

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL APRIL 20, 2016

The regular meeting of the Middleton City Council on April 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, Joel Grounds of Precision Engineering, City Planning Official Randall Falkner, and City Clerk/Treasurer Pauline Newman.

Roll Call: Council Members Beverlee Furner, Rob Kiser, Carrie Huggins and Council President Lenny Riccio were 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 was seconded by Council Member Kiser and carried unanimously.

3) Administrative Action/Consent Agenda:

Motion: Motion by Council President Riccio to approve consent agenda items 3a and 3b was seconded by Council Member Kiser and carried unanimously.

New Business:

4a) Consider approving an application by the Broke Down Bunch for a Special Events Permit for the annual Memorial Day BBQ to support Idaho disabled veterans on Sunday May 29, 2016 and a waiver of fees.

Mayor Taylor introduced the item and introduced Mark Irwin, the Secretary/Treasurer of the Broke Down Bunch, to speak about the event and answer Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to speak to this item: none.

Motion: Motion by Council President Riccio to approve an application by the Broke Down Bunch for a Special Events Permit for the annual Memorial Day BBQ to support Idaho disabled veterans on Sunday May 29, 2016 and a waiver of fees was seconded by Council Member Huggins and carried unanimously.

4d) Consider approving an estimate from MetroQuip to replace the fan in the Whirlwind sweeper in an amount not to exceed \$ 8,549.31.

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

Motion: Motion by Council President Riccio to an estimate from MetroQuip to replace the fan in the Whirlwind sweeper in an amount not to exceed \$ 8,549.31 was seconded by Council Member Kiser and carried unanimously.

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Mayor Taylor declared a recess at 6:46 p.m. for students to have their agendas signed and join the City's Clean-up Town event, and then Mayor Taylor reconvened the meeting at 6:48 p.m.

4b) Consider approving a Fireworks Permit for TNT Fireworks at Ridley's Market 206 E. Main St., beginning midnight June 23, 2016 through midnight July 5, 2016.

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

Motion: Motion by Council President Riccio to approve a Fireworks Permit for TNT Fireworks at Ridley's Market 206 E. Main St., beginning midnight June 23, 2016 through midnight July 5, 2016 was seconded by Council member Furner and was approved unanimously.

Old Business:

Consider approving the final plat for West Highlands Ranch Subdivision Phase 8.

Mayor Taylor introduced the item and then introduced Becky McKay of Engineering Solutions who provided a copy of the final plat and spoke about the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to speak to this item: none.

Motion: Motion by Council President Riccio to approve the final plat of West Highlands Ranch Phase 8 was seconded by Council Member Huggins and carried unanimously.

4c) Consider requesting mutual written consent with the Idaho Transportation Department to terminate Cooperative Agreement No. 6378 for Project Key No. 19008 to upgrade certain curb ramps on State Highway 44 within the City limits.

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

Motion: Motion by Council President Riccio to approve requesting mutual written consent with the Idaho Transportation Department to terminate Cooperative Agreement No. 6378 for Project Key No. 19008 to upgrade certain curb ramps on State Highway 44 within the City limits was seconded by Council Member Furner and carried unanimously by roll call vote.

4e) Consider adopting Ordinance No. 577 AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 6, CHAPTER 4, OF THE MIDDLETON CITY CODE ADDING REQUIREMENTS FOR APPROACH PERMITS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Taylor introduced the item and answered Council's questions and stated that some of the language needed to be modified for clarity.

Mayor Taylor declared a recess at 7:43 p.m. and reconvened the meeting at 7:44 p.m.

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City Attorney Yorgason commented on the item and the language clarification. Mayor Taylor asked if there was anyone in the audience that would like to speak to this item. Ty Dealy asked a question. No action was taken on the item, which was to be considered at the next meeting.

4f) Consider adopting Resolution No. 373-16 to amend the current fee schedule.

Mayor Taylor introduced the item and explained the requested changes and answered Council's questions. No action was taken on the item. The city will notice a hearing for the proposed new fees.

5. Public Hearing

Consider approving a request by Gary and Peggy Timson to abandon and vacate the south 15 feet of right-of-way at the north boundary of their property, which is located at 707 N. Dewey Ave., approximately 300 feet north of Minot Street.

Mayor Taylor declared the public hearing open at 8:30 p.m., introduced the item, and turned the floor over to City Planning Official Falkner who gave the staff report and answered Council's questions.

Gary Timson spoke on the item and answered Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to speak to this item: none. Mayor Taylor closed the public comment portion of the public hearing at 8:44 p.m.

Motion: Motion by Council Member Riccio a request by Gary and Peggy Timson to abandon and vacate the south 15 feet of right-of-way at the north boundary of their property, which is located at 707 N. Dewey Ave., approximately 300 feet north of Minot Street was seconded by Council Member Kiser and carried unanimously by roll call vote.

4g) Consider adopting Ordinance No. 578 AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 11, CHAPTER 2, SECTION 3 OF THE MIDDLETON CITY CODE TO CLARIFY PARKING RESTRICTIONS FOR TRUCKS AND TRUCK TRACTORS, AMENDING TITLE 1, CHAPTER 3 UPDATING THE DEFINITIONS OF TRUCK AND TRUCK TRACTOR; AND PROVIDING AN EFFECTIVE DATE.

Mayor Taylor introduced the item and recommended that no action be taken until additional proposed changes were incorporated into the draft for consideration. No action was taken on the item.

4h) Consider approving purchase of electronic equipment from A-Gem Supply for the Trolley Station in an amount not to exceed \$10,525.42.

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

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Motion: Motion by Council President Riccio to approve the purchase of electronic equipment from A-Gem Supply for the Trolley Station in an amount not to exceed \$10,525.42, was seconded by Council Member Kiser and carried unanimously.

4i) Consider approving purchase of electronic equipment from A-Gem Supply for the Lee Moberly Museum in an amount not to exceed \$2,022.18.

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

Motion: Motion by Council President Riccio to approve the purchase of electric equipment from A-Gem Supply for the Lee Moberly Museum in an amount not to exceed \$2,022.18 was seconded by Council Member Furner and carried unanimously.

4j) Consider approving purchase of electronic equipment from A-Gem Supply for the skatepark at Piccadilly Park in an amount not to exceed \$_____.

Mayor Taylor introduced the item and recommended that no action be taken until a product and amount acceptable to City staff are received from A-Gem. No action was taken on the item.

4k) Consider approving purchase of retaining-wall rock from the Rock Placing Company for the skatepark at Piccadilly Park in an amount not to exceed \$24,785.

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

Motion: Motion by Council President Riccio to approve purchase of retaining-wall rock from the Rock Placing Company for the skatepark at Piccadilly Park in an amount not to exceed \$24,785 was seconded by Council Member Huggins and carried unanimously.

4l) Consider approving General Park Rules and Skate Park Rules.

Mayor Taylor introduced the item and answered the Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to speak to this item: none. After comment from President Riccio and the City attorney regarding State of Idaho primacy on the subject, "No weapons" was removed from the proposed park rules.

Motion: Motion by Council President Riccio to approve General Park Rules with the removal of no weapons was seconded by Council Member Furner and carried unanimously.

4m) Consider approving \$23,760 check to Coleman Homes as refund of collected City-park impact fees.

Mayor Taylor introduced the item correcting the amount to \$23,760 and answered the Council's questions. Mayor Taylor asked if there was anyone in the audience that would like to speak to

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this item: none. Action on the item was postponed until later in the meeting.

4n) Consider confirming appointment of Jeff Garner to the Middleton Planning and Zoning Commission.

Mayor Taylor appointed Jeff Garner to the Middleton Planning and Zoning Commission and asked Council to confirm his appointment effective immediately. Mayor Taylor asked if there was anyone in the audience that would like to speak to this item: none.

Motion: Motion by Council President Riccio to confirm appointing Jeff Garner to the Middleton Planning and Zoning Commission was seconded by Council Member Furner and carried unanimously.

Department Comments:

City Planning Official Falkner gave a brief report and answered Council's questions.

Mayor Comments:

- May 14, 2016 2 p.m. Skatepark ribbon-cutting ceremony in Piccadilly Park
- June 11, 2016 5 p.m. Battleball at Middleton Place Park
- June 25, 2016 Grand Opening of skatepark
- June 29, 2016 State of the City Address scheduled at Trolley Station
- July 29, 2016 Color Rama

Council Comments: none.

Executive Session and Possible Decision(s) to Follow

Motion: Motion by Council President Riccio to open executive session pursuant to Idaho Code 74-206(1)(c) Land Acquisition and 74-206(1)(f) Pending Litigation -Tax Commission and Coleman Homes - was seconded by Council Member Furner and carried unanimously by roll call vote at 9:30 p.m.

Executive session was closed at 10:30 p.m.

Motion: Motion by Council President Riccio to approve a written offer for a parcel of land and authorize that it be submitted was seconded by Council Member Furner and carried unanimously by roll call vote.

Informational item: The City has received complaints from residents in the Estates Subdivision regarding chip sealing in their cul-de-sac and asked that fog seal coating be placed. Mayor Taylor and the City streets superintendent are researching fog seal coating and will get back to the residents regarding their concerns.

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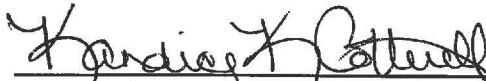
4m) Continued

Motion: Motion by Council President Riccio to approve a check in the amount of \$23,760 to Coleman Homes as refund of collected City-park impact fees, was seconded by Council Member Kiser and carried unanimously.

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 10:35 p.m.

ATTEST:


Kandice Cotterell, Deputy City Clerk
Approved: May 4, 2016





Mayor Darin Taylor