

# RECORD OF PROCEEDINGS

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## MIDDLETON CITY COUNCIL MEETING JULY 1, 2015

The City Council Meeting of July 1, 2015 was called to order by Mayor Taylor at 6:30 p.m.

Mayor Taylor introduced the following City officials in attendance: City Engineer Amy Woodruff of Civil Dynamics, City Attorney Chris Yorgason of Yorgason & Associates, City Clerk Kandice Cotterell

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

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

**3) Administrative Action/Consent Agenda:** Payroll and miscellaneous accounts payable.

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

**Motion:** Motion by Council President Riccio to approve the consent agenda was seconded by Council Member Furner and carried unanimously.

### **New Business:**

**4A) Information: Kelli Fairless Executive Director of Valley Regional Transit, VRT Annual Report.**

Mayor Taylor introduced Kelli Fairless, who presented information and answered Council's questions. Mayor thanked Kelli and added that Middleton intends to continue as a VRT partner.

**4B) Information: Republic Services request for contract amendment to include increase in sales tax on fuel.**

Mayor Taylor introduced Rachelle Klein, who presented information about House Bills 132 and 312 passed by the Idaho legislature that become effective July 1, 2015, and increase the fuel tax. This \$3,606 cost for Republic Services' contract with the City of Middleton, divided among 2335 residential and business accounts, would be \$1.56 per account or \$0.13 monthly.

Mayor said this item would be added to the next Council meeting for action unless Council desired something different. Dale Durban asked is it \$0.13 per cart or account? Mayor said it is per account.

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## 5) Public Comments:

Dale Durban said that many thought Skyline Road was closed due to the pathway construction and did not know the road was being closed. He suggested adding sidewalk from Harmon Way to the bike path. He said the three meeting rule was not met, and he did not know about the proposed closure until it was already closed.

Jim Lucas opposed the Murphy and Skyline road closures, and believes they should be reopened. He felt there was not enough public consideration before the closure, and that no one could tell him one reason why they should be closed.

Kaylee Beverlin said that the Murphy road closing will cause her grief because she will have to go to the traffic light. She believes that more accidents will occur due to the heavier traffic at the light. She also worries about the ability of emergency vehicles to gain access through and out of town. She said her daughter has needed an ambulance several times and that the ambulance takes Murphy Ave. because it is fastest way to the hospital. Otherwise, the ambulance will have to go through Star.

Jim Gray expressed his concern over the extreme heat mixed with dry grain over 80 acres off of E. 9th Street. He is worried about possible fires resulting from fireworks, and suggested the City only allow fireworks on July 4 when fire danger is extreme. Mayor agreed that conditions are just right for fires, and said the Council can consider amending city code during next year's amendment to prohibit fireworks when fire danger is extreme. Mayor Taylor said everyone should call 911 in case of fire emergencies, and call 208-585-0008, the non-emergency police line, to report if people are using aerial fireworks.

Jeremy Fielding reported the Middleton Chamber of Commerce is sponsoring the parade and several activities on the 4th of July. He described the parade route and start-time, and invited all to attend.

Mayor Taylor responded to comments about the road closures. Traffic engineers draft and final analysis and memoranda at meetings on May 20 and June 3, 2015. According to Idaho law, the City Council has sole jurisdiction for roads within City limits, other than state highways, and Council decided June 3, 2015 to close Murphy and Skyline roads. The decision to close roads cannot be appealed to other governing board or body.

Mayor Taylor said road closures are administrative and, under Idaho law, does not require a hearing or notice. The City did include information about the road closures in the City newsletter and the Gazette. The three-meeting rule does apply to ordinances passed by City Council, not administrative matters, like decisions to close roads. Signs informing drivers about the closure on June 23, 2015 were placed about two weeks before the roads were closed.

Council President Riccio said, as far as an intersection is concerned, at what point does it become a problem? How many accidents need to occur before the intersection is unsafe? Mr. Lucas said, on Fairview and Maple Grove he has only seen one accident in many years, and would like to see more info gathered on the direction vehicles were going and other factors before the roads are closed.

Fran Smith said the traffic analysis study of accidents was from 2012 to 2015, and wants to know what the impetus to push the item through this year was. The Mayor and Police Chief

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Zimmerman both requested the traffic analysis and City Council to take action on this item. Both the Mayor and Chief received calls and complaints about the roads, how dangerous they were, and how many accidents there had been. She then said that the number of accidents over this short period is larger than it should be, and that the road is not designed as well as it should be.

Robert Hamlin, a retired law enforcement officer who patrolled for many years said that 20 accidents over that time period is not excessive.

Bryan Foote of Horrocks Engineers said Murphy Ave. and State Highway 44 is a fairly low-volume intersection, and that amount of accidents (21 accidents in 41 months) raises great concerns. He stated this intersection has the potential for a very serious accident. He believes it is much safer to route traffic through the signaled intersection. Skyline Dr. does have less volume than Murphy Ave., and the closure of the two roads will have minimal impact on traffic at the traffic signal in front of Ridley's at Middleton Road and State Highway 44.

Middleton Police Officer Steve Walker said that 21 accidents in 41 months is a lot for one intersection. No one person sees or hears everything. He said he has many concerns about keeping both intersections open. There have been five accidents at Skyline since 2013, which is not many, but most accidents in Middleton occur at those two intersections.

Mayor Taylor declared a recess, and reconvened at 8:10 p.m.

### **4C) Consider adopting a resolution adding typical road sections to the Middleton Standards for Public Works.**

Mayor Taylor introduced Joel Grounds of Precision Engineering, who presented the four typical street sections, and answered Council's questions.

Council President Riccio felt that a bike lane seems like an unwise use of money when, an asphalt pathway would be better. Joel then said bikers are more dangerous on pathway green belts, because there are too many pedestrians and other obstacles on those pathways. It would be a good point to consider making the pathway wider. It was expressed that more experienced riders will always use road no matter the pathway. Bryan Foote said, if a car breaks down, the bike lane on the side of the road gives them a cushion to pull over.

Council President Riccio talked about adjustments made to the road section standards in regards to accommodating heavy traffic, e.g. semi-truck traffic. Joel believes this is a very conservative idea and gives everyone a good base to start and then once traffic is determined we can go from there.

Mayor Taylor asked if there was anyone in the audience that would like to comment on this item: none.

Council Member Kiser said that he likes the bike lanes, and believes they should be left. Biking has become much more popular in the area. It is a great idea, encouraging citizens to ride bikes, and the idea of separating serious bikers from pedestrians is good as well. Council Member Furner agrees that Bike lanes are a part of small town vision, promoting health and activity.

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Council Member Huggins said her first thought as a driver is giving bikers more room. Narrow roads with bikers tend to make her nervous as a driver.

Council President Riccio said that he understands, although adding it to a road where large trucks drive can be unsettling.

Motion by Council President Riccio to approve the resolution and typical street sections, with changes requested by council, was seconded by Council Member Kiser and carried unanimously.

### **6) Department Comments:**

City Engineer Amy Woodruff of Civil Dynamics said that the Concord substantial-completion walk-through is tomorrow and the road should be open to traffic after that. The N. Middleton Road sidewalk: the City public works crew will be doing most of the ground preparation so only the pouring concrete will be bid out, and her office is finalizing construction plans before next meeting. The Pathway project had its substantial completion walk through, and there were only a couple of small items to finish; Precision Excavation did a great job. The Crossing Subdivision is making headway, and the third and final walk through is coming this next week, only the irrigation and landscaping items remain. Civil Dynamics has been supporting the City with mapping as it continues with the comprehensive plan and Middleton Connects efforts.

Council President Riccio asked about mailboxes on Concord. Amy said the mailboxes will be installed a foot behind the curb, and it will give a nice permanent finish. Mayor added that Civil Dynamics and Precision Engineering did a great job on the design and construction administration for the project; they have been great partners with the City and do a wonderful job.

City Attorney Chris Yorgason said that the City code is close to being finished, and anticipates the final edits by Sterling Codifiers to be finished within 30 days.

### **8) Council Comments:**

Council Member Furner reminded council members that the Middleton Rural Fire District breakfast is from 7:00 – 11:00 a.m. on July 4, 2015.

### **9) Executive Session: 9:00 p.m.**

Motion by Council President Riccio to add (b) evaluation of employees to the agenda because the subject arose after agenda was posted, was seconded by Council Member Furner, and carried unanimously.

Motion by Council President Riccio to open executive session pursuant to Idaho Code 74-206(1)(b) evaluation of employees, (1)(c) land acquisition for road right-of-way, and (1)(f) potential litigation, was seconded by Council Member Furner, and carried unanimously by roll-call vote.

The executive session was closed by unanimous Council vote at 10:04 p.m.

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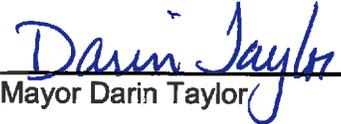
Following executive session, motion by Council President Riccio to sell a portion of city owned property according to written offer (Purchase and Sale Agreement) that has been received by the City, based upon City Council's finding that the City does not need that portion of property now or in the future, was seconded by Council Member Kiser, and carried unanimously by roll-call vote.

Motion by Council President Riccio to adjourn was seconded by Council Member Kiser, and carried unanimously at 10:07 p.m.

ATTEST:

  
Kandice Cotterell, Deputy Clerk  
Approved: July 15, 2015



  
Mayor Darin Taylor