

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, September 13, 2022, by Mayor Robert Simison.

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

Members Absent: Luke Cavener.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Jeff Brown, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is September 13th, 2022, at 6:00 p.m. We will begin this regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Next up is the community invocation, which tonight will be delivered by Daryl Zachman of Calvary Chapel Treasure Valley. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection.

Zachman: Thank you. Heavenly Father, we do thank you for your presence, your goodness, your righteousness. We do ask humbly for your grace and mercy today. We pray for wisdom for our city leadership. We are grateful for them. We ask, God, that you would help them with the issues that are before them. We pray, Lord, that you would just continue to make this place a peaceful place. We pray you protect us from evil. We pray that your will would be done and accomplished in our great city and that it would be a place where there is good quality of life for the residents and a model to other cities. So, Lord bless this night we pray in the name of our Lord Jesus Christ. Amen.

ADOPTION OF AGENDA

Simison: Thank you. Next item up is the adoption of the agenda.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Before I make a motion here for our agenda I just want to note that Items 2 and 3 under Action Items will be opened together. However, they will be separate motions when we take action on that. So, Mr. Mayor, I move adoption of the agenda as published.

Borton: Second.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion? If not all in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Next item up is public forum. Mr. Clerk?

Johnson: Mr. Mayor, we had one sign in. Todd Green.

Simison: Okay. Mr. Green, if you want to come forward. You will be recognized for three minutes and -- excuse me. Go ahead.

Green: Can you guys hear me okay?

Simison: Yep.

Green: Thank you for your time. Mayor Simison and City Council Members, thank you for this opportunity to speak to you in person. I want to address the proclamation released by the Mayor's office on September 9th, 2022, in support of the LGBT events that took place in Boise last weekend. While I agree that all people should be able to live free of discrimination and harm and treated with compassion and respect, I fear this proclamation puts the City of Meridian and all its inhabitants squarely in the crosshairs of almighty God's judgment. Regardless of our desire to support friends and family members in their lifestyle decisions, the Holy Bible calls all forms of homosexuality sin. If an individual chooses that lifestyle they are rejecting the Lord of Heaven. Whether or not one accepts the Bible as God's word, it has survived humanity's concerted efforts to wipe it from existence for two millennia. I'm sure you recall the story of God's judgment on Sodom and Gomorrah in the Book of Genesis. Throughout scripture the Bible calls homosexuality immoral, perverse, and an abomination. First Corinthians 6:9 warns us not

to deceive -- deceive ourselves. It says that neither homosexuals, nor sodomites will inherit the Kingdom of God. According to the scriptures only enemies of the Lord of Heaven consider homosexuality and transgenderism a good thing. I'm convinced there is a heavy population of God fearing Christians like myself living within the City of Meridian. I wanted to remind you of our point of view regarding this proclamation. We have no problem living with those from different walks of life in peace and harmony. We respect decisions different from our own as long as they don't encroach upon our constitutionally protected rights. We seek harmony with our neighbors and to live peaceful and quiet lives, but we are also called to warn of the eternal wrath to come. As I stand before you I do not mean to cause offense. I consider this moment as my duty to my community. Anyone that hears my voice if you consider yourself a Christian and were in favor of this proclamation, I encourage you to read your Bible again. The Bible is like the U.S. Constitution in that it was written once to be interpreted as written. It is not a living document that changes with the times. Do not deceive yourself. God will not be mocked. Thank you for your time.

Simison: Thank you. Mr. Clerk, do we have anybody else signed up on --

Johnson: Mr. Mayor, that was it.

ACTION ITEMS

1. Public Hearing for Shops at Victory (H-2022-0060) by WL Victory Crossings, LLC, located at 3300 S. Eagle Rd.

- A. Request: Development Agreement Modification to change opening hours of operation for a drive-through coffee establishment from 6am to 5am.

Simison: Okay. Then with that we will move into Action Items. The first item up is a public hearing for The Shops at Victory, H-2022-0060. We will open this public hearing with staff comments.

Parsons: Thank you, Mr. Mayor, Members of the Council. First item on the agenda this evening is The Shops of Victory Development Agreement modification. The site consists of 3.6 acres, but the subject DA is only relevant to 0.84 acres of land. It's currently zoned C-C in the city and it's located at 3300 South Eagle Road or the southeast corner of Victory and Eagle Road. This property, again, is one commercial lot within a three lot commercial subdivision known as The Shops of Victory development. It was annexed in 2008 with a development agreement. In that current DA all C-C -- all allowed uses in the C-C zone are allowed to be established on the subject property. The most recent approvals for the subject property includes a conditional use permit, which allowed a drive through coffee shop on this specific lot as you can see here in the graphic to your right. As part of one of -- one of the restricted provisions does limit the hours of operation from 6:00 a.m. to 10:00 p.m. because of its -- how close this -- this proximity is to the adjacent residential uses on the south boundary. The applicant here is -- is before you this evening

to discuss changing those hours for this specific lot only for the coffee business. Staff has prepared some recommended DA provision, so we have had an opportunity to look at what was in the current DA. Because there is multiple property owners on this subject site now it was felt it was better to have a new DA, so we went back and looked at that existing development agreement, pulled out what seemed to be applicable to this site and this is what we are proposing before you this evening as part of the DA mod. So, really, the -- a lot of these are existing provisions in the DA that carried over and made sense to stay with -- running with the land and, then, the only change is the modification to the hours for this specific lot, which the applicant and staff is supportive of changing the hours of operation from 5:00 a.m. -- or from 6:00 a.m. to a 5:00 a.m. start for the coffee shop. Had a chance to look at the public record. It looks like there was a gentleman, David Palumbo, submitted some comments on multiple applications in the area, not just specific to this one, but he's concerned with the amount of growth in the area. I have had a chance to speak with the neighbor -- the most impacted neighbor adjacent to this property here. He is here this evening. He is supportive of the -- of the hours of operation change as well. So, again, staff is recommending approval with the DA provisions before you and I will stand for any questions you may have.

Simison: Thank you, Bill. Council, any questions for staff? Okay. Is the applicant here? Good evening. State your name and address for the record and be recognized for up to 15 minutes.

White: Jason White. White-Leasure Development Company. 8385 West Emerald Street, Boise, Idaho. 83704. Bill, thank you for -- I think he -- he nailed it. We want to change the hours of operation by an hour and we -- we agree with -- with his -- his findings and I stand for questions.

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

White: Thank you.

Simison: Mr. Clerk, anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, two. The applicant and Robert Aldridge.

Simison: Okay. And if there is anybody else that would like to provide testimony on this item, either in the room or online -- if you are online, please, use the raise your hand feature.

Aldridge: Bob Aldridge. I'm at 3300 East Falcon Drive in Meridian. I am the backyard to this. I have worked with these developers for now a lot of years. They have been uniformly extremely accommodating. Very helpful. They have done light restrictions. A way path. I have no problems with this. I know the decibel levels on this. I doubt seriously I'm going to have any problem with it at 5:00 a.m. I'm not going to have any problem with it, I'm not going to be awake. So, I very much urge this be done.

Simison: Thank you very much. Council, any questions? All right. Thank you. There is nobody online besides city staff, so is -- is there anybody present that would like to provide testimony on this item? Okay. Would the applicant like to make any final comments or waive that right? They are waiving that right. Council, do I have a motion to close the public hearing?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we close the public hearing.

Perreault: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Councilman Bernt.

Bernt: I move that we approve Item No. H-2022-0060.

Perreault: Second.

Simison: I have a motion and a second to approve Item H-2022-0060. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Have a good evening.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing for Torino Locust Grove Subdivision (H-2022-0038) by Jeremy Rausch, located at 870 S. Locust Grove Rd.

A. Request: Annexation and Zoning of 1.03 acres of land from R-1 in Ada County to the R-8 zoning district.

3. Public Hearing for Torino Locust Grove Subdivision (SHP-2022-0008) by Jeremy Rausch, located at 870 S. Locust Grove Rd.

- A. Request: Short Plat consisting of 4 buildable lots on 0.87 acres of land in the R-8 zoning district.

Simison: Next item up is Items 2 and 3, which is public hearing for Torino Locust Grove Subdivision, H-2022-0038 and SHP-2022-0008. We will open both of these public hearings with staff comments.

Parsons: Thank you, Mayor, Members of the Council. The next two items I should say are both related. This project was continued from last hearing, because somehow the short plat was left -- inadvertently left off the agenda and so we wanted to make sure that both of these projects stayed together for you this evening. The site consists of 1.03 acres of land, currently zoned R-1 in Ada county and the property address is 870 South Locust Grove Road. The Comprehensive Plan designation for this property is medium density residential, which anticipates densities between three to eight dwelling units to the acre. The project that's before you this evening comes in at 3.7 dwelling units to the acre. You can see here in the arrow that the existing property is vacant currently. The applicant is before you tonight to discuss annexation of this lot with -- to the R-8 zoning district and, then, further subdivide it from one Ada county parcel into four single family residential home lots. If you have had a chance to look at some of the public testimony, some of the neighbors in the area that provided testimony on -- written testimony on this project got confused that this was for a multi-family project. That is not the case. Again, the applicant is proposing to construct four homes on this site at a gross density of 3.7 dwelling units to the acre. Pretty -- pretty easy project. The -- the access is coming off of Locust Grove, because there is no local street access, so the applicant is proposing a common driveway. With the original submittal the common driveway did stop short on the property and as part of the Planning and Zoning Commission hearing we wanted to make sure that the common drive actually got extended to the eastern driveway as you see here in this exhibit. That is just so that we can facilitate access to the local street when the adjacent property develops. That's -- that's critical to what we require in the code. Once this common drive does connect to the local street to the east, this access is conditioned in the development agreement to be an emergency access only. We have also coordinated with the fire department to make sure -- just to let the Council know that this common drive will be beyond the 150 foot parameter per the fire code, but the applicant and I have worked with the fire department to allow it to be -- go beyond that with the caveat that the applicant delineate where the 150 foot mark is so fire department knows how far they can pull in with their fire truck and -- and fight any fires on the existing residents if there is any fires on any of the new homes that could come forward -- that are built on the site I should say. Because this site is under five acres in size the only required open space is the landscape buffer along Locust Grove, which is what you see here with the 25 foot wide landscape buffer. There are existing trees on the site that will also be -- need to get mitigated for as part of their approval and the applicant will have to comply with all fencing regulations. The Planning and Zoning Commission heard this project at their August 4th hearing. They did recommend approval of both applications. The applicant testified in support, who was Jeremy Rausch and, then, as I mentioned to you, there was quite a few letters of opposition from the surrounding neighbors due to the fact that, again, they felt this was going to be a multi-family project, which it is not. No -- no

key issues of public testimony. The only item discussed at the Planning and Zoning Commission again was the extension of the common driveway and making sure that we got the condition of approval right in the staff report and Commission did side with staff's recommendation and modified that DA provision. There are no outstanding issues before you and as I mentioned on the last hearing we did have additional testimony from some -- some residents from David Palumbo and Shawn Freeman. Again both are concerned about the amount of development occurring in Meridian. So, with that staff and the Commission have recommended approval and we will stand for any questions you may have.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: One question, Bill. Thank -- thank you for that. I -- I was wondering why the -- I was wondering why the zoning difference between Ada county versus the City of Meridian. Ada county being, you know, different -- a little bit less dense than what is proposed here.

Parsons: Mayor, Councilman Bernt, so, essentially, R-1 means one dwelling each to the acre in the county and R-8 -- although it's not -- the zoning code doesn't drive density, it's based on the Comprehensive Plan, which at a minimum is three with a maximum of eight. So, this applicant has decided to go with four, instead of the minimum of three, which is allowed under the Comprehensive Plan. So, that's really the difference here. It's just we anticipate a little bit higher density based on redevelopment of the property.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I'm assuming that that -- that zoning through the -- through Ada county was -- was done previous to this many years ago. So, maybe that's the difference.

Parsons: Yeah. Mayor, Members -- Council Member Bernt, that is correct. There used to be a residence on there and it got removed and now it's a vacant lot and -- and being sold for redevelopment purposes.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Bill. I watched the Planning and Zoning Commission hearing and I was under the impression that the applicant was going to speak with Chief Bongiorno before it got to Council and get all of that squared away. So, did that, indeed, happen? It sounded like from your presentation that maybe that wasn't wrapped up yet.

Parsons: Mayor, Council Woman Perreault, it's -- it's wrapped up. I had a chance to follow up with Chief Bongiorno after the hearing, let him know some of the conversations of the Planning and Zoning Commission and that's what I -- that's why we amended the condition and as the applicant comes to record the plat he will have to have written approval from the fire department. But, again, the fire department is going to require that he delineate the 150 foot mark on the common driveway, so they know where that -- that mark is for their standards. So, he was good with that.

Perreault: Mr. Mayor, one more question.

Simison: Council Woman Perreault.

Perreault: Thank you. So, with the extension of this private drive does it no longer become a common driveway, now it's considered a street or how does that work? Because we -- we have tried to limit, of course, the amount of residences that come off a private drive and so what -- I didn't see anything in the staff report that had concerns that there were four instead of three. Is that part of the reason why or is this just a -- is part of the reason why you want to do the extension is so this is not -- no longer a common drive or is it just most -- mostly related to the fire department's concerns?

Parsons: Yeah. Mayor, Council Woman Perreault, it's -- it will remain a common drive. It's going to be platted as such, so it will stay that way regardless of that being -- access being closed. What we don't have currently is whether or not any public streets will be stubbed to the eastern boundary for that driveway to tie into or if someone will come forward with their own common driveway and -- and, essentially, we could have additional homes taking access off of an extended common driveway. But in our opinion that's -- that outweighs keeping an access to Locust Grove, which is so close to a planned roundabout or a signalized intersection, so we are making a concession here that the better option is to allow more homes to take access from a common drive -- or from a local street than maintaining the access to Locust Grove in the long term.

Simison: Council, any additional questions for staff? Is the applicant here this evening? Okay. Well, I guess there is no applicant this evening that we can identify. So, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Is there anybody present that would like to provide testimony on this item? No one wishing to provide testimony. No applicant. Council, what's your desire?

Parsons: Mayor and Council, I had a chance to speak with the applicant -- not before the hearing, but he's -- he's good with all conditions of approval if there is any concern from the Council not having the applicant here, but typically they -- we like them here to at least say they are in agreement.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Who is the applicant?

Parsons: Jeremy Rausch.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Is he the representative of -- for the owner or is he actually the owner of the property?

Parsons: He's actually the owner.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: He did state at the Planning and Zoning Commission verbally that he is in agreement with all the conditions, so we do have record of him stating his willingness to do the extension of the road and all those things if there is concern about that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Has this happened before where we don't have an applicant here? It just seems really out of the ordinary to me. Just wondered if Planning staff could comment on that.

Simison: It has happened. It's not unheard of, just not common.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Under this unique narrow circumstance I don't have any problem proceeding. It sounds like it's a formality if the applicant was here. Unless -- if there is any questions that Council have of the applicant about this application, then, we ought to continue it. But if Council is comfortable with the information provided I don't have a problem proceeding, so -- any questions? Nope? Mr. Mayor?

Simison: Councilman Borton.

Borton: Going once. Going twice. If there is not any questions that we would want the applicant to answer, then, I move that we close the public hearing. Did we open both of them?

Simison: Yes, we did.

Borton: Okay. Then I will move we close both public hearings on H-2022-0038 and 2022-0008.

Perreault: Second.

Simison: I have a motion and a second to close the public hearings. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearings are closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Certainly annexations are ones where we always want the applicant here, even if it's a formality. It's just great to see them. It's joining the city, becoming part of the -- the crew, so -- this is maybe a very rare, narrow, narrow exception that we don't want to ever encourage to happen even if it's a formality. We would love to see the applicants be present, but with that there is no unresolved issues, the applicant made the representation that Council Woman Perreault had referenced, which is helpful. So, I'm going to move that as to H-22-0038, move to approve that application as set forth in the staff report of September 13th, 2022.

Perreault: Second.

Simison: I have a motion and a second to approve item H-2022-0038. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: As to SHP-2022-0008, I move that we approve that application as well as set forth with the conditions in the staff report of September 13, 2022.

Perreault: Second that motion.

Simison: I have a motion and a second to approve SHP-2022-0008. Is there any discussion? If not Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

4. Ordinance 22-1994: An Ordinance Amending Meridian City Code Section 1-9-4(C), Regarding Appropriation of Funds for the Meridian Arts on Public Spaces Program; Repealing Conflicting Ordinances; and Providing an Effective Date.

Simison: Thank you, Bill. Nice to see you again. It's been a while. Next item up is Item 4, which is Ordinance No. 22-1994. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance amending Meridian City Code Section 1-9-4(C), regarding appropriation of funds for the Meridian Arts on Public Spaces program; repealing conflicting ordinances; and providing an effective date.

Simison: Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing none, do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of Ordinance No. 22-1994. For the Mayor to sign and Clerk to attest.

Strader: Second.

Simison: I have a motion to approve ordinance 22-1994. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

- 5. Ordinance No. 22-1992: An Ordinance of the City of Meridian, Idaho Amending Ordinance No. 21-1945, the Appropriation Ordinance for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022 (FY2022), By Increasing Total Appropriations from \$185,198,969 to \$194,955,456, Increasing Total Revenue from \$118,834,794 to \$122,284,158, and Increasing the Use of Fund Balance from \$66,364,175 to \$72,671,298; and Providing an Effective Date.**

Simison: Next item up is Ordinance No. 22-1992. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance of the City of Meridian, Idaho, amending Ordinance No. 21-1945, the appropriation ordinance for the fiscal year beginning October 1, 2021, and ending September 30, 2022, (FY-2022), by increasing total appropriations from \$185,198,969 to \$194,955,456, increasing total revenue from \$118,834,794 to \$122,284,158, and increasing the use of fund balance from \$66,364,175 to \$72,671,298; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? If not, do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of Ordinance No. 22-1992.

Borton: Second.

Simison: I have a motion and a second to approve Ordinance No. 22-1992. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics or do I have a motion to adjourn?

Hoaglund: Move to adjourn.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 6:26 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT E. SIMISON	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK