

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL JANUARY 20, 2016

The regular meeting of the Middleton City Council on January 20, 2016 was called to order by Mayor Darin Taylor at 6:30 p.m.

Mayor Taylor introduced the following City officials in attendance: City Attorney Chris Yorgason of Yorgason & Associates, City Clerk/Treasurer Pauline Newman, City Planning and Zoning Official Randall Falkner, and Public Works Foreman James Askew.

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

Mayor Taylor informed Council that the agenda was amended to add the Mutual Assistance Law Enforcement Agreement, which was not on the agenda before because the agreement was received on January 19, 2016, after the original agenda was posted.

Motion: Motion by Council President Riccio to accept the Amended Agenda was seconded by Council Member Furner and carried unanimously.

3) Administrative Action/Consent Agenda:

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

New Business:

4a) Re-administer oaths of office for Mayor and City Council.

The oaths administered last meeting to the re-elected Mayor and council members did not include reference to upholding the laws of the City of Middleton, so City Clerk Pauline Newman re-administered oaths of offices to Mayor Taylor, and Council Member Furner and Council Member Huggins.

4b) Information: Murphy Ave. Lot

Mayor Taylor said the City was prepared to conduct the public auction of a portion of the city's real property on the east side of Murphy Ave. approximately 200 feet south of State Highway 44, but no one appeared or called in to bid on the property. Council Member Furner asked how big the lot is and Mayor Taylor answered that it is 17,226 square feet, so just less than one half acre.

City Attorney Yorgason added that the auction started at 1:30 p.m., they waited for fifteen minutes for anyone to show up and no one ever did, and the auction was recorded even though there was no one but City staff in attendance. He then advised that, according to state law, because no one showed up to the auction the City can now sell the land as it wishes.

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4c) Consider Declaring and Selling Surplus Items:

- 2001 Dodge Ram 2500 Truck with 89,545 miles and no heater core.
- 3 camper shells for Ford F-150 short bed truck.

Public Works Foreman James Askew presented the item and answered Council's questions.

Council Member Kiser asked if the camper shells were construction-style, and Foreman Askew answered that they were. He added that they are in excellent condition, but Public Works employees found it difficult to get to their tools with the shells on because the shell doors open to the side of the truck rather than the rear.

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 find and declare all items were surplus, and authorize their sale at fair market value was as seconded by Council Member Kiser and carried unanimously.

4d) Consider approving Valley Regional Transit (VRT) Park & Ride License Agreement and Sub-recipient Agreement.

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

Council President Riccio asked what the next step is after signing the agreement. Mayor Taylor answered that federal legislature approved the transportation funding bill so it appears funds are available for the grant, and that Valley Regional Transit (VRT) expressed interest in moving forward. They are hoping to finish the design this year, and start construction later this year. Council President asked if legal counsel would review the agreements since they are binding the City, and Mayor Taylor answered that the agreements are in a format required by the state and federal funding agencies, and by the granting organization VRT.

City Attorney Yorgason stated that the Sub-recipient Agreement is a pretty standard form of agreement that states the funding process, maintenance of records, and other administrative matters, and that the License Agreement is a form agreement with no provisions that he can see would be harmful to the City. He has no legal concerns that would prohibit the City from entering into the agreements.

Motion: Motion by Council President Riccio to approve the Valley Regional Transit Park & Ride License Agreement and Sub-recipient Agreement was seconded by Council Member Furner and carried unanimously by roll call vote.

4e) Consider approving a Resolution authorizing Mayor Taylor as a member of the Valley Regional Transit Board of Directors.

Mayor Taylor presented the item and answered the 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 approve Resolution No. 366-16 authorizing Mayor Taylor as a member of the Valley Regional Transit Board of Directors was seconded by Council Member Huggins and carried unanimously.

4f) Consider approving Ordinance No. 570 AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 1, CHAPTER 3, SECTION 1 OF THE MIDDLETON CITY CODE UPDATING THE DEFINITION OF DIRECTIONAL REAL ESTATE SIGNS AND DELETING THE DEFINITION OF VAGRANT; AMENDING TITLE 3, CHAPTER 3, SECTION 4 UPDATING SIGN LOCATION REGULATIONS; AMENDING TITLE 3, CHAPTER 7, SECTION 5 CLARIFYING EXEMPT SIGN EXEMPTIONS FROM PERMITS AND FEES; DELETING TITLE 4, CHAPTER 7, SECTION 3, SUBSECTION B; AMENDING TITLE 8, CHAPTER 1, SECTION 9 TO FURTHER DEFINE ALLOWED RESIDENCES; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Yorgason presented the item and answered the Council's questions.

Council Member Huggins asked for clarification about whether temporary signs will be allowed, and Mayor Taylor answered that temporary sign provisions are being amended in this ordinance update.

Mayor Taylor declared a recess at 7:30 p.m. and reconvened the meeting at 7:35 p.m.

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

Diana Askew asked if this provision included established businesses or product, and Mayor Taylor answered that it includes everything.

Council Member Huggins asked if the signs on Cemetery Road would be considered directional signs. Mayor Taylor answered that yes they are. Council Member Huggins followed up by asking if the homeowners association gives permission would the sign owner then be okay to place the signs there, and Mayor Taylor answered that the height and number of signs are established in City Code, so the signs would need to be removed until they comply with City Code provisions. City Attorney Yorgason added that the ordinance is tied specifically to business signs, not all signs including directional.

Council President Riccio stated that the City and Council have to be cognizant of the impression made as people drive through town and it could be a lot of signs start popping up. He added that City Code allows for directional signs but not outside businesses, and that he is content with the code as is.

Council Member Kiser agreed that too many signs are a very unclean look, and he likes how the City Code already allows wall and window signs for your own business property as well as a free standing sign.

Motion: Motion by Council President Riccio to read Ordinance 570 by title only was seconded by Council Member Kiser and passed unanimously.

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Motion: Motion by Council President Riccio to waive the three reading rule and approve Ordinance 570 with changes in location E, removal of addition of 2 and 3, the added language under vagrancy, and other suggested changes was seconded by Council Member Kiser and carried unanimously by roll call vote.

4g) Consider approving Ordinance No. 571 making changes to the building code.

City Attorney Yorgason explained the proposed changes to the building code and answered the Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to comment on this item.

Mark Christianson asked what does "claim" mean. City Attorney Yorgason answered that the building code uses the word "claim" as an equivalent to assertion. Mr. Christianson followed up asking if there is guidance to suggest compatibility. Mayor Taylor answered that the building code does not give clear guidance. City Attorney Yorgason added that the standard equals equivalent.

Public Works Foreman Askew added that everyone wants to do things faster and cheaper which tends to lead to shoddy workmanship.

Council President Riccio asked why the City would allow for testing instead in some cases of just following the code. Mayor Taylor answered that sometimes international codes do not address every circumstance so sometimes there is pushback from contractors depending on the building official's interpretation or approach. The international code allows for builders to submit alternate methods or materials approved by structural engineer and request the building official accept the alternate.

Motion: Motion by Council President Riccio to read Ordinance 571 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. 571 making changes to the building code with suggested changes was seconded by Council Member was seconded by Council Member Furner and carried unanimously by roll call vote.

4h) Consider approving a Mutual Assistance Compact Law Enforcement Agreement.

City Attorney Yorgason presented the item and answered the Council's questions, and recommended adopting the agreement as written. 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 a Mutual Assistance Compact Law Enforcement Agreement was seconded by Council Member Huggins and carried unanimously by roll call vote.

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4i) Consider determining the City's positions on matters going before the Idaho legislature during 2016 session.

Mayor Taylor presented proposed legislation coming before the Idaho legislature this year. Council discussed the items, and Mayor and Council determined Middleton's position on those items that could be discussed with legislators during this legislative session.

Department Comments:

Clerk/Treasurer Newman reported:

Financial report for December 2015 is finished, January 2016 should be finished soon
Budget amendment hopefully will be before Council at the February 17, 2016 meeting
W-2s have been distributed to city employees

Planning and Zoning Official Falkner reported:

A revision of the City's Comprehensive Plan maps for future land use, transportation, schools and recreation are underway. An update to the plan text is also underway.

Mayor Comments:

Boring under Middleton Road south of the Boise River began to extend sewer mainline
The case against Coleman Homes to determine the validity of the Parks Dedication Agreement and Impact Fee Agreement was filed and served.
Marjorie Ave. construction plans are finished and the project is being advertised for bid
The case against the Idaho Tax Commission was filed and served.

Council Comments:

Council Member Kiser reported that the Greater Middleton Parks and Recreation District (GMPRD) is under contract with the Middleton School District to take control of the fine arts building as of March 1, 2016. The School District will start turning it into a community center utilizing the gym and classrooms.

Council Member Furner was asked by a church group if the City has a service project that they could help with, and Mayor Taylor answered that the City would like to have a biography created for each veteran at the Middleton Cemetery so they could be recognized during Memorial Day and Veterans Day ceremonies.

Adjourn:

Motion: Motion by Council president Riccio to adjourn was seconded by Council Member Furner and carried unanimously. Mayor Taylor declared the meeting adjourned at 9:00 p.m.

ATTEST:

Pauline Newman

Pauline Newman, City Clerk
Approved: March 2, 2016



Darin Taylor

Mayor Darin Taylor