

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL OCTOBER 5, 2016

The regular meeting of the Middleton City Council on October 5, 2016 was called to order by Mayor Darin Taylor at 6:30 p.m.

Roll Call: Council Members Beverlee Furner, Carrie Huggins, Rob Kiser were present and Council President Lenny Riccio was absent, but arrived at 6:56 pm.

Mayor Taylor introduced the City Engineer Amy Woodruff of Civil Dynamics, City Attorney Chris Yorgason of Yorgason Associates, City Planning and Zoning Official Randal Falkner, and City Clerk Becky Crofts.

3) **Administrative Action/Consent Agenda:**

The item was postponed until later in the meeting.

4) **New Business:**

4) A. **Information: Mayor's Youth Advisory Council report.**

The MYAC liaison was not in attendance.

Mayor Taylor complimented MYAC Chairwoman Sadie Dittenber for her leadership and informed Council that MYAC will again be sponsoring Rake the Town in November.

4) B. **Consider approving Attachment A to the Propane Supply Agreement and Equipment Lease for Fiscal Year 2017 at a fixed price of \$1.69 per gallon.**

Mayor Taylor introduced the item, answered questions, and asked if there was anyone in the audience that would like to speak to this item: none.

Motion: Motion by Council Member Kiser to approve Attachment A to the Propane Supply Agreement and Equipment Lease for Fiscal Year 2017 at a fixed price of \$1.69 per gallon was seconded by Council Member Huggins and carried unanimously by roll call vote.

4) C. **Consider waiving the \$140 Special Events Permit fee for the Middleton Middle School Cross Country Meet held on September 22, 2016.**

Mayor Taylor introduced the item, answered questions, and asked if there was anyone in the audience that would like to speak to this item: none.

Motion: Motion by Council Member Kiser to approve waiving the \$140 Special Events Permit fee for the Middleton Middle School Cross Country Meet held on September 22, 2016 was seconded by Council Member Furner and carried unanimously.

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4) D. Consider issuing a Proclamation recognizing World Polio Day on October 24, 2016.

Mayor Taylor introduced the item, answered questions, and asked if there was anyone in the audience that would like to speak to this item: none.

Motion: Motion by Council Member President Riccio to approve a Proclamation recognizing World Polio Day on October 24, 2016 was seconded by Council Member Kiser and carried unanimously.

4) E. Consider approving a request by Idaho Power to construct, maintain and operate a 138-kilovolt (kV) electrical transmission line on poles over 55-feet tall on a route from State Highway 44 south on the east side of Murphy Avenue approximately 1,000 feet then west primarily parallel to State Highway 44 and perpendicular to and across Middleton Rd., Crane Cr. Way, and Whiffin Ln., then north along the east side of Hartley Rd. alignment to Willis Road.

Mayor Taylor declared the public hearing open at 7:04 p.m.

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

Jeff Maffuccio of Idaho Power provided an updated route location map (Willis Substation to Lansing Substation 130kV Transmission Line revision 9-20-2016), spoke on the item and answered Council's questions.

Council President Riccio commented that the proposed powerline placement will be in the City easement area and requested that the applicant provide design services or a cost off-set and also requested that the easement language reflect this request.

Mayor Taylor declared a recess at 7:53 p.m. and reconvened the meeting at 8:07 p.m.

Mayor Taylor asked if anyone in the audience would like to speak on the item:

Janice Fitzpatrick commented that the new map better reflects her desire for the proposed route and requests that the power poles follow this route even though the City reserves the right to change the route.

Janice Fallert stated that she is concerned about human health and safety issues especially when voltage is increased as well as the possibility of property values declining. Council President Riccio responded that the City of Eagle has large steel poles that are larger than those proposed here and has not seen a negative impact on property values.

Brenda Shannon said that she does not want power poles in her back yard and questioned the distance they would be from her property. She also wondered why the route keeps changing and requested that the route be moved further south. She asked to receive data

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on how power lines affect property values and for Council Members to comment on if they would want this in their back yard. Mayor Taylor commented it would not bother him if it didn't obstruct his view. Council Member Huggins commented she recently authorized a cell tower in her back yard so a similar power line would not bother her. Ms. Shannon then voiced her concern about not being properly noticed when the route was changed and felt that the item should have gone back through Planning and Zoning.

Kelly Case purchased a lot in the West Highlands specifically without a power line obstruction and requests that if the proposed line goes down Hartley that it not be placed in her backyard. Mayor Taylor commented that condition #5 allows the City some flexibility where poles are located and they will be mindful of homeowners.

Robert Pitman stated that he was aware of this meeting because of the signs that were posted and requested that City officials notify a greater distance than is required by law.

Russel Morgan said that he is concerned about property values, health concerns, and the aesthetics along Middleton Road. He then asked about how close the future corridor and power lines will be to existing homes as well as to see a photo of a proposed pole that is currently installed elsewhere.

Applicant follow up:

- Idaho Power will not be placing any green boxes along the proposed route.
- Regarding property values it is difficult to determine the possible effects on property values. In response to possible health concerns he stated that prior data was provided to the Planning and Zoning Commission regarding existing 130 kV lines on Hartley and that the proposed line would transmit a similar voltage. He also added that noise monitoring was also conducted and is considered to be very low.
- Cost was a contributing factor to the route location. The proposed south route is a viable cost alternative to the downtown route that was initially denied by Planning and Zoning.
- Lindsay Barretto, Project Leader for Idaho Power, stated that the proposed poles south of Hwy 44 will be 65.5 ft. tall.
- There is some flexibility to locate poles and the applicant will take property owner desires into consideration.
- Idaho Power defers to the City and state statute regarding notification requirements.
- Lindsay Barretto will be on-site during construction and will be available for residents to contact.

Mayor Taylor declared the public hearing closed at 9:37 p.m.

Motion: Motion by Council President to approve a request by Idaho Power to construct, maintain and operate a 138-kilovolt (kV) electrical transmission line on poles over 55-feet tall on a route from State Highway 44 south on the east side of Murphy Avenue approximately 1,000 feet then west primarily parallel to State Highway 44 and perpendicular to and across

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Middleton Rd., Crane Cr. Way, and Whiffin Ln., then north along the east side of Hartley Rd. alignment to Willis Road. With the removal of condition 11 the amendment to condition 4 and 10 as discussed was seconded by Council Member Kiser

Discussion: Council Member Huggins stated that she believes that this route is the best one that was proposed and she hopes that Idaho Power will work closely with those residents that are concerned about the poles that will be directly in their vision.

The motion was then passed unanimously.

4)F. Consider approving a request by the City of Middleton, Tyson Inc., and Dan and Marjorie Rule to annex into Middleton City Limits two parcels and abutting public roads totaling approximately four acres, and to zone the properties M-1 (Light Industrial). The subject properties are located at or next to 21955 Middleton Road, Middleton, Idaho, at the northwest corner of Middleton Road and Bass Lane.

Mayor Taylor declared the public hearing open at 9:50 p.m.

Mayor Taylor introduced the item and then turned the floor over to City Planner Falkner who gave the staff report and answered Council's questions.

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

Mayor Taylor closed the public comment portion of the public hearing at 9:58 p.m.

Motion: Motion by Council President Riccio approve a request by the City of Middleton, Tyson Inc., and Dan and Marjorie Rule to annex into Middleton City Limits two parcels and abutting public roads totaling approximately four acres, and to zone the properties M-1 (Light Industrial). The subject properties are located at or next to 21955 Middleton Road, Middleton, Idaho, at the northwest corner of Middleton Road and Bass Lane was seconded by Council Member Furner and carried unanimously by roll call vote.

5) Continued: Public meeting to consider approving Resolution No. 378-16 changing about 40 confusing public road names throughout the city.

Mayor Taylor introduced the item, answered questions, and asked if there was anyone in the audience that would like to speak to this item: none.

The item will be continued to the next regularly scheduled meeting on Wednesday, October 19, 2016.

6) Public Comments:

A resident asked about the property along Middleton Road in front of the Middleton Lakes Subdivision and Mayor Taylor responded that there has not been an application to annex into City limits submitted at this time but there has been a neighborhood meeting.

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7) Department Comments:

City Engineer Woodruff reviewed the submitted Engineer Report and answered Council's questions.

8) Mayor's Comments

- The City has distributed a statement regarding the creepy clown craze through all City social media sites.
- A Bass Lane update provided from Civil Dynamics and distributed.
- The Greater Middleton Parks and Recreation annual Harvest Festival is Saturday, October 8, 2016 at Foote Park and the City will have a booth with current information.
- The Veteran's Day Parade in Boise is scheduled for November 5, 2016 at 9:30 a.m.
- FEMA floodplain maps have been released, the City has until October 15, 2016 to offer any comments.
- The City has received notice about the balance owed on its two sewer bonds.
- Mayor has updated the City's organizational chart.
- There was a neighborhood meeting for the land east of the Middleton Lakes subdivision, that application is expected to be filed soon.

9) Council Comments

Council President Riccio reported that the library is doing a lot of great things, updating equipment, etc. He added that the Library Board would like to know plans for the Council Chambers after City Hall moves to the 1103 W. Main Street building.

Council Member Huggins reported that she expects to see newer things from the school district with the start of the new Superintendent.

Council Member Kiser added that the Superintendent is a positive proponent of curriculum and community.

Council Member Furner reported that the Fire Department is currently working on internal issues.

10) Executive Session pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(c) Land acquisition 74-206(1)(f) Potential or pending litigation

Motion: Motion by Council President Riccio to open Executive Session pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(f) Potential or pending litigation was seconded by Council Member Furner at 10:40 p.m. and carried unanimously by roll call vote.

Executive Session was closed at 10:47 p.m. and no decisions were made.

3) Continued: Administrative Action/Consent Agenda:

Mayor Taylor introduced the item and answered questions.


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


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 10:57.

ATTEST:



Mayor Darin Taylor


Kandice Cotterell, Deputy City Clerk
Approved: October 19, 2016

