

# RECORD OF PROCEEDINGS

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## MIDDLETON CITY COUNCIL FEBRUARY 3, 2016

The regular meeting of the Middleton City Council on February 3, 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 Engineer Amy Woodruff of Civil Engineers, Deputy City Clerk Kandice Cotterell, Middleton Police Department Sergeant Walker, and Middleton Rural Fire District EMS and Community Services Coordinator Victor Islas.

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

**Motion:** Motion by Council President Riccio to accept the Amended Agenda with the addition of item 4k to discuss Building Code 4-11 regarding stucco, which was not added to the agenda previously because the Mayor was unaware that the guests wanted to discuss the item until they appeared at the meeting tonight, was seconded by Council Member Kiser and carried unanimously.

### **Mayor's Youth Advisory Council (MYAC) Report:**

MYAC City Liaison Autumn Hutchison shared information with Council about MYAC past and scheduled activities, and answered the Council's questions.

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

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

### **New Business:**

#### **4b) Consider approving the proposal from Absolute Fire Protection LLC for fire alarms in the Trolley Station in an amount not to exceed \$6,945.**

Mayor Taylor asked that no action be taken on the item until the next regularly scheduled meeting because a meeting is scheduled with company representatives, the electrician, the building official, and staff from the City and Fire District, to determine the fire alarm fixtures and warning devices are required.

#### **4c) Consider determining whether to sell at public auction the buildings on the real property at 24009 Cemetery Road, and setting the minimum bid price(s).**

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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Council President Riccio asked for clarification that the only items being auctioned off will be the house, shop and out-buildings, and not the land they are on, and Mayor Taylor answered that was correct.

**Motion:** Motion by Council President Riccio to sell at public auction the buildings on the real property at 24009 Cemetery Road, and setting the minimum bid price of the house and out buildings at zero and the shop at the value identified in the appraisal done when the City purchased the property last year was seconded by Council Member Huggins and carried unanimously by roll call vote.

**4d) Consider approving an agreement with Downs Auctions to sell at public auction the house, shop and out-buildings at 24009 Cemetery Road for a 20% commission.**

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.

**Motion:** Motion by Council President Riccio to approve an agreement with Downs Auctions to sell at public auction the house, shop and out-buildings at 24009 Cemetery Road for a 20% commission was seconded by Council Member Furner and carried unanimously by roll call vote.

**4e) Consider approving an ordinance amending Middleton City Code 4-1-1(C) to remove the word "door" so that a driveway is the width of the garage.**

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.

**Motion:** Motion by Council President Riccio to read Ordinance No. 572 by title only was seconded by Council Member Kiser and carried unanimously.

**Motion:** Motion by Council President Riccio, in order to send the ordinance to Sterling Codifiers to include with other changes adopted in December 2015 and about ready to be printed, to waive the three reading rule and approve Ordinance No. 572 amending Middleton City Code 4-1-1(C) to remove the word "door" so that a driveway is the width of the garage was seconded by Council Member Kiser and carried unanimously by roll call vote.

**4f) Consider approving an ordinance pursuant to Idaho Code 32-1301(1) and (2)(b) to establish and enforce the offense of "failure to supervise a child" who has been habitually truant.**

Sergeant Walker presented the item and answered the Council's questions.

Council Member Huggins asked for clarification on whether or not absences where parents call in and excuse their children counts, and Sergeant Walker responded that those absences usually do not count but where discretion comes in to play if the excuse is suspect. The school

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district and police are concerned about when students start missing 20 or more days, and missing school or class becomes a habit.

City Attorney Yorgason explained provisions of the state code regarding habitual truancy and answered the Council's questions.

Council President Riccio asked how many cases have been reported and Sergeant Walker answered that at ATLAS and the middle school in the first semester (fall 2015) there are 27 cases, and one case where a student missed 24 days.

Council President Riccio then asked if a truancy board was made would the City take a leadership role on that. Sergeant Walker responded that the school district can have a board which the Superintendent would be head of that or can appoint a designee.

Council President Riccio then asked if the Canyon County Sheriff's Office will use this law with schools outside of City limits since the goal is to have violations be an infraction rather than a misdemeanor, and Sergeant Walker answered that this ordinance will only be enforced at schools inside City limits.

Council Member Kiser said a semester is 90 instructional days and, as an educator, if a student is gone 24 of those 90 days it is very difficult for students to reach state benchmarks and achievement goals. He believes that this is a huge and positive step.

Council President Riccio asked if this would be a large time commitment and burden on the police department. Sergeant Walker replied that it will take time to explain the process to school leaders, parents and students at the beginning but will save time eventually. The police department is willing to take the time needed to implement the change.

Christine, a Middleton High School student, asked if high school kids miss too many classes will they lose their driver's license and be cited, and Sergeant Walker answered that the citation will go to the parents since it the city law and state code are for "failure to supervise."

**Motion:** Motion by Council President Riccio to read Ordinance 573 by title only was seconded by Council Member Kiser and passed unanimously.

**Motion:** Motion by Council President Riccio to waive the three reading rule so this ordinance becomes effective sooner, because it reduces the first time offense from a misdemeanor to an infraction, and approve Ordinance 573 pursuant to Idaho Code 32-1301(1) and (2)(b) to establish and enforce the offense of failure to supervise a child who has been truant to school five times or more during per school year was seconded by Council member Kiser and carried unanimously by roll call vote.

#### **4h) Consider approving Resolution No. 367-16 Purple Heart**

Mayor Taylor turned the time over to Donald Turrano to present the item and answer Council's questions. Bill Hamilton presented Mayor and Council with a sign designating Middleton as a Purple Heart City. Mayor Taylor asked if there was anyone in the audience that would like to comment on this item.

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Christine, a Middleton High School student, asked if there was a spot chosen for the sign yet, and Mayor Taylor answered that the City has a few ideas but the location has not been selected yet. He said he hopes to have signs at each entrance into town.

**Motion:** Motion by Council President Riccio to approve Resolution 367-16 designating Middleton as a Purple Heart City was seconded by Council Member Kiser.

**Discussion:** Council Member Huggins thanked the Purple Heart representatives for coming to the meeting to explain more detail about their request, the meaning of a Purple Heart award, and the signs.

The motion was then passed unanimously by roll call vote.

Mayor Taylor declared a recess at 7:40 p.m. and reconvened the meeting at 7:55 p.m.

### **4g) Consider approving Resolution No. 368-16 Elderberry Drive vacation**

Mayor Taylor informed Council that the County requested a resolution, but that the Council's written and recorded Findings of Fact, Conclusions of Law, Decision and Order were adequate, so no action was needed on this item.

### **4i) Consider approving Resolution No. 369-16 In God We Trust Resolution**

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

Council Member Huggins said that she likes the sentiment but asked who are these people requesting the resolution. She added that it feels as though the City is on an email list kind of telemarketing. She does not disagree with the sentiment, she would just appreciate a little more information and maybe have someone that is asking for this to be approved come and make a presentation.

Council President Riccio agrees with Council Member Huggins, he would also like to know who the organization is and what they do. Mayor Taylor asked if there was anyone in the audience that would like to comment on this item. Dallin Fogle said that he would stand behind the resolution.

**Motion:** Motion by Council President Riccio to table items 4b and 4i was seconded by Council Member Huggins and carried unanimously.

### **4j) Discuss future alcohol use in Trolley Station**

Council President Riccio stated that he does not want alcohol to be allowed at Trolley Station after its renovation if the rental fees and process do not change.

Council Member Huggins added that the City may want to look at how other rental facilities require those renting to bring their own security if they are going to have alcohol at their activity. She is in favor of allowing alcohol to be used, she is also in favor of having a higher deposit for those who choose to have alcohol at their parties. She added that with the remodel at a substantial cost, a different type of events will be coming to the Trolley Station and, if patrons are unwilling to pay the price, their event is probably not the activity the City wants to have there

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in the first place. She also mentioned that she believes it would be a good idea to start talking about renting the park (lawn area) outside of the Trolley Station as well.

Mayor Taylor said that he will do some research about the fees and rental processes used by civic centers in Nampa and Caldwell, and start a discussion to have any fee of process changes implemented before the Trolley Station re-opens.

### **4k) Discuss Building Code Title 4 Chapter 1 Regarding Stucco Application**

Ismael Madrigal, a stucco product provider, spoke on item and stated that he feels as though upgrades have been added to the building codes as a requirement and would like to see their equivalent approved.

Dallin at Trisidio Homes asked why codes were added, and Mayor Taylor answered that the City does a yearly update of the Code and these building codes were added at the request of the Building Official for consistency, so residents' houses would be built with good workmanship using stucco products according to manufacturer's specifications, and the applicators could find the process in the Code at City Hall or on-line.

Nephi Dumar, a stucco applicator, said that he is currently \$1,000 into project and needs to redo it because of these codes, and asked that Council please look into making it the same as other surrounding cities.

Mayor Taylor invited those that brought the issue forward to meet with him and the Building Official, and he will then report back to Council at the next meeting.

### **Department Comments:**

City Engineer Woodruff gave the Engineer's Report and answered the Council's questions. Sergeant Walker gave the Police Department report and answered the Council's questions. City Attorney Yorgason reported that Sterling Codifiers is working to codify the most recent ordinances passed by the city.

Victor Islas reported that the Middleton Rural Fire District received 1350 calls last year with 87% of them being medical calls. He added that the new building codes have helped lower the amount of home fires, and the District is preparing a permanent levy request for a vote of residents in the May 2016 election.

### **4a) Consider approving a user agreement with Verified First for pre-employment screening.**

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.

**Motion:** Motion by Council President Riccio to approve a user agreement with Verified First for pre-employment screening was seconded by Council Member Kiser and carried unanimously by roll call vote.



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## Mayor Comments:

- State of City address dates and times for other cities if council members can attend any
- Moving forward on Well 10, awaiting approvals from Idaho departments of Environmental Quality and Water Resources
- Loma Linda students affiliated with the local Seventh Day Adventist Church would like to go door-to-door, but did not want to obtain a solicitor's license because of the 1st Amendment right to speech. Mayor said it was ok if their first message at door was religious in nature, but not if their message was to sell materials or promote good health.
- County Commissioners waived most disposal fees on April 23, 2016 at the Pickles Butte landfill
- The Library is advertising a part-time, technical assist position
- Marty Galvin letter, private matter
- Thank you letters regarding grant
- Life insurance and disability coverage
- Middleton Connects (formerly Middleton Unplugged) activities and schedule
- Disaster Response Plan meeting scheduled February 18, 2016
- February 10, 2016 is an emergency operations coordinator training
- Propane tanks being installed Friday at Roadside Park
- Additional blocks so 4 to 5 blocks tall all the way along Concord retaining wall
- Bore under Middleton Road commenced
- Landowner east of Boise River lift station said some of the equipment was on his property, so City had it surveyed. Line was marked, a piece of equipment was inches on his property. The fence is not on the property line, so Public Works move the fence to be on the property line.

## Council Comments:

Council Member Huggins said that with Dr. Bauscher leaving if a Council Member would like to switch liaison assignments and start fresh with the new Superintendent she would be willing to switch.


**Motion:** Motion by Council President Riccio to open Executive Session pursuant to Idaho Code and possible decision(s) to follow 74-206(1)(f) Litigation was seconded by Council Member Kiser and carried unanimously by roll call vote at 9:15 p.m.

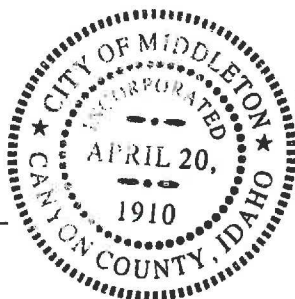
Executive session was closed at 9:25 p.m. and no action was taken.

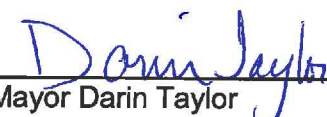
## Adjourn:

**Motion:** Motion by Council president Riccio to adjourn was seconded by Council Member Kiser and carried unanimously. Mayor Taylor declared the meeting adjourned at 9:26 p.m.

ATTEST:

  
Pauline Newman, City Clerk  
Approved: March 2, 2016



  
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Mayor Darin Taylor