? The ayes have it and we are out of Executive Session.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Mr. Mayor, I move that 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 5:33 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON
ATTEST:

DATE APPROVED

CHRIS JOHNSON - CITY CLERK