

# RECORD OF PROCEEDINGS

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## MIDDLETON CITY COUNCIL MEETING FEBRUARY 18, 2015

The City Council Meeting of February 18, 2015 was called to order by Mayor Taylor at 6:37 p.m.

**Roll Call:** Council Members, Carrie Huggins, Rob Kiser, and Council President Lenny Riccio were present, and Council Member Beverlee Furner was absent.

Mayor Taylor declared a quorum of Council Members present, and proceeded with Council business.

Mayor Taylor introduced the following City officials in attendance: City Attorney Chris Yorgason of Yorgason & Associates, City Clerk/Treasurer Pauline Newman, and Don Watt, Chair of the Library Board.

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

### **Administrative Action/Consent Agenda:**

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

- a. Payroll and miscellaneous accounts payable
- b. Minutes of February 4, 2015.

**Motion:** Motion by Council President Riccio to approve the Consent Agenda items was seconded by Council Member Huggins and carried unanimously.

### **New Business:**

**4a. Consider adopting a resolution ratifying City Council approval of the Settlement Agreement and Mutual Release with the City of Boise regarding its Dixie Drain Project.**

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

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

**Motion:** Motion by Council President Riccio to adopt Resolution 353-15 ratifying City Council approval of the Settlement Agreement and Mutual Release with the City of Boise regarding its Dixie Drain Project was seconded by Council Member Huggins and carried unanimously by roll call vote.

**4e. Consider approving Resolution No. 351-15 declaring certain City vehicles and equipment as surplus and authorize them to be sold on Craigslist.**

- 1988 Aquatec Model SJ600E
- RAY GO Roller model Romper
- 1981 GMC Dump Truck Model #7000
- 1976 Ford Crown Victoria

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

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

**Motion:** Motion by Council President Riccio to Resolution No. 351-15 declaring certain City vehicles and equipment as surplus and authorize them to be sold on Craigslist for fair market value was seconded by Council Member Kiser and carried unanimously.

**4f. Consider approving Change Order No. 2 with Excelsior Construction dated February 4, 2015 in the amount of \$12,599 for a new contract sum of \$221,099.**

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

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

**Motion:** Motion by Council President Riccio to approve Change Order No. 2 with Excelsior Construction dated February 4, 2015 in the amount of \$12,599 for a new contract sum of \$221,099 was seconded by Council Member Huggins and carried unanimously.

**4g. Consider approving the final plat for The Crossings at Meadow Park Subdivision No. 1.**

Mayor Taylor introduced the item and said the City is waiting for the County Surveyor's review and signature on the final plat. There are also a few minor errors on the final plat the need to be corrected so it is the City Engineer's recommendation that the City not approve the final plat until those errors have been corrected.

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

Council decided to not take any action on this item.

**4h. Consider entering into an agreement with the developer of Powder River Subdivision No. 2 regarding Willis Road and Wanda Way intersection improvements, and regarding building construction on lots with high ground water.**

Mayor Taylor introduced the item and informed Council that the City has not yet received the final development agreement. He recommended that Council table items 4g, 4h and 4i.

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

**Motion:** Motion by Council President Riccio to table items 4g, 4h and 4i until the March 4, 2015 meeting was seconded by Council Member Kiser and carried unanimously.

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### **4j. Consider approving Resolution No. 352-15 amending Middleton Supplemental Specifications.**

Mayor Taylor introduced the item and reminded Council about their discussion in the previous meeting where they considered changes to the specifications, specifically right-of-way for half and full roads.

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

**Motion:** Motion by Council President Riccio to approve Resolution No. 352-15 amending Middleton Supplemental Specifications was seconded by Council Member Huggins and carried unanimously.

### **Old Business:**

### **5a. Consider approving the Third Amendment to and Restatement of Joint Exercise of Powers Agreement For the Purpose of Creating a Multi-County/City Housing Authority to Foster Housing Development in the Jurisdictions of Participating Public Agencies (an amended agreement with SICHA to provide low-income housing in Middleton).**

Mayor Taylor presented the item and recommended tabling the item until the next meeting until the city received from SICHA a copy of the proposed contract changes in legislative format so council could see the proposed changes.

**Motion:** Motion by Council President Riccio to table the item until the March 4, 2015 meeting was seconded by Council Member Kiser and carried unanimously.

### **5b. Consider approving Ordinance 548, third reading.**

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 1, CHAPTER 5 CLARIFYING THE CONSTRUCTION OF WORDS, AMENDING TITLE 1, CHAPTER 4 UPDATING INFRACTION PENALTIES; AMENDING TITLE 1, CHAPTER 5 MAKING MINOR AMENDMENTS TO MAYOR'S DUTIES, TITLES OF APPOINTED OFFICIALS AND MODIFYING STANDARDS FOR THE PLANNING AND ZONING COMMISSION AND THE LIBRARY BOARD; MAKING MINOR MODIFICATIONS TO TITLE 1, CHAPTERS 6, 7 AND 11, DELETING TITLE 1, CHAPTER 12 AND AMENDING TITLE 1, CHAPTER 13 TO REFLECT THE STATE CODE REQUIREMENTS FOR CITY ELECTIONS; AND PROVIDING AN EFFECTIVE DATE.

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

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

**Motion:** Motion by Council President Riccio to read Ordinance 548 by title only was seconded by Council Member Kiser and carried unanimously.

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**Motion:** Motion by Council President Riccio to approve Ordinance 548 was seconded by Council Member Huggins and carried unanimously by roll call vote.

**5c. Consider approving Ordinance 549, third reading.**

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 3, CHAPTER 1 OF THE MIDDLETON CITY CODE, AMENDING BUSINESS LICENSE REGULATIONS, AND MODIFYING REGULATIONS ON DOOR-TO-DOOR SOLICITATIONS, AMENDING TITLE 3, CHAPTER 2 UPDATING SPECIAL EVENTS REGULATIONS, AMENDING CHAPTERS 3 AND 4 TO UPDATE THE BEER, WINE AND LIQUOR REGULATIONS, MAKING MINOR MODIFICATIONS TO TITLE 3, CHAPTER 5, DELETING TITLE 3, CHAPTER 6, AMENDING TITLE 3, CHAPTER 7 TO UPDATE SIGN REGULATIONS, AND PROVIDING AN EFFECTIVE DATE.

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

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

**Motion:** Motion by Council President Riccio to read by title only was seconded by Council Member Huggins and carried unanimously.

**Motion:** Motion by Council President Riccio to approve Ordinance 549 was seconded by Council Member Huggins and carried unanimously by roll call vote.

**5d. Consider approving Ordinance 550, second reading.**

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 4 OF THE MIDDLETON CITY CODE, UPDATING AND CLARIFYING BUILDING CODE REGULATIONS, UPDATING THE REGULATIONS FOR MOBILE HOMES AND MANUFACTURED HOMES, UPDATING AND CLARIFYING FENCE STANDARDS, UPDATING OFF-STREET PARKING REQUIREMENTS, MODIFYING THE STANDARDS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENTS, AND PROVIDING AN EFFECTIVE DATE.

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

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

**Motion:** Motion by Council President Riccio to read Ordinance 550 by title only was seconded by Council Member Kiser and carried unanimously.

Mayor Taylor declared a recess and then reconvened the meeting.

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### **4d. Consider appointing two members of the Library Board of Directors.**

Mayor Taylor explained the two vacant positions on the Library Board of Directors. Mayor and Library Director Kate Lovan considered regular library patrons and notified many people that may be interested in filling the positions. The vacancies were announced on the City's reader-board and applications were accepted for a two week period. Three applications were received, and all three applicants were interviewed by the Chairman of the Library Board of Directors, Library Director, and the Mayor.

Mayor Taylor introduced Jeni Fried as his appointment for the Library Board. Ms. Fried introduced herself to the Council and answered Council's questions.

Council President Riccio asked her what prompted her to get involved in the library. She answered that she had met Library Director Kate Lovan and, after speaking with her, liked the things she was doing and wanted to support that effort and get involved.

Mayor Taylor appointed Jeni Fried to the Middleton Library Board for a five year term ending on January 21, 2020 and requested confirmation from the Council.

**Motion:** Motion by Council President Riccio to confirm Mayor Taylor's appointment of Jeni Fried to the Middleton Library Board for a five year term was seconded by Council Member Kiser and carried unanimously.

Mayor Taylor introduced Nicole Thomas as his appointment for the Library Board. Ms. Thomas introduced herself to the Council and answered Council's questions.

Mayor Taylor appointed Nicole Thomas to the Middleton Library Board to fill the remainder of Tracy Reed's term ending on January 31, 2016 and requested confirmation from the Council.

**Motion:** Motion by Council President Riccio to confirm Mayor Taylor's appointment of Nicole Thomas to the Middleton Library Board for a term ending on January 31, 2016 was seconded by Council Member Huggins and carried unanimously.

### **4k. Consider adopting Ordinance 551 Titles 7 through 11**

City Attorney Yorgason reviewed the proposed changes of each title and answered Council's questions.

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

**Motion:** Motion by Council President Riccio to read Ordinance 551 Title 7 by title only was seconded by Council Member Kiser and carried unanimously.

**Motion:** Motion by Council President Riccio to read Ordinance 552 Title 8 by title only was seconded by Council Member Kiser and carried unanimously.

**Motion:** Motion by Council President Riccio to read Ordinance 553 Title 9 by title only was seconded by Council Member Huggins and carried unanimously.

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**Motion:** Motion by Council President Riccio to read Ordinance 554 Title 10 by title only was seconded by Council Member Kiser and carried unanimously.

**Motion:** Motion by Council President Riccio to read Ordinance 555 Title 11 by title only was seconded by Council Member Kiser and carried unanimously.

Mayor Taylor read Ordinances 551 - 555 by title only, first reading.

**Public Comments:** Bob H inquired about the budget amendment and commented on the procedure and asked if the amendment would be published. Mayor Taylor answered the budget amendment would be published, and explained the process of ordinance adoption and codification pertaining to the changes discussed in the ordinances.

**Mayor's Comments:**

- Communities in Motion
- MYAC Day at the Capitol
- Sewer line connecting restrooms at Middleton Place Park to the main in Cornell St.
- Status of Concord St. sewer main and water-line bore under Willow Creek

**Council Comments:** Council Member Kiser reported that the Greater Middleton Parks and Recreation District has a new board member and thinks it is a great fit.

**Motion:** Motion by Council President Riccio to table items 4b and 4c until the March 4, 2015 meeting was seconded by Council Member Kiser and carried unanimously.

**Executive Session pursuant to Idaho Code and possible decision(s) to follow:**

67-2345(1)(f) Potential litigation

**Motion:** Motion by Council President Riccio to enter Executive Session was seconded by Council Member Kiser and carried unanimously by a roll call vote.

Mayor Taylor closed Executive Session

**Adjourn:**

**Motion:** Motion by Council President Riccio to adjourn the meeting was seconded by Council Member Huggins and carried unanimously.

Mayor Taylor declared the meeting adjourned at 9:50 p.m.

ATTEST:

  
Kandice Cotterell, Deputy Clerk  
Approved: March 4, 2015



  
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Mayor Darin Taylor