

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, November 9, 2022, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Luke Cavener, Treg Bernt, and Brad Hoaglun.

Members Absent: Jessica Perreault and Liz Strader.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Todd Lavoie, Shawn Harper and Dean Willis.

ROLL-CALL ATTENDANCE

<input type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglun	<input checked="" type="checkbox"/> Treg Bernt
<input 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 November 9th, 2022, at 6:01 p.m. -- I should have said Wednesday, just for the necessity of meeting on Wednesday once a year. 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 could all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up will be the community invocation, which will be delivered by Pastor Mark Thornton of Capital Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Thornton: Please join us in prayer. Hallelujah, Father God. Again, we thank you for this day that you have made and one that we purpose to rejoice and be glad in. We thank you for the opportunity to live in such an amazing community that is led by such amazing leaders, Lord, and we pray for all those on the City Council, Heavenly Father, and all of those in this room who are striving to make this a better place to live, Heavenly Father. I pray for your wisdom, I pray for your guidance, I pray for your discernment, Heavenly Father. I pray that as they rule that they rule with integrity, Lord, and discernment, Heavenly Father, knowing what it is that you have called us to be as a community of faith

and a community of people, Heavenly Father, and I pray, God, for every ounce of virtue and energy that they expend in trying to make this a better community, God. I pray that you would pour it back on them, press down and shaken together and running all over, Heavenly Father, as they give of their time and of their energy, Heavenly Father, as they sacrifice their lives, Heavenly Father, for this community, God. I pray that you would strengthen their marriages, that you would strengthen their families, Lord, that nothing that is important to them would suffer because of the time and the energy that they are giving to make Meridian such an amazing place, Lord. And so we thank you again for the opportunity to come before you asking for your wisdom and discernment as they rule and we give you all the glory and all the praise in Jesus name. Amen.

ADOPTION OF THE AGENDA

Simison: Next up is the option of the agenda.

Hoaglun: Yes, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One of the items on tonight's agenda, Item 17, had a noticing error, so that is going to have to be renoticed and we will continue that to 12/16. So, anybody who might be online wanting to hear that or in the audience and -- and for staff, we would like to move that up to consider that first in the -- take the action first on that item, since it's going to be very quick, procedural vote to move that, and, then, we will follow with the rest of the action item. So, Mr. Mayor, with -- with that one minor change, I move adoption of the agenda as published.

Borton: Second.

Simison: I have a motion and a second to adoption the agenda as published -- or as noted for the amendment. All those in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is adopted.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the October 25, 2022 City Council Work Session Meeting**
- 2. Approve Minutes of the October 25, 2022 City Council Regular Meeting**
- 3. Final Plat for Apex Northwest Subdivision No. 3 (FP-2022-0032) by Brighton Development, Inc., generally located in the northwest corner of Locust Grove Rd. and E. Lake Hazel Rd.**

- 4. Final Order for Grayson Subdivision (FP-2022-0025) by Robert Campbell, The Camco Group, LLC., located at 1710 E. Amity Road and S. Locust Grove Rd.**
- 5. Final Order for Prescott Ridge Subdivision No. 2 (FP-2022-0029) by KM Engineering, LLP., generally located in the north 1/2 Section 28, T.4N., R.1W.**
- 6. Findings of Facts, Conclusions of Law for Matador Estates Subdivision (H-2022- 0043) by Quantum LTD, Inc., located at 1235 E. McMillan Rd.**
- 7. Findings of Fact, Conclusions of Law for Denial of Overland & Wells II (H-2022-0030) by Morgan Stonehill Partners, located at 2600 E. Overland Rd.**
- 8. Development Agreement (Shops at Victory H-2022-0060) Between the City of Meridian and WL Victory Crossing LLC for Property Located at the Southeast Corner of S. Eagle Rd. and E. Victory Rd.**
- 9. Development Agreement (1160 W. Ustick Rd. aka Wood Rose Apartments H-2021-0092) Between the City of Meridian and The Housing Company for Property Located at 1160 W. Ustick Rd.**
- 10. Subrecipient Agreement Between City of Meridian and Meridian Area Senior Citizens Association, Inc. For Program Year 2022 Community Development Block Grant Funds**
- 11. Fiscal Year 2023 Net-Zero Budget Amendment in the Amount of \$12,845,509.00 to Accept American Rescue Plan Act (ARPA) Funds**
- 12. Resolution No. 22-2353: A Resolution Establishing the Reappointment of Pam Jagosh to Seat 5 of the Meridian Historic Preservation Commission; and Providing an Effective Date**

Simison: Next up is the Consent Agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

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

Borton: 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 agree 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]

13. National Apprenticeship Month Proclamation

Simison: So Item 13 will be a proclamation. Actually, did I skip over anything? No. Do we not have a public forum this evening? Did I skip over that? Oh. That's after this. I apologize. Next we will do the proclamation. So, is Mr. Bacon here this evening? Okay. If you will join me at the podium. So, Council, tonight we will be doing a proclamation that was requested by Jeffrey Bacon, the federal project manager at the Idaho Workforce Development Council and this is for National Apprenticeship Month. So, I will go ahead and read the proclamation and, then, turn it over to Mr. Bacon for some comments. Whereas National Apprenticeship Month is celebrating its eighth anniversary of raising awareness of the vital role registered apprenticeships provide in creating opportunities by allowing apprentices to earn while they learn and preparing a pathway to well paying careers in Meridian and across the nation and whereas registered apprenticeship programs enable employers to develop and train their future workforce, while offering career seekers affordable paths to secure high paying jobs and whereas Meridian recognizes the role of registered apprenticeship in expanding opportunities in our workforce for all qualified individuals who wish to contribute to Idaho's industries and whereas registered apprenticeship is a proven and industry driven training model that can build up a workforce for the jobs necessary to help our economy thrive, especially jobs in growth industries like manufacturing, healthcare, high tech, energy and construction and whereas the state of Idaho and Meridian recognize that registered apprenticeships deliver a critical talent pipeline that can help address our state's pressing issues, such as modernizing our cyber security response, addressing public health and strengthening our state's infrastructure. Therefore, I, Robert E. Simison, hereby proclaim November 2022 as National Apprenticeship Month in the City of Meridian and urged the residents of our community and communities across the country to recognize the value of and support apprenticeships during the week and throughout the year. Dated the 9th day of November 2022. So, I want to present this to you on behalf of myself and the City Council and the City of Meridian.

Bacon: Thanks for the opportunity to be here. I won't take up too much of your time, but we are working to help employers and apprentices with the enrollment of registered apprenticeship programs. A large part of why we are doing this is it leads to quality jobs with good benefits for the employees and the employers get a talent pipeline that's steady

and good quality people. We want to keep Idahoans in -- in good jobs, so that they don't leave the -- leave the state. Thanks.

PUBLIC FORUM – Future Meeting Topics

Simison: Next item up is our public forum. Mr. Clerk, do we have anyone signed up on this item?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

17. Public Hearing for Lost Rapids West (SHP-2022-0014) by KM Engineering, generally located on the south side of W. Chinden Blvd., 1/4 mile west of N. Ten Mile Rd.

- A. Request: Short Plat to re-subdivide one (1) building lot (Lot 4, Block 1, Lost Rapids Subdivision) into two (2) building lots on 1.35 acres of land in the C-G zoning district.

Simison: Okay. Then with that we will move into our Action Items. First item up is Item 17, the public hearing for Lost Rapids West, SHP-2022-0014. Mr. Parsons, comments?

Parsons: Mayor, Members of the Council, thank you. Yeah. Just wanted to let you know that the -- there is a discrepancy in -- in the noticing for this particular project, so we are asking -- I had a chance to talk it over with the applicant this afternoon before tonight's hearing, let them know that it will have to be renoticed and the staff report updated to reflect the correct project description and so we are hoping to have that placed on the November -- or, excuse me, the December 6th hearing is what the clerk has conveyed to me could be the next available date for that particular project.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yes. I would move that we continue the public hearing for Lost Rapids West, SHP-2022-0014, to December 6th, 2022.

Borton: Second.

Simison: I have a motion and a second to continue this item. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is continued.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

14. Public Hearing for 2022 Impact Fee Study

Simison: So, the next item up is item for public hearing for 2022 impact fee study. We will open this public hearing with staff comments.

Lavoie: Thank you, Mr. Mayor, Members of the Council. Appreciate the opportunity to present to you the 2022 impact fee study presented to you by the Impact Fee Committee. Mayor, if you don't mind I will take a quick second to acknowledge someone in the room, again, one of our fellow Council Members, Mr. Bernt. Just want to take my time to say congratulations to Mr. Bernt, soon to be Senator Bernt. We are proud of you. Congrats on the win this morning. So, again, just wanted to say thank you. Started to go a different direction, but, Senator Bernt, looking forward to calling you that starting January 1. So, back to the impact fee study. Yeah. The impact fee study -- again, we did hire a consultant, Dwayne Guthrie. He has the presentation ready for you. I'm going to hand this over to him. The study has been presented to the public via the agenda. So, again, with this we are going to have Dwayne present the study to you, Council, and to the citizens. We do have myself and some directors here to answer any questions about the Parks, Police or Fire Departments. So, with that I will hand this over to Dwayne Guthrie, our consultant, who put together this study. Thank you.

Guthrie: Good Evening, Council Members. Let me just make sure you guys can hear me okay.

Lavoie: You are good, Dwayne.

Guthrie: Good. So, we have a quick slide show. This is a public hearing, so if you want me to I have about ten slides I can run through to provide some context for the people in the audience. The purpose of this is the formal adoption process now of the impact fees. If you remember we had a work session back in October -- early October. You had a chance to hear this presentation. The fees have not changed since then, but you have had time to reflect on the document and get input from people in the community. So, hopefully, we are at a point where we can proceed. The update is required in Idaho periodically. We are actually accelerating the update, because your community, Meridian, has grown faster over the last few years than we anticipated and so not only has that caused the revenues to come in, but it's also accelerated our capital program. So, the city was at the point of needing to identify some additional projects for the -- for the capital program that's required by Idaho Impact Fee Act. The second reason for the update is that capital costs have increased significantly over the last few years, so staff definitely wanted to give their input on the latest cost factors, which are summarized in this slide. We are looking at three different impact fees. Parks and Recreation, those are the rows that are shown in green here on this slide. Police impact fees shown in blue. And, then, Fire at the bottom shown in red. And so for each one of these what we have done -- it's a very quantitative process where we have to show our work and show that the fees are -- are proportionate and so we identified infrastructure standards, both the amount that

we have today versus the amount from the previous study and, then, we have cost factors for each one of those line items and you can see generally across the board the infrastructure standards have gone up -- up. Meridian's invested a lot in capital items over the last few years. So, there has been slight increase in your infrastructure standards. The biggest increase, though, has been in the cost factors and you can kind of see the way things -- we assume cost back in 2019 versus the updated cost for the 2022 study and the last column just kind of does a simple math to show the ratio of the previous cost to the today's cost. So, a lot of those have gone up, you know, at least 14 percent. Some of them I have doubled and even almost tripled in some cases. Any questions on those? You have heard this presentation, so this is more or less for the folks in the audience, but if you have questions feel free to ask. So, here is the general method. We -- we are basing the fees on current standards. So, for each one of the three we have identified the cost components and what the standards are and, then, we have to allocate those to residential development for the parks fee and, then, for Police and Fire, it's residential and nonresidential development. So, we use functional population to do that cost allocation. That's basically a -- the math is based on residents in the community and jobs in the community, with some adjustments for commuting patterns. The capital program for Police is simple. We have one line item over the next ten years. Continuing on with the public safety training facility, referred to as phase three. It's going to be approximately 17,000 square feet at a cost of about 11.2 million dollars, which is slightly more than the impact fees eligible cost. So, there will be some other revenues that will help pay for that project. Here is the draft Police fees. The increase of infrastructure needed is at the top. The cost allocation that I mentioned is there to come up with a cost per service unit. So, the service unit for residential is a person and, then, we use vehicle trips pulling into nonresidential development as the cost allocation to differentiate fees between commercial development and all other types of development. So, the fees are slightly higher for commercial. They have higher trip generation rates. More calls for service due to shoplifting and crimes and -- at retail, restaurant type locations. So, those -- those are fees that are a little bit higher for police for retail. The next fee is fire. A little more complicated capital program. We can see over the next ten years we have additional stations. We have equipment, rolling stock for those stations, and we also have items to be added to make the stations and the rolling stock functional, so we have radios and cameras and personal safety gear, breathing apparatus, all those types of things are covered in their fee. So, together it's adding roughly 21,000 square feet of additional building space and about 6.6 million dollars in additional apparatus and equipment. So, together it's about a 25 million dollar capital improvement program and the impact fees will be paying for approximately 22 million of that. So, the draft impact fee for Fire, similar layout with the -- the infrastructure needed at the top. We allocate the cost to get fees by type -- I mean by size of housing unit, which are based on five different size thresholds and, then, we have the two nonresidential categories, same as we had for the Police-Fire. Again, the commercial fees are slightly higher for nonresidential for Fire Department. Capital program for Parks and Recreation includes some additional buildings, adding on to some parks, great, that are shown here in three different colors that help differentiate those -- or four different colors. Sorry. And, then, we are also adding some additional park sites down here at the bottom. This is a major addition to the fees this time around. We only had a very small allocation for additional park sites in the 2019 study, but the

new study is anticipating buying approximately 120 acres over the next ten years at a cost of 18 million dollars. So, that's a significant -- significant portion of the capital program. Altogether this is the most expensive capital program, 71 million dollars, and impact fees are paying for about 66.8 million. So, here is the three major categories for Parks. We have park improvements. We have the land for additional sites. And we have buildings. You can see the relative contribution of those to the total and, then, the fees are also done just for residential using the five size thresholds. So, altogether this is everything shown in yellow golden kind of shading here are the new fees. Here is the proposed total. Here is the current total. So, for instance, for the smaller size house the current amount is 1,095 dollars. The proposed amount is 2,606 dollars. So, that goes up 1,511 dollars, which is about 2.4 times as much as the current fee. So, that's what this last column is. It's showing the increase. They are basically at least doubling for all the fees across the board and similar kind of results for nonresidential. So, that's my presentation. I will be glad to answer any questions from the audience or from Council Members and turn it back to you guys.

Simison: Thank you. Council, any questions for Todd or Dwayne?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, I appreciate the presentation. I asked my questions a couple weeks ago or a month ago, whenever you originally made the presentation, so I don't have any questions. I -- I just hope that we hear a lot of feedback from folks about this one. This is -- this is -- this is a -- these are big increases and so I'm really interested to hear from, you know, our community partners and what their thoughts and feelings are about this.

Simison: Thank you. Councilman Hoaglund.

Hoaglund: Yes, Mr. Mayor. Thank you. Mr. Guthrie, I was just curious the process and I previously served on Council when we were in the middle of a recession, so there wasn't a lot of growth going on, but if that comes about again -- I hope not, but, you know, there is talk of a potential downturn in the economy here in the near future, but we -- we never know. That crystal ball is always a little murky. But if that were to happen, of course, there is not as much growth, you don't have as much impact, but in terms of fees, we might find that cost of land goes down, the cost of housing goes down, supplies -- at what point do you recommend that we take another look at that if -- if the prices are going the other direction?

Guthrie: Well, you are certainly free to update the fees as often as you want. The state requires you to update them every five years. This is, you know, basically, I think in your situation the city was anticipating a little shorter time frame, like this time around we are doing it three years. Basically, the amount of the fees -- or the methodology for the fees are self adjusting to the growth rate, so if development slows down, like you said, revenues will fall off and the need for capital improvements will also go away or slow

down. So, it's not a problem that you will be collecting a lot of money or that you have obligated yourself to that, none of the methodology assumes that you are going to be borrowing any money, so it's not like you have to be making debt service payments. So, I think you are in an okay situation. The only need would be if prices fall significantly, yeah, then, you could update the fees to -- to reflect that.

Hoaglun: Yeah. Thank you. And, Mr. Mayor, comment?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I appreciate that. And that's something we need to keep a close eye on. I mean growth needs to pay for -- for the things that we need and that's where the impact's coming from because of the growth. We need these additional facilities, the vehicles, land for parks, but at the same time if -- if we hit a slow down and it is a quite the lengthy period of time and costs go down, then, that fee becomes a larger percentage of the cost of that -- that -- that home. So, just something we just have to be aware of, that it's just -- you don't set it and wait five years and, then, look at it again type of thing. But if the economic conditions change we just have to be aware of that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe a question for Mr. Lavoie or for you, Mr. Mayor, but if -- if I recall if -- if that was something, too, that the Council grew concerned about and I think it's something that's obviously top of mind for all of us, the Council could suspend collecting impact fees for a certain period of time as well in maybe an effort to spur economic growth if we felt that was necessary. There isn't anything that would prevent us from suspending these, is there?

Simison: There is nothing to suspend, but I think the city has to pay the -- for the cost for them if they are waived.

Nary: So, Mr. Mayor, Members of the Council, I could add one more thing. One of the things we did during the recession, like Council Member Hoaglun was talking about, is we made them do it at C of O, instead of at building permit, so that they had an opportunity to actually get the construction started. So, there are other ways to adjust if we need to consider that, depending on -- on that -- on the economy and what the building looks like. But there certainly are ways to do that. But I would agree with Mr. Mayor that simply waiving the fee means that the city, then, will have to make up that fee.

Cavener: Great. Thank you, both. Appreciate that.

Simison: And maybe just to play this out, because I have been thinking about this a little bit in the -- in the context of previous conversations, but I assume that there would be nothing to prevent us from having another public hearing at any point in time where we

would want to discuss the fees and you could lower the fee at that point in time without doing any study, because the study is what the study is, but you could do a public hearing to adjust the fee if you were just to say let's drop it 25 percent and the city would not have to repay that, because we have adjusted the fee.

Nary: Mr. Mayor, yeah, we -- we certainly are able to collect less than the full recovery fee if -- if the Council wishes. My only recommendation is just because of the way the code is drafted that you are going to want to have some data points in which to base that on.

Simison: Thank you. Council, any additional questions for staff? Or Mr. Guthrie? Okay. Well, hold tight, Mr. Guthrie. This is a public hearing. Is there anybody that would like to provide testimony on this item at this time? And we have nobody online, except for ACHD, which I don't believe they want to provide comment on this topic, but if there is anybody in the room that would like to come forward at this time -- seeing no one coming forward, Council, do you have any questions for any of the departments that are here with items in the CFP -- or, I'm sorry, in the impact fee? Mr. Lavoie.

Lavoie: Mr. Mayor, I do, again, appreciate the opportunity. I do want to remind Council and the citizens that this study does include our capital improvement plan, which is part of the state statute that we must present. So, within the study is the capital improvement plan, which Dwayne did review, and I just wanted to verify -- or just remind you that we are presenting the five year capital improvement plan for those three divisions inclusive in this plan to meet the state statute requirements. Thank you.

Simison: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Another comment for the record. This process is kind of the tail end of a lot of work that Finance has done and all of our directors. I know the Council has been involved in discussions and -- and we are aware of these capital -- long-term capital costs that we need to maintain levels of service and we have had these discussions with our various departments in Council meetings and outside of meetings, so I think a lot of the -- the good work has been vetted in those prior discussions, so appreciate the efforts of all the directors and Finance in particular leading the charge on this, making sure that it's accurate and in compliance with code is very important. So, no -- no further questions for me either in light of all those discussions that have already happened.

Lavoie: Thank you, Mr. Borton. Just to, again, feed off what you are speaking about, the report that Mr. Guthrie is presenting to you has been approved by the board, by the committee members themselves, so that you have a public engagement there. They have supported the study. They are an integral part to developing this study and Dwayne is presenting what they agreed to as well.

Simison: Thank you. Mr. Nary, just to help me -- remind me on process, we could continue this public hearing next week, since we are doing additional readings if we want -- if the Council want to seek additional feedback.

Nary: Yes, sir.

Simison: So, Council, I guess the question is what's your pleasure on closing or continuing the public hearing, knowing that only the first reading is on tonight's agenda?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: No objection to having a continued public hearing, a second chance. We are missing a couple Council Members as well. That couldn't hurt. This is a big decision to invite that added opportunity for input. Any objection to that? Continue it to next week. Okay. Mr. Mayor?

Simison: Mr. Lavoie, are you seeking clarification?

Lavoie: I am. Thank you, Mr. Mayor. Again, I know on the agenda today is number 19. That's just the first reading, I believe. So, I was making sure that this isn't going to interfere with 19. I didn't want to mess your agenda up.

Simison: That's why I was asking that your --

Lavoie: Thank you.

Simison: So, yeah, we will continue the process moving forward. Okay. All right. So, with that do I have a motion as such to continue? Seconded?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move that we continue the public hearing for the 2022 impact fee study to next Tuesday, November 15th.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue the public hearing to November 15th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is continued.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

15. Public Hearing for Proposed 2022-2023 Winter/Spring Fee Schedule of the Meridian Parks and Recreation Department

Simison: So, thank you all for getting us this far and we will see if we hear from the community again next week. Okay. So, with that we will move on to a different fee. Item -- next item up is a public hearing for proposed 2022-2023 winter-spring fee schedule for the Meridian Parks and Recreation Department. We will open this public hearing with comments from Ms. Fletcher.

Fletcher: Good evening. Yes, I'm just here bringing you guys the 2023 winter-spring fees for Meridian Parks and Recreation and I'm open to any questions if there any questions. I think you guys have them in front of you also.

Simison: Council, is there any additional information that you would like to hear from the Parks and Rec Department on the fees? Seeing head shakes. Do you have any questions for staff? Okay. Is there -- well, with that, Jenna, I think you can take a seat and -- and -- is there anybody that would like to provide public testimony on this item? If Margaret from ACHD would like to, otherwise -- motion to close the public hearing?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing for the -- the 2022-2023 winter-spring fee schedule for our Parks and Recreation Department.

Borton: Second.

Cavener: Second.

Simison: I 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. TWO ABSENT.

16. Resolution No. 22-2354: A Resolution Adopting the 2022-2023 Winter/Spring Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

Simison: Next item up is Item 16. It's resolution number 22-2354. Ask the Clerk to read this resolution by title.

Johnson: Thank you Mr. Mayor. It's a resolution adopting the 2022-2023 winter/spring schedule of the Meridian Parks and Recreation Department; authorizing the

Meridian Parks and Recreation Department to collect such fees; and providing an effective date.

Simison: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Unless we have further comment, I would move approval of resolution number 22-2354.

Cavener: Second.

Simison: I have a motion and a second to approve resolution number 22-2354. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, yea; Cavener, yea; Bernt, yea; Perreault, absent; Hoaglund, yea; Strader, absent.

Simison: All ayes. Motion carries and the item is agreed to. Thank you, Jenna.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 18. Public Hearing and Second Reading of Ordinance 22-2002: An Ordinance Amending Meridian City Code Section 6-2-1 Adding Definitions of Animal Control Agency, Animal Control Officer, Animal Control Shelter, At-Risk Dog, Bite, Dangerous Dog, Euthanasia, Justified Provocation, Physically Attack, Provoke, and Serious Injury, and Deleting Definition of Vicious Dog; Amending Meridian City Code Section 6-2-2, Regarding Animal Control Officers, City Animal Shelter, and Animal, Control Agency; Repealing and Replacing Meridian City Code Section 6-2-6, Regarding Designation and Management of Dangerous or At-Risk Dogs; Amending Meridian City Code Section 6-2-8(P), Regarding Failure to Comply With Provisions Regarding Dangerous and At-Risk Dogs; Repealing Any Conflicting Ordinances; and Providing an Effective Date**

Simison: The next item listed on the agenda was already disposed of, so we will move on to our last public hearing is -- is public hearing, the second reading of ordinance 22-2002. We will first take public comment, if there is any additional public comment on this item.

Johnson: Mr. Mayor, there is, and I have the sign-up sheet in the back, but the Idaho Humane Society is represented.

Simison: Okay. If you would like to come forward, be recognized for three minutes.

Rosenthal: Jeff Rosenthal, CEO of the Idaho Humane Society, 1300 South Bird Street, Boise. Thank you, Mr. Mayor, Members of the Council. Officer Shields had surgery last week, so she's homebound. Not here, unfortunately. I thought it might be helpful just to provide a little bit of background to increase your understanding of why we are here looking at this ordinance. Might be helpful to kind of know what's transpired overall. In 2011 I wrote a bill that was carried by Senator Corder and the -- and the reason for the bill was it was an attempt to replace a very archaic state statute that was very antiquated with a contemporary potentially dangerous and dangerous dog law and based on what was typically done in other states and one of the reasons for that is we -- we have a -- a lot of variation between different communities. So, we have that in Ada county and how dangerous dogs have been handled or vicious dogs have been handled and throughout the state and the idea was that perhaps if we had a better state statute that would be a tool that law enforcement could use in every single community if they -- if they deemed. Anyway, the -- the bill dealt with both dogs that injured other dogs and livestock and also humans and nearly passed, but, then, was derailed -- not really because of lack of support, but just political infighting. So, in 2016 Representative Moyle gave me the opportunity to come back again with another bill. This one focused exclusively on dogs that injured human beings and -- and the reason for that was that one of the obstacles we faced at the state level were some agricultural special interest groups that employ dogs for the purpose of guarding livestock and so they are very concerned about regulation of these dogs, because some of those dogs -- the purpose for them is to attack other dogs that get near their stock. That was successful and -- and we passed that bill. Seemed to be solved, but there was another problem with it where prosecutors could actually choose not to handle our cases. So, we had to go back two years later do it again. Finally, we had a good law in place. It eliminated Idaho being what was called up until then a one free bite state and it provided some workable restrictions that protected some of the personal property rights of dog owners, but also was effective at dealing with dogs that injured humans and also provided the court for the first time with the ability to order a dog destroyed based on a first episode, which was necessary in some cases. But there was still -- we were still left with some problems and one being, obviously, we still didn't have a state law that dealt with dogs that injured other dogs and the other being just a timing issue. It takes a long time for cases to get into court and in many cases we have to impound certain dogs. Sometimes we impound at home, but most of the time we keep them in the shelter, especially under COVID it was taking well over three months to get into -- into court. Sometimes six months, sometimes more than a year, and so that provided a big burden on us and so initially one more problem has emerged and that is we have a -- we have -- officers have the choice between two different laws typically, a local ordinance in dealing with an animal issue and a state statute, and when those two laws are very different and when the process is very different, there is a potential for an equal protection issue and so that's why we have started working back with our local communities trying to make the local ordinances more aligned with state statute, using the same definitions and something of a similar process, and with that I will stand for any particular questions you may have about how we operate in regards to this.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Hey, Dr. Rosenthal, real quick. Not -- not a question. Just wanted maybe on behalf of the Council to pass healthy healing onto -- to Officer Shields. I know sometimes we get a little prickly about our engagement with you guys, but recovering from surgery is never fun, particularly in the cold weather, so, please, wish her a speedy recovery on behalf of all of us. We appreciate her.

Rosenthal: Thank you. I will.

Simison: Thank you, Councilman. Is there anybody else that would like to provide testimony at this time? Have nobody online and the Police Department is not jumping up and down either. So, Council, I guess the -- the -- we do have the second reading on. I guess the question -- do you want to continue the public hearing to the third reading or close the public hearing at this time?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I think the intent for this with the dogs was to go through all three readings. So, I think we can continue this.

Simison: Okay.

Cavener: I agree.

Simison: Well, if you would like to continue the public hearing, then, we will have the Clerk do the second reading.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we have -- continue the public hearing of Ordinance 22-2002 to November 15th, 2022.

Borton: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: And ask the Clerk to read -- do the second reading of the ordinance.

Johnson: Thank you, Mayor. An ordinance amending Meridian City Code Section 6-2-1 adding definitions of animal control agency, animal control officer, animal control shelter, at-risk dog, bite, dangerous dog, euthanasia, justified provocation, physically attack, provoke, and serious injury, and deleting definition of vicious dog; amending Meridian City Code Section 6-2-2, regarding animal control officers, city animal shelter, and animal control agency; repealing and replacing Meridian City Code Section 6-2-6, regarding designation and management of dangerous or at-risk dogs; amending Meridian City Code Section 6-2-8(p), regarding failure to comply with provisions regarding dangerous and at-risk dogs; 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 it read in its entirety? Okay. Then we will bring it back next week for the third public hearing and third reading.

ORDINANCES [Action Item]

- 19. First Reading of Ordinance No. 22-2004: An Ordinance Accepting the 2022 Development Impact Fees Study; Adopting an Amended Capital Improvements Plan; Repealing and Replacing Meridian City Code Section 10-7-12(E)(2) Concerning Development Impact Fees; Voiding Conflicting Ordinances, Resolutions, and Orders; and Providing an Effective Date**

Simison: So, with that we will move on to our Action Item Ordinances. Item 19, which is the first reading of ordinance number 22-2004. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance adopting the 2022 development impact fee study; adopting an amended capital improvements plan; repealing and replacing Meridian City Code Section 10-7-12(e)(2) concerning development impact fees; voiding conflicting ordinances, resolutions, and orders; and providing an effective date.

Simison: Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Okay. Then we will have the second reading next week.

- 20. Ordinance No. 22-2005: An Ordinance Annexing the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, More Particularly Described in Exhibit "A," Rezoning 4.54 Acres of Such Real Property from RUT (Rural Urban Transition) to R-15 (Medium High-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: Next item is Item 20, ordinance number 22-2005. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance annexing the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 36, Township 4 north, Range 1 West, Boise meridian, Ada county, Idaho, more particularly described in Exhibit "A," rezoning 4.54 acres of such real property from RUT (Rural Urban Transition) to R-15 (Medium High-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? Or do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Simison: I move approval of ordinance number 22-2005 with -- with the Mayor to sign and Clerk to attest in suspension of rules if necessary.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I second that motion.

Simison: It's a beautiful motion and a beautiful second. The ordinance of 22-2005 has been motioned and seconded. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, yea; Cavener, yea; Bernt, yea; Perreault, absent; Hoaglund, yea; Strader, absent.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Or do I have a motion to -- oh, Councilman Cavener.

Cavener: Oh, no. Mr. Mayor. Shaking my head no -- no future meeting topics.

Simison: Okay.

Hoaglund: Mr. Mayor, for future meeting topics, I just thought since we have a state senator elect within our midst maybe we should devote a meeting to all the things that we need from the legislature and get our wish list together, so --

Cavener: I will -- I will second that if that was a motion.

Cavener: I would love to listen. Bring it.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we adjourn.

Simison: Have a 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 6:42 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK