

Meridian City Council Work Session

February 15, 2022.

A Meeting of the Meridian City Council was called to order at 4:30 p.m., Tuesday, February 15, 2022, by Mayor Robert Simison.

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

Members Absent: Joe Borton and Jessica Perreault.

Also present: Chris Johnson, Bill Nary, Kyle Radek, Crystal Ritchie, Jeff Brown, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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|-------------------------------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> Liz Strader | <input 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 February 15th, 2022, at 4:33 p.m. We will begin this afternoon's work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item is the adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One change for tonight's agenda. I know that Item 13 under the Consent Agenda, we wanted to remove that from the Consent Agenda and just have a quick update on some changes just to make sure everybody's on the same page on that. So, with that one change I move adoption of the agenda as amended.

Cavener: Second.

Simison: I have a motion and a second to adopt the agenda with that change. 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: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the February 1, 2022 City Council Work Session**
- 2. Approve Minutes of the February 1, 2022 City Council Regular Meeting**
- 3. Final Plat for Prescott Ridge No. 1 (FP-2021-0053) by KM Engineering, LLP, Generally Located 1/3 Mile South of W. Chinden Blvd., on the East Side of N. McDermott Rd.**
- 4. Final Order for Victory Commons No. 2 (FP-2021-0054) by BVA Development, Located Near the Northeast Corner of S. Meridian Rd. and E. Victory Rd.**
- 5. Findings of Fact, Conclusions of Law for Denial of Alpha Development R-15 MDA (H-2021-0094) by Alpha Development Group, Located at Parcel S0427438410, on the North Side of W. McMillan Rd. Between N. San Vito Way and N. Vicenza Way, Near the Northwest Corner of N. Ten Mile Rd. and W. McMillan Rd.**
- 6. Findings of Fact, Conclusions of Law for 1160 W. Ustick Annexation (H-2021-0092) by The Housing Company, Located at 1160 W. Ustick Rd., on the North Side of Ustick Rd. Between N. Linder Rd. and N. Venable Ave.**
- 7. Revised Findings of Fact, Conclusions of Law for Apex East Subdivision (H-2021-0086) by Brighton Development, Inc., Located on Parcel S1405120902, South of E. Lake Hazel Rd. Between S. Locust Grove Rd. and S. Eagle Rd., in a Portion of Government Lot 2 and a Portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 2N, Range 1E.**
- 8. Addendum to Development Agreement (Instrument No. 2018-042029) Between the City of Meridian and Steve Eddy for Fast Eddy's at Eagle (H-2021-0068) for Property Located at 13984 W. Jasmine Ln.**
- 9. Development Agreement (H-2021-0066 Red Aspen) Between the City of Meridian and Aspen Grove Holdings, LLC for Property Located at the Southeast Corner of S. Linder Rd. and W. Overland Rd.**
- 10. Farm Lease Between the City of Meridian and Louie Asumendi for Farming of 40 Acres of City-Owned Land Adjacent to the Water Resource Recovery Facility (WRRF) for 2022**
- 11. Encroachment Agreement Between the City of Meridian and Northwest Pipeline, LLC for Right-of-Way Through the Undeveloped Portion of Discovery Park**

- 12. Professional Services Agreement Between City of Meridian and Treasure Valley Children's Theater for 2022 Sponsorship of Theatrical Season**

- 14. Resolution No. 22-2313: A Resolution Approving a Farm Lease Agreement Between the City of Meridian (Lessor) and Louie Asumendi (Lessee) for Approximately 40 Acres of Real Property Located on N. Ten Mile Rd., North of W. Ustick Rd.; Authorizing the Mayor and City Clerk to Execute and Attest Said Agreement on Behalf of the City of Meridian; and Providing an Effective Date**

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

- 13. Resolution No. 21-2300: A Resolution of the Mayor and City Council of the City of Meridian to Repeal and Replace the City of Meridian Standard Operating Policy and Procedure Manual to Establish a New Standard Operating Policy Manual; and Providing an Effective Date**

Simison: Next item is Item 13, which has been removed from the Consent Agenda, which is Resolution No. 21-23100. Ask Mr. Nary to explain the changes to this item.

Nary: So, Mr. Mayor, Members of the Council, Crystal is here as well and she can talk about kind of the HR piece of this. What is in your packet is the -- what is in your packet is the final version that would, then, go from this approval to our intranet for the employees to see. So, Council Member Borton had asked -- you know, the red lines are no longer there, because, again, this is the final version that the employees would be seeing. But you will note, again, all the red lines were done and Crystal could talk about that. But I just pulled up one. One of them is about the policy and having the language in there that Council approval is required. If you want to go to your packets, 7.5 is the procedures regarding standards of conduct. So, that section if you were to scroll down to that you will see as the header on that section of procedures that changes to those procedures require Council approval. So, all of those ones -- and it was either 12 or 13, I don't remember the number, that -- 12 that all have that added to it based on our prior conversation. We also changed or added that language that we had discussed in regards to the preamble that sort of calls out the same thing and, then, again, Crystal's office was in charge of taking all those red lines -- so, Crystal's office -- again, she is going to explain kind of that the red line process and how they handled that part from our last meeting.

Simison: Okay. Council, what's your pleasure?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: I think -- I think we are all on the same page. Those questions that Councilman Borton had were -- were fixed in that and Crystal if you want -- defer to the Mayor to give you permission for the podium, but --

Simison: Go ahead, Crystal.

Ritchie: I'm just here in case there is any additional questions. Like Bill stated, we walked away from our last meeting time together, incorporating the options you requested, which was to have the updated preamble, which has the language in there stating that any procedure that has a financial impact to that cannot be changed without coming forward for Council approval. So, that has been in there in the preamble. And, then, secondly, to that on the 12 policies that Council Member Borton brought forward we have the statement Bill just read to you at the top of each of the procedures for that. Those procedures also may not be changed without prior Council approval. So, what was submitted to you was the final version, no red line. The red lines were provided back to you on November 9th for you to review and take a look at and answer -- ask us any questions that you have, so we are here to request your approval of the updated manual in the format you requested and move that forward for approval tonight.

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we approve Resolution No. 21-2300.

Bernt: Second.

Simison: I have a motion and a second to approve Resolution No. 21-2300. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the resolution is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you.

Ritchie: Thank you.

DEPARTMENT / COMMISSION REPORTS [Action Item]

15. Mayor's Youth Advisory Council Quarterly Program Update

Simison: Next we will move on to Department/Commission Reports. Item 15 is the Mayor's Youth Advisory Council quarterly program update. Ask Rahand to come forward and do some introductions.

Rahbar: Mr. Mayor, City Council Members, as always I'm delighted to be here to introduce two of the amazing student leaders that make the Mayor's Youth Advisory Council the incredible group that it is. This year in particular. After taking a pause for the winter break and holidays, MYAC has resumed its regular schedule of meetings in January. So, over the past month and a half we have had two general council meetings and some exciting developments and plans for the immediate future. I don't want to steal the thunder of the two presenters, so I will welcome Jimena and Audrey to come up and introduce themselves and tell you a little bit more about it.

Simison: Thank you.

Thompson: Mr. Mayor, City Council Members, a personal introduction is in order. My name is Audrey Thompson. I am a senior of Renaissance. Graduate 2022. I am in the associate's program and today I am presenting with Jimena.

Guzman: Mr. Mayor, City Council Members, my name is Jimena Guzman. I am a senior at Renaissance High School and I am the vice-chair for MYAC.

Thompson: Perfect. Let's begin. Do you know any good jokes?

Guzman: I can't say that I prepared any today. Have you?

Thompson: Perfect. So, just to reiterate, this is covering everything that we have done January through February, including just yesterday's meeting. All right. Regular business. So, January 31st we had our guest speaker Bill Parsons. Bill Parsons is part of the Planning and Zoning committee and he helped brief us and the general council on the general actions that happen in Planning and Zoning and how that functions and the importance of it in our community. We plan to have him as a speaker, because specifically we want to incorporate some of his message into future meetings, which I will cover. February 7th we had an executive meeting where we covered and met with Peer. Peer is a wellness center that offers free peer based recovery support services, specifically for mental health, which is an item that ourselves and MSAB, Mayor Senior -- Senior Advisory Board, wanted to cover in future meetings and dates. What we hope to do is plan a 5K that will be all inclusive to the community. It's specifically uniting MYAC with our community where we will call it The Road To Recovery and it will focus on mental health and road to recovery and wellness. Next, just yesterday celebrated a very romantic Valentine's by having a MYAC meeting. We had everything from snacks, cookies, to talking about how we can be more civically engaged in our community. Specifically we wrote Valentine's Day cards for our seniors -- local seniors and senior centers and we also were briefing on future things that we can move on into the future.

Guzman: All right. Community service update. So, recently we collaborated for the Connection For The Cure suicide awareness concert. Council Members Sophie Robbins, Jacob Masson, Grace and an external member, Sophie's sister, all handed out stickers and greeted thousands of guests as they entered this concert.

Thompson: Recruitment efforts. So, in an effort to diversify our group and get a little bit less than Renaissance High School and a little bit more of everybody -- every other school, we are trying our best to recruit other students from all ages from -- in high school to come and join us. We have been doing this by having and hosting incentives, such as if you bring a friend, an incentive, then, you will get your name into the raffle for a Dutch Bros card. Seems to be popular amongst the kids. We have already had a lot of people come and collaborate in that. We are also still collaborating with principals of other schools all in Meridian, some in Boise as well, for their students to have on their announcements to come back and advertising that as well. So, we are very active in that. Also, I personally spoke with Kiwanis and Council Member Luke Cavener and we also advertised the importance of student engagement, civic engagement and talked about -- a little bit more about how to inspire and get your kids passionate and that included -- one of the items was being involved in MYAC and being involved in local government.

Guzman: All right. And now for future events that MYAC is planning for. As for social events, we find that the social aspect of MYAC is something that has been missing in recent years. So, we are putting forth an effort to try to increase that social engagement aspect. We will be having a murder mystery party during one of our meetings. It will be centered around problem solving, that sort of bonding event, and it will have an '80s theme. And, then, after our meeting on February 28th the general council will be engaging in a financial -- financial simulation called Mad City Money. Next as for leadership development, we are hosting an event planning themed MYAC meeting that -- on March -- March 14, our chair Sophie Robbins will be putting together an event planning guest speaker, as well as a nonprofit panel, again, led by our chair Sophie Robbins and is putting together a panel of nonprofit executives planned for the date of March 28th.

Thompson: I just want to reiterate that panel that Sophie Robbins, our chair, it is going to be centered on leadership.

Guzman: All right. As for government affairs we are planning a Planning and Zoning activity. Government affairs chair Audrey Thompson is putting together a Planning and Zoning activity for our general council members on February 28th. It will be an interactive simulation of the dynamics between citizens, Planning and Zoning, and the ordinance in place for that. In addition to that we will be having a youth lobby day. The MYAC members will be able to send in and record videos for the American Heart Association's this year asynchronous and virtual youth lobby day. These videos will specifically discuss the impact of vaping.

Thompson: Perfect. And just a little sneak peek into the Planning and Zoning activity. I have been working on this for the past couple of months in hopes to create and bring general council -- council closer to an activity and -- and engage in local government that is applicable to their lives. I have noted that when general council and when we debriefed in our government meetings they were talking about the glimmers of being a politician and talking about how fun it could be and how dramatic it could be and, of course, those are all relevant, but I wanted to talk more about what affects everyday life and what do our city council members actually do for us and one thing that Mr. Mayor Robert Simison

mentioned was Planning and Zoning, talking about that, because, obviously, it's very relevant in our community with the growth that we are experiencing. So, I created a simulation, interactive game that is strategic, creative and has a competitive factor in it. I introduced it to our general council and they came up with a name for it. The city that will be featured, which is Meridianian, it's like Meridian, but with more idian is how they put it. Going forward if you will note that I made a fake district map for Meridianian and it is themed very closely to Meridian's actual district borders in hopes that it will create a very lifelike and at the same time entertaining game and activity for them as we go through. In the game there will be campaigning, propositions, city code and ordinance, districts, randomize factors. It will be very fun. There will be a place for everyone, whether you want to talk, whether you want to be a city council member, part of the planning and zoning or being a citizen. There is a place for everyone in this game and this game will be featured on the 28th if anybody is interested.

Guzman: Audrey, would you say that this map has more idian in it, the Meridian one?

Thompson: Definitely more idian.

Guzman: Fantastic. All right. As for community service events coming up, we are planning on doing something for Do The Right Day, which is coming up on April 7th. We are planning to develop an outreach plan with local businesses to see how we can contribute with this. In the past MYAC has interacted a lot with Do The Right Day, so we are hoping to sort of revive that interactive aspect. This next one is my personal favorite. We will be hosting a senior prom for the Meridian Senior Center. This is specifically with leadership development in mind, as the executive council has put on general council members to be forming a committee, leading and planning the development of this prom, which will be taking place someplace in April or May.

Thompson: Perfect. To conclude, what MYAC has done as a collective in January to February has focused very much on team building, collective work and including raising awareness for mental health, which will also be featured in future months. As we go forward we want to reiterate that we are also focusing on leadership skills as well. I would like to open it up to the Mayor and City Council Members if there are any other questions.

Simison: Thank you, Audrey and Jimena. Council, any questions or comments?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a comment, Audrey and Jimena. Wow, I'm just blown away by how -- this is a hive of activity, all these different things you are focusing on it's really great. Thank you.

Thompson: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: If you can book a member of MYAC to speak at any public event do it. Audrey mentioned she spoke to our Kiwanis club. Thanks to Pam Orr for scheduling that at the start of January. It's one of the best speakers we had all year and not just talking about MYAC, but it was really beneficial I think for that club to hear about what goes on in a high school student's life, particularly highly motivated students like MYAC members. So, as you are out and about you are hearing people saying, hey, we would like someone to come speak to our group, book MYAC as we should have like a MYAC speaker series. Audrey did really great. I will also put in a plug. I will be volunteering at Mad City Money. If you have never volunteered at this event it's a great activity and it's a great way to interact with MYAC. So, if you are free on Monday night stop by, it's well worth your time. I'm looking forward to it in two weeks.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You guys are best of the best.

Thompson: Thank you.

Bernt: Really good at what you guys do and -- and, you know, it's just really interesting how even when you guys are involved with commissions and the -- the -- just what you project and your insight, it's -- you know, most of the time you guys do it better than the adults, so we appreciate everything you do.

Thompson: Thank you so much.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I have a question. You know, we -- we face this thing when we do comprehensive plan map changes or anything like that, you know, you want Council -- citizen input and Council wants to hear from people and it can be hard to get -- to get people engaged and, you know, you are trying to do the same thing. So, what do you think are some of the obstacles you have for kids participating in MYAC? Is it just the amount of things that they have to do, other activities, just lack of interest or -- and how are you overcoming that you think that where you can be successful?

Guzman: Mr. Mayor, City Council Members, I think that one of the top issues that is facing MYAC members in terms of engagement and engaging in a lot of these social activities has to be that it can be very intimidating to be within the City Council chambers, especially

-- well, even if it is every other Monday and especially when MYAC has been down for so long, trying to reinvigorate that social aspect and reinvigorate that focus on community service. We have faced this obstacle of trying to get us to come together as a group and release the general council's energy on a lot of these community service activities that we are pushing. I think that one of the things that we are trying to do to overcome that is to try to make MYAC more of a community through these social bonding activities and through community service efforts that are not only collaborative with different organizations or nonprofits in the area, but that also focus on having the general council take a role and so the engagement is -- was the main inspiration for having the general council lead that committee for the senior prom to try to get those leadership development skills that we have been working on put to work.

Thompson: I would just like to also add to that -- a little thing. I play the violin as well and one thing that my teacher tells me is that when you are going to be practicing things are going to be fighting for that time. Your family is going to be fighting for that time. Your friends are going to be fighting for your time. That homework that you have. The test that you have to study for tomorrow is going to be fighting for that time. So, lots of times while we are in MYAC as the executive board, a lot of those things -- we feel like salesmen sometimes, because we are incentivizing these types of programs and at the end of the decision to show up and there is the decision to be motivated, passionate about local government, but all we can do is tell them this is going to better your life and it's not just going to be a scholarship opportunity or resume, something you can put on your resume, it's going to be something that's going to better you as a person and help you build those soft skills that's going to help you in the future.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just a follow up. That's -- that's fantastic and -- and also I just want to encourage you to keep at it and, you know, you may set goals and look at things and, you know, when you graduate, walk out and go, boy, we didn't meet that goal or something, but you don't realize the seeds that you plant that can help for future success and you can look back and say, oh, I think we were part of that and we do the same thing on this Council. There are things that we do now that, you know, down the road, years from now people won't remember our name that we -- we did something that setup up for success in the future. So, it's always -- you always want to plant seeds where ever you go. You may not harvest it, but it's always great to plant those positive seeds.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I just want to share, too, because I got notification about this this week. So, in a former life I was fortunate enough to be a MYAC advisor and the students that I worked with that met in MYAC have now gotten married and have now had a child. So, it is

possible in our future that you could have a MYAC participant as a child of two MYAC graduates and I just think that's really cool. Just kind of speaks to all the opportunities. You can even start a family -- maybe later in life -- as a result of attending the Mayor's Youth Advisory program.

Simison: For the record there is no fraternizing of that nature that is part of MYAC that I'm aware of.

Thompson: Like I said yesterday -- our meeting yesterday was very romantic.

Hoaglund: If Councilman Cavener knows the name of the baby -- by chance is the middle name MYAC? So --

Guzman: Mr. Mayor, City Council Members, I would just like to put on the record that that was a missed opportunity and -- yeah.

Simison: Well, thank you both. I don't want to burst your bubble, but if the game turns out to be successful, unfortunately, as it was developed under the city's program, technically I think it belongs the city and -- but maybe we can talk about that in another life. But we look forward to that. Thank you.

Thompson: Thank you. We appreciate you.

Guzman: Thank you.

16. Public Works: City Code Update - Maintenance Responsibility for Sewer Services on Private Property

Simison: So, Kyle, let's talk about sewers.

Radek: Mr. Mayor, I would love to.

Simison: With that we will move on to Item 16 this evening, the Public Works city update from Mr. Radek.

Radek: Mr. Mayor, Council Members, normally this is a job for Clint Dolsby. I guess I will be playing the part of Clint Dolsby tonight. The purpose of this code update is to eliminate confusion about who is responsible for maintenance of a sewer service at what locations. The vast majority of sewer services in this city go from a home out the front -- under the front yard to the street to the water -- to the sewer main and the code is written to support that and says until that sewer line gets to the right of way line or the property line it's the responsibility of the property owner to maintain that and, then, once it gets past the right of way line it's the responsibility of the city to maintain that. There are, however, a lot of sewer services that don't go from a building across private property to right of way. Commercial the sewer services a lot of times will never get to right of way. They will go through a parking lot and get to a sewer main that's in an easement. Another example

that we are seeing a lot of now as private drives and that sewer service will leave the property when they go on to the private drive, which is not right of way, and, then, go to right of way. So, this proposed code update clarifies that until the sewer service gets to a -- gets to either right of way or a public utility easement -- public sewer easement, then, it is the responsibility of the property owner to maintain it and once it gets to that easement the city is responsible to maintain it and that is the entire update and I would be happy to stand for any questions you have. We are asking for some guidance tonight and if -- if everybody is okay with it move forward in a few weeks with putting it on the regular Council agenda for a hearing, if -- unless you have some other -- other guidance back and work some of the things out that you can think of.

Simison: So -- so just what I heard using the private drive as an example, the house would be responsible until it gets to that place and, then, someone else would be responsible, potentially, if they are not the owner, if it's an HOA, which means that -- who owns a private -- who would own a private drive that would be responsible for that section before it hit the street?

Radek: Yeah. Mr. Mayor, good question. Because I know it's not the city. So, depending on how that -- that private drive was written and I guess dedicated as it is -- technically I'm sure it's HOA property. It doesn't belong to those three homeowners that use it, but I would imagine -- and I'm just guessing, maybe looking for some help from Bill here -- that the property owner is going to be responsible for maintaining that service until it gets to city responsibility. So, I don't --

Nary: There we go. Mr. Mayor, Members of the Council, so, yeah, I would agree with Kyle, I mean, again, we are trying to create some clarity on where that service belongs and, again, between the owner of the service, the property that it crosses and, then, a public -- or a public right of way that we have acquired, that's what we are trying to clear up here in this particular instance. So, I don't have, I guess, a -- to what Kyle said. I mean it really is trying to make sure that the property owner understands, again, we are only responsible to this point. We have the same issue with water, although that's -- water has been a little different, but where -- you know, again, we cover to the meter and, then, everything beyond the meter goes to the property owner. So, I think this really is just a cleanup to me. But, again, if you have other questions we certainly can answer those.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Basically, Kyle, what we are doing is ensuring that the city is not going to be responsible for anything on private ground. Whether it's a single property owner or -- it's going to be covered by a homeowner's association or a private drive, maybe it is the three homeowners that are on a private drive, but it's clear that we won't be going in there, because that's not our property, that's not our public easement, it's their issue.

Radek: Mr. Mayor, Councilman Hoaglun, that's correct. We just want to make it clear that unless -- unless it's a city easement with city infrastructure in it, it's not our -- it's not ours to maintain and fix.

Simison: So maybe going to the next step, stay with the private drive. When the HOA goes away maybe the private drive gets redistributed back to those three property owners. My real question is if there is a third party in between where the city -- someone else in between, what is their obligation to do something? Do we have the right to go force that middle person to do something for the benefit of the person at the end of the line? Because it's one thing to tell the owner you got to fix it and we are not going to do it, but to tell somebody else that there is a problem in between that they got to go fix it for the benefit of another person.

Nary: Mr. Mayor, Members of the Council, I would see this playing out in a situation like that where the middle property owner is going to say, look, I'm not -- I'm not paying for any of it. I don't need it. There is nothing that affects me with this. All -- we don't have the right to access it. That's our biggest problem is that we don't have an ability to just drive a truck into their driveway and dig up the driveway. So, we are going to need some level of permission to do that. I would anticipate -- I don't know if Kyle has had experience with these -- where, again, most of those other property owners, they get it that as long as they are not paying they don't care. So, the other party is going to have to pay for that cost, because they are the ones that need the service restored. But the middle one I don't know if we have had a lot of issues with that, Kyle, and that would be kind of like you guys.

Radek: Mr. Mayor, Council Members, it's an interesting question, because it goes beyond water and sewer, it goes to pavement as well and it's one of the things that certainly we are not -- we are not responsible for pavement, but that's going to be an eventual question for 40 years down the road, no pun intended, when the pavement is all cracked up. It's not ACHD's pavement, that payment belongs to the HOA and it's the three or four homes that use that private drive that need it. So, who is going to pay for that? I don't know. I -- I believe our position would be that -- that the only person benefiting from that service that goes from the home across the private drive to the city main is that homeowner and that homeowner will be responsible for that service.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. So, you know, here so much of our city is new; right? I had the pleasure of renovating a one hundred year old home in a suburb of New York where I had to replace the clay pipe that ran from our house to the street. I guess my question would be -- I think it makes perfect sense to go from the homeowner to the public right of way. I guess my question would be in the case of a private drive is there any city infrastructure underneath that drive that is not specific to one homeowner. Like is there a trunk? Is there anything

that multiple homeowners share that you could argue is like a piece of city infrastructure or does each home have an individual line that goes to the public right of way.

Radek: Mr. Mayor, Councilman Strader -- Council Woman Strader. Sorry. Sometimes we do have a water or sewer main in a private drive. Only if it benefits the city is the exception to the rule. But if we do we have an easement over that and so the vast majority of private drives do not have any public infrastructure that serves everyone. That's why we have -- we stopped -- we generally stopped the water main and we stopped the sewer main at the entrance of the private drive and, then, it's just services beyond that.

Strader: Thank you. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just to -- I think -- are you looking for feedback, Kyle?

Radek: Mr. Mayor, Council Woman Strader, yeah, just -- just any feedback, any guidance and then -- yeah. We don't -- we don't need a vote or anything like that, so --

Simison: Clint is looking for feedback. You are just a straw man in the middle.

Radek: That's right. Nobody asked about water services.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That makes sense to me. I guess I'm just worried about kind of a set of circumstances that, yeah, have we thought through everything. Like this carve out that -- I guess it would fall under a public easement, but, you know, we -- I think we want to minimize conflicts between neighbors, so I'm supportive in general of the idea, if we could just look into somebody tells them areas where there could be a conflict. The private drive sounds like one. You know, maybe looking at examples where we have seen conflicts in the past and people coming into the city later to -- where they have had their own services and we have had to go back and put them in, how that would play out under this new approach.

Simison: Yeah. I'm kind of in place. I mean I just -- the one that scares me is anything that denies responsibility. I mean we have HOAs on Cherry Lane, which were there at one point in time and people responsible for the weeds, then, the HOA went away, now no one is responsible for the weeds, when technically someone is responsible for the weeds, but nobody wants to enforce who is responsible for the weeds to do that stuff and so when you start putting stuff into common share -- it's one thing to do a parking lot in a -- in a shopping center that's owned by -- private land that is owned by somebody, even if it is a corporation, but when you start getting into communal ownership of property that could go away and, then, what is the result of that going away, how does that impact

something in the future -- when this is likely going to be the issue 30 years, 40 years. Just make sure we have thought through that to the best of our ability if this addresses that. Otherwise, we are just kicking it to somebody else when these pop.

Nary: Mr. Mayor, Members of the Council, I mean we certainly can have this conversation with Public Works and with Planning, because, you are right, I mean the narrow circumstances are pretty narrow, but they do exist, and so we want to make sure -- most platting will have utility easements listed on the plat, so the person does know there is a utility easement in that driveway for all utilities, just -- the cable and everything else probably running through that as well. But we can certainly make it clear. I mean, again, it may be a requirement that we decide from the city that if you have a private driveway you have to dedicate the entire driveway as an easement to the city for the utilities that are placed in it.

Radek: I guess, if I -- if I can just respond to that. I'm sorry, I thought you were done, but your mic was off. I guess this is just kind of a continuation of the private drive conversation, because we don't want to go into a private drive, we don't want to have anything to do with a private drive, because there is no guaranteed access in a private drive. There is cars there. Trucks there. RVs there. We don't want our Public Works infrastructure in a private drive. That was -- that's kind of a major point about this.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Then a question I think if -- for those rare instances something might crop up. Do we have a mechanism, Bill, where we can place it on the property, something needs to be done, there is a serious situation, we can go in, take care of the problem, but place a lien on the property -- there is going to be an owner of that property and -- and, then, when that time comes -- at some point in time they will see -- the Enterprise Fund will be reimbursed for that cost.

Nary: Mr. Mayor, Members of the Council, we don't currently have that in place. That's certainly something we could look at as an option in trying to create that -- these types of private drive issues.

Radek: I guess I will take this conversation and head back to Warren and Clint and Ted to -- to go over some of these, you know, cases and certainly the -- certainly the private drives are great examples of where the property owner is responsible for a much longer water and sewer service than -- than a house on a cul-de-sac or a street. So, we will definitely discuss it internally. I guess we will come back again for more discussion.

Simison: That would be -- that would be great. Especially when we have our -- another attorney up here. Thanks, Kyle.

17. Legal Department: Draft Ordinance Concerning City Council Districting

Simison: Okay. So, Item 17, Legal Department draft ordinance concerning City Council districting. Mr. Nary.

Nary: There we go. So, I'm going to do this short, because Kurt's here as well and he can explain it. What we done, Members of the Council, is that the ordinance that's in front of you has a few changes in prior discussions, as well as conversation with the Mayor and Council Member Hoaglun, about the direction this ordinance wants to go. I'm going to let Kurt, since this is probably going to cut me off in about ten seconds, come up and explain the specific changes and kind of where we are with it now. We are ready to move it forward when you are ready to bring it forward.

Simison: Kurt.

Starman: Thank you, Mr. Mayor, Members of Council. So, this is an item you have seen before -- actually on a couple of different occasions. So, last time you saw this was in December of 2021 and we just made a broad presentation, asked for feedback and we received some feedback from the Council as a whole. So, what you have before you tonight reflects the changes that we heard from various Council Members and from the body as a whole. They basically fall into three categories and they are fairly minor, but I want to just point them out to you. So, the changes that are in the draft ordinances before you this evening, as compared to the December 2021 version, are as follows: First, the -- we have modified the language that talks about the appointments of members to the committee to make that clear that just like our other committees and commissions that the appointments are made by the Mayor, subject to approval by the City Council. So, we have added language to make that more clear. Secondly, we have added some additional language and requirement that the ex-officio members of this committee, essentially staff members, as well as a member from Ada county, would develop three draft maps in advance of the committee -- in advance of deliberations of the committee to sort of prime the pump. So, the idea would be that from a staff perspective we provide three potential disrupting maps, so that when the committee does assemble and begins its deliberations it has a place to start, but we also have added language that makes it clear that the committee is not bound by those three scenarios. They can choose one of those three or they can discard all three and do something completely different. The idea simply was to give the committee a starting point. And, then, lastly, in terms of changes to the ordinance from the last time you saw this is that we -- the initial version indicated that there would be a minimum of one public hearing after a draft districting map had been -- once the committee had gravitated toward a preferred draft. We have changed that to say a minimum of two public hearings and the reality is the committee may have many more public hearings, but we wanted to have a floor and so that says it would be a minimum of two public hearings. Those are the changes from last time and, then, I'm going to transition to a second topic, which is -- we didn't have it ready for this evening, but I just wanted to let you know -- the Council know that between today and next time you see this one we will make one additional change to the ordinance and that is there is

a section -- it's just like in our current code, there is a section that pertains to vacancies on the City Council and it occurred to us sort of late in the game, quite frankly, so shame on us -- is that the way it's written currently is it contemplates the districts are in place and ready to go, but there is a possible -- because the ordinance will be adopted and the districts will follow some months later, there is a possibility is how I characterize it, that a vacancy could occur sooner before the districts actually exist and so we will likely modify that language just slightly to indicate here is what happens if -- if a vacancy occurs before the districts exist and here is how it works after that point in time. So, we will just make that clear, so we can pick up both eventualities or the possibilities of those things. So, that -- that's something that's not in the version that's before you today. It will -- some -- some modification will be likely in the ordinance when you see it at our next discussion. Then the last thing, just to report to the Council, I wanted to make the Council aware that Ada county has notified the new precincts based upon the defenses and, of course, the litigation regarding statewide redistricting has now been fully resolved as well and so the pieces are in place for -- once this ordinance is adopted the pieces are in place to begin the districting process for Meridian, have the precinct kind of make the building blocks, so to speak, for the districting process. So, that's what we have before you tonight. Again, as before, no action for the Council this evening. Really an opportunity to touch base with the City Council, receive additional input if that's -- if you have some additional thoughts for us and, then, our goal would be to have an ordinance before you for consideration for actual action soon, so that we can get going and the Mayor and others have talked about a timeline where we would like to have this ordinance in place soon, seat the members of the committee and have these districts in place this year, so that everybody has ample time to plan for the 2023 city general election. With that I would be happy to stand for questions.

Simison: Thank you, Kurt. Council, questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Kurt, you touched on some that -- as I was kind of reviewing things over the weekend kind of crept into my mind and I don't know if we -- if we do this on other resolutions, but I think timing is really critical, particularly as we are communicating this to the public. So, if it's worth considering that we will have a -- you know, a map presented to the public by this particular month and, you know, to try and have this process completed by this particular month. I'm just more offering that as -- as flavor for -- for consideration. I think kind of roadmapping this out and trying to have some deadlines in place lets the committee know that we are serious about moving forward on this thing and that sort of thing. So, that just would be the only addition that I would include is to maybe have certain benchmarks would be --

Starman: Thank you, Mr. Mayor, and Council Member Cavener. I think that's an excellent suggestion. We are in a better position today than we had been previously, because, of course, we have had a number of unknowns up until just -- just the last few weeks, quite

frankly, in terms of when is the census information going to be available, when will the litigation relative to the statewide redistricting be complete, and, then, when would the county have the precincts in place and so now we have better answers to all those things. So, we are in a better place to map out a timeline and if that's the Council's judgment or preference, we certainly could do so. My one thought I would offer is that, remember, this is -- this is an ordinance that's intended to develop initially, which would happen this year in 2022 in advance of the 2023 general city election, but also this is the ordinance that is going to be as part of the Meridian City Code on a going forward basis as well. So, there may -- I may offer just a thought that to put a specific line -- timeline in this specifically to 2022, the ordinance is going to be in place on a going forward basis, it would be -- it would become dated very quickly and we could amend the ordinance later to remove it, but perhaps a different idea is that maybe outside the ordinance process with the Council could establish a timeline for the work.

Simison: That's what I was going to suggest, since the code already dictates the time frame for us by which to have -- to have it done. So, that's already determined. You know, I have -- I have been on record with you all to say we have to spend a year in it -- of the opening of that, so we do have a tactical time frame of August, we could look at that, but if Council wants to do a resolution to memorialize that expectation, that's going to be my conversation with anybody that I'm looking to bring on this. We are going to try to get this done and have something, you know, finalized by August. So, that's my expectations. If you feel necessary to put it in code or resolution, but I don't think the code -- I don't think code on this one is where it makes sense, but there could be other things if we want to formalize it, like when we appoint them -- in the resolution that we appoint them -- a date expectation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just wanted to say thanks a lot, Kurt and also to Bill Nary's whole team for their work on this and I appreciate that -- it seems like you have set up a really good citizen led input process that there is going to be plenty of public hearings, that it will be impartial and informed by experts to get the existing City Council out of the weeds where we don't want to be, so I appreciate that. This is a really good resolution to me. I think it is a ticket -- or ordinance I think it's in a good spot.

Simison: Council, any other questions? Okay. Then we will work to bring this back in the next few weeks looking at how things are set up. So, thanks, Kurt.

Starman: Thank you.

EXECUTIVE SESSION Per Idaho Code 74-206(d) (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code

Simison: So, with that, Council, we have reached Item 17 on the agenda -- or I'm sorry, we just completed Item 17. Next item up is Executive Session. Do we have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

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

Cavener: Second.

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

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

EXECUTIVE SESSION: (5:19 p.m. to 6:02 p.m.)

Simison: Council, do I have a --

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

Simison: Motion to come out of Executive Session. Do I have a second?

Cavener: Second.

Simison: Motion and second to come out of Executive Session. All in favor say aye. Opposed nay? The ayes have it. We are out of Executive Session.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, I move we adjourn.

Simison: I 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 6:02 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK