



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday, July 3, 2019
Location: 6 N. Dewey Ave., Middleton, Idaho

Time: 6:30 p.m.

Call-to-order, roll call, Pledge of Allegiance, Invocation

Action Items

1. Consent Agenda (items of routine administrative business)
 - a) Consider approving minutes for Council's June 19, 2019 regular meeting.
 - b) Consider approving June 21, 2019 payroll in an amount of \$90,462.07 and accounts payable thru July 2, 2019 in the amount of \$52,163.36.
2. **Continued Public Hearing.** Consider adopting Ordinance No. 619 amending Middleton City Code Titles 1, 4, 7, 8 and 10 (third reading).
3. **Continued Public Hearing:** Consider adopting Ordinance No. 620 amending Title 5 of the Middleton City Code (second reading).
4. Consider confirming Mayor's appointment of Bill Deaver to the Planning and Zoning Commission starting October 7, 2019 for a three-year term. City code requires an individual to reside in Canyon County, Idaho at least 24 months before serving on the Commission.

Information

Larry Rupp, Keller Associates, Summary of Sanitary Sewer Master Plan (aka Facility Plan)
City Treasurer and Administrator, Review Draft Fiscal Year 2020 Tentative Budget

Public Comments, Mayor and Council Comments, Adjourn

Posted by:


Dawn Dalton, Deputy Clerk

Date: July 1, 2019 4:30 p.m.

Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.



**MIDDLETON CITY COUNCIL
JUNE 19, 2019**

The Middleton City Council meeting on June 19, 2019 was called-to-order at 6:30 p.m. by Mayor Darin Taylor, who introduced City Attorney Chris Yorgason, City Deputy Clerk Dawn Dalton, and Planning and Zoning Official Bruce Bayne.

Roll Call: Council Members Carrie Huggins, Jeff Garner and Beverlee Furner, and Council President Rob Kiser, were present.

Motion: Motion by Council Member Furner to approve the amended agenda as posted on June 19, 2019 at 9:15 a.m. was seconded by Council Member Garner and carried unanimously.

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a) **Consider approving minutes for Council's June 5 and 12 2019 meetings.**
 - b) **Consider ratifying June 7, 2019 payroll amount of \$72,018.66 and ratify accounts payable thru June 12, 2019 in the amount of \$302,613.87.**

Mayor Taylor called and introduced the agenda items.

Motion: Motion by Council President Kiser to approve consent agenda items a and b was seconded by Council Member Garner and carried unanimously.

Information Items

Chris Hopper from Canyon Highway District No. 4 presented information about District steps taken toward hiring a traffic engineer to perform a transportation analysis/study of collector and arterial roads north of Boise River, east of Interstate 84, north to Gem County line, and east to Ada County line, including Middleton's area of city impact. A deliverable resulting from the study will be a capital improvement plan the District would like Canyon County, the City of Middleton and the City of Star (portion in Canyon County) to adopt as part of their comprehensive plans so the District, County and cities can establish and collect impact fees from new developments to pay for intersection improvements needed due to the developments.

City Treasurer expressed to Council that the reconciliations presented by the auditor had been made and that she would have a more detailed report at the July 3, 2019 council meeting.

8. **Consider approving the final audit report prepared by Zwygart John and Associates for the 2018 fiscal year.**

Mayor Taylor called the agenda item. Jordan Zwygart described adjustments he and the City Treasurer made to city financial records based on the Treasurer's research. Mayor asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council Member Garner to approve Fiscal Year 2018 final audit report was seconded by Council Member Huggins and carried unanimously.

9. FY2020 Budget Workshop

Mayor Taylor called and introduced the agenda item and explained that the City Administrator asked that the item be postponed until the July 3, 2019 meeting. No action was taken on the item.

2. Consider approving an IT Services Agreement with Executech in a monthly amount of \$1,890.

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to approve the agreement was seconded by Council Member Garner and carried unanimously by roll call vote.

3. Continued Public Hearing. Consider adopting Ordinance No. 619 amending Middleton City Code Titles 1, 4, 7, 8 and 10 (second reading).

Mayor Taylor called the agenda item, declared the continued public hearing open at 7:20 p.m., introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to read Ordinance No. 619 for the second time by title only was seconded by Council Member Huggins and carried unanimously. Mayor asked the City Attorney to read the ordinance by title only, which he did.

4. Consider approving the Stonehaven Subdivision No. 1 final plat.

Mayor Taylor called the agenda item and Planning and Zoning Official Bruce Bayne presented the Administrative Review and Report. Mayor Taylor asked of anyone in the audience would like to speak to this item: **Mike Graefe** asked when 9th Street was going to be extended to Middleton Road. Mayor Taylor responded within one-to-two years.

Motion: Motion by Council President Kiser to approve Stonehaven Subdivision No. 1 final plat was seconded by Council Member Huggins and carried unanimously.

5. Consider establishing a minimum bid price of \$45,765 at the auction when selling Davis Park.

.17 acres x 43,560 sq ft = 7405 sq ft	x \$3.00/ft = \$22,215 land
	x \$2.05/ft = \$15,180 lawn/landscaping
	= \$ 2,000 shed
	= \$ 1,000 shelter and picnic
	X \$26.85/ft= \$ 5,370 200 feet chainlink fence
	<u>\$45,765</u>

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item. **Brittney Trimmer** wanted Council to consider the fact that the lot cannot be built on and has no access, both facts making the lot less valuable for sale.

Motion: Motion by Council President Kiser to set the minimum bid price at public sale of Davis Park at \$22,000 was seconded by Council Member Garner and carried unanimously.

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6. **Public Hearing. Consider if Willowbrook Development Inc. (Willowbrook) breached that certain Annexation and Extension of Municipal Service Agreement dated August 17, 2005 recorded as Instrument No. 200553209 in records of Canyon County, Idaho entered into between Willowbrook and the City of Middleton regarding annexation of Willowbrook-owned land into a city other than the City of Middleton.**

Mayor Taylor called the agenda item, declared the public hearing open at 8:00 p.m., introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to close the public comment portion of the hearing was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Kiser to find and conclude that Willowbrook Development Inc. is not in breach of the Annexation and Extension of Municipal Service Agreement because 1) the City of Star did not adopt an annexation ordinance of the subject property and 2) the applicant withdrew its application to annex the subject property to the City of Star, was seconded by Council Member Garner and carried unanimously by roll call vote.

7. **Public Hearing: Consider adopting Ordinance No. 620 amending Title 5 of the Middleton City Code updating the general zoning provisions, modifying and updating the rules and notes in the land use, setback and area tables, updating preliminary and final plat requirements; updating design and development standards; updating required road and utility improvements; deleting standards for mobile home parks; making other minor modifications; and providing an effective date (first reading).**

Mayor Taylor called the agenda item, declared the public hearing open at 8:00 p.m., and asked the City Attorney to present the first reading of Ordinance 620, which the City Attorney did. Mayor asked if anyone in the audience would like to speak to this item. **Holly Bayne** asked council to waive the three-reading rule and adopt Ordinance No. 620, or at least that portion that talks about rebuilding a substantially damaged or destroyed residence, because her real estate clients were trying to close on a house on main street and could not without verifying to the lender that rebuilding the house if destroyed would be allowed.

Motion: Motion by Council President Kiser to close the public comment portion of the hearing at 8:43 p.m. was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Kiser to separate the nonconforming residence reconstruction provisions from Ordinance No. 620 and have them be their own ordinance was seconded by Council Member Furner and carried unanimously. Mayor Taylor announced that the nonconforming residence reconstruction provisions would be Ordinance No. 621.

Motion: Motion by Council President Kiser to read Ordinance No. 621 by title only was seconded by Council Member Furner and carried unanimously. Mayor Taylor asked the City Attorney read Ordinance 621 by title only, which he did.

Motion: Motion by Council President Kiser to waive the three-reading rule and adopt Ordinance 621 was seconded by Council Member Furner and carried unanimously by roll call vote.

Public Comments, Mayor and Council Comments: Council Member Garner updated council about school district board actions.

Adjourn: Mayor Taylor adjourned the meeting at 9:00 p.m.

ATTEST:

Darin Taylor, Mayor

Dawn M. Dalton, Deputy Clerk
Minutes Approved: July 3, 2019

ORDINANCE NO. 619

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLES 1, 4, 7, 8 AND 10 OF THE MIDDLETON CITY CODE, UPDATING THE GENERAL DEFINITIONS; CLARIFYING MEETING TIMES, JOB TITLES AND UNAPPOINTMENTS; UPDATING STANDARDS FOR PHASE DEVELOPMENTS; CLARIFYING EXEMPTIONS TO AND WAIVERS OF STANDARDS; UPDATING SPECIAL USE PERMIT REGULATIONS; MODIFYING FENCE STANDARDS; UPDATING AND MODIFYING NUISANCES; MODIFYING DISORDERLY CONDUCT AND ADDING DISORDERLY CONDUCT AND FIREARMS, WEAPONS AS NUISANCES; MAKING OTHER MINOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Middleton, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, and

WHEREAS, the City of Middleton, Idaho, seeks to streamline its administrative code;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

Section 1: Certain definitions found in Middleton City Code Title 1, Chapter 3 DEFINITIONS shall be amended as follows:

HOME OCCUPATION: Any business, profession, occupation or trade conducted for gain or support within a residential building, or upon a lot if agriculturally related, which is incidental and secondary to the use of such a building for dwelling purposes and which does not change the residential character of the dwelling.

GRAFFITI: Graffiti is not public art. Graffiti is any unauthorized inscription, word, painting, sign, figure, design, or other drawings which are written, scrawled, printed, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of a building, wall, sidewalk, road, sign, phone pole, any permanent or temporary structure, or any other exterior surface on public or private property by any graffiti implement or other device, ~~to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise considered a public nuisance.~~

SIGNS: Mobile Sign: A sign able to move or be moved freely or easily on a vehicle/trailer with wheels, being displayed with on- or off-site messages.

Section 2: Section 3 of Middleton City Code Title 1, Chapter 5 ELECTED AND APPOINTED OFFICERS; BOARDS AND COMMISSIONS shall be amended as follows:

1-5-3 The Council shall hold regular meetings on the first and third Wednesday of each month. Each meeting shall be held in the building located at 6 North Dewey Avenue and commence at six thirty o'clock (6:30) P.M., unless otherwise approved by the Council. If the first or third Wednesday shall fall on a holiday, the meeting shall be held the evening following at the same

time. The Mayor or one-half (1/2) plus one of the membership of the Council may call special meetings as provided in Idaho Code section 74-204(2). All regular and special meetings shall comply with Idaho Code section 74-201 et seq., regarding open meetings.

Section 3: Section 4 of Middleton City Code Title 1, Chapter 5 ELECTED AND APPOINTED OFFICERS; BOARDS AND COMMISSIONS shall be amended as follows:

I. ~~Office~~ City Administrator: The mayor, with the consent of city council, may appoint an ~~office~~ city administrator, who shall perform such general oversight, supervisory, human resource and other duties as assigned by the mayor.

J. Terms Of Office, Unappointment: The above referenced appointive officials, and any other officials duly appointed by the mayor and city council, shall serve until removed from appointment by the procedures identified in Idaho Code 50-206.

Section 4: Section 5 of Middleton City Code Title 1, Chapter 14 ADMINISTRATIVE PROCEDURES shall be amended as follows:

E. Phase Developments: Application for final plat approvals shall be submitted in consecutive order following the phases on the approved preliminary plat, if any, and in intervals of not more than two (2) years. The City shall not accept an application for a final plat until after the City has issued a notice of completion to the subdivider that infrastructure has been constructed for that phase. The subdivider shall follow the "Idaho Standards for Public Works Construction" and the Middleton supplement to the "Idaho Standards for Public Works Construction" in effect at the time the final plat application is accepted by the City. If phase lines, numbers and/or development data change during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.

Section 5: Middleton City Code Title 1, Chapter 15, Section 2 EXCEPTIONS OR WAIVERS OF STANDARDS shall be amended as follows:

A. Exceptions or waivers of standards, other than land uses according to Title 5, Chapter 4, Table 1 of this code, may be approved through one of the following public hearing processes:

1. Special use permit,
2. Development agreement accompanying a rezone application,
3. Variance,
4. Condition of approval as part of a land use application, or
5. ~~Condition of approval on~~ Approval of a preliminary plat, with or without conditions.

Section 6: Middleton City Code Title 1, Chapter 15, Section 7 SPECIAL USE PERMITS shall be amended as follows:

A. Description And Purpose:

~~12.~~ Certain types of uses possess unique and special characteristics which require special consideration prior to their being permitted in a particular district. A special use permit may be granted to an applicant if the proposed use is allowed by a special use permit under the land use schedule in section 5-4-1, Table table 1 of this Code.

~~2.~~ The reason for special consideration involves, among other things, the size of the area required for the full development of such use, the nature of traffic incidental to operation of the use, the effect such use has on any adjoining land uses and the effect such use has on the growth and development of the community as a whole.

~~31.~~ The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in the area. Nothing construed herein shall be deemed to require the commission to grant a special use permit.

~~43.~~ No building permit shall be issued when a special use permit is required by the terms of this chapter, unless a special use permit has been previously granted by the City and then only in accordance with the terms and conditions of the special use permit.

~~54.~~ No special use permit shall be transferable from one property to another. In the event the property changes hands, the new owner, if he or she desires to continue the special use, shall appear before the commission for review. Said continuance use shall be subject to the same terms and conditions of the permit.

~~65.~~ Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use.

~~76.~~ The granting of a special use permit shall not be considered as establishing a binding precedent to grant other special use permits.

B. Procedures: The commission shall conduct at least one public hearing on the application.

C. Action By Commission: After notice and hearing, the commission may approve, conditionally approve or deny a special use permit application. Whenever the commission approves or denies a permit, it shall specify in writing: 1) the ordinance and standards used in evaluating the application (city code, Idaho Standards for Public Works Construction and Middleton Supplement to the Idaho Standards for Public Works Construction); 2) the reasons for approval or denial; and 3) if denied, the actions, if any, that the applicant can take to obtain approval. The commission shall make a decision within thirty (30) days of the conclusion of the public hearing.

D. Conditions: Upon granting a special use permit, conditions may be attached to:

1. Minimize adverse impact on other development (~~special yards or spaces, fences, parking, traffic flow, etc. and walls~~).
2. Control the sequence and timing.
3. Control duration of the use.
4. Assure that development is maintained properly.
5. Designate the location and nature of development, including signs.
6. Require the provision for on site or off site public facilities or services.
7. Require more restrictive standards than those generally required in an ordinance (surfacing of parking areas to City specifications, regulation of points of vehicular ingress and egress, landscaping and maintenance, regulation of noise, vibration, odors or other similar nuisances).
8. Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the special use permit.
9. Require mitigation of effects of the proposed use upon service delivery by any political subdivision, including school districts, providing services within the planning area of Middleton.

Section 7: Middleton City Code Title 4, Chapter 4 FENCES is hereby amended to read as follows:

4-4-1: FENCES, WALLS, BERMS, HEDGES:

- A. Residential: Fences, walls, berms, and hedges are allowed and shall not exceed a height of six feet (6') and shall not obstruct the vision triangle. Front setbacks for a six foot (6') fence shall be the same as the setbacks for buildings. The side-street setback for a six foot (6') fence shall be ten feet (10'). A three foot (3') high privacy fence or four foot (4') high chainlink or other see through type fence shall be allowed in the front and side street setback.
- B. Prohibited: Electric fences and barbed wire fences are prohibited within the corporate limits of the City, except when containing animals or in an industrial zone.
- C. Commercial And Industrial Zones:
 1. Fences, walls, berms and hedges, shall not exceed eight feet (8') in height and shall not obstruct the vision triangle.
 2. Security fences in industrial zones: When a barbed wire top section is desired, the eight foot (8') maximum height limitation may be extended by up to thirty inches (30") solely and exclusively by the barbed wire security top section. Barbed wire, six (6) horizontal strands maximum, is permitted in industrial zones when used as the top section for

security fences and shall be a minimum of seventy two inches (72") above grade. Concertina wire may be permitted in industrial zones when used as the top section for security fences subject to approval of the City and shall be a minimum of eighty four inches (84") above grade.

3. No fence or wall shall be constructed or installed in a commercial or industrial zone without a fence permit. A nonrefundable fee as established by resolution of the City Council shall be paid at the time the permit is requested, after the City has issued a design review permit for the fence.

4. Commercial, industrial, mixed use and multi-family parking, outdoor storage, loading and unloading zones and garbage/recycling areas shall be effectively screened on any side adjoining property in a residential zone by a wall, fence or hedge to a height of six feet (6') except for the front yard setback area of the adjoining residential property, in which case the maximum height shall be three feet (3').

D. Sidewalk Areas: No fence shall be permitted in the sidewalk area or in a location that will impair the construction or use of sidewalks.

E. ~~Residential Subdivisions: Developers of residential subdivisions shall install a six foot (6') fence along the perimeter of each phase of the subdivision by the time the City signs the final plat for that phase.~~

4-4-2: ~~YARD~~ FENCING:

All fences constructed within the City shall comply with the specifications set forth on the following diagrams:

[DIAGRAMS REMAIN UNCHANGED]

Section 8: Middleton City Code Title 7, Chapter 2, Sections 10 and 11 are hereby amended as follows and relocated to Title 8, Chapter 1 and renumbered as Sections 19 and 20.

~~7-2-108-1-19:~~ ILLICIT PROHIBITED DISCHARGES:

A. Drain Water Prohibited: It shall be unlawful for any person to discharge irrigation water or roof or surface drain water or ground drainage into the sanitary sewer system.

B. Objectionable Waste Prohibited: It shall be unlawful for any person to place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any wastewater, human or animal excrement, garbage or other objectionable waste.

C. Discharge Of Sewage To Natural Outlet: It shall be unlawful to discharge to any natural outlet or drop inlet within the City, or in any area under the jurisdiction of the City, any wastewater ~~sewage~~ or other polluted waters.

7-2-118-1-20: IMPROPER USE OF SYSTEM:

- A. Entrance to the manhole or opening the same for any purpose whatsoever, except by the City or other persons duly authorized, is strictly prohibited. No one shall throw or deposit or cause to be thrown or deposited in any vessel or receptacle connected with the public sewer, garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, sticks, cinders or any other matter or thing whatever, except human excrement, urine, the necessary paper products, household sewage and drainage of such character.
- B. It shall be unlawful for unauthorized persons to loiter, trespass, swim, trap, hunt, fish, boat, ice skate or skip rocks in, on or around the City sewer lagoon.

Section 9: Middleton City Code Title 8 Chapter 1 NUISANCES is hereby amended to read as follows:

8-1-6: Graffiti

A. Prohibited Acts:

1. Defacement: It is unlawful for any person to deface or place or put, by any means, graffiti on any exterior surface. ~~without the permission of the owner of the premises on which the surface is located.~~ Design review approval is required prior to display of any public art. The City does not deem graffiti to be public art.

2. Possession Of Graffiti Implements: It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility or while in or within fifty feet (50') of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the City.

8-1-9: VAGRANCY: It shall be unlawful for any person to be a vagrant. Residents shall reside in a house, duplex, triplex, apartment, condominium, townhouse, ~~or mobile~~ or manufactured home certified by the United States Department of Housing and Urban Development (HUD) or International Residential Code adopted in section 4-1-2 of this Code. Residents shall not reside in a storage unit, accessory structure, camper, trailer, RV, bus or other vehicle, tent, tepee, igloo, box, sleeping bag, or other shelter.

8-1-21 Public Swales: It shall be unlawful to drive through, stack or pile material in, fill-in, modify or otherwise damage swales that were engineered for stormwater treatment purposes.

Section 10: Middleton City Code Title 10 Chapter 2 Section 1 is hereby amended as follows,

- A. ~~Offensive Conduct~~ Disorderly Conduct: Every person shall be guilty of disorderly conduct when he or she: ~~Any person who~~ exhibits violent, noisy, riotous, or ~~who uses~~ any profane, abusive or obscene language, or in any way commits a breach of the

peace, or does anything that shall be offensive to the senses or dangerous to the peace of the inhabitants of the city-or,

~~B. Acts of Disorderly Conduct: Every person shall be guilty of disorderly conduct when he or she:~~

1. After being verbally warned once by the presiding member of the governing body, engages in or solicits anyone to engage in disorderly, disruptive, chaotic, lewd or dissolute speech or conduct, speech or behavior in any public meeting, public place or in any place open to the public or exposed to public view or viewing. For example: continued or repetitious speaking without being recognized by the individual conducting a meeting; talking or directing comments to the audience instead of the governing body; blurting; yelling; interrupting or talking over the individual conducting; talking while someone recognized to speak is speaking; without first being recognized, engaging in dialogue with someone recognized to speak; talking louder than the person recognized to speak, or arguing with someone recognized to speak.

B. Violators of this section shall be guilty of a misdemeanor, which shall be punished in accordance with section 1-4-1 of this code.

Section 11: Title 10, Chapter 2, Section 2 FIREARMS, WEAPONS is hereby amended to read as follows:

C. Violators of this section shall be guilty of a misdemeanor, which shall be punished in accordance with section 1-4-1 of this code.

Section 12: Middleton City Code Title 10, Chapter 2, Section 1 DISORDERLY CONDUCT and Section 2 FIREARMS, WEAPONS are hereby relocated to Title 8, Chapter 1 and renumbered respectively as Sections 22 and 23.

Section 13: Middleton City Code Title 8 Chapter 1 NUISANCES is hereby amended to read as follows:

~~8-1-1924:~~ PENALTIES:

A. Criminal Penalties: Nuisances are infractions and shall be punished in accordance with section 1-4-2 of this Code; however, graffiti offenses shall be punished as a misdemeanor on the second and subsequent infractions.

B. Civil Remedies: All nuisances identified in this chapter are abatable. In addition to any other penalties described herein, the City may also take civil action to obtain an order mandating the abatement of such nuisances and ongoing maintenance of such property free from nuisance and/or to recover any and all costs of enforcement, collection, litigation and/or prosecution including, but not limited to, attorney fees and court costs. (Ord. 587, 1-18-2017)

Section 14: This ordinance, or a summary thereof as provided by Idaho Code section 50-901A,

shall be published in one (1) issue of the official newspaper of the City of Middleton, Idaho, and shall take effect immediately upon its passage, approval and publication.

Dated this ____ day of July, 2019.

CITY OF MIDDLETON
Canyon County, Idaho

Darin Taylor, Mayor

ATTEST:

Dawn A Dalton
Deputy City Clerk

ORDINANCE NO. 620

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 THE USES AND NOTES IN THE LAND USE, SETBACK AND AREA TABLES; UPDATING PRELIMINARY AND FINAL PLAT REQUIREMENTS; UPDATING DESIGN AND DEVELOPMENT STANDARDS; UPDATING REQUIRED ROAD AND UTILITY IMPROVEMENTS; DELETING STANDARDS FOR MOBILE HOME PARKS; MAKING OTHER MINOR MODIFICATIONS AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Middleton, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, and
....

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

Section 1: Tables 1 and 2 of Title 5, Chapter 4, Section 1 LAND USE, SETBACK AND AREA TABLES of the Middleton City code shall be amended as follows:

The regulations in the following tables shall apply to zoning districts.

TABLE 1
LAND USE SCHEDULE

A = Allowed uses		CS = Conditional Special uses												
Use ^{1,2}		A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RRR	TOD	M-F	M-U
Cement/clay products manufacturing					S	A	A							
Concrete batch plant							AS							

Notes:

1. Accessory uses are permitted if constructed either at the same time or subsequent to the main building; they are prohibited from being constructed before the main building.
2. If a specific use is not found in this table, the Planning and Zoning Administrator may determine a similar use that is listed and those appropriate district regulations shall apply.
3. Agriculture or horticulture, including the raising of fowl, poultry and animals, except hogs, billygoats and roosters, not exceeding a total of 4 on any lot or acre. Further provided that no horse, cow, emu or usual large farm animal shall be maintained on any lot which is less than $\frac{1}{2}$ one-half acre; and providing that buildings and enclosures housing such large farm animals shall be not less than 30 feet from any property line; and at least 50 feet from all residential structures.
4. Residences constructed on a ~~2 two-acre or larger surface-irrigated~~ lot may use individual domestic well and septic systems unless the public water and/or sanitary system is within 1,000 feet of the property. Residences on a ~~lot without surface-irrigation or a lot less than 2 two acres~~ are required to connect to the City's domestic water and sanitary sewer systems.
5. Second dwelling units are allowed on lots having a minimum 14,000 square feet and where utilities are connected through the primary residence, the second unit is detached from the main dwelling unit, and uses the same driveway approach and address as the main dwelling unit and does not exceed ~~600~~1,000 square feet.
6. See ~~table 2 of this section, notes 9 and 10.~~Section 5-4-11-2 A. of this Code.
7. Allowed only if solely agricultural products or services.

TABLE 2
HEIGHT, SETBACK AND COVERAGE SCHEDULE

[TABLE TO REMAIN UNCHANGED]

Notes:

1. Minimum lot width is measured at the building setback line.
2. Limits of impervious surface on each lot are set to aid aquifer recharge by on-site stormwater filtration.
3. Minimum front and side street setbacks are 0 feet for commercial zones in the "downtown district", which is the land abutting State Highway 44 from S. Middleton Road to Hartley Ln.
4. The minimum setback for a commercial or industrial use abutting a residential zone shall be 30 feet.
5. The minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet.
6. Cornices, canopies, eaves or other similar items that do not increase the enclosed building area shall not project into any required setback more than 2 feet.
Unenclosed exterior stairs shall not project into any required setback more than 3 feet.
Unenclosed covered patios shall not project into any required setback more than 10 feet.
7. All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City.
8. In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, for a multi-family structure is 45 feet, and for a single-family structure is 35 feet.
9. ~~Subdivisions in an R-1 Zone: Curb, gutter, sidewalks, and streetlights are not required. Public roads may be narrowed, and no parking on the public roads. A three-car garage and photo cell~~

~~lighting that covers the entire front of house is required on each buildable lot. Chain-link fencing is prohibited. Swales with culverts under the driveway are preferred. Reminder, this Code allows a horse, cow or large farm animal(s).~~

~~10. Subdivisions in an R-2 Zone: Curb, gutter, sidewalks, and streetlights are not required. Public roads may be narrowed, and no parking on the public roads. A three-car garage and photo cell lighting that covers the entire front of house is required on each buildable lot. Chain-link fencing is prohibited. Swales with culverts under the driveway are preferred. Reminder, this Code prohibits a horse, cow or large farm animal(s).~~

~~11. Subdivisions in an R-3 Zone: Curb, gutter, sidewalks, and streetlights are required. Public roads may not be narrowed, and road-side parking is allowed. A two-car or three-car garage is required on each buildable lot.~~

Section 2: Title 5, Chapter 4, Section 3 TRAFFIC IMPACT ANALYSIS of the Middleton City code shall be amended as follows:

5-4-3: Traffic Impact Analysis: All subdivisions containing more than twenty five (25) ~~residential lots~~ equivalent dwelling units shall provide a traffic impact analysis, prepared and stamped by a licensed traffic engineer and submitted with the preliminary plat application. A traffic impact analysis may be required with an application for any development as deemed necessary on a case by case basis. An analysis may be waived if traffic impacts are mitigated through provisions identified in a development agreement.

Section 3: Title 5, Chapter 4, Section 4 PRELIMINARY PLAT of the Middleton City code shall be amended as follows:

5-4-4 A. Application: In addition to the application requirements in subsection 1-14-2A of this Code, an applicant shall file with the City: a copy of the complete application, fees, and ~~two (2) full-sized paper copies~~ and one (1) electronic full-size PDF copy of the preliminary plat with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public meeting, shall mail to landowners within three hundred feet (300') of the external boundaries of the lands to be subdivided a notice that the City received an application, the number of acres and proposed number of residential, non-residential, and total lots, proposed land uses, and the dates and times that the application can be reviewed at City offices. After all City comments are addressed by the applicant, and prior to any public meeting about the plat, the applicant shall submit ~~five (5) paper copies~~ one (1) electronic full-size PDF copy to the City.

5-4-4 A(2)(r) Applicant is responsible to review comprehensive plan maps (including transportation, schools and recreation maps) and include on the preliminary plat respective transportation, school and recreation improvements. If a transportation improvement that is identified on the transportation map is entirely on the applicant's property, then the City ~~will~~ may pay to design the improvement and pay up to forty five percent (45%) of the cost of construction; the applicant shall ~~be responsible pay~~ pay for the remaining construction costs. Applicant shall pay its pro_rata share of any improvements recommended by a City-approved traffic study before the City approves the final plat or final plat of the first phase.

5-4-4 C. Off-site Road Improvements: All off-site transportation improvements must be completed as part of the first phase of subdivision construction, unless otherwise approved by city council.

Section 4: Title 5, Chapter 4, Section 7 FINAL PLAT of the Middleton City code shall be amended as follows:

5-4-7 A. Application:

1. An applicant shall file with the City: a copy of the complete final plat application, fees, and ~~two (2) paper copies~~ and one (1) electronic full-size PDF copy of the final plat with data as required in this section. After all City comments are addressed by the applicant, and prior to any Council consideration of the plat, the applicant shall submit ~~five (5) paper copies~~ one (1) electronic full-size PDF copy to the City.

5-4-7 E.3. Each lot and block shall be numbered consecutively and individually throughout the plat, and include the size of the lot by square feet shown on the face of the plat, not in a table.

5-4-7 H. Council Action: Upon ~~receipt~~ acceptance

5-4-7 I. Recording Of Final Plat: The subdivider shall record the City approved final plat. At the time of recording of the final plat, the City is deemed to have accepted the dedications shown. After recording, the subdivider shall deliver to the City ~~four (4)~~ one (1) electronic PDF copy, printable in full sized, and ~~one~~ eight and one-half by eleven (8 1/2 x 11) sizes, showing recording information. , ~~copies showing recording information.~~

Section 5: Title 5, Chapter 4, Section 10 DESIGN AND DEVELOPMENT STANDARDS of the Middleton City code shall be amended as follows:

5-4-10-2 K. Maximum Traffic On One Access for Local Or Collector Roads: Where a proposed development has only one access to a public road from where it proposes to extend public roads from existing development with only one local or collector road access to the public road system, the ~~maximum residential units or residential unit equivalents~~ equivalent dwelling units to be allowed ~~at any point~~ on the local road access is fifty (50).

5-4-10-2 L. ~~Maximum Traffic on One Access For A Divided Boulevard Collector Road:~~ Delete entire subsection.

5-4-10-4: LOT REQUIREMENTS

A. Lot Design: The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of the zoning regulations of the City, as shown in section 5-4-1, Ttable 2 of this chapter. Lot lines shall be at right angles from the front, side and back property lines, unless otherwise approved as part of ~~the~~ a preliminary plat.

B. Buffers: Lots along the roads identified in subsection 5-4-10-2D of this chapter shall conform to the traffic buffer requirements (see section 5-4-10-6 of this chapter) (Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018).

C. Lot Access: All lots shall front on paved public roads, and No lots shall have direct access to major collectors, boulevards or arterials, unless otherwise approved by the City. ~~All lots shall front on paved public roads unless specifically approved otherwise.~~

D. Flag Lots: ~~Increased setbacks to front of house and/or maximum driveway lengths~~ Flag lots are prohibited unless allowed by the city as part of a preliminary plat. When a flag lot is allowed, the minimum lot frontage to a public road shall be twenty feet (20'), and the minimum lot width and setbacks are measured from where the lot widens for a building.

5-4-10-8: PATHWAYS AND PARKS

A. Pathways:

1. Pathways are required as indicated on the ~~Middleton Connects Master Plan~~ Middleton Comprehensive Plan Transportation, Schools and Recreation map. Pathways that are not along a road shall be on a twenty foot (20') wide lot or easement, dedicated to the City, and shall be constructed of asphalt, ten feet (10') wide and centered on the lot.

2. In addition to the pathways identified on the ~~Middleton Connects Master Plan~~ Middleton Comprehensive Plan Transportation, Schools and Recreation map, developers shall plan for and construct sidewalks and pathways designed to connect to neighborhoods with schools, parks, schools, neighborhoods and downtown.

B. Parks: Parks locations are required as indicated on the ~~Middleton Connects Master Plan~~ Middleton Comprehensive Plan Transportation, Schools and Recreation map so there is approximately one-half mile walking distance from each residence in the city, shall be at least eight (8) acres in size, improved with pressurized irrigation and sod, and dedicated to the City for future maintenance.

Section 6: Title 5, Chapter 4, Section 11 REQUIRED ROAD AND UTILITY IMPROVEMENT REQUIREMENTS is hereby amended to read as follows:

5-4-11-2: REQUIRED IMPROVEMENTS:

A. Minimum Improvements: The owner or subdivider shall construct the following improvements for the subdivision/development according to the Middleton Comprehensive Plan Transportation, Schools and Recreation map, "Idaho Standards for Public Works Construction,"² (ISPWC) and the Middleton supplement to the ISPWC ~~"Idaho Standards for Public Works Construction"~~ and Middleton Connects master plan.

Subdivisions in an R-1 Zone: Curb, gutter, sidewalks, and streetlights are not required. Public roads may be narrowed, and no parking on the public roads. Right-of-way may be narrowed if

there are not sidewalks. A three-car garage and lighting the entire front of house are required on each residential lot. Reminder, this Code allows a horse, cow or large farm animal(s) on lots at least one acre in size.

Subdivisions in an R-2 and R-3 Zone: Curb, gutter, sidewalks, and streetlights are not required, if all residential lots are at least one-half (½) acre in size. ~~Public roads~~ Right-of-way may be narrowed if there are not sidewalks. A three-car garage and lighting the entire front of house are required on each residential lot. Reminder, this Code prohibits a horse, cow or large farm animal(s) on lots less than one-acre in size.

Subdivisions in an R-3 Zone: Curb, gutter, sidewalks, and streetlights are required. A two-car or three-car garage is required on each residential lot.

1. Roads, Curbs And Gutters: Roads and portions of roads constructed to finished grade with approved centerline monuments to be set to the road surface by a registered professional land surveyor; improved with asphalt plant mix and combination of concrete curb and gutter, or alternate road section as approved by the City. Roads, rights-of-way and associated improvements shall be extended to the property boundary providing connectivity and orderly growth as directed by the City.
2. Sidewalks, Pathways, ~~And Bicycle Lanes, and Greenbelt~~: Five-foot feet (5') wide concrete sidewalks abutting the curb on both sides of the road, unless otherwise approved by the City; eight-foot feet (8') wide asphalt detached pathways on both sides of the road, unless otherwise approved by the City; and six-foot feet (6') wide bicycle lanes on both sides of the road, unless otherwise approved by the City; and twelve-foot (12') wide asphalt greenbelt.
3. Stormwater Disposal: The management of stormwater shall conform with the City stormwater management policy (section [5-4-10-9](#) of this chapter).
4. Utilities: The extension of utilities, including power distribution lines, shall be underground and at the developer's expense, and shall have the capacity and placement necessary to serve land located ~~farther out~~ beyond the project site. Developer is responsible for construction of utilities to and through Developer's project site as determined by the City.
5. Sanitary Sewer System: Connection to City sanitary sewer is required. Approval of the subdivision shall be based on treatment capabilities, such as density requirements, the need for entirely new systems and other treatment possibilities that are in harmony with officially recognized practices of the City.
6. Domestic Water System:
 - a. Connection to City water is required. Water hookups shall be allowed only within the City limits unless approved by the Council upon recommendation of the City Engineer.

- b. If the City requires a larger water main to accommodate future development than the size of line required by the City for the subdivision/development, the developer shall install the larger line size required by the City.
 - c. Four inch (4") blowoffs for water lines shall be required at the terminus of all dead end main lines unless a standard fire hydrant is available at the terminus.
- 7. Monuments: Monuments shall be set in accordance with Idaho Code section 50-1303. For each subdivision phase or development, any portion of which is located within a regulated floodplain, one elevation monument setting forth the elevation and datum shall be located within a monument box, as well as identified on the record drawings. The location of the monument shall be approved by the City Engineer.
- 8. Fire Hydrants: Fire hydrants shall be installed by the subdivider in locations specified by the City, every six hundred feet (600'), or as determined by the Fire Code and the Middleton Rural Fire District.
- 9. Road Name Signs: Road name signs shall be installed in the appropriate locations at each road intersection. Cost of road signs shall be the responsibility of the developer and the signs shall be installed to City specifications.
- 10. Streetlights: Streetlights shall be required to be installed by the subdivider/developer at the intersections, cul-de-sacs, at approximately every four hundred feet (400'), and where the City deems necessary throughout the subdivision/development. All costs to install streetlights and poles shall be borne by the developer.
- 11. ~~Utilities: Transmission lines shall be underground, unless otherwise approved by the City.~~

Service Connections: All service connections for sanitary sewer and domestic water shall be installed to the property line before placing base gravel for the road.

12. Irrigation Improvements: A pressure irrigation system shall be provided. All irrigation structures, lines and drain lines except mains used for stormwater management shall be located or relocated out of the road right-of-way. City water may not be used for irrigation supply unless specifically approved by the City.

13. Perimeter Fence: Developers of residential subdivisions shall install a six foot (6') fence along the perimeter of each phase of the subdivision by the time the City signs the final plat for that phase.

14. Monument Signs at Entrances: Obtain a sign permit from the City and construct a monument-type sign at subdivision entrances from collector and arterial roads.

14 15. On-Site And Off-Site Improvements: On-site and off-site improvements of any of the above are required where it is deemed necessary to properly serve the proposed development or protect the integrity of the usefulness of existing off-site improvements or utilities.

Section 7: Title 5, Chapter 4, Section 13, Subsection 3 MOBILE HOME PARKS is hereby deleted and Title 5, Chapter 4, Section 13, Subsection 4, is hereby renumbered to be Title 5, Chapter 4, Section 13, Subsection 3.

Section 8: This ordinance, or a summary thereof as provided by Idaho Code §50-901A, shall be published in one (1) issue of the official newspaper of the City of Middleton, Idaho, and shall take effect immediately upon its passage, approval and publication.

Dated this _____ day of _____, 2019.

CITY OF MIDDLETON
Canyon County, Idaho

Darin Taylor, Mayor

ATTEST:

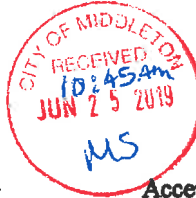
Dawn M. Dalton, Deputy City Clerk



CITY OF
MIDDLETON

1103 W. MAIN STREET
P.O. Box 487
MIDDLETON, ID 83644
208-585-3133, Fax: 208-585-9601
www.middleton.id.gov

PLANNING DEPARTMENT
APPLICATION TO SERVE ON THE
PLANNING AND ZONING COMMISSION
Revised: 6-20-2019



Date Accepted: 6/25/2019

Accepted by: Dan Taylor

William S. Deaver (Bill) 208-954-1725 Billdeaver@yahoo.com
Name Phone Email
8090 Goldstream Ct. Middleton, ID 83644
Address City, State Zip
Occupation: Retired Employer: _____

City, State Zip

Why would you like to serve the community on the Planning and Zoning Commission? as
a commissioner

How long have you lived in Middleton city limits? 21 mo In Canyon County: 21 mo

Planning and Zoning Commissioners are appointed by the mayor and confirmed by city council for three-year, staggered terms. Will you be able to serve a full term? yes

Regular meetings are at 7:00 p.m. the second Monday of every month. Will you be able to attend all meetings unless on vacation or ill? yes

Have you attended any public meetings in Middleton, if so, when? no

"Conflict-of-interest" means any of the following having a financial interest in an application to be considered by the commission: self, spouse, children, parents, siblings, company or other entity that self, spouse, children, parents or siblings have a financial interest in. Do you have a conflict-of-interest that would prevent you from participating? no

Elected officials, appointed officials, and employees in Middleton follow the same appearance and conduct standards as a positive image for the city. Will you follow the standards? yes

Commissioners are volunteers that receive \$35.00 for each Commission meeting attended. Would you like to volunteer? yes

Is there anything else you would like mayor and city council to know? Ready and willing to serve a 3 year term as a commissioner of the planning and zoning commission

William S. Deaver
Printed Name

William S. Deaver
Signature

WILLIAM (BILL) GARY DEAVER

8090 Goldstream Ct., Middleton, Id 83644 billdeaver624@yahoo.com (208) 954-1225

SENIOR EXECUTIVE

**Increasing Revenues, Volume & Market Share • Improving Profitability • Achieving Operational Excellence
International Experience – South America, North America, Asia, and Europe**

Distinguished 25+ year career is showcased by a breadth of well-rounded experience in multiple business disciplines, a consistent track record in delivering strong financial, market and operational results, and a history of success at exceeding expectations. Technical and financially focused, and able to turn vision into reality and transform values into actions that drive improvements across all areas of a company. Calculated risk taker with the courage to execute tough decisions. Strong moral leader and effective mentor; sincere desire for subordinates to grow and advance their careers. Maintain the highest of ethical and integrity standards.

- **Company Vision, Mission & Direction**
- **P&L and Operations Management**
- **Finance & Financial Controls**
- **Capital Allocation & Justification**
- **Back Office & Operating Systems**
- **Government Relations**
- **Expense Controls**
- **Quality, Environment & Safety**
- **Strategic Planning**
- **Contract Structuring & Negotiations**
- **Sales, Marketing & Customer Service**
- **Team Building, Development & Leadership**

PROFESSIONAL EXPERIENCE

Deaver Maritime Consulting, Auburn, Washington, Anchorage, Alaska, & Middleton, Idaho
2010-2018

- Provided advise, market and industry knowledge, and recommendations to three national consulting companies and 22 different Banks and financial institutions regarding merger and acquisition of maritime assets, companies, and 3PL's. The scope of the work includes financial analysis, industry and competitive analysis, and investment recommendations.
- Worked with major Jones Act shippers on their carrier contracts with both blue water and green water carriers for both new and contract renewals. Worked with those shippers on both intra and interstate trucking contacts and leveraged volumes for service and rate.
- Worked with the third largest international container carrier on developing new export markets to both Asia and Europe from both Southeast and western Alaska.

TOTEM OCEAN TRAILER EXPRESS, (TOTE), Federal Way, WA / Anchorage, AK
President & Chief Operations Officer – Federal Way, WA

2002-2010

Successfully turned around an underperforming privately owned company with 4 operating locations providing trailer and vehicle transportation to and from Alaska and the lower 48 states. In charge of a diverse range of functions and initiatives, including revenue growth strategies, expense control and reduction, sales, marketing, pricing, legal, accounting, financial control, capital request, HR, information technology, company public policy positions, and political, and civic activities.

Instrumental in improving profitability and delivering overall superior results by creating the company's first vision, mission, code of ethics, SWAT analysis, and initiatives focused on leadership, workforce, process management, measurement and metrics, detailed analysis, and comprehensive strategic plan. Managed 175 direct employees and oversaw 450 direct/indirect employees. Full P&L responsibility.

- **EBIT & EBITDA Improvement.** Grew EBIT 93% and EBITDA 116% from 2002-2008. Exceeded first 5-year new ship (Orca vessels) EBIT plan by 33% and the EBITDA plan 48%.
- **ROIC Improvement.** Created business model during 2002-2009 that enabled the company to achieve ROIC improvement each year ahead of new ship plan with expectations to attain the new ship targeted ROIC years ahead of plan; reinvestment plan for 2001-2003 called for \$410M investment for new vessels and trailers and additional investment of \$20M annually in capital for vessel dry dockings, IT systems development, trailer equipment, and spare parts.
- **Volume & Earnings Growth.** Increased Northbound head-haul volume 10% (2002-2005) and achieved cost cutting and revenue enhancements that increased earnings per forty foot equivalent (FEU) 71% (2002-2009).
- **Revenue Growth.** Grew Northbound net revenues per FEU 19% (2004-2009) through firm customer contract negotiations and cost controls on purchased transportation and equipment costs – resulting in positive reoccurring annual EBIT contributions.

- **Efficiency Improvement & Expense/Headcount Reductions.** Worked with an outside vendor in creating a new back office system with efficiencies that enabled company to downsize by 14 employees. Reduced expenses 17% over an 8-year period and total headcount from 180 employees to 152 employees over 7-year period.
- **Contract Negotiations.** Negotiated with Port of Tacoma on a new 25-year agreement that led to favorable terms for TOTE and terminal expansion flexibility to meet cargo volume growth needs during the next few decades; developed terminal layouts and operating processes for each stage of growth.
- **Quality, Environmental & Safety Initiatives.** Integrated International Standards Organization (ISO) 9001 (Quality System), ISO 14001 (Environmental), and OHSAS 19000 (HSE) into the TOTE network and culture, and led safety and environmental stewardship into the TOTE culture.

William (Bill) Gary Deaver

Page 2

- **Key Performance Indicators.** Led implementation of a KPI program that focused on controllable expenses and critical levers to profitability.
- **HR Management Systems.** Streamlined operations, removed redundancies, eliminated non-essential steps, and reduced expenses by orchestrating full modernization of Human Resource Management Systems (HRMS) at TOTE to Fortune 500 standards.
- **Government Relations.** Interfaced with State and Federal elected officials on the "container tax" proposal that was cancelled and environmental remediation opportunities both in the terminals, and interacted with Alaska elected officials on vessels and Alaska gas line project.
- **Awards.** Honored with multiple awards and distinctions:
 - Admiral of the Admiral Sea Safety Recognition Award for a vessel fire incident (November, 2009);
 - WA State Recycling Association Recycler of the Year Award (September, 2008);
 - Army and Air Force Exchange Vendor of the Year Award for 2007 (Marcy, 2008);
 - Tacoma Pierce County Chamber of Commerce Tahoma Environmental Award (May, 2007);
 - Alaska Military Transportation Office award for Superior Support of the Military Mission (April, 2007);
 - Citizens for a Healthy Bay award for Environmental Stewardship (May, 2006);
 - Glovis America Club Elite Award as service excellence in vehicle movements (June, 2006);
 - General Norton Schwartz recognition of TOTE in support of Operation Iraqi Freedom (October, 2005);
 - Wal-Mart Carrier of the Year Award (June, 2004).

Vice President / General Manager – Anchorage, AK (2000-2002)

Managed sales, operations, pricing, accounting, civic, and political functions and activities in Alaska. Maintained a very strong community, political, and customer presence in the state, including annual trips to Juneau to visit with state officials and political leaders; also held board membership important to the company and frequently interfaced with Alaska domiciled customers.

- **Revenue & Volume Growth.** Boosted revenues 14% in 3 years and grew Northbound head-haul volume 13%.
- **Productivity Improvement.** Improved Anchorage stevedoring productivity 93% without an increase in staffing and tractor power and without any increase in stevedoring unit costs by adding a new trestle and ramp, and introducing an incentive system for the longshoremen.
- **Contract Renegotiations.** Renegotiated 3 collective bargaining agreements at annual compensation increase at 1% less than Anchorage CPI, and renegotiated Port of Anchorage preferential use and land lease agreements at favorable rates. Facilitated contract administration by structuring agreement on trailers versus tonnage.

MAERSK SEA-LAND.

Managing Director – Maersk Sea-Land Eastern Shared Services Centers, Atlanta, GA (1999-2000)

Held multiple positions and gained extensive international experience during 15+ year career with Sea-Land. Hired and promoted to manage the integration of the Maersk and Sea-Land operating systems at the U.S. East Coast customer service centers following A.P. Moller's Maersk's purchase of Sea-Land's international business in 1999. Directed and managed centers located in Atlanta and Savannah, Georgia (total of 450 employees).

- **Business Integration.** Fully integrated operations onto the Maersk system by June, 2000, including operation of 2 parallel IT systems previously run by both companies.

Managing Director – Sea-Land European Service Center, Cork, Ireland (1998-1999)

Executed full implementation and managed operation of the company's new European shared services center in Cork, Ireland. Oversaw design and construction of a 40,000 sq. foot office building and managed all aspects of the project, including legal, recruiting/hiring/training, integration and migration of work from European countries, Pan European

customer service, accounts receivable, accounts payable, IT, and other activities. Deployed 2 new operating systems for Europe, Oracle, and Shipment Management for cargo operations, and coordinated all functionality with countries in Europe, operating services, corporate, and other centers in Dallas, Texas and Manila, Philippines.

General Manager – Sea-Land Service, Inc., Anchorage, AK (1995-1998)

Held full general management authority for sales, operations, accounting, civic, and political activities for domestic and international services. Politically and civically active with State and Federal elected officials; one of the forces behind the successful removal of the Knik Arm Shoal.

- **Revenue Growth & Expense Reduction.** Grew revenues by \$30.1M and reduced operating expenses by \$7.3M over a 3-year period.

William Gary Deaver

Page 3

- **Equipment Turn Time & Stevedoring Productivity Improvement.** Improved equipment turn time 58% in the Alaska rail-belt and improved stevedoring productivity from 23 to 31 PPMP via creation of process improvement teams and Longshoreman initiatives.
- **State Legislative Passage & Savings.** Introduced and stimulated State legislative passage of a trucking bill that brought the state into the International Registration Program and saved company \$250K in annual registration fees.

Director, Asia Logistics & Yield Management – Sea-Land Service, Inc., Hong Kong, China (1993-1995)

Managing Director – International Sea-Land Shipping, Toronto, Canada (1988-1992)

Country Manager – Sea-Land Service Inc., Manila, Philippines (1985-1988)

Managed sales, operations, pricing, legal, accounting, civic, and political activities for the company's operations in Canada, and the Philippines. Led and managed the Yield Management system for Asia from Hong Kong

- **Process & Productivity Improvement.** Member of Hong Kong and Kaohsiung process improvement team that improved stevedoring productivity from 16 to 40 and 21 to 38 PPMH respectively.
- **Savings.** Saved company \$5.1M annually by negotiating a new double-stack container service from Toronto and Montreal to Chicago with the Canadian National Railroad; concurrent with double stack train, removed 550 chassis from Canadian operation for savings of \$44M in capital.
- **Lift Improvements.** Improved eastbound lift 28%, westbound lift 55%, and Intra-Asia 36% through the direction of the countries and regions to more profitable cargo.

Early Career, Sea-Land Service, Inc. – Marketing Manager, North America, Oakland, CA; Manager of Sales, Taipei, Republic of China; Manager of International Accounts, Seoul, Korea; Senior Account Manager, Oakland, CA.

EDUCATION

- MBA Coursework – UNIVERSITY OF CALIFORNIA AT SAN FRANCISCO
- BA, Finance – University of OKLAHOMA

PRESENTATIONS

- U.S. Senate Commerce Subcommittee Presentation – "Oil Spills From Non Tank Vessels" (December 18, 2007)
- Featured Speaker, U.S. Maritime Administration – "America's Marine Highway Initiative"
- Featured Speaker, Journal of Commerce Annual Conferences – "Short Sea Shipping (2004, 2006, 2008)
- Presentations, Regional Conferences – New Vessel Investments & Environmental Stewardship
- Quarterly Company News Publication, "President's Message" – www.totemoocean.com (news section)