

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL MEETING AUGUST 5, 2015

The City Council Meeting of August 5, 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 amended agenda as posted was seconded by Council Member Furner and carried unanimously.

3) Administrative Action/Consent Agenda: Council President Riccio asked that his comments regarding the arterials showing up on the land acquisition map be added to the minutes.

Motion: Motion by Council President Riccio to approve the consent agenda with noted changes to the minutes was seconded by Council Member Huggins and carried unanimously.

5a) Consider approving Task Order No. 1 with Keller Associates Inc. for Canyon Lift Station and Force Main (west utility extension) in an amount not to exceed \$210,990.

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

Larry Rupp of Keller Associates explained the design process and reports that are required and associated task breakdowns and steps for a project of this size and the answered Council's questions.

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

Council Member Huggins asked if this project was all coming out of the sewer budget and Mayor Taylor responded that yes it was.

Council President Riccio asked if all parts of the project were in line with the Department of Environmental Quality (DEQ) and Mayor Taylor answered that it was.

Motion: Motion by Council President Riccio to approve Task Order No. 1 with Keller Associates Inc. for Canyon Lift Station and Force Main (west utility extension) in an amount not to exceed \$210,990 was seconded by Council Member Huggins and carried unanimously.

5b) Consider awarding the bid for concrete to construct approximately 225 feet of sidewalk on N. Middleton Road to Pusher Construction Inc. in an amount not to exceed \$12,026.

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

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City Engineer Woodruff gave some background on Pusher Construction and answered Council's questions.

Mayor Taylor asked if there was anyone in the audience that would like to comment on this item: Tim O'Meara asked why the City was not doing its own concrete work and Mayor Taylor answered that the Public Works department is not set up at this time to accomplish the concrete project with the time restraint of having the project done before school starts.

Council Member Huggins clarified that this was the project connecting sidewalks on N. Middleton Road across from Mill Creek Elementary School and Mayor Taylor answered that it was.

Motion: Motion by Council President Riccio to award the bid for concrete to construct approximately 225 feet of sidewalk on N. Middleton Road to Pusher Construction Inc. in an amount not to exceed \$12,026 was seconded by Council Member Furner and carried unanimously.

5c) Consider approving CESCO's Service Estimate to repair the vacuum truck in an amount not to exceed \$11,500.

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 CESCO's Service Estimate to repair the vacuum truck in an amount not to exceed \$11,500 was seconded by Council Member Kiser and carried unanimously.

5d) Consider approving an addendum to the contract with BDS to add Point and Pay as an electronic payment service provider.

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

Treasurer Newman spoke about the benefit of improved reconciliation and reporting the service would bring.

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 to the contract with BDS to add Point and Pay as an electronic payment service provider was seconded by Council Member Huggins and carried unanimously by roll call vote.

5e) Consider approving final pay application from Excelsior Construction Co. in the amount of \$25,829.55.

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.

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Council President Riccio asked about the \$1500 being withheld and Mayor Taylor responded that company will be paid in full \$27,329.55 is the correct amount.

Council Member Huggins asked if all Engineer comments from the July 10, 2015 meeting have been completed and Mayor Taylor responded that they have been.

Motion: Motion by Council President Riccio to approve a final pay application from Excelsior Construction Co. in the amount of \$25,829.55, was seconded by Council Member Kiser and carried unanimously

5f) Consider approving Resolution No. 364-15 naming the museum in Middleton as the Lee Moberly Museum.

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

Claudia Moberly spoke about Mr. Moberly's contributions and love of Middleton and added how grateful their family is for such an honor. She thanked Mayor and Council and answered any questions.

Motion: Motion by Council President Riccio to approve Resolution No. 364-15 naming the museum in Middleton as the Lee Moberly Historical Museum and including all discussed changes was seconded by Council Member Kiser and carried unanimously.

Council Member Kiser thanked the Middleton Historical Society for bringing this recommendation before the Council and added that he is very excited for the museum to carry Mr. Moberly's name and can't wait to see the finished project.

5g) Consider approving a final plat for West Highlands No. 6 Subdivision.

City Engineer Woodruff introduced the item and answered Council's questions, she added that the City has not received submittal from the applicant after comments and changes were submitted.

Motion: Motion by Council President Riccio to table the item until the August 19, 2015 meeting was seconded by Council Member Furner and carried unanimously.

5h) Consider ratifying a License Agreement to use Public Right-Of-Way with Michele and Philip Allaire and Desiree and Nicholas Masterson for future Willis Road.

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 this item: none.

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Motion: Motion by Council President Riccio to ratify a License Agreement to use Public Right-Of-Way with Michele and Philip Allaire and Desiree and Nicholas Masterson for future Willis Road was seconded by Council Member Kiser and carried unanimously.

5i) Consider accepting Warranty Deed from Michele and Philip Allaire for 50 feet of right-of-way for future Willis Road.

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 this item: none.

Motion: Motion by Council President Riccio to accept Warranty Deed from Michele and Philip Allaire for 50 feet of right-of-way for future Willis Road was seconded by Council Member Kiser and carried unanimously.

5j) Consider closing Allaire and Masterson driveway for public use.

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 this item: none.

Motion: Motion by Council President Riccio to close the Allaire and Masterson driveway for public use according to the terms of the licensing agreement was seconded by Council Member Kiser and carried unanimously.

6a) Consider approving Resolution No. 361-15 adopting the Square Foot Construction Costs in the August 2012 International Building Code, less \$25,000, and not including the value of the land or lot, for the purpose of determining building permit and plan review fees, and amending the fee schedule to include the new building valuation formula and permit fees.

Mayor Taylor declared the Public Hearing open. 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.

Mayor Taylor closed public comment

Council Member Huggins inquired about the modifier being a flat amount rather than a percentage and Mayor Taylor responded that it was a request by the City Building Official. He and Mr. Wardell calculated both scenarios with the flat amount and with the percentage and decided on the flat amount due to the ease of calculation and that it minimizes the risk of error.

Motion: Motion by Council President Riccio to approve Resolution No. 361-15 adopting the Square Foot Construction Costs in the August 2012 International Building Code, less \$25,000, and not including the value of the land or lot, for the purpose of determining building permit and plan review fees, and amending the fee schedule to include the new building valuation formula and permit fees was seconded by Council Member Kiser

Discussion: Council Member Huggins asked to be sure that the Resolution take the entire country into account as there have been times in the past when the City has run into situations

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where fees have been very high. Mayor Taylor responded that he and the Building Official will review them periodically to monitor them.

Council President Riccio asked if this Resolution was updating calculations from 2009 to the 2012 standards and if the entire 2012 Building Code was being adopted or just the schedule. Mayor Taylor answered that the code has already been adopted and now the fees are being updated.

After discussion the item was carried unanimously.

6b) Consider adopting Ordinance No. 563 adopting the city financial budget for Fiscal Year 2016 (October 1, 2015 – September 30, 2016).

Mayor Taylor declared the Public Hearing open. City Treasurer Newman 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.

Mayor Taylor closed public comment

Motion: Motion by Council President Riccio to read Ordinance No. 563 by title only was seconded by Council Member Kiser and carried unanimously.

Motion: Motion by Council President Riccio to waive the three reading rule and approve Ordinance No. 563 adopting the city financial budget for Fiscal Year 2016 (October 1, 2015 – September 30, 2016) was seconded by Council Member Kiser and carried unanimously by roll call vote.

Public comments:

Victor Islas of the Middleton Rural Fire Department (MRFD) thanked Council Member Furner for attending the Fire Ops 101 course and presented her with a fire helmet.

Dennis Moberly thanked the Mayor and Council on behalf of the entire Moberly family for honoring their father by naming the museum after him.

Department Comments:

City Engineer Woodruff referred to the memo provided in each Council Member's packet and answered any questions.

City Treasurer Newman reported that the FY 2016 budget is complete and balanced.

City Parks Director and Grant Writer Becky Crofts reported;

- ADA ramps have been installed by public works employees at Roadside Park
- The restroom at Roadside Park is coming along nicely
- Currently working through issues for sidewalk projects on both Cemetery and N. Middleton Rd.
- Working on new website permit and tracking software to create better efficiency along with other technology issue.

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- The police department has been fully equipped with cameras
- She is currently working on grants for many different projects
- Recently held an open house to receive public input on the Valley Regional Transit (VRT) grant project to go in at Piccadilly Park
- Anticipating finding out in September if funding from the Department of Parks and Recreation grant for the splash pad in Piccadilly Park will be awarded, it has been recommended for funding, just waiting on the final word.

Mayor Taylor reviewed the Police Department and Code Enforcement memos that were provided to Council.

Mayor's Comments:

Mayor Taylor commented on;

- Code interpretation regarding sandwich board signs placed by businesses. Some businesses do not have a store front and want to have a sign out on the road for customers to see. Can a home occupation business put up a sign with land owner permission as long as it meets code requirements? How strict does the City want to be?

Council President Riccio asked why the City would want the signs taken down. Has it become a nuisance yet? Mayor Taylor responded that a lot of businesses seem to have them and the City does not want the downtown area to become overrun with them.

Council Member Huggins asked if this discussion also includes the feather banners. Mayor Taylor answered that yes it does, they are considered removable signs.

Council President Riccio said that he recommends amending the code by removing the time limit for removing signs as it is a strain on staff workload unless it becomes a concern esthetically for the City.

Council Member Kiser said that he does not see it as a problem at this time but can see it being one in the future. He added that the code enforcement side of the situation is difficult as City Hall closes at 5 p.m. and how can you regulate those that stay open later and may be open on the weekends. What is the look and feel that the City is trying to project in the downtown area and how hard would it be to add back to the code in the future if we take regulations out now. The code enforcement part is where he struggles, who would enforce the issue. Mayor Taylor answered that it would be the Code Enforcement Officer. Council Member Kiser asked if that would change her work hours since she is typically done with work at 5 p.m. and Mayor Taylor answered that he is not exactly sure how the schedule would work at first but that he feels after a few weeks word will get around and businesses will begin to conform.

Council Member Huggins added that signs can get out of control so she understands that the future may become a little more cluttered but she would like to take the next two weeks to pay a little closer attention and come back with a more solid answer at the next meeting.

Mayor Taylor said that the item will be revisited at the August 19, 2015 meeting.

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Council Comments:

Council Member Furner shared the MRFD is collecting backpacks and school supplies for Middleton students that cannot afford them. Anyone interested may drop off donations at the fire station.

**11) Executive Session pursuant to Idaho Code and possible decision(s) to follow:
74-206(1)(c) Land acquisition
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 and 74-206(1)(f) Potential litigation was seconded by Council Member Furner and carried unanimously by roll call vote.

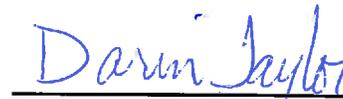
Executive session was closed at 8:48 p.m. and no action was taken.

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

Mayor Taylor declared the meeting adjourned at 8:50 p.m.

ATTEST:


Kandice Cotterell, Deputy Clerk
Approved: August 19, 2015



Mayor Darin Taylor

