

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, February 7, 2023, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Stacy Hersh, Scott Colaianne and Dean Willis.

**ROLL-CALL ATTENDANCE**

|                                                             |                                                  |
|-------------------------------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> Liz Strader             | <input checked="" 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 February 7th, 2023. It is 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: Tonight's invocation will be delivered by Pastor Vinnie Hanke. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Hanke: Mr. Mayor, Members of City Council, thank you for the opportunity again to be with you and pray for you to begin your meeting. God, I thank you for the city that we live in. I thank you for its leadership here in this room, God, and in this building that give time and effort to serve its citizens. I pray that you would help them with wisdom and discernment to conduct their business tonight, that they would listen well, that they would speak wisely and that you would help us as citizens to be a city full of love for neighbor, seeking the good of the community. We pray protection over our servants on the front line, God. Our police officers or firefighters. Thank you for our teachers and our administrators across the school district here and ask that Meridian would be a shining light and example to the Treasure Valley. I ask these things for your glory and our good in Christ, amen.

Simison: Thank you.

## **ADOPTION OF AGENDA**

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: No changes for the agenda that has been published, so I move adoption of the agenda as published.

Borton: Second.

Simison: 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: ALL AYES.

## **PUBLIC FORUM – Future Meeting Topics**

Simison: Mr. Clerk, do we have anyone signed up under our public forum?

Johnson: Mr. Mayor, we did not.

## **ACTION ITEMS**

1. **Public Hearing for Jennie's Retail (H-2022-0071) by Richard Wilmot, Chrysalis Architecture and Planning, located at 2365 E. Fairview Ave., near the half mile mark between N. Eagle Rd. and N. Locust Grove Rd.**
  1. Request: Development Agreement Modification to the existing agreement (DA Inst. #104027941) to remove the subject property from the agreement and prepare a new development agreement to allow uses in line with the existing zoning district instead of requiring a CUP for all future uses as currently required.

Simison: Okay. Then with that we will go into Action Items. First Action Item up is a public hearing for Jenny's Retail, H-2022-0071. We will open this public hearing with staff comments from Stacy.

Hersh: Good evening, Mayor and City Council Members. The applicant submitted an application for a development agreement modification to Jenny's Retail. The site consists of 1.45 acres of land and it is zoned C-G, located at 2365 East Fairview Avenue. The history on the property is in 2003 the property was annexed with a DA

that required all future uses to be approved through this CUP process. The Comprehensive Plan FLUM designation is mixed use community and I will go ahead and skip down to -- City Council previously approved the MDA on January 3rd and after the hearing staff discovered that the property did not include the entire boundary of the property that was part of the original DA. So, staff met with the applicant to discuss all the options. Both staff and the applicant agreed that the best course of action was to update the staff report and renote and reschedule the project. Staff has prepared findings in the affirmative for Council's approval, since the project did not have any public testimony or Council discussion during the previous hearings. Written testimony was only from the architect in agreement with the staff's -- staff report and inclusion of the DA and the provisions and staff recommends approval and currently as of today there is no other written testimony contesting this. And that concludes the presentation and I stand for any questions.

Simison: Thank you. Council, any questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a quick question. When we originally approved the MDA was there a concept plan attached then? I'm just surprised -- I think I read in the staff report we are not recommending an attachment of the concept plan to the DA.

Hersh: Mayor, Council Woman Strader, yes, the same conceptual site plan that you will see up here tonight is exactly what was part of that. The previous approval.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And just to be clear, I just want to make sure I understand that is staff recommending that we do include the concept plan as a part of the DA or not?

Hersh: Mr. Mayor, Council Woman Strader, yes, we are and we also have added -- if you see below staff's recommended changes to the development agreement, adding these two provisions and the remaining part of the development agreement stays as is.

Strader: Thank you.

Simison: Council, any additional questions for staff? Is the applicant here? It looks like they are online this evening.

McAnulty: All right. I think I'm unmated. Am I good?

Simison: Yes. If you would state your name and address for the record, please.

McAnulty: It is Matt McAnulty with Chrysalis Architecture. 3914 East Presidential Drive in Meridian, Idaho. Kind of just keeping it short and briefly. I agree with what the staff has put forth as part of the new agreement, as well as any previous conditions. We understand that there could be potential adjustments to the site plan just based on cross-access agreement, but we have no concerns there.

Simison: Okay. Any questions for the applicant? Seeing no questions, this is a public testimony. Mr. Clerk, do we have anyone -- a public hearing. Do we have anyone signed up to provide public testimony?

Johnson: Mr. Mayor, we had no one sign up in advance.

Simison: Okay. We have no one sign up. We do have staff online. Is there anybody in the audience that would like to provide testimony on this item? Okay. Seeing no one wishing to provide testimony, would the applicant like to make any final comments?

McAnulty: None at this time. Thank you.

Simison: All right. Thank you very much. Council, what's your pleasure?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If there is no public testimony, I would move that we close the public hearing.

Hoaglund: Second.

Simison: I have a motion and a second to close the public hearing. All those in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor, considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0071 as presented in today's hearing date and inclusive of the two additional conditions, the new -- excuse me -- the new DA provisions recommended by staff, which are listed in the staff report, and, then, in addition I would like to specify that we will attach the concept plan.

Simison: I have a motion. Do I have a second?

Perreault: Second.

Hoaglund: Second the motion.

Simison: I have a motion and a second. Is there discussion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just for some context, there was a comment in the staff report, at least the version that I reviewed, that said due to the size of the property staff believed the inclusion of a concept plan was not warranted. So, I just wanted to clear that up. That's the reason that I specified that.

Perreault: Mr. Mayor, second agrees.

Simison: Is there any further discussion? If not, the 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 the item is agreed to. Thank you. Congratulations, Stacy.

MOTION CARRIED: ALL AYES.

**2. Findings of Fact; Conclusions of Law for Jennie's Retail (H-2022-0071) by Richard Wilmot, Chrysalis Architecture and Planning, located at 2365 E. Fairview Ave., near the half mile mark between N. Eagle Rd. and N. Locust Grove Rd.**

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Mr. Nary. Do we need to adopt the findings of facts?

Nary: Yes.

Hoaglund: Item 2 next?

Nary: Yes.

Simison: Next up is Item 2 on the agenda, the Findings of Fact, Conclusions of Law for Jenny's Retail, H-2022-0071.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve the Findings of Fact and Conclusions of Law under Item No. 2.

Perreault: Mr. Mayor, second the motion.

Simison: I have a motion and a second. Is there 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 the Findings of Fact are agreed to.

MOTION CARRIED: ALL AYES.

### **ORDINANCES [Action Item]**

**3. Ordinance No. 23-2009: An Ordinance Amending Meridian City Code Section 1-5-2 Concerning the Official Newspaper of the City of Meridian; Repealing Any Conflicting Ordinances; and Providing an Effective Date**

Simison: Next item up is under Ordinances. Item 3 is Ordinance No. 23-2009. I will ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an Ordinance amending Meridian City Code Section 1-5-2 concerning the official newspaper of record of the City of Meridian; repealing any 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 the ordinance read in its entirety? Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Since we haven't had this discussion on the record I thought I could add at least a little bit for the record. I did send some information to the Council over the weekend, but, basically, when we switched our paper of record from the Meridian Press, because there were some inconsistencies in publishing, to the Idaho Press, either when we drafted it we missed it or the codifier missed it, but they left Meridian Press in the -- in the ordinance, along with adding the words Idaho Press. Well, you can't have both and you can only have one and so this is just merely a cleanup, which is why I hadn't previously presented it, because it felt like it was pretty minor changes. It's just -- it's cleaning up to what we actually are doing, which is using the Meridian Press as our paper of record.

Simison: Okay. Thank you, Mr. Nary. Council, any further comments, questions, or do I have a motion? Excuse me.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you both for clearing that up. I -- I was wondering what was going on, because I thought we had already approved the Idaho Press. I -- I move that we approve Ordinance No. 23-2009.

Strader: Second.

Simison: I have a motion and a second to approve Ordinance No. 23-2009. Is there 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 the item is agreed to.

MOTION CARRIED: ALL AYES.

Simison: Council, anything under future meeting topics?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It's not a topic, but I just -- if I could just take a sec. Just to make note that, you know, the community that we have is led by lots of folks who serve quietly and -- and we lost one last week, Bill Donnell, whose wife was a former council member, school district superintendent and folks who have been around the valley for a long time, in Meridian for a long time, know Bill Donnell as -- as one of the funniest, goofiest, kindest, all heart servants from Kiwanis to Rotary to the Chamber. He just gave tirelessly, so -- he's not having a service. His request. Which is classic Bill. He wouldn't put attention to himself ever. So, to his wife Christine and the entire Donnell family -- it's a big loss for our community, so --

Simison: Thank you, Councilman Borton.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move we adjourn our regular meeting.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 6:15 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

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|----------------------------------|------------------------------------|
| _____<br>MAYOR ROBERT E. SIMISON | _____<br>/      /<br>DATE APPROVED |
|----------------------------------|------------------------------------|

ATTEST:

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CHRIS JOHNSON - CITY CLERK