

A Meeting of the Meridian City Council was called to order at 4:30 p.m., Tuesday, October 18, 2022, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Caleb Hood, Bill Parsons, Berle Stokes and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglun	<input checked="" type="checkbox"/> Treg Bernt
<input checked="" type="checkbox"/> Jessica Perreault (5:09 pm)	<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 October 18th, 2022, at 4:30 p.m. We will begin this afternoon's work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item up is adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move the adoption of the agenda as published.

Borton: Second.

Simison: Motion and 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: FIVE AYES. ONE ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the October 4, 2022 City Council Work Session**
- 2. Approve the Minutes of the October 4, 2022 City Council Regular Meeting**

3. **Findings of Facts, Conclusions of Law for Linder Village South (SHP-2022-0012) by KM Engineering, located at 1268 W. Orchard Park Road, near the southeast corner of N. Linder Rd. and W. Chinden Blvd.**
4. **Findings of Facts, Conclusions of Law for Linder Village West (SHP-2022-0011) by KM Engineering, located at 6192 N. Linder Road, near the southeast corner of N. Linder Rd. and W. Chinden Blvd.**
5. **Public Works Agreement with Knighthill, LLC to Accept Payment in Lieu of Installing Streetlight at Knighthill Subdivision Lot 8**
6. **Cooperative Agreement Between the Western Ada Recreation District and the City of Meridian for Financial Contribution to Support Licensed Recreational Activities**
7. **Interagency Mutual Aid and Memorandum of Agreement for Peace Officer Training between City of Meridian and City of Nampa**
8. **Subrecipient Agreement between Jesse Tree of Idaho, Inc. and the City of Meridian for Emergency Housing Assistance Grant Funds**
9. **Purchase Order Request for Hughes Fire Equipment for One (1) new Enforcer Pumper KB802 truck for the estimated amount of \$793,709.00**

Simison: Next item up is the Consent Agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

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

Borton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There are no items removed from the Consent Agenda.

DEPARTMENT / COMMISSION REPORTS [Action Item]

10. Community Development - Staff Report Format Discussion

Simison: So, we will move into Department/Commissioner Reports. First item up is with our Community Development Department, staff report format discussion. Turn it over to Mr. Hood.

Hood: Thank you, Mayor, Members of the Council. Bill and I are here this afternoon to talk to you about our staff report that you are familiar with and you see pretty -- pretty much on a weekly basis. We have received some feedback -- well, really, ever since the template was developed back in 2018, but even more recently we have -- we have received some feedback from some of you, some members in the community and our own internal staff have even had some comments about how we could make it better. So, we looked at this as an opportunity to innovate and improve that template and we want to run some things by you here this afternoon. Really we look at it as there is -- there is four users and I just mentioned most of them. First of all staff. So, we want to make it user friendly for staff to compose it and to update it. They still have to do some work. There is still analysis that has to be done. But from putting together the original staff report to updating it with Planning and Zoning Commission's recommendations through the findings document, trying to make that as easy as possible technically to get that done and, then, you have got the applicant; right? We want the applicant to understand what's being written in the staff report and the same being the public. The public doesn't read these types of technical reports very often, so we want to make sure that it's clear and concise and the information is upfront and -- and easy to understand and, then, kind of the same thing for even our elected and appointed officials. Easy to find information. It's all right there. You know what the issues are going into a project or where staff -- staff is at in recommending approval or denial or -- or continuance. So, with those users in mind, then, and our processes with Project Docs and Accella and a lot more online information, we are getting comments from other agencies and -- and Bill will get into this a little bit more, but -- but comments are being submitted separately and we can simply put hyperlinks to some of those things in the staff report. Fire department submitted conditions. Click here and it will -- it will push you to that document and it just opens it up as in -- in a new window or whatever and you can read the -- the conditions from the fire department as an example. So, we really are trying to make the staff report not 50 pages long, but maybe five or six or ten pages long and if you want more information on a specific thing you click that and it takes you there and you can come back and keep reading and you want to click on that you can go back. But it -- but it has -- the meat of the staff report is still one document, again, five, six, seven, eight, ten pages, but the more information is located in separate exhibits if you will, including the exhibits for the most part. And, again, we will get into that. Bill is actually going to go line by line practically through the existing staff report and show you some of the things that staff is proposing we change. So, there is kind of different levels of this, things that we are pretty -- I will just say passionate about changing, things where we could potentially change, but we want your feedback on and, then, there may be things that we are planning today that sort of gloss over and you are like, hey, you know what, I never really liked how this worked. Can we move this or just delete it all together. So, those are kind of the -- as we are going through this Bill will kind of tell you, hey, we would like to move this or we are going to move that or, you know,

again, stop us if we -- we kind of get out of -- out of order there. But, again, we are open to other comments and improvements or changes. So, I'm going to take some notes. Let Bill run through this. We will follow up, then, after this meeting, we will get together, make some more changes based on how this discussion goes. I have some follow up kind of survey questions I would like to send out to you that are a little more specific and I would like you all to kind of respond to those and, then, we will consider those. Our goal right now is to have this new template updated and be using it January 1. So, it gives us a couple few months to, again, hear -- hear feedback and -- and work out some of the technical issues we are having with maps and links and clipping things and hiding things potentially. But, anyways, that's kind of the opener and unless there is any initial comments I'm going to turn it over to Bill to kind of run you through potential changes.

Parsons: Thanks, Caleb. Appreciate that. Mayor, Council, pleasure to be here with you this afternoon. As Caleb mentioned to you, we started this off in '18 and we -- we really did it to get more information out to not only you, but also the public, so that they could get educated on the process. We heard from some of you a couple of months ago and that's what kind of spearheaded our effort that we are sharing with you this evening -- or this afternoon I should say and Caleb and I have met with not only planning staff, but other city departments as well to get -- to garner some of their feedback and that's what I want to share with all of you and, then, obviously, we want to get some more information from you as to whether or not you feel the information we currently have in the staff report is needed or necessary or can we present it in a more modern way, so to speak. I would also mention to you that all the exhibits and everything that we have in the staff report is part of the public record. It is -- it goes to laserfiche from our electronics -- the software -- our enterprise software that we use and that's why we want to see if there is a way we can condense our staff reports, but get you that same information just viewing it differently. So, this is the -- the first page of the staff report. Like Caleb mentioned, I will -- probably won't go through everything line by line, but there are specific sections in the code that I want to highlight and get some feedback from the City Council today. So, if -- if you -- if you recall -- I will scroll down to this -- this page here. One of the changes that we are proposing is right now we have a lot of the applicant information here. What we do in planning is as we process an application we actually create a report out of Accella and upload that into our Project Doc software with all of that information and, then, that gets uploaded as part of the public record into laser, which all of you get a link -- a link to that information and so, really, it's -- it's more information for all of you, but we are proposing to actually move it here at the beginning of the staff report. It seems to fit better in that section and eliminate all of the other additional work that we have to do to manually input that information from -- from Accella. Two, if we added a planner e-mail a lot of times we just have our number, but a lot of times people like to converse with us through e-mails these days, so we will add that as a -- as an added benefit and, then, also add a GIS link to -- so, we do have this vicinity map here in the right-hand corner. Also be nice to provide that GIS link for all of you to click on early and then -- in the report so you can see where it's situated or if you want to blow it up and see what's occurring around there. Not only will the public have the ability to do that, but so will you and -- and staff. So, we thought that was a pretty good enhancement. Currently this next area is something at least I will -- I will skip section one really. It's pretty self-explanatory. That's where we just tell you

what the applicant's applying for. This information really coincides with the project description that we send to the city clerk as part of your agenda. Item number two is where we spent a lot of time back in 2018 and we came up with this section specifically to get you more information and highlight issues for you, so you -- and get you to the right sections in the staff report. So, the -- the four items that I have highlighted here will coincide with those maps further in the report. So, back in 2018 you asked for a zoning map, comprehensive plan map, an aerial and, then, also a plan development map and we added those as Section C below. Well, what we are proposing to do is maybe eliminate those exhibits or combine those or potentially just provide links here for you to view that information, rather than having the physical map in -- in the document. Again, we are working with GIS to try to remedy that to see if we can physically do that, but that's one idea that we want to have and, then, as we get down to that section I wanted to see if -- if Council still -- I wanted to get your feedback on the -- the number of maps that we include in our staff report and if you still find value in that or not.

Hood: Maybe, Bill, before you move on -- so, just to drive that point home a little bit, can you scroll down a little bit? The -- and I know you all have seen this before, but it really frees up some space if we can just make those maps hyperlinks. We lose almost a page right there just with those four maps. So, if we can make that a line and a hyperlink to say, hey, you know what, I wonder what we approved over the last couple of years or you can go to the proposed -- or the recently approved projects link and look at that map, rather than having it embedded in the staff report. So, just, again, if it frees up some area.

Parsons: Thanks, Caleb. Appreciate that. And, then, we just aligned things a little bit better. So, for example, we moved -- some of the history was at the bottom of this table. We moved to the beginning. We felt that was relevant. So, you can know what -- what's occurred on that property over the years and this, again, aligned a lot of this with what the applicant provides with their application submittal. We still find -- staff still finds there is some value here. Gives you a quick summary of the project and you get to put a quick overview of it. That's all concise on a table and also helps residents or neighbors that are -- are chiming in or weighing in on applications as well. The one thing that we did add was a pre-application meeting date. I think that's important. I think the Council realizes sometimes we come before you and we let you know that we have talked about certain items at a pre-application meeting and either the applicant's complied with our request or they haven't. It's -- it's a good -- we felt it was appropriate to add that to this table, so that we can convey that to you earlier in the report and reasons why the applicant may or may not want to comply with staff's recommendation.

Hood: So, again, Bill, I'm going to interrupt real quick. And -- and the other thing we talked about doing was not only putting the date, similar to the neighborhood meeting date, but, then, also hyperlink. So, if we had two or three application meetings with them, you can go and read staff's notes. Oh, the first time they talked about this and asked the applicant to change that. Second time they still hadn't changed it. Third time they still -- or whatever the case may be. But you have access, then, to that history of the pre-application meetings and if you wanted to dig deeper and said, hey, this has been an

issue for the last six months and staff told you for the last six months this is what you can expect in the staff report, you have fingertip access to it.

Parsons: And, then, also further in the report we also identify for you when the site's been posted, when it's been put in the paper, when it's been put on NextDoor. Again, we are going to simplify it, simply just have site posting and provide a hyperlink to the web page, so that you will -- again, the clerk keeps track of all of that as part of the public record and so if we create that link someone can click on it and see that the site's been posted properly in accordance with city standards and I will scroll quickly -- quickly down to the staff -- through the staff report here and you will see that. Again, not a lot of effort to put in those dates, but still -- you still -- there is some work here. So, again, to Caleb's point, it just allows us to compress the staff report when we already have the record -- the clerk's keeping track of that as part of the public record. Moving on to Section B is the community matrix and this was something that was reviewed pretty heavily back in 2018. Not only with all of you, but also -- also with the various departments. I remember being in front of all of you and asking you what -- what you wanted included and we even had directors speaking at that -- some of those hearings saying what they wanted included. But to Caleb's point -- earlier point is a lot of these comments we get are already provided separately by our city departments or outside agencies. So, in our mind it's duplicate work. We have it as part of the public record. It's included with the clerks. If an applicant doesn't give us information we don't fill it out, so there really is no value add to it and so this is where staff would like to really look about redoing this section or eliminate some of these items and keep the most important criteria in play for you. So, for example, this distance to key services, internally we have what we call a -- the service accessibility report that we use with our GIS mapping and that's where we can determine what is -- how many sidewalk -- is it walkable? Are there services? Where is the nearest park? We can do all of that just by clicking on the parcel and running a report and providing that information. So, again, if that is an issue with a specific project, if we are not growing in the right location in the city, we can run that model and share that with you that this is not a good location, doesn't have adequate services to meet our goals of our strategic plan -- our Comprehensive Plan. ACHD -- I think all of you are familiar with their staff reports. They give us a pretty comprehensive staff report. So, really, the most important thing in our mind is have we received information from them on the application and if there is any concerns we can highlight that here.

Hood: So, again, just real quick on that one. So, we are proposing to remove quite a bit of the summary information that is contained, but buried, I will be honest, in ACHD's staff report. So, how useful are some of those things -- again, you know, access -- you know, it -- it's on Locust Grove and Fairview, you know, those types of things. I mean it's in -- it's in there. What we are proposing again for streamlining purposes, like Bill says, it can be found somewhere else, but it's not like it's -- it doesn't just pop in the ACHD staff report. So, this would -- would make it -- or are there other things regarding streets and roadways that you would want to see replace these things that we are proposing to remove.

Strader: Mr. Mayor?

Simison: Council Woman -- Council Woman Strader.

Strader: Thank you. Thanks, Caleb. Thanks, Bill. This is great. I appreciate you guys focusing on this project. I know something that Bruce and I talked about quite a bit. One of the pieces of feedback I had early on in the -- like much earlier in the year was I'm all in favor of eliminating all of this with links instead. I just want to make sure that there is a section up front with bullet points where we are highlighting key issues for discussion. So, I don't want it to be that, oh, ACHD had a major issue and we only can find out by going through the link to their staff report. I -- I think it's appropriate that there are -- and, again, I -- I'm personally really a fan of bullet points and -- and really I -- honestly I like the summary we get before our City Council meetings. So, getting closer to that. But just having a section on the first page or second page that says key issues for discussion. So, you know, we understand that this information is all -- and I would -- I expect everyone's digging through these things anyway, but just so you are calling those things out up front was one thing I would like to see.

Hood: Mr. Mayor, can I build on that and just a thought a little bit. Because we -- we thought about that, too. I guess what I would propose and need to fully think that through is even with the project description kind of getting first page right there, we can describe the project and say -- even put staff's recommendation right there and then you know what you are getting into. Is it a recommendation for approval or denial? And if it's denial, then, here are some key issues. Even approval there could be still key issues or -- or like our hearing outline, things to discuss type of bullet points. So, that's what I guess I would propose is let's just move -- let's move it right to the beginning. Here is where we are at. Cut to the punch line initially. I hate to do that on one hand, because you want people to kind of consider everything and almost draw their own conclusion, but we could put it right there.

Strader: Yeah. No, I -- so, Mr. Mayor, if it's all right.

Simison: Council Woman Strader.

Strader: Thank you. I love -- I just -- the closer you can get to a strengths and weaknesses type of assessment the earlier on the better. You know. And understanding that we may not agree with your, you know, staff's opinion. Most of the time I think we would, but I think just highlighting those key issues and, yeah, just cutting down on the length of this report I -- I think is going to help your department so much just to be more efficient and I get bogged down in this stuff. The only other piece of feedback I had early on -- and I mean you will probably get to it later, because I think it was usually at the end, but I just wanted to get rid of all of this -- I don't want to call it crap, because the Comprehensive Plan is very important, but all the verbiage in the -- about whether it's meeting Comprehensive Plan policies, I just wanted actually to know if it did not meet a policy. Like that -- I -- I assume it does, so if it doesn't that's the only thing I want to hear. That -- that was my only feedback.

Hood: So, Mr. Mayor, just an initial response. And you are right, Bill is going to get there and we do have something pretty innovative I think. Just -- just a quick comment. The comp plan isn't black and white. It's not the code. So, compliance is in the eye of the beholder sometimes. So, I think we are still going to have to do some analysis as staff and say we believe it's in compliance with this policy, but you could see that a different way. So, we are still proposing to include some applicable policies there that say here is what the comp plan policy says, here is how we think it's applicable to this project. So, let -- let's look through it, we can talk more about that when we get through it, because I think the way we have this organized now I think will help some of that.

Parsons: Yeah. Just going back to your earlier point about issues or concerns, I was thinking that we could do the same thing with ACHD's comments. I mean we have that with the Police Department or, you know, impacts or concerns under our wastewater and water, we can do the same thing for ACHD issues as well and share that with you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Real quick. I -- I like the key points. You do that with the Planning and Zoning minutes. So, when I go through I see the key points of discussion or something -- I can't remember how you worded it, but that way when you go back into it you are going to -- oh, I want to look for that discussion and understand what was going on with that issue in particular. So, if it's something similar to that that helps, because, then, you can go in and look for items if ACHD had an issue and whatnot and on the Comprehensive Plan, just to speak to that, I think we have to think about all the audiences and Comprehensive Plan sometimes with outside audiences, you know, the -- the public may want to know does it meet the Comprehensive Plan. Caleb's right, it's -- you know, it's not the law, but, you know, that is going to be part of the discussion. So, I want to make sure it's informative for those who don't deal with it all the time and -- and, Mr. Mayor, just to bring up one other item. We are on page two here. We have 19 pages to go. We have two other items, so I just --

Hood: Really don't.

Hoaglun: Okay. I was just kind of curious, like do we -- how fast do we need to go?

Hood: That may help. Can we have another five or six, seven minutes, though? Is that okay?

Simison: Yes.

Hood: Just one thing. Back to Council Woman Strader's comment on this entire section then. You know, we have -- we left in distance to fire stations and fire response time. But, really, if you don't want any of those kind of sub summary sections, we could get rid of this whole table, because we have in the next section or the section after that click here

to see fire department comments. Click here to see police comments. So, if we -- we tried it for a few years and we just don't think this is helpful and, again, we left what we think are some of the key ones that come up from time to time that at a glance, okay, where is the nearest fire station or what's the fire response? But, again, if that's what we are left with there is not much of a table anyways, so we could just get rid of this whole section. As an option. But I don't know how -- sorry.

Cavener: Mr. Mayor, I can -- I can wait until the end for comments or I can -- I guess I have got a very specific comment about this right now if it's appropriate.

Simison: Go -- go for it, Mr. Cavener.

Cavener: Thanks. So, Caleb, I guess I will be the -- the -- the other -- the other argument, then, on -- on this particular issue and I find that this document here with all the proposals to strike incredibly helpful to me, but I -- moreover, I think it's incredibly helpful to -- to the public and I think that's the big question that the Council probably needs to wrestle with and staff needs to wrestle with is who are we creating this document for? To me I think that if we are creating it for the public first, making this information available, not having to click links, not having to go hunt to get those answers, should be our priority. So, I'm not supportive of us striking all of these things. There may be some that you feel aren't as necessary, but I think to provide a -- I think this was initially proposed -- the term that was used was a dashboard to make it easy for the public to view this information. I think that we have accomplished that. So, I would be very reluctant in trying to move away from this unless there was a compelling reason. If we are hearing from the public that it's hard to understand or they are not getting their information, well, certainly let's make changes. But I think that the -- the section two is incredibly helpful and -- and I don't -- I guess I'm struggling to understand the reason why we would want to do away with it.

Hood: So, Mr. Mayor, can I respond a little bit there and -- and just in the interest of time as well, I think what I will do is we will -- this will be part of our survey and I will ask you all to rank these things. You know, scale one, two, three, absolutely must keep, two, and whatever and three please get rid of and, then, we will compile that and we will sort of do a majority rules type of a thing and whatever you think is important information will remain and whatever scores low we will remove. So, that's what I guess I would propose in this survey. We will get more feedback that way, so --

Parsons: Well, just to put a finer point on your discussion, Councilman Cavener, that's why even at the wastewater and the water comments we struck out some of those items, because, like you said, people don't understand that jargon and this is a simple -- trying to make -- simplify the document for people to understand that and that's why Public Works was supportive of just saying is it consistent with the master plan, yes or no, and, then, highlight any concerns for you guys. So, I think there is probably a hybrid here to sum up the conversation. But, again, Caleb will get that survey out to all of you and we can get your feedback. So, we -- we have already touched on a lot of these sections and now I will get to kind of the -- the meat of the discussion going back to Council Woman Strader's comments about combining the Comprehensive Plan and the UDC section

together. It really is all staff analysis and when we sat down and looked at this section we realized that we are -- we are doing duplicate work. We are explaining how it adheres to a comp plan policy and, then, we are going down and explaining to you how it meets the comp plan and, then, how it meets the UDC, when we could probably accomplish a lot of that and we have said we can innovate this section and just call it staff analysis and, then, I kind of draft -- mocked up a -- a sample of what that can look like under A here. So, if there is an existing residence you can say that it's going to hook up to utilities. We have plenty of comp plan policies that encourage in-fill, that encourage extension of public facilities. So, I thought this was a good way that we could do that and kind of bridge that gap, kind of marry those two things a little bit better and -- and innovate that and really show the -- not only you, but the public how the two documents work together in -- in tandem. It's not one above the other, it's really both of them working in unison to -- to one another. We have -- we have a vision and, then, we have law that supports the vision. So, that's what we are trying to do here in this new section. And, then, also, as you know, we have new planners and so think about -- the way I'm looking at this document is it's also a good training document. You create a consistent process. A new planner that comes in doesn't know all the different code sections or what to address in a staff report. Well, now we have a lot of these built in in alignment with that and they know if something's applicable or not. The goal here is -- is if it's not applicable we will keep it hidden; right? We will have open -- you can expand the field or hide the field in your staff report and you create this template that's useful for everybody. It's consistent. It's one format. It's one layout. And if it's not applicable you hide it and if it's applicable you highlight it and you -- you -- you explain why it meets or why it doesn't and you put in that comp plan policy that supports that. So, any discussion on --

Hood: So, Mayor, if I can just -- I will put a little bit finer point on that. It's -- it's fine, Bill. So, to Bill's comments a little bit, this is laid out just like the UDC is. So, it's everything that should be evaluated on a project and if it doesn't apply you can just remove it. But you don't miss anything then. It -- it goes and it's in chronological order of how you define it in city code. So, it's section two, three, four, five, six and it's in order. The comp plan isn't necessarily aligned that way, but we have an Excel table that this -- that staff go and they type in keywords and it pops up things that are pathways and it comes up with possible policies to include when you are talking about parkways. So, I -- I really am a big fan of this change and it puts -- it -- it's -- it's structures your staff report by element, not by the -- the document that is being reviewed again, but -- but -- but against the -- the thing.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, if you -- I mean you are going to -- obviously you have thought about it a lot. You are doing some soul searching about whether you really need this section. It's great that you are combining the two set -- like the comp plan together with the UDC. I think that makes tons of sense. I guess what I would appreciate or think makes the most sense is in the beginning paragraph -- again, if it hasn't already been put up in the project -- the

first very first section if it hasn't already shown up there, we believe these are gray areas that may not be -- you know, whatever you want to say, whatever you -- whatever language makes you comfortable, but, you know, this project may not comply fully with the following, you know, sections and I think, you know, either highlighting those or bullet points or something, because one of my biggest pet peeves is I hate having to dig through a bunch of verbiage that's been copied from the comp plan or the UDC to find out that something doesn't comply, as opposed to just hearing up front, hey, this is an issue that this may not comply and, then, you can kind of zero in on that key topic. So, I could be off by myself, but that's just me.

Hood: So, if I can -- Mr. Mayor? Council Woman Strader. So, I think we are on the same page to some degree there. I don't know how much of that we would do actually in the -- the summary kind of lead in section, but we do oftentimes highlight, bold, underline those issues and we can do that within that. So, then, just by scrolling, if something's bold, please, read it and, then, you know that -- that element -- that thing is an issue. We will play with it some more. I see you are not a huge fan of that, but --

Strader: Frankly, my opinion is that the entire section should be removed and that you should replace it with only including the things that don't comply or may not comply. You know, you could put a link to a static, permanently existing -- you know, you could put a link to code, you could put a link to a standing website that -- I believe we already have that kind of goes through everything. You could have links to each policy, you know, for the benefit of anyone who wants to read more. But I -- I -- I don't know, I -- I just -- I actually think from the public's perspective, just to give a different opinion, I think the public hates going through these. That's what I have heard. Especially people that are in special interest groups and stuff that look at this stuff, you know, even -- even people that look regularly tell me that they hate digging through lengthy reports when they just want to zero in on kind of like what the key issues are. So, I -- I kind of argue the opposite from the public's perspective. But, anyway, I -- you are going to get more feedback and I -- I hope you guys are going to send this around for all of us to look at, you know, because we will -- we will dig into it.

Hood: And I would -- Mr. Mayor? I would like to follow up, especially since you are my Council liaison, a little bit more on that and maybe explain why having some things in the affirmative are also important to include in the staff report.

Strader: Sure.

Parsons: Yeah. Next section here is what you -- what you guys reference as what we update after we go from our staff recommendation to P&Z recommendation and, then, ultimately your guys' decision on applications. So, these will be expandable and collapsible as well and they will toggle on when it moves through the -- the various hearing stages. So, I have added that. And, then, the other discussion is how valuable does the Council feel having the exhibits in the staff report? Do you feel it's okay to have exhibits or links to those exhibits to searchable documents or do you like squinting your eyes and

looking at the exhibits in the staff report? Because a lot of times it's pretty hard to see a lot of details in the report when they are at this scale.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick. I will just -- Bill, I will give you an emphatic yes to be able to link that to someplace else, but particularly -- and we do this all from home on our home computers and, you are right, there is a lot of squinting and zooming and I'm trying to find a -- kind of the links anyway. So, I -- I would prefer links to a more full version that we can look at.

Parsons: Thank you.

Simison: And just as a process standpoint -- and I'm looking at the clerk and other people related this -- is what I found in history is links become problematic the further you move away from something and it doesn't provide access to the record when things change, get modified, get moved. Hopefully whatever the outcome is, if links are part of it, that we -- there is a paper version that's kept in a permanent record somehow that's not link dependent, whether that's printing out each -- I'm just worried about the long-term record not being there for some reason when we rely upon a link outside of a document.

Hood: That's a good point, Mayor, and I will get with the clerk to make sure our records retention policy is solid that way, so that any documents that are linked that way are acceptable into the future.

Simison: And it's not even just the policy, it's the practice.

Hood: That's what I'm saying, to make sure that our -- that in perpetuity these need to be kept, because some of these records may be transitory or five year or ten year type of a thing. So, we will need to make sure whatever links we are putting in here we change our policy to -- to make sure that that's -- that's clear.

Simison: Yeah. Okay.

Parsons: Yeah. Next section is just agency comments. We have talked about this. You know, we can -- we always -- we are doing this now, we just provide that hyperlink to the clerk's page and you guys have access to the comments. That's -- that's not going to change. And, then, the last section, what we are going to -- what I have done is I have gone through all the findings in the code and added these to the documents, so the planner will have the ability to -- again, these will be expandable and collapsible and hidden, so if it -- whatever findings are applicable, the planner will open those up. Justify those, make those findings per that project and, then, those that aren't relevant they will just keep them hidden or collapsed. So, again, it's more of a training exercise -- internal process for staff. But that's all I really had for all of you today as far as the changes to

the template and with that -- and we will -- I will close with my portion of the presentation and open it up for any additional questions you may have.

Simison: Thank you, Bill. Council, any additional comments at this time or wait to get the survey for additional feedback?

Cavener: Mr. Mayor, just a few more questions.

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. So, Caleb, Bill, I will start with I think the same question that I asked in -- in 2018, which is who is the primary audience for this document and I think that as staff we need to identify who that is and, then, build the document around those priorities. So, I have got my opinions. I'm sure staff has their opinions. It would not surprise me if Council has differing opinions than me. But I think that's an important first step. My -- I guess my question for you is -- it sounds like from a process standpoint you are going to take feedback and, then, bring Council back a proposed revision. Is that what your intention is?

Hood: Yeah. Mr. Mayor, if I can answer that question. So, yeah, we will take the feedback we heard today, make some more tweaks to this and, then, send out an updated template with an associated survey that has some questions you really didn't get in today and, then, I think we will add a question about that table two and have you score, rank, whatever, some version of that and, then, yes, we will -- we will send out an updated template to you all to make sure it -- it reflects what you are thinking it would. I don't know if that will be just electronically and you can provide us feedback or if that's another workshop. I'm open to that. But that is generally the process, yes.

Cavener: Mr. Mayor, maybe just a couple of follow-ups.

Simison: Councilman Cavener.

Cavener: Thanks, Mayor. Caleb, is it staff's intentions to -- you know, a lot of different constituencies use this document. So, are you planning to do some engagement with other groups as well, Planning and Zoning Commissioner or applicants?

Hood: No.

Cavener: Active citizens. I mean fill us in kind of what your approach is. I appreciate your kind of walking us through it, but help me understand what -- who else you are talking to.

Hood: Thank you, Councilman Cavener. Mayor. So, I'm going to roll my answer in with your first comment about who the staff report is for and I will just say this and not to be curt about it, but it's to the elected officials.

Cavener: Okay.

Hood: But as I mentioned in my opening comments, we have multiple folks that use this. It is for the public. It is for the applicant. And so that's why I'm using you is ultimately it's for you, but we have other readers and other users of the document. So, that said, I wasn't planning to do public outreach. I wasn't planning out to go to -- you know. We can. I'm not -- I'm not saying we -- we can't. But that wasn't part of my game plan. That's why we are on a pretty aggressive schedule to hopefully implement it by the first of the year. Planning and Zoning Commission, yes.

Cavener: Okay.

Hood: We weren't even planning on engaging the development community. It's -- it's a lot of the same information just packaged a little bit differently. We will still take feedback and comments and we can even tweak it going forward after the first of the year if we are like, well, this didn't work how we anticipated it. We are going to change this. This isn't like our application or our code where it needs a vote. You know, it's something we can just change if it doesn't work. We still have to have certain sections by statute and make certain findings and whatnot, but the format is -- we can ebb and flow and change it as we want. I don't want to -- I don't want to do it like that, but -- and, again, if you direct us to go reach out to, you know, the BCA or -- or whoever and -- and talk to them about it, I'm not opposed to that, but that was not part of the game plan.

Cavener: Mr. Mayor, maybe just a comment, then, I will be happy to wrap it up.

Simison: Councilman Cavener.

Cavener: I -- I don't think that -- I appreciate a desire to try and have this completed by the first of the year. I think that's probably a self-imposed deadline, which I appreciate staff trying to kind of sync changes up with the new year. Well, let's get this right first and, then, launch it, as opposed to trying to get it to work within a deadline. It won't come as a surprise to you that I will be vocal that I think we need to talk to as many people that are those constituencies as possible before we launch this. They may see something that is going to be different than us and I think seeking their feedback is beneficial. I think that we have also had some groups and citizens that have been very active in, you know, the City Council process and consider themselves to be watchdogs for our community. Let's engage them as well, because they also are going to be a big user of the document and get it right and, then, we can push it out. And I appreciate the work on this. This is not an easy task.

Simison: Council, any additional questions, comments?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a brief comment. I think it's great you are doing this. I know this is -- this process never ends. I love it. I love the changes. I'm fine with it. If there is lots to it still that doesn't necessarily bother me. I get the links. If it's included that's fine, too. So, brevity doesn't necessarily benefit me one way or the other. I think it's one hundred percent for the decision maker. It just is. And I think you could have this done well before the end of the year. That's ultimately what it's designed for. Caleb, I think you are spot on. That has to drive it. What benefits -- what helps us make the best decision looking at all the evidence presented. That's our job. So, while there might have certain benefits for secondary use by the public and the applicant, but it has to hit the marks on helping us find what we need to make the right decisions. So, that's paramount. The only small thing I -- up where you have applicant, I would like to see the applicant's rep as well. Might as well put that up there, too. You probably were going to, but it gives us a heads up of who is going to be up here. Yeah. Nothing too substantive, but -- I like all the changes. There is 20 different ways to do a staff report. They are all right or they are all wrong. So, it's not like we are going to find a magic one to do it, so -- it's incremental. Good job.

Parsons: Thank you. We -- we appreciate that and I can tell you from a lot of our applicants throughout the valley we definitely get comments that our staff reports are the most comprehensive in the valley. Just that feedback to the Council.

Simison: Anything else, Council? All right. Well, we will look forward to additional conversations you have offline and see where that goes. And for the record Council Woman Perreault joined us at 5:09 p.m.

11. Meridian Police Department and Idaho Humane Society: Presentation and Discussion of Proposed Dangerous Dog Ordinance

Simison: Next time up is Item 11, which is the Meridian Police Department and Idaho Humane Society presentation, discussion of proposed dangerous dog ordinance. Turn this over to Captain Berle.

Stokes: Thank you, Mayor, Members of Council. So, this is an update to our Animal Control Ordinance, really driving -- dealing with dangerous or vicious dogs and that whole process and so that's what this -- this update is aimed at and getting that process more streamlined and in the hands of the subject matter experts at IHS and out of -- when it comes to a dangerous dog, out of the chief's office or Council Chambers, depending on which -- which route that goes and getting it in the hands of the subject matter experts and this also aligns our process with others here in Ada county and provides clarity for IHS when they are dealing with these situations and with that said IHS is here -- Tiffany from IHS is here, as well as Legal and we will stand for any questions.

Simison: Berle, would you like to give a little more explanation for those that don't have the privilege of seeing the memo online or watching, about what the changes are?

Stokes: Yeah. So, this is a lengthy update that really gets into the process for declaring a dangerous dog or an at risk dog and, then, gives IHS some tools to deal with those dogs depending on the situation. Our current ordinance is -- is pretty vanilla and -- and -- and this is much more comprehensive and I think Tiffany can probably explain in great detail exactly how that would work and they work within a very similar ordinance already with some of our other partner agencies.

Simison: And, Tiffany, we will invite you to give that further information.

Stokes: Many pages.

Shields: Good evening. So, basically, what we are doing is updating the ordinance. It will be much more comprehensive, the same way Boise declares their dogs dangerous. Ada county is -- also has an ordinance like this and Kuna has already updated theirs. So, declaring dogs vicious -- vicious is kind of an old term, so we are going to update the term to dangerous. Currently in the city of Meridian if a dog is declared dangerous it's euthanized or it has to be removed from the city. Both things -- you know, euthanasia isn't always the only solution and, two, moving it out of the city just makes it someone else's problem. So, this ordinance does allow for a dog that has been declared dangerous to meet conditions and restrictions and the owner can continue to own that dog in the city as long as they can meet conditions and restrictions to maintain that dog. So, we are abating the threat to the community with the owner complying with these conditions and restrictions. Also the definition of -- of a dangerous dog is much more thorough and understandable. What -- what is provoking the dog or not provoking the dog and so that hearing process -- right now we basically say your dog is dangerous and their only option to appeal that is they go through the chief of police. So, what will happen is if we declare a dog dangerous we say your dog is dangerous in the city of Meridian. They now will have an appeal process, which is an administrative hearing through IHS, which is what we do currently with the city of Boise. And, then, it's on -- the burden is on me, I present my case to the hearing officer and say these are the reasons this dog is dangerous by code. The owner has the opportunity to say my dog isn't dangerous because of these reasons. They can bring evidence, they can bring witnesses, and I present evidence and witnesses and, then, the hearing officer makes a decision. Now, from there their appeal would go to the courts if they continue to appeal that.

Simison: Council, questions or comments?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I just wanted to ask. It sounds like this has been through rigorous legal review and whatnot. There is that section about at risk dog and we have the definitions there and, then, what means -- what it means to be a dangerous dog and it -- in section for dangerous dog means any dog that -- and, then, A, B, C and D. They talk about has previously been found a dangerous dog -- or let's see. Has previously been found to be

at risk and, therefore, bites and, then, also D -- that was B -- has also been found previously to be at risk and, therefore, inflicts injury. Can a dog be declared dangerous after the first bite? I mean if --

Shields: Only with a substantial injury. So, basically, a dog gets one free bite, as long as it is -- as long as it's a minor bite, it didn't require sutures, they didn't require medical treatment, then, they are an at risk dog. So, the second bite makes them eligible to be declared dangerous. If the owner didn't know their dog bit before, they do now after the first bite. They did nothing to prevent the second bite we could look at dangerous dog action. So, a dog can be declared dangerous after a single bite if that bite resulted in a serious injury, which is also defined by code.

Hoaglund: Okay. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. Thank you for that explanation, because I thought that would be terrible to have, you know, worst case scenario, a child killed by a dog. Well, it's at -- that's at risk now and we can't do anything, so --

Shields: No.

Hoaglund: -- aye-yi-yi. So -- so, that works. I --

Shields: Yes.

Hoaglund: Thank you for that explanation.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, is the purpose of the appeal -- so, let's -- to take into the circumstance the reason that the -- the dog acted that way or is it an opportunity for the owner to sort of step in and mitigate? So, there is an assumption, I guess, that the owner knows the dog isn't an at-risk dog and that's -- that's the reason for the appeal or is it because there is the -- it's the owner's opportunity to explain the cause? Like I mean there is some situations where it's appropriate for a dog to bite and if they have been -- you know, if they have -- if they are protecting some -- someone or something or they have been, you know, like agitated or abused. So --

Shields: So, in the code all that's listed in the code -- there are reasons dogs cannot be declared dangerous and protecting their home -- if the victim is engaged in an unlawful activity we are not going to declare that dog dangerous. But the hearing process is -- a lot of people have a hard time with the word -- their dog being declared dangerous and we have to tell them it's by code. So, when we go to this hearing I present evidence and

witnesses that I believe this dog was not provoked and this dog caused a substantial injury. The owner has the right to bring witnesses who also witnessed the bite and they say, no, the victim was beating the dog at the time of the bite. So, the hearing process -- it's an administrative hearing, so it's not in a court of law. It's kind of like at the DMV. So, you have a hearing officer, but they are allowed to bring witnesses and -- or they could even come in and say it wasn't my dog. You have the wrong dog. You know. So, it's -- the burden is on us to prove, no, we know it's John Smith's dog that lives at this address that looks like this type situation.

Simison: Council, any additional questions? Okay. Berle, do you want -- next steps?

Stokes: Yeah. I think we are ready for next steps.

Simison: So, we will be bringing this ordinance back -- bring -- Mr. Nary, I will turn to you, since you are the one with the mic at the attorney's office.

Nary: Mr. Mayor, Members of the Council, so, yeah, we could put this on the agenda. We can do -- as we do on a lot of these, we can put it on for first reading, you know, with -- with notice. Then if someone wants to comment they can. Then put it on for a second and third reading on a subsequent week and that way there is an opportunity for input. I -- I don't know that there is going to be much public input on this. I think it is pretty clear in the code. Again, I think the key is what Captain Stokes said is we are putting in the hands of the decision making on a dog being declared dangerous or at risk in the subject matter experts that have more ability and equipped to make that decision than the police chief is and it's no knock on the police chief, but that really isn't his forte on making that decision and that's always been a little bit of a -- a sore point with the police department over the years. We haven't had this come up very much. But the police chiefs have always felt like this doesn't really feel like what I do versus what the Humane Society does and see other partner agencies in the valley do it the same way, we felt it was best in line to -- to align with that.

Simison: Okay.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: The police chief could always delegate it to a captain to make that --

Stokes: That has happened.

Simison: Okay. Well, we look forward to this coming back in the not too distant future for that process. So thank you.

12. City Attorney's Office: Proposed Updates to Meridian City Code

Simison: All right. Council, next item up is Item 12, which will be the city attorney's office, proposed updates to Meridian City Code. Turn this over to Mrs. Kane.

Kane: Thank you, Mr. Mayor, Members of Council. Wrong one? This one? If you can't hear me let me know. I'm Emily Kane. I'm a deputy city attorney here at the City of Meridian. So, the strategic plan for the city includes the goal of updating the ordinances -- I will just read it. Update ordinances and simplify processes in order to improve effectiveness and provide premier services to our citizens. So, part of this objective is to perform a review of our city code. So, our -- our office suggests that we do this in two parts. First we look at the ordinances that are kind of the low hanging fruit, things that are outdated or redundant or in conflict with other parts of the code or other laws that have since been adopted or just more urgent concerns that we have with -- with our code. So, mostly housekeeping, but a few substantive suggestions to deal with issues that keep coming up or could come up and then -- so, that's what this is today. That kind of phase one, just easier -- hopefully housekeeping update. Phase two would be a more comprehensive look at the entire code and looking at places where we can streamline substantively and just make things work better. But for today this is more of a -- a few surgical strikes to kind of make it a -- an easier code for -- to use and make really less of our code. So, I have -- I have a list of 25 suggestions. They are pretty quick, so I'm going to run through them. Feel free, of course, to interrupt. So, the first one -- we do have a general severability clause that says if any provision in this section or in this code is illegal or can't be used, the rest of it still applies. So, there -- we have sprinkled throughout our code a number of these kind of repeats of that. We really only need to say it once. So, this is the first of a few that I will call out to say I think we should just delete and refer back to section -- Meridian City Code Section 1-1-5. The second and third recommendations are to make changes in Sections -- in Section 1-2-2. It's -- this provision is related to penalty provisions. So, a violation of city code and this section needs quite a bit more work, but for now if we just delete one or two sentences we can avoid some of the conflicts that we are seeing with the previous -- actually, the previous code, which also relates to penalties. So, I would also recommend that we take out that first sentence that says that the penalty is applicable to every section of the code. We say that earlier and we say it differently, so it is confusing. Then currently Section B says that no more than one recovery shall be had against the same person for the same offense. There is a kind of -- I haven't heard of this being an issue, but there could be an issue with -- we aren't allowed to prosecute one person for the same offense, even if they do it twice. So, I would recommend that we take that out. Moving on to number four, it relates to the corporate seal of the city. I have spoken with Chris about this some time ago, but it -- it says that we put the city seal on all of our official documents and records. We don't actually know what that is and we only put the city seal on things that the clerk is certifying. So, I would like to clarify that or recommend that you clarify that. We also -- the clerk also does not handle warrants, which this section says that he does. So, I would recommend we take that out. Section -- yeah. Section five -- or number five. This is just a title change that has happened since we adopted this code originally. The community relations specialist is now the community relations policy advisor. So, number six is a substantive update to our procedure for request for reconsideration code and I -- I guess I say substantive. It really just clarifies what we already do. It does make some changes to

the substantive provisions of the code though. It really clarifies when administrative remedies are exhausted and we don't end up in this weird situation where we are wondering if we should again have the applicant request reconsideration, including on our decision on a request for reconsideration. We have ended up in some weird spirals. We also clarified some of the if/then situations at the end, including modified decisions. When we modify our decisions we want that to also end in a request for reconsideration before it goes to appeal and, then, it also clarifies when the countdown begins or when the clock starts ticking for the appeal. And number seven is that this is a sneak preview of nine and ten. We are going to recommend deletion of our regulation of subdivision model homes and subdivision real estate sales offices. This is really covered enough by the building code and any other applicable codes. We don't need to issue temporary use permits for these and it's really become a hassle for the -- the development community, as well as the city clerk's office. So, we are going to recommend deletion of those. Number eight is sort of a substantive update. We aren't sure where our time limit for promotional sales unit fell out, but at some point it -- it left the code. Originally promotional sales units were allowed for 160 days out of the year and this is a -- a temporary use that's put on by a bricks and mortar business -- so, like a sidewalk sale or a -- just something outdoors that -- something to promote their business or Christmas tree sales or the garden section at the grocery store or something like that. So, that -- that would be allowed for -- it's allowed for a larger part of the year than most of our temporary -- temporary sales types, but for whatever reason it's not there anymore. So, we would recommend that we put it back. Nine. Number nine, again, is -- we recommend that we delete the temporary use permit requirements for subdivision model homes. Ten for subdivision real estate sales offices. Number 11 we have still on the books a licensing requirement for adult entertainment establishments and the clerk's office does not wish to do that. They are not doing it and nor should they. This is now generally illegal. There has been quite a bit of case law in the U.S. Supreme Court regarding adult entertainment establishments and our ordinance is really outdated. We don't use it anymore, but it's just sitting on the books and it can go away. We did in the UDC reference the definition that was in this Title 3, but we have repaired that in the last updates to the UDC. So, we really don't need it at all and we should get rid of it. Likewise number 12. There is a provision on the books requiring the city clerk to license mobile home parks or rather permit them and we don't do that and we don't want to do that. So, we would recommend that we delete those permitting provisions. All right. Number 13. We have -- we make it illegal to interfere with or not let a city official enter onto one's private property if they are enforcing the nuisance code and really that conflicts with the 4th Amendment. So, we would recommend deleting that. Number 14. We have the city clerk regulating or issuing exemptions of solid fuel heating appliances and the city clerk doesn't do that. The fire chief or his designee does that. So, we would recommend that change. Fifteen and 16 are severability clauses. Recommend deletion of those. Number 17 is a substantive suggestion, but there is a 9th circuit opinion that suggests that a curfew could be a violation of the First Amendment and if someone is out doing First Amendment activity past curfew. So, this recommended addition would cover that. So, it would say the curfew does not apply if someone is doing certain activities like, working or they are out with their -- with their parents' permission or engaging in First Amendment activity. I would recommend that we delete the designation of an underage violator as a juvenile

delinquent. We really don't need to do that anymore. That's an outdated reference. I would recommend that we delete the provision that makes parents responsible for the actions of their children. Certainly civilly that's still the case, but that's also outdated. Finally, under the curfew provision, the city penalties for curfew violations are now preempted. There is a city code provision that says it's a -- it's an infraction to violate a city curfew and arrest is prohibited. So, this would repair that. Number 18. I would recommend that we delete our provisions regarding sales of cigarettes and tobacco. There is now an Idaho Code provision that says local ordinances regarding tobacco sales are prohibited. There is also a -- there is already a penalty in Idaho Code for purchase of -- and possession of tobacco by a minor, so we really don't need this provision. Number 19 is -- we are getting into the traffic section. So, there is a provision that talks about speeding in alleys and parks. I'm not sure why those were ever grouped together, but park speed limits are covered in Title 13 of City Code. So, I would recommend deletion of that, as well as deletion of the definition of alley, because that's already defined in Idaho Code and that's -- that presents a conflict. We have a U-turn provision. This is already covered by Idaho Code, as is passing in a no passing zone. I would also recommend that we move a random reference to impeding traffic up to the description of restrictions. Moving on to number 21. The -- our negligent driving provision talks about racing and rapid acceleration. These are already covered by Idaho Code, so this would actually pare it down to just be about negligent driving. Number 22 is -- oh. And 23 are, again, severability clauses. Number 24 is an outdated reference to an EPA drinking water test fee. We do still charge this fee as part of our water rates, but it's no longer 25 cents and we have a number of -- kind of pass through fees that are covered in our water rates and we don't -- there is no reason to call this out separately. Finally, number 25 I would recommend that we delete. In Title 9 our -- we authorize ourselves to regulate our own water system. Idaho Code already allows us to do that. So, I would recommend that we delete that. Any questions?

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks a lot, Emily. It makes a lot of sense to me. I guess the only thing I would be curious about -- obviously we are relying really heavily on Idaho Code; right? The Idaho Code has us covered, so is there -- just not being familiar or not being an attorney, is there a way that changes to Idaho Code are easily flagged for you, so you guys can see -- like, for example, if there is a change to Idaho Code, you know, that redundancy could have been helpful. Maybe then it's not. So, how do we catch -- what's our net to catch all the changes to Idaho Code?

Kane: Mr. Mayor, Council Member Strader, it's a good question. It does require attention each legislative session to -- to what they are doing. We kind of -- we try not to make specific references to Idaho Code where we can avoid that, because it does -- you are right, it does change -- even if they renumber it now our reference is outdated. We do it

to a limited degree, just because we do want to direct people to a specific section. But where we have these redundancies we don't need it. You are right, there are times where we maybe want to put it back or adopt our own city code provision that covers something that Idaho Code doesn't, but it does really just require us to stay on top of the legislative developments.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of Council, Council Member Strader, to maybe add on to what Emily said, we have a lot of eyes on the legislature every year -- on -- on the different departments -- our department, other agencies, other groups that we all belong to. Chief of Police Association. Municipal attorneys. So, there is very rarely going to be changes that we are not aware of through some form. The redundancy sometimes is more problematic, because we are inconsistent with the Idaho Code and the code may preempt it and so we have a code that says this is illegal and we are training our officers on something that's illegal that, actually, the state has already now usurped that and said, no, it's not and so now we are in conflict. So, I think getting rid of the redundancy really helps. I'm not real concerned that things are going to get missed, because there is a lot of attention paid to every single thing the legislature does big and small. So, I don't really foresee that happening. I see more of the potential conflict where our code is outdated -- like a lot of these are outdated. They have been superseded. They violate other code. They violate the Constitution. So, I think getting rid of the redundancy is a bigger plus than a -- than a negative.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think that makes good sense. I guess I would get some comfort if your department had like an administrative process that you received a summary of all of the code changes at the end of each legislative session and you had a process to review all of them. So, I -- I just want to make sure we are not saying there are so many eyes on the legislature there is no chance that we wouldn't have missed something and, then, just have some weird reference not work or have -- have something that, you know, they have removed from code, we somehow didn't catch it and, then, something we were relying upon to eliminate our own law, you know, isn't there anymore. That's all.

Nary: Yeah. I -- I totally agree and I'm not going to say we will never miss anything or that's never going to happen, but it would be pretty unlikely for that to happen without us seeing it, whether it's -- again, we do get summaries from other agencies. We do get summaries from other entities on what their perspective is. We do get that -- again, our departments are very engaged in their subject matter areas with other groups and the legislature and lobbyists and all of that. So, I'm not going to say it's never going to happen, but it would be fairly unlikely to happen.

Simison: I -- I would say it is not happening just from the standpoint of that's part of the reason why we are here is there are issues that are things that have been missed or whatever the case might be, because the more you have in code the more likely you are to miss things no matter where those changes occur. I also know that several years ago there was a concerted effort to try to eliminate areas in our code, so that we were not citing under city code, that we were citing under state code, because it was the preferred way for court cases as -- and -- and other reasons. So, we do want to direct back to the state code where ever we can, not have something on our books for a wide variety of reasons really.

Nary: One -- and one additional reason on how that -- Mr. Mayor, Members of the Council, is if it's a criminal offense and we were to arrest somebody and it's a city code violation, we pay for that. We pay the jailing cost for that individual for that charge. If there is a comparable state code we don't have to pay for it. So, that's why we tried to eliminate a lot of these city codes that were redundant, because we really want to use the state code and not arrest somebody on a city code that could have been covered by the state, because the price of jailing them per day is significant. It's more than a hotel.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I just noticed something on number five. I was curious when you were going through that designated positions in the Mayor's office and we are updating the language, because there is a title change. I thought that was just kind of odd that we would put into code what the positions are named, as opposed to as Council, that's -- the Mayor is an elected official and we control the number of positions based on the budget that we allow the Mayor's office to have. Whether they call them chief of staff, special assistant to the mayor, assistant to the mayor, what have you, I'm just kind of surprised that we are changing titles in code, as opposed to just letting the Mayor decide what they are and we just budget according to what Council approves that there is going to be five positions in the Mayor's office and how he names them is -- is up to the Mayor at the time. But I -- I don't know, Mr. Nary.

Nary: Mr. Mayor, Members of the Council, so when we had this conversation a year and a half -- almost two years ago when we changed this and added them, really, it's a -- it's -- part of it's the organizational structure we have. So, we have certain positions in the Mayor's office that report to the Mayor's office that are not at the will of the Mayor and are simply treated as general employees and some that are at the will of the Mayor. So, this was simply a method to identify which specific positions are in that category versus the general employee category.

Hoaglund: Mr. Mayor and Bill, thank you for that explanation. That makes sense, because when there is a change in the office, yeah, some people know with that title I have, yeah, I can not be working next year, so -- okay. Sounds good. Thank you.

Simison: Thank you. Additional questions or comments?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Emily, Bill, great work. I appreciate this. I went through this when it was sent out last week and appreciate what -- the recommendations. Emily in kind of your opening remarks you kind of flag this is low hanging fruit. So, the more meatier items, when should we expect to have you back going through those items?

Kane: Mr. Mayor, Members of Council, Councilman Cavener, I would say the effort is maybe ten percent complete. So, really, if it were a major priority that's something that could be done within a year or sooner. I would -- I would say a year is a -- maybe a good estimate, though I could speed it up if you would -- if you would like.

Cavener: And, Mr. Mayor, maybe a response if I may.

Simison: Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Obviously, I will leave that up to -- to Mayor and Council President to decide, but maybe a -- a suggestion is if -- for these meatier items it may make sense to bring back, you know, a chunk every quarter or a chunk, you know, every six months as we work through that. I -- I -- I worry what I think is the right intention, which is here is all of these items that we are working through, but that could be somewhat overwhelming to any one of us and so maybe trying to kind of parse that out for me would be helpful. So, just a -- maybe a selfish ask if that's something we could look to explore.

Simison: Absolutely. We are going to give them all to you right before the budget, so it will be -- don't worry timing is going to be perfect. No. It -- it -- it will be coming back. I think -- you know, I know the part of what we want -- we want consistency throughout our entire code, so she may have to go through it all and, then, bring them back in chunks.

Cavener: Okay.

Simison: That -- that's -- that was kind of the intention. I want to make sure that there is -- you know, we don't bring you back one and, then, five, we realize we need to go back and change one again, so --

Cavener: Okay.

Simison: But, yes, it will be in -- in chunks.

Cavener: Thanks, Mr. Mayor. Thanks, Emily. Appreciate the great work.

Kane: Thank you. Appreciate that.

Simison: All right. Next -- next steps on this item from timing?

Kane: Mayor, Members of Council, the next step would be for me to bring an ordinance and you to adopt it and I can do that as early as two weeks from now if you are ready.

Simison: Okay. Thanks, Emily.

Kane: Thank you.

EXECUTIVE SESSION

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

Simison: All right. Next item up is Item 13.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Mr. Mayor, I move that we go into Executive Session per Idaho Code 74-206(1)(d).

Borton: Second.

Simison: I have a motion and a second to go in Executive Session. Is there any discussion? If not, 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 we will move into Executive Session.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (5:42 p.m. to 6:10 p.m.)

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move that we come out of Executive Session.

Borton: Second.

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

MOTION CARRIED: ALL AYES.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adjournment of our work session.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 6:11 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT E. SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK