

# RECORD OF PROCEEDINGS

---

## MIDDLETON CITY COUNCIL JANUARY 18, 2017

The regular meeting of the Middleton City Council on January 18, 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 agenda as posted 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 was seconded by Council Member Kiser and carried unanimously.

### 4) **New Business:**

#### 4)D. **Elect Council President for 2017**

**Motion:** Motion by Council Member Kiser to nominate Lenny Riccio as Council President was seconded by Council Member Furner. No further nominations were made, so Mayor Taylor closed nominations, and the vote was unanimous in favor, motion carried.

#### 4)E. **Consider appointing council's liaisons to the following local-government districts:**

- **Greater Middleton Parks and Recreation District**
- **Middleton Library**
- **Middleton Rural Fire District, and**
- **School District**

**Motion:** Motion by Council President Riccio to appoint Council Member Kiser as the liaison to the Greater Middleton Parks and Recreation District, Council Member Huggins to the Middleton Library, Council Member Furner to the Middleton Rural Fire District, and Council President Riccio to the Middleton School District, was seconded by Council Member Kiser, and carried unanimously.

#### 4)F. **Consider affirming the following rostered engineering firms with signed general service agreements valid through December 31, 2018:**

- **Bear Design Group for landscape architecture**
- **CSHQA for landscape architecture**
- **T-O Engineers for FEMA/flood, transportation and surveying**
- **Bowen Collins & Associates for FEMA/flood**

## RECORD OF PROCEEDINGS

---

- Precision Engineering for transportation
- Horrocks Engineers for transportation
- Keller Associates for wastewater
- J-U-B for sanitary wastewater
- SPF Engineers for water
- Eagle Land Surveying
- ALS Land Surveying, and
- Compass Land Surveying

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

**Motion:** Motion to affirm by Council president Riccio was seconded by Council Member Kiser and carried unanimously.

**4)G. Consider affirming Mayor's appointment and Council's confirmation of the following city officials:**

- Clerk and Office Administrator – Becky Crofts
  - Parks Director, Grants and Trails Administrator, and Information Technology and Communications Coordinator – Becky Crofts
  - Treasurer – Ed Karass
  - Attorney – Chris Yorgason of Yorgason & Associates
  - Engineer – Amy Woodruff of Civil Dynamics
  - Building Official – David Wardell
  - Planning and Zoning Official – Randall Falkner
  - Police Chief – Brian Zimmerman
- Note:** acknowledge – Kate Lovan as Librarian appointed by Library Board

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

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

**4)H. Consider affirming Mayor's appointment and Council's confirmation of the following Planning and Zoning Commissioners:**

- Lary Sisson – Chair
- Amy Watson – Vice-Chair
- Justin Rahn
- Sean Billet
- Jeff Garner

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

**Motion:** Motion to affirm by Council President Riccio was seconded by Council member Kiser and carried unanimously.

## RECORD OF PROCEEDINGS

---

**4)I. Consider affirming Mayor's appointment and council's confirmation of the following Library Board of Directors:**

- **Brady Fuller – President**
- **Jeni Fried – Vice President**
- **Don Watts**
- **Kassie Knapp**
- **Nichole Thomas - Secretary**

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

**Motion:** Motion to affirm by Council President Riccio was seconded by Council member Kiser and carried unanimously.

**4)J. Consider affirming Mayor's appointment and council's confirmation of the following Urban Renewal Agency Board of Directors:**

- **Elwin Butler – President**
- **Carrie Huggins**
- **Brett Bishop**
- **Rob Kiser**
- **Carl Lohrengel**

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

**Motion:** Motion to affirm by Council President Riccio was seconded by Council member Kiser and carried unanimously.

**4)K. Consider affirming Mayor's appointment and council's confirmation of the following Impact Fee Advisory Committee members:**

- **Chris Yorgason - Chair**
- **Alan Mills (Realtor)**
- **Jennifer Barr**
- **Paul Watson (developer)**
- **Tyler Ashton (builder)**
- **Pam Wagoner**

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

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

## RECORD OF PROCEEDINGS

---

**4)L. Consider renewing Mayor's appointment and council's confirmation of the following Building Board of Appeals members:**

- Jon Yorgason (builder) - Chair
- Tyler Ashton (builder)
- Chaney Stotts (builder)

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

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

**4)M. Consider ratifying a Local Highway Safety Improvement Program (LHSIP) application to convert the intersection of N Middleton Rd. and Cornell St. to a roundabout. The total estimated project cost is \$303,000, and the estimated city match is \$22,240 (7.4% percent).**

Mayor Taylor introduced the item for questions and discussion.

Council Member Huggins asked for clarification that the cost of the item was for engineering and construction costs, and Mayor Taylor answered yes that was correct.

Council President Riccio asked when notice would be received if the grant is awarded, and Mayor answered that he believes it will be by the end of February

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

Blake Wolf asked about effect to surrounding properties, Mayor Taylor replied that the City is hoping properties to the south will not be affected much at all. Mr. Wolf then asked if there will be a traffic study done with the grant, and Mayor Taylor answered yes there will be.

**Motion:** Motion by Council President Riccio to ratify a Local Highway Safety Improvement Program (LHSIP) application to convert the intersection of N Middleton Rd. and Cornell St. to a roundabout. The total estimated project cost is \$303,000, and the estimated city match is \$22,240 (7.4% percent) was seconded by Council Member Furner and carried unanimously.

**4)N. Consider ratifying a contract with Idaho IT for phone installation at 1103 W. Main St. in an amount not to exceed \$5,954.50.**

Mayor Taylor introduced the item for questions and discussion.

Council Member Kiser asked about the transition effecting day to day operations at City Hall, and Mayor Taylor informed Council that City Hall will be closed Friday February 3rd for moving and back open on Monday the 6<sup>th</sup>.

Council Member Huggins asked if this move includes the police department, and Mayor Taylor answered that it does.

## RECORD OF PROCEEDINGS

---

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

**Motion:** Motion by Council President Riccio to ratify a contract with Idaho IT for phone installation at 1103 W. Main St. in an amount not to exceed \$5,954.50 was seconded by Council Member Kiser and carried unanimously by roll call vote.

#### **4)O. Consider authorizing Idaho Department of Environmental Equality Wastewater Planning Grant submittal for FY2018.**

Mayor Taylor introduced the item for questions and discussion.

Council Member Huggins asked what budget line item the 50% match will come from and if it was budgeted for. Mayor Taylor answered that it will come from the sewer budget and that it was not budgeted for so we will have to adjust. Council Member Huggins then asked for clarification that this item is just to get the grant process started, and Mayor Taylor replied yes that is correct.

Mayor Taylor asked if anyone in the audience would like to speak on the item: A man in the audience asked if this is a need or a want, and Mayor Taylor answered that this is a need that the EPA will eventually require and this grant would allow for someone else to pay for it.

**Motion:** Motion by Council president Riccio to authorize the Idaho Department of Environmental Equality Wastewater Planning Grant submittal for FY2018 was seconded by Council Member Kiser and carried unanimously.

#### **4)C. Information: Devon Christiansen, Eagle Scout Project Report Veterans in Middleton Idaho Cemetery**

Mayor Taylor introduced the item and asked Devon to speak on the item and answer questions.

Council President Riccio asked about the Find a Grave website that was used, and Devon answered that it gives names and pictures if they are uploaded. He added that 94% of the Middleton cemetery is documented. It has over 1700 graves with more than 350 of those being graves of veterans. He then presented a binder with documentation of his project to Mayor and Council.

Mayor and Council then thanked him for all of his work and congratulated him on completing his project.

#### **5) Old Business:**

##### **5)A. Third reading Consider approving Ordinance No. 587 to update Middleton City Code Titles, 1, 3, 4, 7, 8, 9, 10 and 11.**

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

## RECORD OF PROCEEDINGS

---

Council Member Huggins stated that her concerns come when there are limitations put on businesses when it comes to advertising as small businesses rely heavily on signs. Kiser other concern is portable signs that may hurt small businesses.

Mayor declared a recess at 7:30 p.m. and reconvened the meeting at 7:35 p.m.

The item was then postponed until later in meeting.

### **New Business Continued:**

**4)P. Consider approving a request by Idaho Mutual Trust LLC for a development agreement between the City and Idaho Mutual Trust as property owner regarding development on the property located at the northwest corner of Middleton Road and Cornell Street, Lot 1, Block 1, Old Mill Stream Subdivision, Parcel No. R1848050.**

Mayor Taylor introduced the item for questions and discussion.

Mayor Taylor turned the floor over to Blake Wolf who commented on the item and answered Council's questions.

Council President Riccio asked if the Teicherts were asked for their input in regards to the privacy fence, and Mr. Wolf replied that he spoke with Cheryl Teichert and the vinyl fence was her choice. Council President Riccio then asked about the donation amount to the Greater Middleton Parks and Recreation Department (GMPRD) and Mr. Wolf stated that they are willing to work with a reasonable amount to help move the project forward. Council member Kiser added that in previous discussions the amount brought up was the equivalent to a playground area. He would like to see the money go toward grass and irrigation unless those materials have already been purchased and then have it go toward future improvements.

Council Member Huggins asked about the canal that had been previously discussed, and Mayor Taylor responded that he had walked the canal bank and it is not on the subject property

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

Betty Mitchell asked why the GMPRD isn't taking of Foote Park and why the City is giving them money to fix it. Mayor Taylor answered that the City has offered to purchase the unfinished park and GMPRD has declined. The City is offering to help as the majority of residents do not know the difference between City owned and GMPRD parks they would just like nice parks. Mrs. Mitchell replied that GMPRD receives tax dollars just like the City does so she would like to see some pressure put on them to move forward.

Randy Mitchell asked if anyone has spoken with the irrigation district about the right-of-way along the subject property, Mayor Taylor responded that it is 25 – 50 feet from top of bank.

Mayor Taylor closed public comment at 8:24 p.m.

**Motion:** Motion by Council President Riccio to a request by Idaho Mutual Trust LLC for a development agreement between the City and Idaho Mutual Trust as property owner regarding development on the property located at the northwest corner of Middleton Road and Cornell

## RECORD OF PROCEEDINGS

---

Street, Lot 1, Block 1, Old Mill Stream Subdivision, Parcel No. R1848050 and to revise the proposed conditions of development to include the southeast corner of the Teichert property in regards to the vinyl six foot privacy fence, in regards to the improvements at the GMPRD that the first priority for the amount donated is to be for field irrigation and planting of new grass and if those materials have already been purchased the monies left over are to go toward field improvement and the \$10,000 must be used by June 30, 2017 or no later than the date the first certificate of occupancy is submitted for the subject property was seconded by Council Member Furner

**Discussion:** Council President Riccio amended his motion that the six foot privacy fence to be added at the Teicherts no later than the date the certificate of occupancy is issued for the first four-plex was seconded by Council Member Furner and carried unanimously by roll call vote.

Mayor Taylor closed public hearing 8:33 p.m.

### **Old Business Continued:**

**5)B. Public Hearing. Consider approving a request by the Idaho Mutual Trust LLC to rezone approximately 5.5 acres of vacant land from R-3 (Single Family Residential) to M-U (Mixed Use). The subject property is located at the northwest corner of Middleton Road and Cornell Street.**

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

Close public comment

**Motion:** Motion by Council President Riccio to approve a request by the Idaho Mutual Trust LLC to rezone approximately 5.5 acres of vacant land from R-3 (Single Family Residential) to M-U (Mixed Use). The subject property is located at the northwest corner of Middleton Road and Cornell Street.

**Discussion:** Council President Riccio thanked the applicant for their patience and involvement and wished them luck with the project.

The motion was then passed unanimously by roll call vote.

### **7) Public Comments:**

Randy Mitchell spoke regarding snow removal and asked if a state of emergency has been declared in Middleton. Mayor Taylor answered that no it has not as cleanup has been going well and he will expand in his Mayor Comments. Mr. Mitchell asked how much has been paid to companies the City has used for snow removal, Mayor Taylor answered that they each have certain hourly rate that are all negotiable. Mr. Mitchell asked what is required by the City to help in the snow removal, Mayor Taylor replied that the companies must have the proper equipment and be will to accommodate mail and garbage pick-up. Mr. Mitchell stated that he and his company are willing to help out, and Mayor Taylor said that he will give him a call.

## RECORD OF PROCEEDINGS

---

8) **Department Comments:** none.

9) **Mayor's Comments:**

- Two Subdivisions that did not receive garbage and recycling pick up for two weeks as Republic Services stated their trucks could not get through the snow. Would like to look at those issues in future contract negotiations.
- There is a leak in the Trolley Station in one of the walls and a window has cracked.
- The road rename effort has been delayed. The City has received all road signs and poles and will just need to wait to install as snow melts. The new names are in effect and the post office is delivering to both new and old names at this time. The new names are now active with emergency services.
- Scheduled to meet with Idaho Power and walk the 22 acre field the City has purchased and determine where the poles are to go.
- City staff and McAlvain Construct and Warrington Construction have worked on snow removal and all roads in city limits have been cleared. The money to pay for additional snow removal is coming from public safety line item out away in FY2013.

10) **Council Comments:**

Council Member Furner reported that there have not yet been any decisions made at the Fire District regarding personnel issues.

**Old Business Continued:**

**5)A. Third reading Consider approving Ordinance No. 587 to update Middleton City Code Titles, 1, 3, 4, 7, 8, 9, 10 and 11.**

**Motion:** Motion by Council President Riccio to read Ordinance No. 587 by title only was seconded Council Member Furner and carried unanimously.

**Motion:** Motion by Council President Riccio to approve Ordinance No. 587 to update Middleton City Code Titles, 1, 3, 4, 7, 8, 9, 10 and 11 adding a column for mobile and off site signs was seconded by Council Member Kiser and carried unanimously by roll call vote.

**4)Q. 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**



# RECORD OF PROCEEDINGS

---

**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.**

**Motion:** Motion by Council President Riccio to table the item to the next regularly scheduled meeting

- 11) **Executive Session pursuant to Idaho Code and possible decision(s) to follow:**  
74-206(1)(a) Hiring and firing  
74-206(1)(b) Employee performance  
74-206(1)(c) Land acquisition  
74-206(1)(f) Potential or pending litigation

**Motion:** Motion by Council President Riccio to open Executive Session at 9:37 p.m. pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(a) Hiring and firing 74-206(1)(b) Employee performance was seconded by Council Member Furner and carried unanimously by roll call vote.


**Motion:** Motion by Council President Riccio to close Executive Session at 10:45 p.m. was seconded by Council Member Furner and carried unanimously.

12) **Adjourn:**

**Motion:** Motion by Council President Riccio to adjourn was seconded by Council Member Furner and carried unanimously. Mayor Taylor declared the meeting adjourned at 10:46 p.m.

ATTEST:

  
\_\_\_\_\_  
Mayor Darin Taylor

  
\_\_\_\_\_  
Kandice Cotterell, Deputy City Clerk  
Approved: February 1, 2017

