

# RECORD OF PROCEEDINGS

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## MIDDLETON CITY COUNCIL DECEMBER 7, 2016

The regular meeting of the Middleton City Council on December 7, 2016 was called to order by Mayor Darin Taylor at 6:30 p.m.

Mayor Taylor introduced City Engineer Amy Woodruff of Civil Dynamics, City Attorney Chris Yorgason of Yorgason Associates, and City Clerk Becky Crofts.

Roll call by the City Clerk: Council Members Kiser, Huggins and Furner present.

Mayor Taylor requested to add item 4F to the agenda to award the Well 10 Well House construction project to Warrington Construction in an amount not to exceed \$221,260. The item was not placed on the agenda previously because the bid opening was December 5, 2016 and the Engineer's recommendation of award was delivered to City today after confirming the required bonds and insurance certificates conformed to bid document specifications.

**Motion:** Motion by Council Member Kiser to accept the agenda, and add item 4F which could not have been on the agenda previously because it was received today, was seconded by Council Member Furner and carried unanimously.

### 3) Administrative Action/Consent Agenda:

Mayor Taylor introduced the item and asked if Council had any questions.

**Motion:** Motion by Council Member Kiser to accept the consent agenda was seconded by Council Member Huggins

**Discussion:** Council Member Huggins asked that an updated accounts payable discussion be added to the agenda in the future and Mayor Taylor replied that the City Treasurer is working on the item, adding funds not carried over from FY2015, and preparing a balance sheet. Council Member Huggins added that since the transition to the new Treasurer she feels that Council is the last oversight when it comes to the money and would like to see the numbers soon, given the transition to a new treasurer.

The motion was then passed unanimously.

### 4) New Business:

#### 4)A. Mayor's Youth Advisory Council (MYAC) Report

The MYAC coat drive will be finishing-up and providing a coat to anyone in Middleton that is in need of a coat, Friday December 9, 2016 from 1:00 – 3:00 p.m. and Monday December 12, 2016 from 6:00 – 8:00 p.m. at Trolley Station.

The Winter Chill dance is scheduled for Saturday December 17, 2016 at Middleton High School. All Atlas, Middleton and Vision high school students have been invited.

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### **4)B. Consider awarding contract with Straight-line Building Solutions LLC for improvements at 1103 W. Main St.**

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

**Motion:** Motion by Council Member Kiser to affirm the prior decision to award the contract to Straight-line Building Solutions LLC for improvements at 1103 W. Main St. was seconded by Council Member Furner and carried unanimously.

Council President Riccio arrived at 7:00 p.m.

### **4)C. Consider approving Ordinance No. 586 to annex and rezone land belonging Premier Industrial, 42 Acres LLC, and Baserri LLC**

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

**Motion:** Motion by Council President Riccio to read Ordinance No. 586 by title only was seconded by Council Member Kiser.

**Discussion:** Council Member Kiser noted that there were residents in attendance regarding this item and wanted to make sure that they are heard. Mayor Taylor responded that this item has been decided verbally at a prior meeting, and that consideration of the ordinance is the official written document to be recorded at the county, so questions can be addressed after Council takes action on the item.

The motion was then carried unanimously, and Mayor Taylor read the ordinance by title only.

**Motion:** Motion by Council President Riccio to waive the three reading rule and approve Ordinance No. 586 to annex and rezone land belonging Premier Industrial LLC, 42 Acres LLC, and Baserri LLC, was seconded by Council Member Kiser.

**Discussion:** Council President Riccio asked about the potential donation of greenbelt land along the Boise River that the land owner will donate to the City, and Mayor Taylor answered that it was 54.1 acres. Council President Riccio stated that he believes that will be very exciting as that area is developed.

The motion was then carried unanimously by roll call vote.

George Taylor lives in Middleton Lakes Subdivision asked about who owns the landscape strips along both sides of the existing Sawtooth Lake Drive and Crane Creek Way. Mayor Taylor answered that the Middleton Lakes Subdivision Home Owners Association says it owns them, but that the city will follow-up and verify the legal description for those public roads to see if the landscape strips are in the public road right-of-way.

### **4)D. Consider approving Resolution No. 384-16 for the following road names as shown on a draft update to the Middleton Connects: Hall Ave, Lee Ave, Douglas Ave, Wood Ave, and Peel Ave.**

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

**Motion:** Motion by Council President Riccio to approve Resolution No. 384-16 for the following road names: Hall Ave, Lee Ave, Douglas Ave, Wood Ave, and Peel Street was seconded by Council Member Kiser and carried unanimously.

Mayor Taylor declared a recess at 7:25 p.m. and reconvened the meeting at 7:40 p.m.

**4)F. Consider awarding the contract for the Well 10 Well House to Warrington Construction in an amount not to exceed \$221,260.**

Mayor Taylor introduced the item, and City Engineer Woodruff described the bidding process, results and Engineer's recommendation.

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

**Motion:** Motion by Council President Riccio to approve awarding the contract for the Well 10 Well House construction project to Warrington Construction in an amount not to exceed \$221,260 was seconded by Council Member Furner and carried unanimously by roll call vote.

**5) Old Business:**

**5)A. Consider approving the updated record retention policy by Resolution No. 380-16.**

**Motion:** Because the draft retention schedule is incomplete, motion by Council Member Kiser to table item 5A to the next regularly scheduled meeting on December 21, 2016 was seconded by Council President Riccio and carried unanimously.

6) **Public Hearing:** none.

7) **Public Comments:** none.

8) **Department Comments:**

City Engineer Woodruff reviewed the submitted Engineer update and answered Council's questions.

City Clerk Crofts informed Council that she and Mayor Taylor are currently working on three different street reconstruction/overlay grants.

**10) Council Comments:**

Council Member Kiser reported that the Greater Middleton Parks and Recreation Department used an old house on Minot Street for fire suppression practice.

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Council Member Furner reported that the Middleton Rural Fire District will be meeting Monday December 12, 2016.

9) **Mayor's Comments:**

- Change in attorney representation, from retired Bruce Smith to Chris Yorgason, in United Water's application to the Idaho Department of Water Resources. Mr. Yorgason will file a substitution of council in the action and keep the city apprised of any action on the application, since not much has happened in the last five years.
- Coleman Homes/West Highlands and the city are awaiting the court's decision on the parties' requests to reconsider different aspects of the court's November 2016 decision.

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

**Motion:** Motion by Council President Riccio to open executive session pursuant to Idaho Code 74-206(1)(f) regarding pending litigation with the Galvins was seconded by Council Member Furner and carried unanimously by roll call vote at 8:00 p.m.

Executive Session closed at 9:00 p.m. and no discussion or decisions followed.

**New Business Continued:**

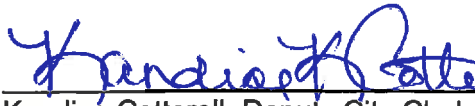
**4)E. Consider approving Ordinance No. 587 to update Middleton City Code Titles, 1, 3, 4, 7, 8, 9, 10 and 11.**

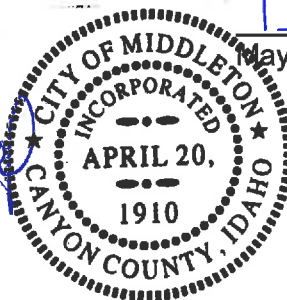
City Attorney Yorgason detailed a review of Ordinance No. 587 in its entirety and answered Council's questions. Mayor Taylor asked if there was anyone in the audience who would like to comment on this item: none.

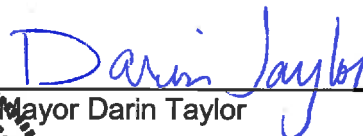
**Adjourn:**

**Motion:** Motion by Council President Riccio to adjourn was seconded by Council Member Kiser and carried unanimously. Mayor Taylor declared the meeting adjourned at 9:58 p.m.

ATTEST:

  
Kandice Cotterell, Deputy City Clerk  
Approved: December 21, 2016



  
Mayor Darin Taylor