

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, September 28, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Joe Dodson, Alan Tiefenbach, Dave Miles, Shawn Harper, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☒ Brad Hoaglund	☒ Treg Bernt
☒ Jessica Perreault	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is September 28th at 6:00 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next time will be the Pledge of Allegiance. If you would all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item is the community invocation, which tonight will be delivered by Pastor Troy Drake of Calvary Chapel. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Pastor Drake.

Drake: Mr. Mayor, Council Members. Will you join me. Lord God, we just -- first off, I would like to just count it all a privilege that we get to talk to you anytime we want to and you are always there and you incline your ear towards the people that you made and we just thank you for what we have in the United States, life, liberty and the pursuit of happiness and -- and what a great free country that we have, Lord, and we just pray that it would remain that way and thank you for Meridian and what a great city to live and work in and, you know, God, we are just praying for all the citizens tonight and the first responders, we just appreciate them so much and we just pray that you keep everybody out of harm's way and that there would be peace in our community, in this valley tonight and every night. Lord, we are thinking of those who don't have much and so I just pray if anybody is hungry or they are afraid that someone would come to their aid, that you would send someone to help them and -- and, you know, last, but not least, Lord, just praying

for everybody in this building, all the people who make decisions and -- and serve our community in the way that they do, I pray that you give them a lot of wisdom, especially those who are right here in front of me tonight as they discuss the items on the agenda and -- and make decisions that affect us all in some way and so I just pray, God, that you give them a lot of grace for serving here and that it would bless the citizens. So, thank you ahead of time, God, for all those things and it's in Jesus' name we pray, amen. Bless you guys.

ADOPTION OF AGENDA

Simison: Next up is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

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

Hoaglund: Second the motion.

Simison: I have a 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 public forum?

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

- 1. Public Hearing for Regency at River Valley Phase 3 (H-2021-0059) by Bach Homes, Located at 3270 and 3280 E. River Valley St. and 2480 N. Eagle Rd.**
 - A. Request: Modification to the Existing Development Agreements (Inst. #113005608 – SGI and Inst. #2020-062947 – Bach Storage) to remove the property from the existing agreements and create one new agreement for the development of a 120-unit multi-family project.

Simison: Okay. Then we will go into Action Items. First item is a public hearing for Regency at River Valley Phase 3, H-2021-0059. I will open this public -- this public

hearing with staff comments and turn this over to Joe.

Dodson: Thank you, Mr. Mayor. This is Sonya's project and the applicant is requesting continuance. So, that's why she's not here tonight. The project is needing to be re-noticed, because they increased the number of the dwellings, so they wouldn't be able to be heard tonight appropriately. So, that's why they are just requesting a continuance. I do not -- a continuance to the August -- sorry -- October 19th date is what they request. Other than that I have literally no idea what else the project is about.

Simison: Fair enough. Council, any questions? Or do I have a motion to continue this public hearing? Do we have a date that was identified?

Dodson: October 19th.

Simison: October 19th.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we continue H-2021-0059 to October 19th.

Bernt: Second.

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

MOTION CARRIED: ALL AYES.

2. Public Hearing Continued from August 24, 2021 for Horse Meadows MDA (H-2021-0050) by Riley Planning Services, Located at 710 N. Black Cat Rd.

- A. Request: Development Agreement Modification to amend the draft agreement approved with Horse Meadows Rezone and Preliminary Plat (H-2020-0060).

Simison: Next item up is a public hearing continued from August 24th, 2021, for Horse Meadows MDA, H-2021-0050. We will continue this public hearing with any comments from staff.

Dodson: Thank you, Mr. Mayor. This one I do know about, so we should be better off. Just a quick recap. This is at the southeast corner of Black Cat and Pine. The original request was for a DA modification. Because the application was -- well, I should say the preliminary plat and rezone was approved in December 2020. Within that there was an

existing provision that required that the servient sites, which I guess this is the best map here. These three, as well as the existing site, gave up their rights to use the existing access easement, which is Quarterhorse Lane that goes directly to Black Cat. At the previous Council hearing there were some issues with what was being proposed, having a gate across the property, et cetera. However, since, then, the applicant -- the applicant has discussed this with their own legal counsel and we received a letter on September 16th regarding this. And I guess I will stick it on the plat for now. Regarding the easement and what the property owners have a right to do. Because of this letter, which I hope everybody have reviewed. I thought it was very insightful and informative. I learned some things in it as well. The applicant is now requesting to keep the plat in, basically, what's on the screen the way it is, including the green space in the southwest corner and they are proposing to move the easement from along the southern boundary to over the new public road connection to Pine, which is in line with what the -- their legal counsel gave them advice to do or I guess an option, really, to do. Instead of providing a gate or requiring anybody really to relinquish their rights. This is an alternative method that they can just move the easement, since they are the site that holds the easement physically on their property. With that being said, staff analyzed the letter, discussed with the applicant what would be ideal and these are the revised -- the recommended revisions to two existing provisions in order to keep the project moving forward and it will still be compliant with all of code, et cetera. Really that's -- that's all that I have. I believe the applicant may have more, but I will stand for any questions that Council has.

Simison: Thank you, Joe. Council, any questions for staff? Okay. Would the applicant like to come forward.

Constantikes: I think this -- this is the right one. Mayor and Council, for the record Penelope Constantikes. Post Office Box 405, Boise, Idaho. 83701. As Mr. Dodson indicated, we have two new documents. There is the staff memorandum and the letter from Kronberg Law. I did want to let you know that Mr. Kronberg is present this evening, if you have any questions for him specific. So, in our last meeting you all told us to come back with a better answer and I think we have gotten that done and so that we can move forward with completion of Horse Meadows Subdivision, then, move on to our final plat. As Joe indicated, the plat will remain as it was approved in December of last year. The project team has reviewed the recommended or suggested verbiage for the DA modification and we are in agreement with those changes. I would like to thank you for your patience. This has been a long process and I think this is the fifth time I have been in front of you for this particular project. So, anyhow, the solution that's provided in Mr. Kronberg's letter allows Mr. and Mrs. Casey with access to a public road with relocation of the easement. It allows Horse Meadows Subdivision to move forward to final plat. It provides for Mr. Morgan's safety concerns. If you remember from our last hearing he came and discussed the fact that the intersection of Black Cat Road and Quarterhorse Lane is quite hazardous. So, he was all in favor of being able to use the new street in the new subdivision and with that I would be happy to answer any questions you have.

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, is the plan if -- if those adjacent properties are consenting to this solution, are they, then, going to sign an extinguishment of the easement as it relates to your parcel? I saw that, this language of extinguish or relocate, but if everyone's in agreement is the plan -- maybe Mr. Nary knows this, but it's going to be wiped out?

Constantikes: We are just going to relocate the easement.

Borton: So, they would have an easement on the public roadway?

Constantikes: It would technically I think probably sit underneath the public roadway. ACHD -- I have it in an e-mail from Christy Little that the Highway District will accept a public road setting on top of that. As a matter of fact, it just says ACHD will allow a public street to be constructed over the easement area. So, that was -- that was kind of the last piece of it, so --

Borton: Okay. Mr. Mayor?

Simison: Councilman Borton.

Borton: The question for our Legal is what's the -- in the parade of horrors that could happen, what exposure really does the city still have, if any, with the solution?

Nary: Mr. Mayor, Members of the Council, Councilman Borton, I mean nothing is -- nothing is bulletproof in the Legal world; right? And I think Mr. Kronberg's letter points that out. In the -- in the ranking of liability risk for the city -- again, we are not moving their road. They are. It's their property. So, if they wish to move it, I mean there certainly is a potential exposure, but as Mr. Kronberg pointed out in his letter, there is case law that supports it. So, I don't know the flavor of the adjoining neighbors. I think it's primarily one neighbor that doesn't want to consent. But, again, he has an easement access. He doesn't have access to -- he doesn't own any of it. So, all of it belongs to this property. So, he still will have access. I mean I -- when we discussed it with my team -- I mean if the access was very difficult to maneuver or to manage or very far away even, I could see more of a reason of concern, but it isn't. It actually goes to a safer location. So, again, I don't see exposure to the city. Am I going to say that somebody wouldn't try to do that? I don't know. But I don't really see much exposure. This is a -- this is a request by the property owner to reconfigure their own property and still provide access to their adjacent neighbors. So, from a legal perspective I think it's a fairly minor concern for us. I don't -- and, again, if you read Mr. Kronberg's letter, if it has to do with roads Mr. Kronberg is very knowledgeable in that area. So, I don't really foresee any significant risk here.

Borton: Thanks.

Simison: Thank you. Council, any additional questions?

Hoaglund: Mr. Mayor? Penelope --

Simison: Councilman Hoaglund.

Hoaglund: Just to -- just kind of see how this plays out. You have to have -- they need access to be able to get out of it -- for the three property owners to get out and during construction I'm assuming you guys have a -- will have a plan for that to make that happen. You know, that they can go out once this road closes down and vice-versa. So, do you have any idea on how that -- that works, just to shed some light on that?

Constantines: Mr. Mayor, Councilman, I don't know specifically, but it's not the first time that a subdivision development occurred where there was access ongoing. So, I would assume that it's -- it's probably for some period of time that access will remain as Quarterhorse Lane and they will work on the northern and the eastern side of the parcel. Once there is an avenue out to Pine, then, they will start using that route instead. It will certainly be handled appropriately.

Hoaglund: Okay. Thank you.

Simison: Council, any additional questions for the applicant? Okay. Thank you very much.

Constantines: Thank you very much.

Simison: This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, not in advance we did not.

Simison: Okay. Is there anybody in the room that would like to come on forward and provide testimony at this time? And we have nobody online this evening. So, it would just be those in the room. Seeing no one coming forward, does the applicant want any final -- they are waiving their request for final comments, so --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One question just because I'm really curious to Joe. What's -- what significance, if any, is there between submitting a final plat and signing the final plat in these two conditions?

Dodson: Great question, Councilman Borton. There are actually two separate applications, two separate steps. So, when they submit a final plat that's kind of step one

of following the formula approval from Council. That kind of lays the groundwork for everything. Usually it allows them to start actually constructing the roads. If I were to say the first one to wait until final plat signature, that just delays things, which we want the road to be built. That's the point of getting this access constructed. So, we want to have them have that opportunity, but prior to receiving final plat signature, which is the final step before we get everything recorded and pretty much the city stands -- or I guess off of at least the subdivision, minus the individual home building permits, then, we want everything to be done, completed one hundred percent, as much as we can. There is other nuances with surety bonds and everything that could come into play, but that should not occur with any public right of way.

Borton: Thank you.

Dodson: You are very welcome.

Simison: Council, anything else? Then I will let you decide how you want to proceed, whether it's open dialogue or close the public hearing. Your choice. Obviously.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think this one might be straightforward with this solution. So, I'm going to make a motion that we close the public hearing on H-2021-0059.

Hoaglund: Second the motion.

Simison: Motion and a second to close the public hearing. All in favor signify by saying aye.

Borton: Mr. Mayor, I misspoke. I apologize. I was reading the wrong one. So, I'm going to move to close the public hearing on number two, which is 2021-0050.

Simison: Second agree?

Hoaglund: Second agrees.

Simison: Second agrees. All those in favor signify by saying aye. Opposed nay. The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The applicant and our staff, Planning and Legal, have done a good job in trying to craft a solution here. It makes good sense what's before us in the staff report of today's date, with the two amended conditions 5.1.D and 5.1.E as reflected in today's staff report. Seemed to be an appropriate solution to a challenge. So, I'm going to make a motion that we approve H-2021-0050 a DA modification request, with the conditions as amended in the staff report of September 29, 2021.

Hoaglun: Mr. Mayor, I will second the motion.

Simison: I have a motion and a second to approve the item. Is there any discussion on the motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think the date might be September 28th, just to amend that.

Borton: 28th. 28th.

Simison: Second agree?

Hoaglun: Second agrees.

Simison: All right. Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Thank you, everyone, for your patience.

MOTION CARRIED: ALL AYES.

3. Public Hearing for Advanced Sign Landscape Easement Vacation (H-2021-0060) by B&A Engineers, Located at 2835 E. Lanark St and 155 N. Olson Ave.

- A. Request: Vacation to eliminate a 20-foot landscape easement as part of a property boundary adjustment.

Simison: Next item up is a public hearing for Advanced Sign Landscaping Easement Vacation, H-2021-0060. Open this public hearing with staff comments.

Tiefenbach: Mr. Mayor, Members of the Council, Alan Tiefenbach, associate planner. Hopefully I'm looking better than I did last time you saw me. So, definitely feeling better.

Handsome as ever now. This is a proposal to -- proposal for the vacation of a landscape easement. Put up a -- the city map so you can see this. It's four lots, zoned I-L. It's at East Lanark and Olson intersection, which is basically near the Eagle Road and Franklin. In May of 2021 there was a certificate of zoning compliance that was approved. While this process was going on it was discovered that -- so -- so, the -- the four lots are in two different subdivisions. The top two are in the Olson Subdivision No. 2, the bottom two are in the Olson Subdivision No. 3. They came in to do a certificate of zoning compliance for this industrial building that you see here and what was discovered during this process is this particular subdivision, Olson No. 2, had a landscape easement, if you can see where my pointer is here. This landscape easement is a note on the plat and it would be roughly about where this building is here. The intent of this landscape easement was at the time the southern plat -- they didn't know what was going to go there, whether or not it was going to be residential. So, this was a residential buffer. Since that time the applicant has also bought the property to the south, not part of this project, but they own it and that property is zoned commercial. They -- a condition of approval of the certificate of zoning compliance was that they vacate this landscape easement. Because this was a landscape easement, it was not required for them to provide relinquishment letters, it was just a note on the plat for this landscape easement. With that there is a property -- property boundary adjustment in the process that would be finished if this were approved this evening. With that, Council, I will stand for any questions if you have any.

Simison: Thank you, Alan. Council, any questions? Seeing none, would the applicant like to come forward. State your name and address for the record, please.

Canning: Yes, Mayor, Members of City Council, my name is Joe Canning. I'm with BNA Engineers at 5505 West Franklin Road in Boise and I just wanted to start by saying -- oh, well, now it doesn't work. This is the first time I think I have been in a room in a long time where there were three Joes, but now Joe left. Oh, there is? All right. So, we -- we had four for a while. So, that -- that was -- that's -- that's good to see, I think. It's not a name you run into too often anymore. Anyway, we really don't have anything to say. I was going to mention that there were two subdivisions. The one to the south was after the first one and that's really the reason that first landscape easement was there, but I would be more than happy to answer any questions that the Council would have.

Simison: Council, any questions for the applicant? Seeing none, thank you.

Canning: All right.

Simison: Appreciate it. Mr. Clerk, anyone signed up to provide testimony?

Johnson: Mr. Mayor, no.

Simison: Is there anybody in the audience that would like to provide testimony on this item? Would the applicant like to waive their final comments? Would Council like to close the public hearing?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Cavener: Second.

Simison: I have a motion and a second to close the public hearing. All 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?

Simison: Council Woman Strader.

Strader: After approving all -- after considering all staff, applicant, and public testimony, I move to approve file number H-2021-0060 as presented in the staff report for today's hearing date, September 28th, and I don't think we need any modifications. It looks pretty straightforward.

Cavener: Second.

Simison: Motion and a second. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. The motion carries. The item is agreed to. Thank you very much. Nice to see you, Anna.

MOTION CARRIED: ALL AYES.

DEPARTMENT/COMMISSION REPORTS [ACTION ITEM]

4. City Council Discussion Confirming Correspondence and Feedback to State Redistricting Commission

Simison: Next item up is Department/Commission Reports. Item 4, City Council discussion confirming correspondence and feedback of State Redistricting Commission. Mr. Miles.

Miles: Good evening, Mayor, Council. Happy to be here. I think I will hold my thoughts, because I was getting to -- about to say -- see, I can't hold my thoughts. I think this is going to be a short conversation, but, hopefully, it's going to be the shortest one, but it

could be the longest one tonight. So, we will see. Anyway, we are here to give you a little update. If you don't know, the Idaho Commission On Redistricting has begun their efforts. They are ongoing. They were here in City Hall most recently. I think it was September 16th, in which I know the Mayor and Council President both testified, albeit I appreciate Council President deferred to the Mayor in comments. So, what we decided to do was draft a letter and memorialize those comments and really looking for feedback from you all if you have additional questions, additional comments, general agreement alignment with the draft letter that's in the packet and really highlighting the two aspects that I think were most important, that Meridian is -- is looking to continue what the rules and guidelines of redistricting do and try to keep communities of interest as whole as possible and that applies to Meridian as well as we felt and, then, where any counties do get split -- Ada county in one of the draft map versions was split down into the south area of town and what was suggested by us is to look at that split more into the north area of town, north area of the county where cities have already annexed across county borders. It seems to make more sense there. So, tried to capture those thoughts in the letter, generally, turn it over to you all for any questions, Mayor and Council, if you have any feedback on the testimony as well.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Dave. One thing I would say is it would have been helpful on the attachment if there had been an overlay of the existing boundaries and the new boundaries. That would have been helpful to kind of get a visual of that, but also wondering if -- I assume that -- that the Commission is having the same conversations with -- with the county and surrounding cities. Have we -- it is unnecessary for us to compare notes with Ada county on the changes to the proposed boundaries that we have put together?

Miles: Sure. Mayor and Councilman -- Council Woman Perreault, I have not had any direct conversations with the county or other cities about what the draft concept map is that the city came up with. I think -- at least in my experience this is a process that has many winners and losers however people want to define it and really what our map is intended to do is be a suggestion to show that it is possible to keep Meridian wholly intact, understanding that every time you change one line on the left side of the map the right side changes or change it up to top, the bottom side changes. So, we haven't had that conversation directly. At least I have not had that conversation directly.

Simison: And if I could add, I think from a practical standpoint we did have one of the Ada county commissioners in the room, as well as the -- as the current county clerk and while they did not speak to the substance of the map in a lot of ways we were in alignment with our letter with the comments that they provided to the commission.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Comment, Dave. I thought you hit the nail on the head with -- with the comment about Star as they grow and they are growing westward and, then, they cross a county boundary it makes sense. It keeps the community together and courts would look upon that as an okay deal we think and I think it's important for Meridian, as a community of interest, to have a couple of districts that represent all of Meridian and I know there is portions of Meridian in another one, but I think the map that you laid out in our areas of impact makes sense and, you know, it's a giant puzzle once you start going from here and -- and as they go to the rest of the state you never know where it ends up. But I think it gives them a good sense of what we would like to see that makes sense for us and, then, as they try to build that plan and put it all together we will see if that comes out that way.

Miles: Absolutely. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Thank you, Dave. Appreciate you, Mayor, as well in your words at the redistricting meeting a couple weeks ago. In my opinion, you know, Meridian is the second largest city in the state and with that comes a responsibility and an expectation and I think that up until now we have been divided sort of in a weird way in the past with our legislative districts. There are other legislative districts in the state, whether it be, you know, up north in Coeur d'Alene or Bannock county over in the southeastern part of the state where their cities are broken up and -- and fewer, you know, legislative districts and I think it makes a lot of sense, being the second largest city in the state, I believe that it makes sense for us as well and I think that -- and I have a lot of faith in the redistricting commission that they will look at that and they will see that -- the importance of why we need to be looked at probably a little closer than we have been in the last couple times. So, thank you again, Mayor, for your comments. I agree wholeheartedly with what you said.

Simison: Thank you. Yeah, it would be nice if the state used the prime meridian to start from creating their stuff, as compared to being the place where they come to at the very end, which is pretty much what it was last time, so -- Council, any additional comments? Would you all like to have your name on the letter as well? Okay. Well, we will make that change and process it appropriately.

Miles: Thank you, Mayor and Council. Appreciate it.

Simison: Thanks, Dave.

Miles: Make sure I was the quickest one.

Bernt: You were. Good job. You know exactly how to do it.

FUTURE MEETING TOPICS

Simison: All right. Anything under future meeting topics?

Bernt: No, sir.

Simison: Then do I have a motion?

Bernt: Mr. Mayor?

Simison: Mr. Bernt.

Bernt: I move that we adjourn the meeting.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 6:29 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK