

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL APRIL 19, 2017

The regular meeting of the Middleton City Council on April 19, 2017 was called to order by Mayor Darin Taylor at 6:30 p.m.

Roll Call: Council Members Carrie Huggins, Beverlee Furner and Council President Lenny Riccio were all present, and Council Member Rob Kiser was absent.

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

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

Mayor Taylor introduced the item for council questions and discussion.

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

4)A. **Mayor's Youth Advisory Council (MYAC) Report**

Deputy Clerk Cotterell gave the MYAC report and answered questions.

4)B. **Consider approving Resolution No 389-17 to enter into a Memorandum of Understanding among law enforcement agencies in Canyon and Owyhee counties.**

Mayor Taylor introduced the item for council questions and discussion and asked if anyone in the audience would like to speak about the item: none.

Motion: Motion by Council President Riccio to approve Resolution No 389-17 to enter into a Memorandum of Understanding among law enforcement agencies in Canyon and Owyhee counties, was seconded by Council Member Huggins and carried unanimously by roll call vote.

4)C. **Consider approving the purchase of SportsMan SQL Recreation Management software and two years of support from Peak Software Systems Inc. in an amount not to exceed \$10,520.**

Mayor Taylor introduced the item for council questions and discussion.

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Council Member Huggins asked for clarification that it is an activity registration. Mayor Taylor answered that, yes it is and will be available to all associations and activities that wish to use it. Council Member Huggins asked if participants will be able to use their credit cards for payment, and Mayor Taylor answered that they will.

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

Motion: Motion by Council President Riccio to approve the purchase of SportsMan SQL Recreation Management software and two years of support from Peak Software Systems Inc. in an amount not to exceed \$10,520, was seconded by Council Member Furner and carried unanimously by roll call vote.

4)D. Consider approving Resolution No. 390-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, RELATING TO SURPLUS PROPERTY; DECLARING PROPERTY SURPLUS, AUTHORIZING AND DIRECTING THE DISPOSAL OF SURPLUS PROPERTY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

Mayor Taylor introduced the item for council questions and discussion.

Council Member Huggins asked if this list was a continuation of the previous list that was approved or different, Mayor Taylor answered that it was different. Council member Huggins then asked if there will be another list coming soon, Mayor Taylor answered that this will be the last surplus list from the old City Hall and that the next list will be to destroy old records.

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

Motion: Motion by Council president Riccio to approve Resolution No. 390-17 declaring property surplus, authorizing and directing the disposal of surplus property; providing for related matters and providing an effective date was seconded by Council member Huggins and carried unanimously.

4)E Consider an agreement with HyQual P.A. to provide application support services for a state 319 grant proposal for the Mill Slew Water Quality Diversion Project with Drainage District No. 2 in an amount not to exceed \$14,000.

Mayor Taylor introduced the item for council questions and discussion:

Council President Riccio asked for clarification that the cost would not exceed \$14,000, and Mayor Taylor responded that this cost includes payment for SPF Water and Civil Dynamics as well so it will cover all costs.

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

Motion: Motion by Council President Riccio to approve an agreement with HyQual P.A. to provide application support services for a state 319 grant proposal for the Mill Slew Water Quality Diversion Project with Drainage District No. 2 in an amount not to exceed \$14,000, was seconded by Council Member Furner and carried unanimously by roll call vote.

5) Old Business

5)A Consider approving a software maintenance & support agreement to purchase asset management and project accounting modules with Caselle Inc. in the amount of \$10,675, and software system support in the amount of \$1,349 a month starting October 1, 2017.

Mayor Taylor introduced the item for council questions and discussion:

Council Member Furner asked if this price is close to what the City is currently paying, and Mayor Taylor responded that it is close to \$200 more a month, \$100 per module and the city is adding two modules.

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

Motion: Motion by Council President Riccio to approve a software maintenance & support agreement to purchase asset management and project accounting modules with Caselle Inc. in the amount of \$10,675, and software system support in the amount of \$1,349 a month starting October 1, 2017, was seconded by Council Member Huggins and carried unanimously by roll call vote.

Motion: Motion by Council president Riccio to table items 5 B, C, and D to the next regularly scheduled meeting on May 3, 2017 because they are not ready for consideration was seconded by Council Member Furner and carried unanimously.

6) Public Hearing

6)A Consider approving a preliminary plat for McKinley Townhomes Subdivision on Lot 1 Block 1, Old Mill Subdivision, Middleton, Idaho. The property is located at the northwestern corner of Middleton Road and Cornell Street.

Mayor Taylor declared the public hearing open at 7:10 p.m. and turned the floor over to City Planner Randall Falkner to give the staff report.

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Council President Riccio asked about the phasing of the subdivision and the connection of the ingress egress, planner Falkner replied that the south phase will be the first phase constructed until the rest of the subdivision is built out.

Mayor Taylor turned the floor over to Lance Warnick who spoke on behalf of the applicant and answered Council's questions.

Council Member Huggins asked for reassurance that the nearby neighbors' concerns had been met. Mayor Taylor stated that he had met with the land owner in Mountain View Estates that was concerned about trees and discovered that they are not on the subject property. He added that he also met with the Teichert's and stated that they feel good about the direction of the project. Mr. Warnick added that he has met with the neighbors regarding access to activities and road connectivity and will continue to work with them as the project continues.

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

Tim O'Meara of the Greater Middleton Parks and Recreation District (GMPRD) stated that he is concerned about the increase of traffic and believes that access should be changed to enter and exit onto Cornell St. and not N. Middleton Road. He added that he believes the pathway alignment should be addressed and in line with the pathway across the street at Foote Park. He stated that he hopes the right-of-way for the proposed future round-a-bout will not go into the right-of-way of the large fountain on the corner of Cornell Street and N. Middleton Road as the money for it was donated and would all have to be returned and added that he does not agree with zoning change. Mayor Taylor replied that the pathways being lined up are part of the long term plan in phase 2. He added that the two accesses onto N. Middleton Road meet City standards for intersections and that the round-a-bout proposal will fit within the existing right-of-way so no additional right-of-way is needed.

Justin Rahn said that it was his understanding that all neighborhoods needed to be fenced in, and that it is his request that after the applicant finishes their initial dirt work they fence in the area and finish construction. He also asked that the traffic study be done during the school year as traffic is significantly higher during the school months.

Mayor Taylor asked City Attorney Yorgason to see if the city code had any specific requirements for neighborhood fencing and he replied that he does not see anything in code that specifically requires a fence all around the property

Applicant rebuttal:

- Their intention is to work with city specifically along Middleton Slough.
- They are committed to working on the pathway and traffic study.
- The traffic study will be done during the school year.
- Their fencing intent is to provide separation between different uses along west boundary but will do what city code requires.

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Council President Riccio asked about the accesses and if the applicant had received any comments from the local emergency responders. Mr. Warnick stated that these buildings will be sprinkled and that according to the National Fire Code the threshold only requires one access is buildings are sprinkled, so the accesses are sufficient.

Mayor Taylor closed public comment at 7:45 p.m.

Motion: Motion by Council President Riccio to approve a preliminary plat for McKinley Townhomes Subdivision on Lot 1 Block 1, Old Mill Subdivision, Middleton, Idaho. The property is located at the northwestern corner of Middleton Road and Cornell Street with the addition of the conditions that the applicant shall construct or pay to construct its proportionate share of transportation improvements identified in the traffic impact study accepted by the City, the subdivision have 136 marked parking stalls common and available to each of the lots by a recorded cross-access easement, the pathway along the northern property line shall align with the pathway across the street and fencing will be constructed around the perimeter of the project with the exception of along North Middleton Road with the timing at building construction was seconded by Council Member Furner.

Discussion: Council Member Huggins asked for clarification that the required fencing is to be around the perimeter with the exception of along North Middleton Road, and Mayor Taylor answered that yes, that was correct.

The motion was then passed unanimously by roll call vote.

Mayor Taylor declared a recess at 7:50 p.m. and reconvened the meeting at 8:00 p.m.

Mayor Taylor closed the public hearing of the previous item.

6)B Consider approving a preliminary plat for Fox Lantern Subdivision. The property is located at the northwest corner of 9th Street and Fox Ave., Middleton, Idaho.

Mayor Taylor declared the public hearing open at 8:01 p.m. and turned the floor over to City Planner Randall Falkner to give the staff report.

Jay walker spoke on the item on behalf of the applicant and answered Council's questions.

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

Mayor Taylor closed public comment at 8:09 p.m.

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Motion: Motion by Council President Riccio to approve a preliminary plat for Fox Lantern Subdivision. The property is located at the northwest corner of 9th Street and Fox Ave., Middleton, Idaho was seconded by Council member Furner.

Discussion: Council President Riccio stated that the boundary footage needs to be addressed and asked what mayor and Council thought about the common lot that are proposed. Mayor Taylor replied that the easement approach works for the investors and keeps the privacy they are wanting. Council President Riccio added that he can go either way when it comes to the fencing. Council Member Huggins stated that the subdivision across road is fenced. Mayor Taylor added that the land across the street to east is subdivision land with smaller acres and that this development has a very different feel, more rural. He likes the option for each individual land owner to have the option to add fence if they wish.

The motion was then passed unanimously by roll call vote.

- 7) **Public Comments:** none.
- 8) **Department Comments:** City Treasurer Ed Karass gave the Treasurer's report and answered Council's questions.
- 9) **Mayor's Comments:** none.
- 10) **Council Comments:**

Council President Riccio commented that at the most recent school board meeting the Superintendent stated that the district is on the cusp of large growth and is doing a demographic study for adding new school.

Council Member Huggins commented that she is very excited for the new subdivision to come in by her home

- 11) **Executive Session pursuant to Idaho Code and possible decision(s) to follow:**
 - 74-206(1)(a) Hiring and firing of city employee(s)
 - 74-206(1)(b) Performance evaluation of city employee(s)
 - 74-206(1)(c) Land acquisition
 - 74-206(1)(f) Potential and pending litigation

Motion: Motion by Council President Riccio to open Executive Session 74-206(1)(f) Potential and pending litigation was seconded by Council member Furner and carried unanimously by roll call vote at 8:44 p.m.

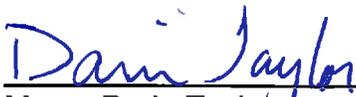
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Motion: Motion by Council president Riccio to close Executive Session at 9:13 p.m. was seconded by Council Member Furner and carried unanimously by roll call vote.

12) 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 9:14 p.m.

ATTEST:



Mayor Darin Taylor



Kandice Cotterell, Deputy City Clerk
Approved: May 3, 2017

