

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL FEBRUARY 1, 2017

The regular meeting of the Middleton City Council on February 1, 2017 was called to order by Mayor Darin Taylor at 6:30 p.m.

Roll call: Council Members Beverlee Furner, Carrie Huggins, Rob Kiser and Council President Lenny Riccio were all present.

Motion to Approve Agenda: Motion by Council President Riccio to accept the amended agenda as posted, except this would be the first reading of Ord. No. 588, was seconded by Council Member Furner and carried unanimously.

3) **Administrative Action/Consent Agenda:**

Mayor Taylor introduced the item for questions and discussion.

Motion: Motion by Council President Riccio to accept the consent agenda with the exclusion of the development agreement was seconded by Council Member Kiser and carried unanimously.

4) **New Business:**

4)A. Consider approving a task order to SPF Water Engineering to complete an alignment study for a waterline crossing of the Boise River in an amount not to exceed \$6,200.

Mayor Taylor introduced the item for questions and discussion.

Council Member Huggins asked if the \$6,200 is coming from the water fund, Mayor Taylor answered yes from the capital outlay line item. Council Member Huggins asked for reassurance that this project will not sideline other current water projects, Mayor Taylor answered that it would not as there are no capital water projects planned in Fiscal Year 2017 other than building the well house at well 10.

Mayor Taylor asked if anyone in the audience would like to speak on the item:

A man in the audience asked why this is needed, Mayor Taylor answered that the state requires that the line be looped and that it is also important for anticipated development.

Motion: Motion by Council President Riccio to approve a task order to SPF Water Engineering to complete an alignment study for a waterline crossing of the Boise River in an amount not to exceed \$6,200 was seconded by Council Member Kiser and carried unanimously.

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4)B. Consider consenting to Wind River Estates Subdivision being processed by Canyon County and needing city concurrence because it is within one mile of city limits. The Subdivisions is near the southwest corner of Cemetery and Purple Sage roads.

Mayor Taylor introduced the item for questions and discussion and asked if anyone in the audience would like to speak on the item: none.

Council President Riccio asked about water and sewer connections, Mayor Taylor responded that the nearest system services are approximately one mile east or one mile south.

Motion: Motion by Council President Riccio to consent to Wind River Estates Subdivision, being processed by Canyon County and needing city concurrence because it is within one mile of city limits, was seconded by Council Member Kiser and carried unanimously.

4)C. Consider approving Change Order No. 4 with Riverside Inc. for Well 10 reconstruction project, a time extension due to weather.

City Engineer Woodruff introduced the item for questions and discussion. Mayor Taylor asked if anyone in the audience would like to speak on the item: none.

Motion: Motion to approve Change Order No. 4 with Riverside Inc. for Well 10 reconstruction project, a time extension due to weather was seconded by Council Member Kiser and carried unanimously by roll call vote.

4)D. Consider approving Ordinance No. 589 to rezone certain real property located at the northwest intersection of N. Middleton Road and Cornell Street from R-3 single family residential to M-U mixed use.

City Attorney Yorgason presented the item for discussion and questions. This document memorializes according to Idaho Code the verbal decision made by Council at its last council meeting.

Mayor Taylor asked if anyone in the audience would like to speak on the item: none.

Council President Riccio asked for clarification that is it okay to approve the ordinance before having a completed development agreement, and Mayor Taylor answered that yes it was in this case.

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Motion: Motion by Council President Riccio to read Ordinance No. 589 by title only was seconded by Council Member Kiser and carried unanimously. Mayor Taylor read the ordinance by title only.

Motion: Motion by Council President Riccio to approve Ordinance No. 589 was seconded by Council Member Kiser and carried unanimously by roll call vote.

Finance report:

City Treasurer Ed Karass gave the finance report and answered Council's questions.

Mayor Taylor declared a recess at 7:15 p.m. and reconvened the meeting at 7:20 p.m.

8) Department comments:

City Engineer Amy Woodruff reviewed the submitted engineer report and answered Council's questions.

5) Old Business:

5A. Consider adopting Ordinance No. 588 amending Middleton City Code (first reading):

Title 5: An Ordinance of the City of Middleton, Canyon County, Idaho, Amending Title 5 of the Middleton City Code Updating the General Zoning Provisions, Modifying and Updating General Zoning Definitions and Regulations for Traffic Buffers, Buffers Between Residential and Industrial Zones, and Access Restrictions; Modifying the Standards for Design Review Districts, Making Other Minor Modifications and Providing an Effective Date, and

Title 6: An Ordinance of the City of Middleton, Canyon County, Idaho, Amending Title 6 of the Middleton City Code Updating the General Subdivision Definitions and Regulations, Adding Road Names for Section and Quarter-section Line Roads to the Right-of-Ways Width Table, Modifying and Updating Traffic Buffer Requirements, Restrictions on Flag Lots, Modifying Required Dedication Language, Making Other Minor Modifications and Providing an Effective Date.

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Mayor Taylor declared the public hearing open at 7:30 p.m.

City Attorney Yorgason presented the item for discussion and questions.

Mayor Taylor asked if anyone in the audience would like to speak on the item: none.

Mayor Taylor closed public comment closed at 8:00 p.m.

Motion: Motion by Council President Riccio to approve the first reading of Ordinance No. 588 with changes discussed was seconded by Council Member Furner and carried unanimously by roll call vote.

7) **Public Comments:** none.

8) **Department Comments:** none.

9) **Mayor's Comments:**

- 8342 Copper Creek Way has not passed a final inspection. According to the Building Official there are four outstanding items. The City has not issued a certificate of occupancy and there are people living in the house. The builder has not submitted a written statement contesting code requirements and the Building Official's findings.
- City Hall will be closed Friday February 3, 2017 to move to 1103 W. Main St. and will be open at the new location on Monday February 6, 2018.

10) **Council Comments:** none.

11) **Executive Session pursuant to Idaho Code and possible decision(s) to follow:**

74-206(1)(f) Potential and pending litigation

- a) **City of Middleton v. Coleman Homes (recover attorney fees)**
- b) **City of Middleton v. Idaho Tax Commission (recover property tax)**
- c) **City of Middleton v. Post Property Management (code enforcement)**
- d) **Potential tort claim against Middleton (2016 police conduct)**
- e) **Galvin v. City of Middleton (right to use property)**

Motion: Motion by Council President Riccio to open Executive Session at 8:15 p.m. pursuant to Idaho Code and possible decision(s) to follow was seconded by Council Member Kiser and carried unanimously by roll call vote.

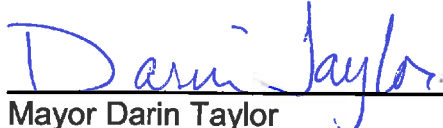
Motion: Motion by Council President Riccio to close Executive Session at 8:33 p.m. was seconded by Council Member Furner and carried unanimously. No discussion or decisions followed.

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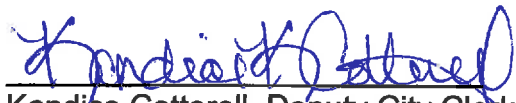
12) Adjourn:

Motion: Motion by Council President Riccio to adjourn was seconded by Council Member Kiser and carried unanimously. Mayor Taylor declared the meeting adjourned at 8:33 p.m.

ATTEST:



Mayor Darin Taylor



Kandice Cotterell, Deputy City Clerk
Approved: March 1, 2017

