

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL NOVEMBER 18, 2015

The meeting of the Middleton City Council on November 18, 2015 was called to order by Mayor Taylor at 6:34 p.m.

Roll Call: Council Members Carrie Huggins, Rob Kiser and Council President Lenny Riccio were all present and Council Member Furner was absent. Mayor Taylor declared a quorum of Council Members present, and proceeded with Council business.

Mayor Taylor asked that an additional item be added to the agenda since the information was not received until 6:06 p.m. on November 18, 2015, and relates to item 4e. The item are the essential terms of an agreement with the Gilbert Family Limited Partnership for the city to acquire land along the west side of Middleton road needed to complete the sewer extension project.

Council Member Furner arrived at 6:37 p.m.

Motion: Motion by Council President Riccio to accept the agenda as posted and add the additional item as 4j was seconded by Council Member Kiser and carried unanimously.

3) Administrative Action/Consent Agenda:

Council President Riccio confirmed that the minutes received were from the October 21, 2015 and November 4, 2015 meetings, and Mayor Taylor answered that all minutes posted on the agenda were sent to Councilmembers Friday night at about 6:00 p.m.

Council Member Huggins said that she was unable to open the attachments that contained the minutes so she has not reviewed them, and Council Member Kiser said that he had trouble opening his as well.

Mayor Taylor suggested that no action be taken on item 3b and added that he will ask Deputy Clerk to re-send all minutes again tomorrow.

Regarding accounts payable, Council Member Huggins asked about an amount of \$140,000 to the City of Middleton, and Mayor Taylor answered that it was a transfer of accounts from Sunwest Bank to Clarity and Cap Ed credit unions.

Motion: Motion by Council President Riccio to approve item 3a was seconded by Council Member Kiser and carried unanimously.

4a) Information: Mayor's Youth Advisory Council Report

Members of the Mayor's Youth Advisory Council (MYAC) that attended the National League of Cities Conference in Nashville, Tennessee reported on the conference and answered Council's questions: Callista Lohrengel, Sadie Dittenber, Autumn Hutchison, and Chanelle LuMaye.

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4f) Consider approving reimbursement to Premier Industrial in an amount not to exceed \$450,000 for extending gravity sewer from Boise River Lift Station to Bass Lane.

Mayor Taylor presented the item and answered Council's questions. Mike Greiner with Lurre Construction spoke about the project and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item.

Hannah, a Middleton High School student, asked if the city had received permission from adjoining property owners to construct the road on their properties, and if the road temperature was discussed earlier. Mayor Taylor answered yes, and that permission was not needed since the city owned or was acquiring the land for the sewer line being installed on the west side of Middleton Road.

Mayor Taylor informed Council that Lurre Construction has not had time to go through the drawings and its bid, and suggested a special council meeting on Friday, November 20, 2015 if council would like. Item j refers to right-of-way, and it is possible that a few business days would allow the City to finish the agreement with the landowner, as well as receive the deed and record it. He added that during the same time, Lurre Construction could finish reviewing plans and present a complete proposed project cost.

Council President Riccio said that he believes the order of suggestion is a logical conclusion and that it does not make sense to move forward with the project if right-of-way is not in the City's possession. He added that he is open to a special meeting to take items in the correct order.

Council Member Kiser agreed and would like to make sure things are in order and the cost estimate is solid. He added that he is scheduled to be out of town Friday without cell service so is unavailable to participate in a special meeting if that is what Council chooses to do.

Council Member Huggins said that she is available to meet Friday night as well Monday or Tuesday of next week.

Council Member Furner stated that she is available Friday night as well, and asked for clarification on whether the item was referring to two pieces of land. Mayor Taylor answered that only one parcel from one landowner would be considered at the special meeting.

Motion: Motion by Council President Riccio to table this item to a special meeting to be held at City Hall in the public meeting room on Friday, November 20, 2015 at 5:30 p.m. was seconded by Council Member Kiser and carried unanimously.

4c) Consider approving a proposal from SPF Water Engineering for Engineering Services for City Water System Hydraulic Model in an amount not to exceed \$35,400.

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

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Motion: Motion by Council President Riccio to approve a proposal from SPF Water Engineering to develop water system hydraulic model in an amount not to exceed \$35,400 was seconded by Council Member Furner and carried unanimously.

4d) Consider approving the utility installation terms, and accepting deeded real property from Dan and Marjorie Rule, and from Tyson Inc. to be used as road right-of-way.

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

Motion: Motion by Council President Riccio to approve motion to approve the utility installation terms, and accepting deeded real property from Dan and Marjorie Rule, and from Tyson Inc., was seconded by Council Member Kiser and carried unanimously by roll call vote.

4e) Consider approving the utility installation terms, and accepting deeded real property for Middleton Road right-of-way from the Gilbert Family Limited Partnership.

Motion: Motion by Council President Riccio to table the item until the November 20, 2015 Special Meeting was seconded by Council Member Furner and carried unanimously.

4g) Consider approving a deed to Fred and Marge Curry for that portion of vacated Elderberry Drive right-of-way.

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

Motion: Motion by Council President Riccio to approve a deed to Fred and Marge Curry for that portion of vacated Elderberry Drive right-of-way was seconded by Council Member Kiser and carried unanimously by roll call vote.

4h) Consider approving an Annexation and Connection of Municipal Sewer Services Agreement with John Flower Trust.

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

Motion: Motion by Council President Riccio to approve motion to approve an Annexation and Connection of Municipal Sewer Services Agreement with John Flower Trust was seconded by Council Member Furner and carried unanimously by roll call vote.

4i) Consider approving the Agreement to Construct Intersection Improvements between the City of Middleton and TD&D LLC

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor added that the final agreement has not yet been signed so the draft is before Council tonight. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

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Motion: Motion by Council President Riccio to approve the Agreement to Construct Intersection Improvements between the City of Middleton and TD&D LLC was seconded by Council Member Huggins and carried unanimously by roll call vote.

Mayor Taylor declared a recess at 7:39 p.m. and reconvened the meeting at 7:47 p.m.

5b) Consider recommending approval of a request by B&S LLC to rezone 20 N. 3rd Ave W. Middleton, Idaho from R-8 (residential) to M-U (mixed use).

Mayor Taylor declared public hearing open at 7:47 p.m. Randall Falkner, the Planning and Zoning Official, presented a staff report on the item and answered Council's questions.

Motion: Motion by Council President Riccio to declare finding of no prejudice because of erroneous name being published was seconded by Council Member Furner and carried unanimously

Jed Wyatt, the applicant, spoke about the business and operations and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

Council President Riccio asked as far as the proposed rezone if property is resold will there be an issue with disallowing other "low impact" uses as outlined in land use table and Mr. Wyatt answered that there is no problem with that.

Mayor Taylor added that this item is not a conditional rezone so council cannot condition its approval, but Council does have the option of requiring a development agreement which could restrict certain uses.

Council President Riccio suggested that next time during the annual code review we look at mixed use land use tables. He then asked if when rezone is approved will it be added to land use schedule, and will this will be grandfathered into future land use tables and will forever apply. Mayor Taylor answered that yes it can be added to it but cannot take away.

City Attorney Yorgason added that in regards to the question of how long zoning table is good for today the land is being rezoned to mixed use and in the future if the City decides that other uses will be allowed then those would apply going forward like any other change to zoning tables. Once the table is changed it will change from that point going forward.

Council Member Huggins asked for clarification regarding the land use table if that is changed and there isn't a "gas station" and it is changed to where it can't be, then it won't be allowed. So then it is the existence of the business (use) then that is grandfathered in as nonconforming use and Attorney Yorgason said yes that she is correct.

Motion: Motion by Council President Riccio to approve of a request by B&S LLC to rezone 20 N. 3rd Ave W. Middleton, Idaho from R-8 (residential) to M-U (mixed use) was seconded by Council Member Kiser and carried unanimously by roll call vote.

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Attorney Yorgason added that the Ordinance will be available at next meeting. Mayor Taylor declared the Public Hearing closed at 8:09 p.m.

5a) Consider selling a portion of the real property at 315 Murphy Dr. at a public auction with a minimum bid price of \$25,000.

Mayor Taylor declared public hearing open at 8:09 p.m. Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none.

Motion: Motion by Council President Riccio to surplus the subject property at 315 Murphy Dr. and sell at public auction with a minimum bid of \$25,000 was seconded by Council Member Kiser and carried unanimously by roll call vote.

Mayor Taylor declared the Public Hearing closed at 8:15 p.m.

4b) Consider appointing individuals to fill the two vacated Urban Renewal District Board positions.

Mayor Taylor presented the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on the item: none. Mayor Taylor added that he recommends current members continue and that two City Council members be added.

Council Member Huggins said that she likes the idea of adding City Council Members.

Council Member Kiser volunteered to fill a vacant position.

Council Member Furner asked what the time commitment is and Mayor Taylor answered that there are quarterly meetings, plan adopted, talks about downtown area, about \$850,000 debt owed to Goldberg's (Middleton Village) and Ridley's Family Markets. Council Member Huggins added that meeting are the fourth Tuesday of every month and last between one, and one-and-one-half hours. Council Member Furner then volunteered to fill a vacant position

Motion: Motion by Council President Riccio to appoint Council Member Furner and Kiser to the Urban Renewal District Board for a five year term effective immediately through December 31, 2022 was seconded by Council Member Furner and carried unanimously.

Public Comments: none.

Department Comments:

City Engineer reported

- Mayor Taylor reviewed the Civil Dynamics memo and answered Council's questions.

City Planning Official reported

- In process of updating City forms.
- The City is updating its comprehensive plan will be updated starting in January 2016 and hopes to have it completed by April 2016.

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Mayor's Comments:

- The City was approached by Amy Manning of III-A, who is leading the effort by local government entities to create an insurance pool to negotiate better rates/lower increases.
- Hoping to receive a signed agreement from the owners of the TD&D Subdivision soon.
- Disaster preparedness protocol to be followed. Starts at the federal government level and follows its way down. Local protocol is patterned after the federal protocol. The disaster response plan will be discussed with Council before a January 7, 2016 community meeting about the subject.
- South Cemetery Road is on schedule and budget to finish design in 2016 and to be constructed in 2018.
- Taking steps to install a crosswalk at Idaho Street and Middleton Road intersection.
- New group is forming MUSAC – a coalition to help fight substance abuse.
- The south sewer hydraulic analysis was completed by J-U-B Engineering
- Lurre Construction's proposal.
- Idaho Municipal Attorney's June 2015 review of recent Idaho Supreme Court Decisions regarding eminent domain, whistleblower, at will, North Idaho Builders Association, gun range, open meeting law, torts, zoning & land use, and public hearings.

Council Comments:

Council Member Furner reported that the Fire Department was thrilled with fire flow testing and completed testing in four days with about 426 fire hydrants.

Council Member Kiser reported that the contract for the Greater Middleton Parks and Recreation Department (GMPRD) to buy the fine arts building from the Middleton School District has been approved. Renovations are scheduled to begin the end of May and the building will be turned back into gym/classrooms/community center. He also reported that GMPRD acquired ground at 18 Minot St to build new shop.

Council President Riccio asked about having the land use schedule table for the next meeting, particularly the mixed use portion. Mayor Taylor answered that it will be noticed for the second meeting in December. Council Member Huggins informed Mayor and Council that she will not be in attendance for the second meeting in December as that is when a retirement party will be held for Dr. Bauscher.

Motion: Motion by Council President Riccio to open executive session according to Idaho Code section 74-206(1)(c)(f) was seconded by Council Member Kiser and carried unanimously by roll call vote.

Executive Session closed at 9:37 p.m.

4j) Consider approving the essential terms to be in an agreement with Gilbert Family Limited Partnership for the City's acquisition of land along Middleton Road.

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

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Motion: Motion by Council President Riccio to accept terms in email from the Partnership's attorney dated November 18, 2015 6:06 p.m., except a warranty deed rather than quitclaim deed, was seconded by Council Member Huggins and carried unanimously by roll call vote.

Mayor Taylor commented on grants available for infrastructure improvement, but not in time to pay for the sewer extension project. The Annexation Agreement between the City and Premier Industrial said that City would cooperate with Premier and apply for grants. One grant possibility is through the Department of Commerce where \$300,000 is available but the deadline is in two days. Mayor and the City's grant administrator, Becky Crofts, discussed in detail the types of grants and possibilities of City success with a Department of Commerce representative. The representative was optimistic about the City getting a grant to pay for water improvements and that deadline is December 21, 2015.


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 9:45 p.m.

ATTEST:


Kandice Cotterell, Deputy Clerk
Approved: November 18, 2015




Mayor Darin Taylor