

# RECORD OF PROCEEDINGS

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## MIDDLETON CITY COUNCIL MEETING FEBRUARY 4, 2015

The City Council Meeting of February 4, 2015 was called to order by Mayor Taylor at 6:30 p.m.

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

Mayor Taylor declared a quorum of Council Members present, and proceeded with Council business.

Mayor Taylor introduced the following City officials in attendance: City Engineer Amy Woodruff of Civil Dynamics, City Attorney Chris Yorgason of Yorgason & Associates, City Clerk/Treasurer Pauline Newman, and Jeremy Fielding, Chair of the Planning and Zoning Commission.

**Motion:** Motion by Council President Riccio to accept the amended agenda as posted was seconded by Council Member Furner and carried unanimously.

**Public Comment:** Jessica Patton, Vice-Chair of the Middleton Mayor's Youth Advisory Council (MYAC) reported about MYAC past and upcoming activities. Ms. Patton notified City Council:

- 1) that MYAC will be attending and ushering at Mayor's State of the City Address;
- 2) Day at the Capitol trip on February 25, 2015;
- 3) the Mad City Money MYAC is co-hosting with Capital Educators Federal Credit Union on March 2, 2015 to provide basic financial training to high school students, especially seniors;
- 4) the Last Man Standing Dodgeball tournament being scheduled at the end of March 2015; and
- 5) the MYAC mentoring program to assist 8<sup>th</sup> graders transition to high school.

Office Walker from the Middleton Police Department reported to City Council that he visited with MYAC about the fatal accident near the high school ... only one death, and it was the one not wearing a seatbelt. He also reminded MYAC to come to a complete stop at stop signs before entering public roads.

Mayor Taylor thanked Ms. Patton, MYAC and Officer Walker for their comments and involvement.

Mayor Taylor asked if there was anyone else in the audience who would like to comment about something not on the agenda: none.

### **4a. Consider approving the Third Amendment to and Restatement of Joint Exercise of Powers Agreement For the Purpose of Creating a Multi-County/City Housing Authority to Foster Housing Development in the Jurisdictions of Participating Public Agencies (an agreement with SICHA to provide low-income housing in Middleton).**

Mr. David Patten from Southwestern Idaho Cooperative Housing Authority (SICHA) spoke about SICHA & joint powers agreements, programs available, and rental properties owned in Middleton. Currently there are 45 families being assisted in Middleton, and SICHA administers about \$170,000 per year in federal-government subsidies. Mr. Patten said that SICHA is seeking to clarify wording in prior joint powers agreements and that this proposed third

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amendment, once signed by all participating communities, will allow SICHA to obtain insurance from the Idaho Community Risk Management Pool insurance group.

Council President Riccio stated that he would like to see a copy of the proposed agreement in legislative format (underline for new language and strike-through for language to be deleted) prior to agreeing to it.

Mayor Taylor asked City Attorney Yorgason if he had reviewed the agreement, and City Attorney responded that he had received the agreement, not in legislative format, and told Council that this agreement does not supersede the City's authority and that there are currently no low income provisions in City Code. The proposed agreement does not preclude the City from passing ordinances about low-income housing in the future, and that the City's obligation according to the agreement is to provide a representative that participates on SICHA's board of directors.

Mr. Patten added that he and SICHA have enjoyed having their office in Middleton and appreciate all that the City has done.

Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by Council President Riccio to table the agreement with SICHA until a version in legislative format is received and can be reviewed by Council was seconded by Council Member Huggins and carried unanimously.

### **Administrative Action/Consent Agenda:**

3. Mayor Taylor introduced the item and answered Council's questions.

- a. Payroll and miscellaneous accounts payable
- b. Minutes of January 21, 2015.

**Motion:** Motion by Council President Riccio to approve the Consent Agenda items was seconded by Council Member Kiser and carried unanimously.

### **New Business:**

**4b. Consider approving Resolution 351-15**

**A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING AMENDED AND SOME NEW STANDARDS FOR PUBLIC WORKS CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE**

City Engineer Woodruff introduced the item and answered Council's questions.

Council President Riccio asked about the change in numbers of fire hydrants and City Engineer Woodruff responded that Middleton Rural Fire District Chief provided those numbers.

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Council President Riccio asked about adding specifics regarding valve placement on the side of the road. After discussion, it was decided to leave the language as proposed ... valves shall be installed just outside of the road right-of-way.

Council President Riccio asked about the wording change for sidewalks to be five feet wide rather than from back-of-curb. Mayor Taylor responded that all sidewalks shall be five feet wide unless otherwise approved by the City, and the Middleton Supplemental Specifications allow developers to choose adjacent to the back-of-curb or detached and meandering.

Council President Riccio asked about the inclusion of fiber optics and how the City is currently placing it. City Engineer Woodruff replied that fiber is something that is just waking in Idaho for residential and commercial use. The City's goal is to install conduit with utilities in a planning effort for eventual fiber-optic installation.

Mayor Taylor asked if there was anyone in the audience who would like to comment on this item. Jeremy Fielding wanted to see if the specifications require re-installation of survey markers after the construction project is complete. Mayor Taylor said it had been discussed and asked Ms. Woodruff to make sure that language was in the proposed standards.

Council President Riccio asked if parks standards were included. Mayor Taylor responded that they are not included, still being reviewed, and will be presented to Council when ready.

**Motion:** Motion by Council President Riccio to approve 351-15 with the changes described in the meeting was seconded by Council Member Furner and carried unanimously.

Mayor Taylor declared a recess and the reconvened the meeting.

#### **4c. Consider approving a contract with Baer Design Group LLC in the amount of \$6,000 to prepare a concept level grading and drainage for Piccadilly Park.**

Mayor Taylor introduced the item and answered Council's questions. He informed Council about the Vally Regional Transit grant for a park-and-ride lot, and grant to partially fund the splash pad, that the City had applied for. Mayor Taylor said this grading and drainage plan is in preparation if the City is awarded those two grants.

Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by council President Riccio to approve a contract with Baer Design Group LLC in an amount not to exceed \$6,000 to prepare a concept level grading and drainage for Piccadilly Park was seconded by Council Member Huggins and carried unanimously.

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**4d. Consider approving a contract with Baer Design Group LLC in the amount of \$11,205 to design a trail on the north side of Highway 44 between Roadside and Middleton Place parks.**

Mayor Taylor introduced the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none. Mayor Taylor noted that Baer Design Group is one of the firms on the City's roster for landscape engineers.

**Motion:** Motion by Council President Riccio to approve a contract with Baer Design Group LLC in an amount not to exceed \$11,205 to design a trail on the north side of Highway 44 between Roadside and Middleton Place parks was seconded by Council member Furner and carried unanimously.

**4e. Consider approving a contract with Eagle Land Surveying in the amount of \$5,500 to perform land surveying for the trail on the north side of Highway 44 between Roadside and Middleton Place parks.**

Mayor Taylor introduced the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by Council President Riccio to approve a contract with Eagle Land Surveying in an amount not to exceed \$5,500 to survey for the trail on the north side of Highway 44 between Roadside and Middleton Place parks was seconded by Council Member Huggins and carried unanimously.

**4f. Consider approving a contract with Warrington Construction in the amount of \$7,414 to connect sewer between Middleton Place Park restrooms and the main line under Cornell Street.**

Mayor Taylor introduced the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by Council President Riccio to approve a contract with Warrington Construction in an amount not to exceed \$7,414 to connect sewer between Middleton Place Park restrooms and the main line under Cornell Street was seconded by Council member Kiser and carried unanimously.

**4g. Consider awarding a bid to Alta Construction in the amount of \$511,028.41 for the Concord Street and Willow Drive project.**

Mayor Taylor introduced the item and answered Council's questions. Council President Riccio asked about the amount budgeted compared to the bid amount. Mayor Taylor said about \$624,000 was budgeted for this project from streets, but the water mainline relocation project paid for from the water fund, and sewer mainline relocation project paid for from the sewer fund, allowed over \$100,000 in the street fund capital account to be used to acquire right-of-way.

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Council President Riccio commented about the twenty-percent (20%) difference between the two lowest bids.

Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: Jeremy Fielding commented that Alta Construction had completed a couple of pretty big projects in Ada County, he has seen their product and they do a good job.

**Motion:** Motion by Council President Riccio to award contract to Alta Construction in an amount not to exceed \$511,028.41 for the Concord Street and Willow Drive project was seconded by Council Member Kiser and carried unanimously.

### **Department Comments:**

City Engineer Woodruff reported:

Canyon Villa project. Construction is complete. There are two punch list items and a vacuum test for manholes to be completed.

Concord Road reconstruction project. Warrington Construction is excited to get under way with the water and sewer mainline relocation projects, and the pre-construction meeting is scheduled for February 6, 2015.

Whiffin Lane. Design for the project is in progress.

Mayor Taylor reported:

West Highlands No. 5. The plat was recorded, is being addressed, and building permits will soon be available.

The Lakes No. 1. The plat was recorded, is being addressed, and building permits will soon be available.

Falcon Valley No. 3. The City and developer applicant have been discussing the preliminary plat showing the drainage system revised per City request, and that preliminary plat should be filed with the City soon for a formal review as a substitute preliminary plat. Once approved by the City, the developer can proceed with installing improvements prior to submitting a final plat.

Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

### **4h. Consider contracting with Precision Engineering in the amount of \$12,888 for construction administration support for the Concord Street and Willow Drive project.**

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

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**Motion:** Motion by Council President Riccio to approve a contract with Precision Engineering in an amount not to exceed \$12,888 for construction administration support for the Concord Street and Willow Drive project was seconded by Council Member Furner and carried unanimously.

### **4i. Consider approving special events permit by Boys & Girls Club of Nampa.**

Mayor Taylor presented the item and answered Council's questions.

Council member Huggins asked if this was the same event that has happened the past few years and Mayor Taylor confirmed that it was.

Council President Riccio asked if they were also requesting a waiver of fees? Mayor Taylor responded that has been in the request before, but this application does not include a request to waive fees.

Council Member Furner asked if the Middleton Police Department would be involved when the event comes through town, and Mayor Taylor said yes.

Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by Council President Riccio to approve the special events permit by Boys & Girls Club of Nampa was seconded by Council member Kiser and carried unanimously.

### **4j. Consider approving Ordinance 550**

**AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 4 OF THE MIDDLETON CITY CODE, UPDATING AND CLARIFYING BUILDING CODE REGULATIONS, UPDATING THE REGULATIONS FOR MOBILE HOMES AND MANUFACTURED HOMES, UPDATING AND CLARIFYING FENCE STANDARDS, UPDATING OFF-STREET PARKING REQUIREMENTS, MODIFYING THE STANDARDS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENTS, AND PROVIDING AN EFFECTIVE DATE.**

City Attorney Yorgason presented the item and answered Council's questions.

Council President Riccio asked about the building permit exceptions for asphalt versus composite shingles. City Attorney Yorgason responded that those two types of shingles are interchangeable and, based on the conversation he had with the City Building Official, if you are only replacing a few shingles you do not need a building permit.

Council President Riccio asked about the 200 square foot building for accessory structure building permit and why the standard is not larger. City Attorney Yorgason responded that the standards are decided by the City at what level they want to inspect. Currently it is 120 feet and is being increased to 200 feet to match the change in the International Residential Code, but there is nothing that says the City cannot increase it if the City wishes. Council Member Kiser added that when you get to a 300 square-foot building you are getting into pretty good sized buildings that need engineered roofing. He likes the change to 200 feet.

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Council President Riccio asked about conflicting wording when describing barbwire fencing. City Attorney Yorgason said that he would make sure to go back and look at the different sections, but pointed out one provision talks about a barbed-wire fence, and the other talks about the barbed or razor wire in commercial and industrial zones for security purposes at the top of an eight-foot fence.

Council President Riccio asked how other cities treat manufactured homes as far as design standards are concerned. Mayor Taylor answered that Idaho Code requires manufactured homes be treated like single family dwellings, but a neighborhood's, conditions, covenants and restrictions can allow or prevent manufactured homes in subdivisions.

Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by Council President Riccio Ordinance 550 by title only was seconded by Council Member Kiser and carried unanimously.

### **Old Business:**

#### **5a. Consider approving Ordinance 548, second reading.**

**AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 1, CHAPTER 5 CLARIFYING THE CONSTRUCTION OF WORDS, AMENDING TITLE 1, CHAPTER 4 UPDATING INFRACTION PENALTIES; AMENDING TITLE 1, CHAPTER 5 MAKING MINOR AMENDMENTS TO MAYOR'S DUTIES, TITLES OF APPOINTED OFFICIALS AND MODIFYING STANDARDS FOR THE PLANNING AND ZONING COMMISSION AND THE LIBRARY BOARD; MAKING MINOR MODIFICATIONS TO TITLE 1, CHAPTERS 6, 7 AND 11, DELETING TITLE 1, CHAPTER 12 AND AMENDING TITLE 1, CHAPTER 13 TO REFLECT THE STATE CODE REQUIREMENTS FOR CITY ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by Council President Riccio to approve the second reading of Ordinance 548 by title only was seconded by Council Member Kiser and carried unanimously.

#### **5b. Consider approving Ordinance 549, second reading.**

**AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 3, CHAPTER 1 OF THE MIDDLETON CITY CODE, AMENDING BUSINESS LICENSE REGULATIONS, AND MODIFYING REGULATIONS ON DOOR-TO-DOOR SOLICITATIONS, AMENDING TITLE 3, CHAPTER 2 UPDATING SPECIAL EVENTS REGULATIONS, AMENDING CHAPTERS 3 AND 4 TO UPDATE THE BEER,**

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### **WINE AND LIQUOR REGULATIONS, MAKING MINOR MODIFICATIONS TO TITLE 3, CHAPTER 5, DELETING TITLE 3, CHAPTER 6, AMENDING TITLE 3, CHAPTER 7 TO UPDATE SIGN REGULATIONS, AND PROVIDING AN EFFECTIVE DATE.**

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

**Motion:** Motion by Council President Riccio to approve the second reading of Ordinance 549 by title only was seconded by Council Member Kiser and carried unanimously.

City Attorney Yorgason noted that some corrections will be made on wording prior to the third reading.

#### **Mayor's Comments:**

- Mayor Taylor invited everyone to the State of the City scheduled on February 11, 2015 at 7 p.m. in the lecture hall at Middleton High School.
- Tracy Reed has resigned from library board and has done been a fantastic board member. There are two vacant positions on that board, and four applications were received. Mayor, Library Director Lovan, and Library Board President Don Watt intend to interview the applicants next week. He then read Tracy Reed's resignation letter.
- The Urban Renewal District (URD) should be having a meeting in February 2015 and the Mayor has notified President Don Sprattley and Vice Chair Elwin Butler that Mayor would like to attend to discuss a possible URD project - conduit for fiber along State Highway 44. Mayor recounted a recent newspaper article about Nampa City Council's action to prohibiting its URD from creating more districts or incurring more debt, and the Mayor would like to discuss those subjects with the URD. Middleton has \$3.8 million in sewer bond debt. URD has over \$800,000 in debt related to Middleton Village and Ridley's commercial projects.
- Appeal of Boise's conditional use permit in Canyon County. Boise initiated settlement discussions, and the January 29, 2015 hearing was postponed to February 17, 2015. Mayor, the City Engineer and the City's surface water-quality expert Jack Harrison met with Boise representatives to discussed Middleton's concerns and possible remedies. Negotiations are still in progress.

#### **Council Comments:**

Council member Huggins requested an updated financial report and City Clerk/Treasurer Newman said that she would provide her with one.

Council member Furner asked if the Middleton Rural Fire District has contacted the City to set up a time to meet, and the Mayor responded that have not.

#### **Adjourn**

Mayor Taylor asked if there was any further business to come before the Council. Hearing none,

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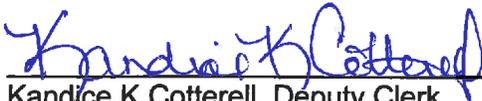
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**Motion:** Motion by Council President Riccio to adjourn the meeting was seconded by Council Member Kiser and carried unanimously.

Mayor Taylor declared the meeting adjourned at 8:50 p.m.

ATTEST:

  
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Mayor Darin Taylor

  
\_\_\_\_\_  
Kandice K Cotterell, Deputy Clerk  
Approved: February 18, 2015

