
**MIDDLETON CITY COUNCIL
JUNE 6, 2018**

The regular meeting of the Middleton City Council on June 6, 2018 was called to order by Mayor Darin Taylor at 6:30 p.m.

Roll Call: Council Members Carrie Huggins, Rob Kiser, Beverlee Furner, and Mayor Taylor were present. Council President Lenny Riccio was present via conference call.

Mayor Taylor introduced the following City officials in attendance: City Engineer Amy Woodruff and Deputy Clerk Dawn Dalton.

Motion: Motion Member Kiser to accept the agenda with the addition of consideration from Casa Mexcio for a Beer and Wine License, because it was received at the city on June 6, 2018, was seconded by Council Member Furner and carried unanimously.

Action Items:

A. Consent Agenda

- 1) Consider approving minutes for Council's May 16, 2018 special meeting.
- 2) Consider approving accounts payable through June 5, 2018 in the amount of \$129,287.80.
- 3) Consider approving an application by Red Dragon Outlet Fireworks for a sales stand at Middleton Village, 206 E. Main, Middleton, Idaho.
- 4) Consider approving an application by Middleton Chamber of Commerce for a Special Events permit for: 4th of July a parade; closing S. Dewey Ave., Cornell St. between Brice and N. Campbell, and public roads along the parade route; carnival at Foote Park; car show, activities, and a beer garden at Middleton Place Park; and a request to waive the \$160.00 Special Events Permit fee.
- 5) Consider amending the Findings of Fact, Conclusions of Law, Decision and Order for Sawtooth Lake Subdivision to add words clarifying six of the conditions of approval.
- 6) Consider approving Resolution 410 amending the August 16, 2017 version of the Middleton Supplement to the Idaho Standards for Public Works Construction manual to change the requirement from copper to polyethylene.

Motion: Motion by Council Member Kiser to approve Consent Agenda items 1 - 7 was seconded by Council Member Huggins and carried unanimously.

Joe Borton litigation counsel for the city, presented the Council and Mayor a check for reimbursement to the city and tax payers for legal and court fees expended, thus closing the Middleton v. Coleman Homes et al to determine the validity of the Parks Dedication Agreement, Inst. No. 2011-049721 records of Canyon County, Idaho.

Middleton Youth Council. Mayor Taylor announced that participation in the Middleton Youth Council had declined the last several years due to plenty of opportunities in student and leadership councils at Middleton High School, Vision Charter School and Middleton Academy. Four youth council members were stalwart throughout the school year ending May 2018, and the Mayor and City Administrator determined to discontinue the youth council at this time.

All Youth Council expenses were paid and there is about a \$1,000 balance in the youth Council budget. Mayor authorized dividing the funds equally and presenting an education grant to each of the four stalwart youth. Mayor Taylor presented each student or student representative with his or her grant from the city

B. Consider ratifying the Agreement Regarding Temporary Cooperative Use of Building Personnel Between the City of Caldwell, Idaho, and the City of Middleton, Idaho.

Mayor Taylor called the agenda item and explained the assistance received, and to be received, from the City of Caldwell until the city of Middleton fills the vacant Building Official position. Mayor explained that the agreement is to memorialize what has been taking place between the two cities.

Motion: Motion by Council Member Kiser to approve and ratify the agreement was seconded by Council Member Furner and carried unanimously.

C. Consider consenting to a request by Gilbert and Cheryl Lopez to vacate a public road right-of-way, "Arlene Drive," within Christiansen Homestead Manor Subdivision located within one mile of Middleton city limits, approximately ¾ mile north of Purple Sage Road and ¼ mile east of Emmett Road, Middleton, Idaho.

Mayor Taylor called the agenda item and explained state law requires city consent for plats and for vacation of right-of-way within one mile of the city before the governing body makes a final decision. Arlene Drive is not on a section or quarter-section line, so it is not a future transportation route identified in Middleton's transportation plan.

Motion: Motion by Council Member Kiser to consent to a request by Gilbert and Cheryl Lopez to vacate a public road right-of-way, "Arlene Drive" was seconded by Council Member Huggins and carried unanimously by roll call vote.

D. Consider approving a contract with Ed McDonald dba Northwestern Asphalt in the amount of \$19,200 to resurface the two tennis courts at Middleton Place Park.

Mayor Taylor called the agenda item and explained this work will be performed by the end of June 2018 in time for the 4th of July, and includes replacing the nets on both courts, and a ten (10) year warranty that will go to Mr. McDonald, who will transfer the warranty to the city.

Motion: Motion by Council Member Kiser approve a contract with Ed McDonald dba Northwestern Asphalt in the amount of \$19,200 to resurface the two tennis courts at Middleton Place Park, was seconded by Council Member Furner and carried unanimously by roll call vote.

Motion: Motion by Council Member Kiser to amend the motion to approve and ratify a contact with Ed McDonald dba Northwestern Asphalt in the amount of \$19,200 to resurface the two tennis courts at Middleton Place, was seconded by Council Member Furner and carried unanimously by roll call vote.

E. Consider approving the final plats for Fox Lantern and McKinley Meadows subdivisions.

Motion: Motion by Council Member Kiser to table this item to the next regularly scheduled Council meeting was seconded by Council Member Furner and carried unanimously.

F. Consider approving an agreement with the City of Eagle to accept used playground equipment in exchange for paying the cost Eagle pays to disassemble the equipment.

Mayor Taylor called the agenda item and explained the City of Eagle is replacing some of its playground equipment, and offered it to other cities. Marsing and Middleton expressed interested, so are each obtaining some of the equipment for the cost of disassembling it, which may cost up to \$10,000 for Middleton's portion. The equipment, if purchased new, would cost about \$150,000. Middleton is transporting the equipment to Middleton and will re-assemble all or a portion of it as determined by the city

Motion: Motion by Council Member Kiser to approve an agreement with the City of Eagle to accept used playground equipment in exchange for paying the cost the City of Eagle pays to disassemble the equipment, was seconded by Council Member Huggins and carried unanimously by roll call vote.

G. Consider entering into a "Stipulation for Withdrawal of Protest and Request to Change Status to Intervenor by City of Middleton" in the matter of Integrated Municipal Application Packages of Suez Water

Idaho Inc. now pending before the Idaho Department of Water Resources.

Mayor Taylor called the agenda item and explained that Suez Inc. is, or is a subsidiary of, a foreign company that heavily invested in ADA County and which provides the domestic water supply to the cities of Boise, Garden City and Eagle. Suez filed a request with the Idaho Department of Water Resources for authorization to secure water rights for customers it anticipates having in 50 years. State law previously allowed this only for municipalities, but the law has changed and all cities previously protesting Suez' application have withdrawn their protests, except Middleton. The proposed agreement would resolve Middleton's concerns Middleton's satisfaction by Suez being required to notify Middleton in writing if Suez secures a potable water right in Canyon County, Idaho.

Motion: Motion by Council Member Kiser to enter into the stipulation with Suez Water Idaho Inc. was seconded by Council Member Furner and carried unanimously by roll call vote.

H. Consider entering into a "Stipulation to Resolve Protests and Withdrawal of Protests" in the matter of the city's application to Idaho Department of Water Resources for Water Right Permit No. 63-34370 allowing diversion of water from Mill Slough across land owned by the city near the Boise River.

Mayor Taylor called the agenda item and explained that entering into the stipulation would give the City permission to divert phosphorous-rich water from Mill Slough to treat it by natural filtration, and potentially receive offsets or credits for the cleaned-up water allowing the City more flexibility in compliance with the City's Idaho Pollution Discharge Elimination System permit (anticipated in 2019).

Motion: Motion by Council Member Kiser to enter into the stipulation with protestants was seconded by Council Member Huggins and carried unanimously by roll call vote.

I. Consider approving a request by John Wiechec adopting Ordinance 609 amending Middleton City Code 11-2-3 to allow owners of campers and other similar trailers and vehicles to park them in front of their homes on the sides of public roads out of travel-lane.

Mayor Taylor called the agenda item and explained Mr. Wiechec's request.

Dale Hansen said Mr. Wiechec could not attend and Mr. Hansen was speaking on Mr. Wiechec's behalf. Mr. Hansen stated that with the current ordinance with the forty eight

(48) hours you can have your trailer parked in front of your house say come home Sunday night leave it Monday and Tuesday to unload then have to move it Wednesday to bring it back Thursday and Friday to leave Saturday morning, you are having to move the trailer to a off premises parking site or behind your fence on your property for one day to get it back out again. For those residents who camp all the time moving these big campers for one day is a hassle and creates a lot more traffic in and out of town.

Mike Griff said the only issue he and his wife had with the proposal is if it were allowing this for commercial trailers and vehicles also.

Council Member Kiser voiced that he understands where residents were coming from however, he had two concerns with the idea of changing the code. With the roads in the older part of town where the width is narrower adding an oversized trailer to the side of the road would make the roads become a one lane traffic pattern. Council Member Kiser also stated for the lots on a corner having a trailer parked on the side of the road creates a line of sight issue for drivers.

Council Member Huggins stated that under the current ordinance the city is only protecting the older parts of the city for one day from not having a trailer or recreational vehicle parked on the street.

Council President Ricco voiced that his main concern would be causing rutting to the roads by having heaving vehicles parked on city streets potentially not moving for long periods of time. Council President shared that instead of changing to a chunk of months' time that maybe the council could look at extending the window of parking time from forty-eight hours (48) to something a little more reasonable.

Council Member Furner shared that she would like to put the purposed change into the city newsletter to get resident feedback.

Motion: Motion by Council Member Kiser to consider partially approving the request by John Wiechec, with the ordinance to be on a future Council agenda, that would add the following sentence to the end of 11-2-3(A): "However, between April 1 and October 31, campers, motor homes, recreational vehicles or similar vehicles may park on any public road in the for up to seventy-two (72) hours to load or unload," was seconded by Council Member Riccio and carried unanimously by roll call vote.

Council Comments: none.

Public Comments: none.

Department Comments: none.

Adjourn:

Motion: Motion by Council Member Kiser to adjourn was seconded by Council Member Furner and carried unanimously. Mayor Taylor declared the meeting adjourned at 7:55 p.m.

ATTEST:



Mayor Darin Taylor



Dawn M. Dalton, Deputy City Clerk
Approved: June 20, 2018

