

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL MEETING SEPTEMBER 2, 2015

Mayor Taylor was on vacation so the City Council Meeting of August 18, 2015 was called to order by Meeting Administrator Becky Crofts at 6:30 p.m.

Ms. Crofts introduced the following City officials in attendance: City Engineer Amy Woodruff of Civil Dynamics, City Attorney Chris Yorgason of Yorgason Law, and Deputy City Clerk Kandice Cotterell.

Roll Call: Council Members Carrie Huggins, Rob Kiser, Beverlee Furner and Council President Lenny Riccio were all present. Mrs. Crofts declared a quorum of Council Members present, and proceeded with Council business.

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

3) Administrative Action/Consent Agenda:

Motion: Motion by Council President Riccio to approve payroll and miscellaneous accounts payable was seconded by Council Member Huggins and carried unanimously.

4a) Consider approving payment to Grindline Skateparks Inc. in the amount of \$5,880 for Piccadilly Park skatepark 50% design

Mrs. Crofts introduced the item and answered Council's questions.

Motion: Motion by Council President Riccio to approve a payment to Grindline Skateparks Inc. in the amount of \$5,880 for Piccadilly Park skatepark 50% design was seconded by Council Member Huggins and carried unanimously.

4b) Consider selecting Grindline Skateparks Inc. to construct the Piccadilly Park skate park in an amount to be negotiated and approved by City Council prior to work commencing.

Mrs. Crofts introduced the item and answered Council's questions.

Council Member Huggins asked about the budget for this project and if everything was in line, Mrs. Crofts answered that the funds have been verified and are available. The final price has not yet been negotiated, that is the next part of the process. Mrs. Crofts added that the City is working with different contractors and companies to receive discounts on material and labor to try and lower the total cost. Council Member Huggins added that parks has not spent any money recently and asked, with going from one fiscal year to the next, will all monies continue to be accounted for and available. Mrs. Crofts answered that the City Treasurer has verified that all funds will be available.

Council President Riccio asked what the status of the Park-and-Ride lot project was, and Mrs. Crofts answered that it is slated to be designed in 2016 and constructed in 2017 using primarily grant funds.

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Motion: Motion by Council President Riccio to select Grindline Skateparks Inc. to construct the Piccadilly Park skate park in an amount to be negotiated and approved by City Council prior to work commencing was seconded by Council Member Kiser and carried unanimously.

Mrs. Crofts recognized Callista Lohrengel, Chair of the Mayor's Youth Advisory Council (MYAC), and Chair Lohrengel introduced this year's MYAC Executive Board and described MYAC activities.

4c) Consider ratifying the real property exchange with Mountain West Management Group, LLC.

Mrs. Crofts introduced the item and answered Council's questions.

Council President Riccio added that Council has discussed this item many different times and that it is a great opportunity to acquire the needed right-of-way from an area that was not being used frequently and that the business will use.

Mrs. Crofts asked if there was anyone in the audience that would like to comment on this item: none.

Motion: Motion by Council President Riccio to approve ratifying the exchange of real property with Mountain West Management Group, LLC was seconded by Council Member Furner and carried unanimously.

4d) Consider ratifying the sale of real property to Kelly and Michele Hall

Mrs. Crofts introduced the item, answered Council's questions, and asked if there was anyone in the audience that would like to comment on this item.

James Taylor asked if there was an appraisal done on the property, and City Attorney Yorgason answered that he was not certain if an appraisal was done but that extensive negotiations have happened with all the different parties. It is seen as a package deal wherein the City recovers right-of-way that will be needed in the future and public access along the road will be reduced for the local business.

James Taylor asked what the property was zoned and City Engineer Woodruff answered that it was zoned C-2. Mr. Taylor asked if Council Members have been to the subject property and all answered that yes they have been. Mr. Taylor then asked what the cost has been to the City to improve the area, and Mrs. Crofts said that she does not believe that any City funds have been put toward improving the area. She did say that there is some gravel, pit run, on the area that will be leveled out but, besides the survey, she does not believe anything else has been done to improve the area.

James Taylor then asked why there was not notification to the public that the land was to be sold, and City Attorney Yorgason answered that there is no requirement to post a possible sale, and that this was a package deal with other parties. If the City did not acquire the land, then the City would lose out on the needed right-of way without having to pay (for the land or to relocate business improvements).

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James Taylor asked how much of the land the City will retain, and Mrs. Crofts answered that the City does not own the land the business owner does. Mr. Taylor asked if this contract has been signed, and Mrs. Crofts answered that yes and the transaction closed this morning. James Taylor followed up saying that the deal was therefore done without Council approval? City Attorney Yorgason answered that the sale was done with Council approval, it is an item that was discussed many times and Council advised the Mayor to move in the direction of selling the property, and Council is now ratifying the contract. Council conversations about the land transactions were during executive sessions as allowed by state law, and then action taken in open session.

Council President Riccio added that discussing purchase and sale of property is frequently done in executive session and that open discussion of those details would be contrary to good fiscal practices that the City and Council try to have. If amounts and numbers were public, competitors may come in and raise prices. Council is here to ratify the sale that they advised Mayor Darin Taylor to move forward with.

James Taylor said that this piece of land may not be a piece of prime real estate now but that it may be in five years.

Motion: Motion by Council President Riccio ratify the sale of real property to Kelly and Michele Hall was seconded by Council Member Huggins and carried unanimously.

4e) Consider ratifying the Private Drive Easement, Use and Maintenance Agreement between the City, Kelly and Michele Hall, and Mountain West Management Group LLC

Mrs. Crofts presented the item and answered Council's questions. She asked if there was anyone in the audience that would like to comment on this item: none.

Motion: Motion by Council President Riccio to ratify the Private Drive Easement, Use and Maintenance Agreement between the City, Kelly and Michele Hall, and Mountain West Management Group LLC was seconded by Council Member Kiser and carried unanimously.

Ms. Crofts said items 4f and 5 were would be discussed at the September 16, 2015 meeting.

Public comments: none.

Department Comments: City Engineer Woodruff referred to the memo that Council had received and answered their questions.

Council Comments: Council President Riccio reported that the library is interested in expanding and had been interested in purchasing the old Middleton High School fine arts building, but chose not to.


Mayor's Comments: Mrs. Crofts said that Mayor Taylor would like the Council to know that those involved in the second hand store at 808 E. Main St. had been cited by the Middleton Police Department for multiple violations.

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

Ms. Crofts declared the meeting adjourned at 7:06 p.m.

ATTEST:



Mayor Darin Taylor


Kandice Cotterell, Deputy Clerk
Approved: September 16, 2015

