

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL MEETING JULY 15, 2015

The City Council Meeting of July 15, 2015 was called to order by Mayor Taylor at 6:30 p.m.

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

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.

Mayor Taylor requested an amendment to the posted agenda to add Item 5g, to consider a request by Marie Anderson to waive the application fee for a conditional use permit. This written request was just handed to the Mayor is the reason it was not on the posted agenda previously.

Motion: Motion by Council President Riccio to amend the agenda and add item 5g was seconded by Council Member Furner and carried unanimously.

3) Administrative Action/Consent Agenda: Council President Riccio asked if the May 20, 2015 Minutes were modified to include his comment about the increased impact on the State Highway 44/Hartley Lane intersection by West Highlands Subdivision. The Mayor said yes, the minutes were modified as requested. Council President Riccio then reiterated comments.

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

5a) Consider approving Task Order Amendment No. 1 with SPF Water Engineering for Year-six NPDES stormwater permit compliance and engineering support.

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

Mayor Taylor asked if there was anyone in the audience that would like to comment on this item: Ruby Jacques asked, who monitors compliance? Mayor Taylor answered that it is Environmental Protection Agency (EPA).

Motion: Motion by Council President Riccio to approve Task Order Amendment No. 1 with SPF Water Engineering for Year-six NPDES Stormwater Permit compliance and engineering support was seconded by Council Member Kiser and carried unanimously.

5b) Consider approving Task Order No. 3 with JUB Engineering for the South Sewer Trunk Extension Design Phase 1 in an amount not to exceed \$42,152.

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

Motion: Motion by Council President Riccio to approve Task Order No. 3 with JUB Engineering for the South Sewer Trunk Extension Design Phase 1 in an amount not to exceed \$42,152 was seconded by Council Member Huggins and carried unanimously.

5c) Consider approving Resolution No. 360-15 authorizing a \$3,606 increase to the City's contract with Republic Services as a result of the Idaho Legislature passing House Bills 132 and 312.

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

Motion: Motion by Council President Riccio motioned to approve Resolution No. 360-15 authorizing a \$3,606 increase to the City's contract with Republic Services as a result of the Idaho Legislature passing House Bills 132 and 312 was seconded by Council Member Kiser and carried unanimously.

5f) Consider approving an amended preliminary plat and development agreement for Falcon Valley Subdivision

Mayor Taylor introduced Kent Brown, a representative for the applicant who presented the item and answered Council's questions.

Mayor Taylor asked if the proposed sidewalks detached from the roadway are entirely within right of way or easement and Mr. Brown answered that yes they are. Mayor Taylor then pointed out that the green areas on the proposed preliminary plat are micro paths and not storm water drainage basins and added that the City is interested in paved pathways from Duff Lane into the subdivision. He then asked Mr. Brown if the applicant would be agreeable to a condition that the pathways from Duff Lane into the subdivision be paved, and Mr. Brown answered that it makes sense to do that.

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

Motion: Motion by Council President Riccio to approve an amended preliminary plat for Falcon Valley Subdivision subject to the pathways across Lot 18 Block 15 and Lot 20 Block 24 be paved to City standards was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Riccio to approve an amended development agreement for Falcon Valley Subdivision with the inclusion of the pathways across Lot 18 Block 15 and Lot 20 Block 24 be paved was seconded by Council Member Kiser and carried unanimously.

Council President Riccio thanked the applicant, adding that it was a great project and that he appreciates the applicant's and Mr. Brown's cooperation with the City.

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5d) Consider approving a proposed future land acquisitions map (I.C. 67-6517) that will be scheduled for a public hearing Wednesday, August 19, 2015.

Mayor Taylor introduced the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on this item.

Tim Hunihan asked who designs the maps and pathways of the City. Mayor Taylor answered that the City staff and engineer design them. Tim asked about existing homes that the map has roads going through them and Mayor replied that the lines on this planning map are representative of a route it is not a designed final route. Tim then asked about the pathway on Duff Lane and Mayor Taylor answered that he thinks the pathway will come north from the Boise River on the east side of Duff Lane. Tim then stated that no one uses the pathways and asked why the City does not meet with any owners before pathways go in. Mayor Taylor responded that he and City staff are happy to meet with anyone who has a concern about the map and its pathways.

Ron Watson wanted clarification on the walkway following Kyle Cooper's property. Mayor Taylor said that of the 25 feet easement that was dedicated by the Moberly's to the State of Idaho for an unimproved walking path. Mr. Watson then asked if Mr. Cooper is willing to put an additional 25 feet in and Mayor Taylor responded that Mr. Cooper's company filed an application for a gravel pit that is in the City's area of impact; that the City commented in a letter to the County that the area is where the City would like to have a walking path, and that the City wants to make sure truck traffic does not interfere with a pedestrian pathway. The City requested Canyon County require the developer dedicate 25 feet of walking path and to pay to improve the pathway.

Marilyn Jackaloni stated that the canal that takes water off of farms on the south side and runs to the river, takes all irrigation water off properties on Duff Lane. It is a mess and needs to be redone. She also stated that she calls the irrigation company all of the time. There will be a lot of canal work, building, fence moving, ditch digging, and people live pretty tight to roadways. She believes that it will not be a small or cheap project and it will interfere with expensive homes that people care a lot about.

Jamie Hunahan asked where will the walking path will lead to and what the point of having walking paths is. Mayor Taylor responded that the pathway will follow the river, then proceed north on Duff Lane to Duff Pond. Ms. Hunahan then asked if the walkway will end at Duff Pond or continue north, and Mayor Taylor said that it will continue north. Ms. Hunahan said, so it will go to Kyle Cooper's place on Duff Lane and to Duff Pond, and Mayor Taylor replied that it will go north on Duff Lane, cross State Highway 44 and connect to the new park in Falcon Valley Subdivision that was discussed earlier in the meeting.

Council President Riccio asked for thoughts on the half section mile north south roads. He likes having the pathway system on the east side and does recognize that the concept has roads going through homes. He noted that there is a lot of vacant land in the area which makes the road developable and added that many of items on the maps are conceptual. There are things that make sense in concept but in final project they will be changed. He then asked for thoughts on Landruff between Duff Lane and Lansing Lane ... canal on the north-south. Mayor Taylor responded that this is a long range plan. The growth rate for the last 40 years has been over five percent (5%) per year, therefore concepts will continue to be put forward and discussed.

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Ruby Jacques asked the name of the City Engineer, and Mayor Taylor answered that it is Amy Woodruff with Civil Dynamics in Caldwell.

Motion: Motion by Council President Riccio to approve a proposed future land acquisitions map (I.C. 67-6517) that will be scheduled for a public hearing Wednesday, August 19, 2015, with the included discussion of relocation of the roadway near KCID Rd., the addition of the grid concept for the north south route between Duff Lane and Lansing Lane, between Highway 44 and Landruff Lane, the inclusion of a north south half section line road every half section between the boundaries of N. Middleton Rd., Purple Sage Rd., Kingsbury, and Willis Rd. was seconded by Council Member Kiser and carried unanimously

Mayor Taylor asked how the Council wants to handle the trail going from Kyle Cooper's land to Duff Pond and Council President Riccio responded that this is a concept map and subject to change but that it is important to show it on the map.

Mayor Taylor declared a recess, and reconvened at 8:00 p.m.

6) Consider approving a comprehensive plan map/future land use map (Idaho Code 67-6509).

Mayor Taylor declared the Public Hearing open. Mayor Taylor introduced Planning and Zoning (P&Z) Chair Jeremy Fielding and recommended approval of the map.

Chair Fielding said that the Planning and Zoning Commission likes the overall concept of the map and discussed continuing a mixed use line to Interstate 84 along State Highway 44. It was also discussed extending the impact area for industrial and commercial use west of KCID Road, but no action was taken.

Mayor Taylor asked if there was anyone in the audience that would like to comment on this item.

Jim Taylor asked if anyone thought about annexing the gold area shown on the proposed map. If so, he advises against annexing because he believes that John McEvoy's place is horrendous. There are very shallow ponds that gravel was taken out of and they are always in trouble with the County, so he doesn't think it would be worth it. The land across the river used to be City dump which makes no sense to him in taking on someone else's problems.

Mayor Taylor responded that Mr. McEvoy is working through problems with the County and that he does not intend to annex into the City at this time, but would like to convey property north of the river to the City for park land.

Jeremy Fielding speaking as a resident asked if the City is currently considering expanding its impact area, and Mayor Taylor answered no not at this time. Mr. Fielding said that it seems more logical to expand the impact area north of Purple Sage Road by a mile, and that he is moving out of the impact area by end of year and would like to stay within the City limits.

Motion: Motion by Council President Riccio to approve comprehensive plan map/future land use map (Idaho Code 67-6509) as proposed with changes recommended of some industrial to residential area south of the Boise River, seconded by Council Member Kiser.

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Discussion: Council President Riccio asked if there were any thoughts on moving the north impact area boundary to Galloway Road. Mayor Taylor said there was nothing before the Council on the agenda, and that additional notice and hearings are required before council could consider that boundary change. Mayor Taylor said the locations where City limits touch Purple Sage are The Crossings, Watership Commons, the Pines No. 3, and Prominence subdivisions. A first inclination is that the City does not have enough growth pressure to warrant this. After talking with Keller Associates about a future sewer study, mainlines must be sized in town for future growth. He added that it does make some sense to expand north when planning, especially in regards to sewer planning. It would not hurt to propose going to Galloway. Canyon Highway District 4 is planning an interstate exit and onramp at I-84 and Goodson Road, so it does not make a lot of sense to change because the City is not close to that area with utilities. It is also unlikely that Caldwell or Star will be competing with Middleton to serve that area. Growth is development driven, and it is premature to extend the impact area boundary north to Galloway Road.

Council Member Furner asked what the time frame for potential on the new proposed residential area was, and Mayor Taylor answered that the earliest would be for proposed phase one is about five years from now.

After discussion, motion carried unanimously.

5g) Consider a request by Marie Anderson to waiver the application fee for a Conditional Use Permit

Mayor Taylor introduced the item and answered Council's questions. Mayor Taylor then introduced Marie Anderson, who presented information and answered questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on this item.

Jim Taylor stated that he believes Ms. Anderson's fees should be waived and urged the Council to do so.

After much discussion by City Council, Mayor Taylor asked Ms. Anderson what she was proposing to pay the application fee, and she responded that she would be able to pay the fees in their entirety if she was given four months.

Motion: Motion by Council Member Furner to accept a delayed application fee from Ms. Marie Anderson of \$575 payable on or before February 15, 2016 was seconded by Council Member Kiser.

Discussion: The Mayor stated that if the payment is not made, it will be put on the agenda for Council action.

After discussion, motion carried unanimously.

Public comments:

Jeremy Fielding of the Middleton Chamber of Commerce reported that this year's 4th of July events went great. He appreciated help from Council Member Huggins and Jennica Reynolds with the watermelon contest. He gave extra thanks and praise to the police department and the

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City maintenance department. He noted that there were some hiccups within the water zone during the parade and they will be looked at for this next year. Mr. Fielding was very excited with the great turnout in the evening for the Army band and loved having them be part of the festivities. He appreciated the help and support of police department, the City staff, and Council and he looks forward to next year moving the events back to Middleton Place Park.

Georgia Smith thanked the Mayor and Council along with those that work with the City for all of their hard work. She and her family have lived in their home for 20 years and are still considered newcomers because no one in the family has died here. She and her family have always loved and believed in Middleton. When they first moved here, they bought property that backed up to Middleton Place Park with hopes that it would develop into the park that it has become. She believes that it has become a real jewel and something all Middleton residents can be proud of, she truly loves Middleton Place Park. For 19 years she has been walking five days a week unless ice or her health has become an issue and she has always walked alone early morning, but since the path has been constructed she no longer walks alone. She has bicycles pass her, she met a mother from Oregon that was training for a 5k on the path, her neighbor that has been a recluse for years comes out to walk and chats her ear off, so those that say nobody in Middleton walks and the pathways are not working are completely wrong. She sees people of all ages playing on the new hill all of the time and loving it. She congratulated the Mayor and Council and thanked them again for all that they have done and are doing.

Mayor Taylor declared a recess, and reconvened at 9:28 PM

5e) Consider approving a proposed Fiscal Year 2016 budget that will be scheduled for a public hearing Wednesday, August 5, 2015.

Mayor introduced the item and answered Council's questions. Treasurer Pauline Newman spoke regarding the proposed budget and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on this item: no-one was in the audience, everyone left earlier.

Motion: Motion by Council President Riccio approve a proposed Fiscal Year 2016 budget that will be scheduled for a public hearing Wednesday, August 5, 2015, was seconded by Council Member Furner and carried unanimously.

Mayor's Comments:

Mayor Taylor commented on;

- SPF Water is being bought out by Lindsay Corporation and is asking for Middleton's consent to buyout, and assignment of account to Lindsay Corporation. He added that all SPF personnel will continue to be on staff.
- He had received an invitation and tickets to the Canyon County Fair VIP tent and dinner on July 25, 2015 at 7:00 p.m. and will not be able to attend. He would like a Council Member to attend if available, Council Member Furner offered to attend.

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Council Comments:

Council Member Furner shared the school board pamphlet for the upcoming levy, which talks about different elementary sites. She added that even if the bond does go through and the levy passes, it would still be a year out from the original due to a small tax base and other ratios with construction in Fiscal Year 2018.

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

Motion: Motion by Council President Riccio to open executive session pursuant to Idaho Codes 74-206(1)(c) Land acquisition 74-206(1)(e) Employee performance and 74-206(1)(f) Potential litigation was seconded by Council Member Furner and carried unanimously by roll call vote.

Executive session was closed at 10:52 p.m. and no action was taken.

Motion: Motion by Council President Riccio to adjourn was seconded by Council Member Furner and carried unanimously.

Mayor Taylor declared the meeting adjourned at 10:50 p.m.

ATTEST:


Kandice Cotterell, Deputy Clerk
Approved: August 5, 2015


Mayor Darin Taylor

