

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL MEETING MAY 6, 2015

The City Council Meeting of May 6, 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 all 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, and Deputy City Clerk Kandice Cotterell

Motion: Motion by Council President Riccio to accept the agenda as posted was seconded by Council Member Kiser 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. Consider approving Minutes of April 15, 2015.
- c. Consider approving annual liquor licenses for beer and wine effective June 1, 2015 through May 31, 2016 for: Casa Mexico at 517 S. Middleton Rd., and Ridley's Food Corp. dba Ridley's Family Markets at 430 E. Main St.

Council President Riccio asked if the additional comments he requested had been added to the minutes regarding Ordinance 560, and Deputy Clerk Cotterell responded that they had. Mayor Taylor read them at that time.

Motion: Motion by Council President Riccio to approve the Consent Agenda item was seconded by Council Member Furner and carried unanimously.

Old Business:

4a Consider approving task order from JUB Engineers for the west sewer extension project in the amount of \$8,103.

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

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

Motion: Motion by Council President Riccio to approve a task order from JUB Engineers for the west sewer extension project in the amount of \$8,103 was seconded by Council Member Kiser and carried unanimously by roll call vote.

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4b Consider approving task order from JUB Engineers for the south sewer extension project in the amount of \$26,366.

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

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

Motion: Motion by Council President Riccio to approve task order from JUB Engineers for the south sewer extension project in the amount of \$26,366 was seconded by Council Member Huggins and carried unanimously by roll call vote.

New Business:

5a Consider waiving Special Event Permit fees for the Nampa Boys and Girls Club.

Mayor Taylor presented the item and answered Council's questions

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

Motion: Motion by Council President Riccio to approve waiving the Special Event Permit fees for the Nampa Boys and Girls Club was seconded by Council Member Furner and carried unanimously.

Mayor's Comments:

Mayor Taylor recently attended the Library Board meeting and learned that the Friends of the Middleton Library need a place to receive, organize, store and possibly sell donated books. Mayor offered a portion of the City building at 1103 W. Main Street until the end of this year, and the Friends accepted and would be utilizing the space until the city uses it.

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

Council Member Huggins asked if there would need to be a written agreement between the two parties, and Mayor Taylor said that there would not be because the city is not charging rent to the Friends of the Library, and the city's permission to use the space could be revoked at any time depending on when the city will be using the space. Mayor Taylor

Motion: Motion by Council President Riccio to approve the concept of Friends of the Middleton Library using a portion of the City building at 1103 W. Main Street rent free until the City needs to use it was seconded by Council Member Furner and carried unanimously.

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New Business continued:

5b Information: Jack Harrison of HyQual and Larry Rupp of Keller Associates, Phase 2 Reuse and Discharge Summary Report.

Mr. Harrison and Mr. Rupp presented their report and answered Council's questions.

Mayor Taylor asked what the next steps for the City should be, and Mr. Harrison responded that there are interim planning concepts and ideas for the near future and those will be summed up in a proposed Task Order No. 3, which will include transition items.

Mayor Taylor thanked Mr. Harrison and Mr. Rupp for their high quality work and the information they presented.

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

Karen Hunter asked if the EPA lowers its reuse standards will the proposed implementation in the long run make it cheaper for residents. Mr. Rupp replied that is generally the idea. It is a resource and if you treat it to a fairly high level it can be very beneficial.

5f Consider approving Ordinance 561.

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 4, CHAPTER 1, SECTION 1 OF THE MIDDLETON CITY CODE TO ADD STUCCO INSTALLATION PROCEDURES, AND PROVIDING AN EFFECTIVE DATE.

City Building Official David Wardell presented the item and answered Council's questions.

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

Motion: Motion by Council President Riccio to read Ordinance 561 by title only was seconded by Council Member Kiser and carried unanimously. Mayor Taylor read Ordinance 561 by title only.

Motion: Motion by Council President Riccio to waive the three reading rule and approve Ordinance 561 was seconded by Council Member Kiser and carried unanimously by roll call vote.

Mayor Taylor declared a recess at 7:25 p.m. and reconvened the meeting at 7:35 p.m.

5i Consider adopting a resolution amending the Middleton Standards for Public Works Construction, a local supplement to the Idaho standards for public works construction.

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

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

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Motion: Motion by Council President Riccio adopt Resolution 355-15 amending the Middleton Standards for Public Works Construction, a local supplement to the Idaho standards for public works construction was seconded by Council Member Huggins and carried unanimously.

Public Comments:

Glory Galvin asked if anyone had considered or whether there was a plan in the near future to remove the sidewalk bulbs at pedestrian crossings and open-up the road better access for trailers and farm equipment onto Dewey Ave. from Main Street. Mayor Taylor replied that it was discussed when the City and Idaho Transportation Department re-stripped State Highway 44 to include a center turn lane, but it was resisted by some residents who supported the City's downtown revitalization grant and project before Mayor Taylor was elected when those bulbs were constructed. She asked again, and Mayor Taylor said the City had discussed it but was not currently a City priority project since it is within Idaho Transportation Department's right-of-way and jurisdiction, and it would be expensive to engineer, design, permit, remove and replace those. Council President Riccio said that he believes that specific project was within the Urban Renewal District's (URD) funding and scope of downtown revitalization. Council Member Huggins added that she was not certain that URD had any funds invested in the revitalization project, but does believe that URD was involved in the grant writing process.

Ms. Galvin then asked if the City has received a record of survey for the Allaire property. Mayor Taylor responded that the City has received an unrecorded copy, has sent a request for a recorded version, and should receive it promptly. Ms. Galvin asked who the surveyor was and Mayor Taylor answered that it was Compass Land Surveying in Nampa, Idaho.

5c Consider approving and ratifying the purchase of approximately 2,950 tons of 3/8" washed rock from Idaho Sand and Gravel in an amount not to exceed \$50,000 for chip seal road maintenance in 2015.

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

President Riccio asked if this was the same size of rock that has always been used and Mayor Taylor responded that this rock is a smaller size and will be used in the subdivisions, which the City intends to chip-seal this year.

Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Motion: Motion by Council President Riccio to approve and ratifying the purchase of approximately 2,950 tons of 3/8" washed rock from Idaho Sand and Gravel in an amount not to exceed \$50,000 for chip seal road maintenance in 2015 was seconded by Council Member Kiser and carried unanimously.

5d Consider approving Change Order No. 1 from The Ewing Company in the amount of \$6,841.70.

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

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President Ricco asked in regards to the change item included from December 2014, what was the delay in bringing it before Council. Mayor Taylor responded that the City asked The Ewing Company to hold change items and bring them before Council in one change order.

Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Motion: Motion by Council President Riccio to approve approving Change Order No. 1 from The Ewing Company in the amount of \$6,841.70 was seconded by Council Member Huggins and carried unanimously.

5e Consider approving a Merchant Authorization Agreement – Debit Settlement with Fiserv Solutions, LLC to receive electronic utility bill payments through Capital Educators Credit Union.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Motion: Motion by Council President Riccio to approve a Merchant Authorization Agreement – Debit Settlement with Fiserv Solutions, LLC to receive electronic utility bill payments through Capital Educators Credit Union was seconded by Council member Furner and carried unanimously by roll call vote.

5g Consider approving an application by Papa D's Fireworks LLC to sell fireworks at Greenlinks and State Highway 44 during the Fourth of July season 2015.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Motion: Motion by Council President Riccio to approve an application by Papa D's Fireworks LLC to sell fireworks at Greenlinks and State Highway 44 during the Fourth of July season 2015 was seconded by Council Member Kiser and carried unanimously.

5h Consider approving a contract with State of Idaho Bureau of Federal Surplus Property.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Motion: Motion by Council President Riccio to approve a contract with State of Idaho Bureau of Federal Surplus Property was seconded by Council Member Furner and carried unanimously by roll call vote.

5j Consider adopting a resolution amending the City of Middleton Employee Personnel Policy and Procedures Handbook, Employee Classification, Compensation, and Benefits, B Compensation Policies:

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- **Changing the heading of section 5 from Overtime Compensation to Overtime Qualification,**
- **Changing the heading of section 6 from Compensatory Time Policy to Overtime Compensation, and**
- **Changing section 6 to allow the City discretion to compensate for overtime by payment or time off.**

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Council Member Kiser asked if City employees were aware of this change, and Mayor Taylor responded that yes they were and that Stevan Rogers, City streets superintendent, was actually the one that requested the change on behalf of the public works employees.

Council Member Furner asked if City employees can request compensation by cash payment rather than receiving comp time, and Mayor Responded that no they cannot, the decision about whether employees will be compensated by cash or comp-time is at the City's discretion.

Motion: Motion by Council President Riccio to adopt Resolution 365-15 amending the City of Middleton Employee Personnel Policy and Procedures Handbook, Employee Classification, Compensation, and Benefits, B Compensation Policies:

- Changing the heading of section 5 from Overtime Compensation to Overtime Qualification,
- Changing the heading of section 6 from Compensatory Time Policy to Overtime Compensation, and
- Changing section 6 to allow the City discretion to compensate for overtime by payment or time off.

The motion was seconded by Council Member Kiser and carried unanimously.

5k Consider approving Cooperative Agreement with Idaho Transportation Department, Key No. 19008, to upgrade curb ramps on State Highway 44 within City limits.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience. City Attorney Yorgason pointed out that there was a resolution attached to the agreement.

Motion: Motion by Council President Riccio to adopt Resolution 357 approving Cooperative Agreement with Idaho Transportation Department, Key No. 19008, to upgrade curb ramps on State Highway 44 within City limits was seconded by Council Member Furner and carried unanimously by roll call vote.

5l Consider approving an Access Agreement with Jeanette Farrell to abandon and vacate a driveway approach from State Highway 44 in exchange for the City building a driveway from Harmon Way.

Mayor Taylor presented the item, noting section three would change to reflect the city would obtain bids to complete the work and pay Ms. Farrell the amount of the bids, and Ms. Farrell would use the money as she wished to hire the work to be done by a contractor of her choice and when she would like the work done, but the approach from State Highway 44 would be

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abandoned and closed by June 2015. Mayor Taylor answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Motion: Motion by Council President Riccio to approve an Access Agreement with Jeanette Farrell to abandon and vacate a driveway approach from State Highway 44 in exchange for the City paying to build a driveway from Harmon Way according to a revised section three was seconded by Council Member Kiser and carried unanimously.

5m Consider approving proposed upgrades to Roadside Park Restrooms.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Council Member Kiser said thank you to Mayor and City staff, it is about time those bathrooms are updated. It will be a great addition to the already updated Roadside Park.

Motion: Motion by Council President Riccio to approve proposed upgrades to Roadside Park Restrooms in an amount not to exceed \$21,459.20 was seconded by Council Member Kiser and carried unanimously.

Public Hearing:

Consider establishing fees to rent the multi-purpose room at Middleton Place Park and amend the fee schedule to include the following fees: \$25 per hour, \$75 for four hours or \$150 per day and a \$100 refundable deposit.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if anyone in the audience would like to speak on this item: no one was in the audience.

Motion: Motion by Council President Ricco to adopt Resolution 354-15 establishing fees to rent the multi-purpose room at Middleton Place Park and amend the fee schedule to include the following fees: \$25 per hour, \$75 for four hours or \$150 per day and a \$100 refundable deposit was seconded by Council Member Furner and carried unanimously.

Department Comments:

Deputy Clerk Cotterell:

- Monthly Code Enforcement report
- City will have a free community shred on Saturday, May 9th from 10 a.m. – 12 p.m. in the City Hall parking lot.
- MYAC is working on Battle ball for June 20, 2015.
- There were over 100 volunteers at the City Cleanup Night this year.

Mayor Taylor:

- FEMA flood study reported that 200 homes will be removed from the flood zone and that 120 homes will be going into the flood zone. Agencies are waiting to receive preliminary maps which are scheduled to be released in July 2015 for the public comment period.

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- Powder River subdivision is served by a water mainline that was constructed and connected to the City's system, but no easement was conveyed to the City because the water line is in Phase 6, west of N. 4th Ave. West, shown on the approved preliminary plat and will be part of the final plat for the next phase. The City is working with a surveyor for an easement description and then with the developer to grant that utility easement to the city.

Council Comments:

Council President Riccio reported that the Friends of the Library are excited to be able to use a portion of the ALS building (1103 W. Main Street) to store and organize their books.

Executive Session:

Motion: Motion by Council President Riccio to open Executive Session pursuant to Idaho Code 67-2345(1)(c) Land acquisition and 67-2345(1)(f) Potential litigation was seconded by Council Member Furner and carried unanimously by roll call vote.

Mayor Taylor closed the executive session, and Council had no follow-up discussions or decisions.

Adjourn:

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

Mayor Taylor declared the meeting adjourned at 9:10 p.m.

ATTEST:


Kandice Cotterell, Deputy Clerk
Approved: May 20, 2015





Mayor Darin Taylor