

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL NOVEMBER, 16 2016

The regular meeting of the Middleton City Council on November 16, 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 absent.

Mayor Taylor introduced the City Planner Randall Falkner and City Deputy Clerk Kandice Cotterell.

Motion: Motion by Council Member Kiser to accept the agenda was seconded by Council Member Furner and carried unanimously.

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

Mayor Taylor introduced the item and asked if Council had any questions.

Motion: Motion by Council Member Kiser to accept the consent agenda was seconded by Council Member Furner and carried unanimously.

4) **New Business:**

Motion: Motion by Council Member Kiser to table item 5c to the next regularly scheduled meeting was seconded by Council Member Furner and carried unanimously.

Mayor's Youth Advisory Council (MYAC) Report:

Steele Sommer, the MYAC liaison with the City Council, gave the MYAC report and answered Council's questions.

Council Member Furner asked in regard to the fees being charged by the School District for MYAC to have the Winter Chill dance at the high school if those fees had been waived previously. Mr. Sommer answered that this is the first dance MYAC has sponsored. Deputy Clerk Cotterell added that the district has never waived fees when MYAC has asked to use the high school.

4) A. Consider appointing Tyler Ashton, Chaney Stotts, and Jon Yorgason to the Middleton Building Board of Appeals as described in the International Residential Code Rule 112.

Mayor Taylor introduced the item and asked if Council had any questions. He introduced Jon Yorgason, who then introduced himself to the Council. Mayor Taylor asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council Member Kiser to confirm the appointments of Tyler Ashton, Chaney Stotts and Jon Yorgason to the Middleton Building Board of Appeals as described in the International Residential Code Rule 112 to serve until replaced was seconded by Council Member Furner and carried unanimously by roll call vote.

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4) B. Consider approving Resolution No. 384-16 to correct the spelling of "Sire" to "Shire."

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

Motion: Motion by Council Member Kiser to approve Resolution No. 384-16 to correct the spelling of "Sire" to "Shire" was seconded by Council Member Huggins and carried unanimously.

4) C. Consider approving a contract with Straight-line Building Solutions LLC for improvements at 1103 W. Main St.

Mayor Taylor introduced the item and asked if anyone in the audience would like to speak on the item. A woman in the audience asked where 1103 W. Main was located, and Mayor Taylor described the location to her satisfaction.

Motion: Motion by Council Member Kiser to approve with the lowest responsive, responsible bidder for improvements at 1103 W. Main St. in an amount not to exceed \$45,307 was seconded by Council Member Furner.

Discussion: Council Member Huggins asked about the budget for the City Hall relocation, and Mayor Taylor answered at this time the City estimates it will cost about \$62,000 and the city has \$19,000 so the City needs to review the budget for adjustments to find \$43,000. Council Member Huggins asked to see the numbers at the next meeting.

Council President Riccio arrived at 7:08 p.m.

Council President Riccio asked if these improvements include the parking lot improvements, and Mayor Taylor answered that they do not; the only improvements are those needed for the interior of the building.

The motion was then passed unanimously by roll call vote.

4) D. Consider removing the second and third sentences of the first full paragraph under C(2) EMPLOYEE BENEFITS, Holidays, on page 18 of the Employee Handbook (Jan. 6, 2016 Revision).

Mayor Taylor introduced the item and asked if anyone in the audience would like to speak to this item.

City Public Works Foreman James Askew stated that the holidays being discussed have been in the employee handbook for years and would like to keep it the same. Council Member Kiser asked for clarification of what days staff was asking for, Friday and Monday or Tuesday as well, and Mr. Askew answered Friday and Monday just like policy says.

Justin Rahn asked for clarification that staff still gets paid for the holiday even if they don't get the day off, and Mayor Taylor replied that was correct.

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City Utility Billing Clerk Jennica Reynolds stated that she appreciates that Mayor is trying to help with City Hall not being closed but added that the pay does not appeal to her as much as the time off with family at Christmas does. She added that all staff signed the employee handbook which has the holiday dates in it and would like those to stay in place through the end of the year and then if Council would like to re-visit the issue possibly change them next year and not spring it on employees so close to the holidays. Mayor Taylor replied that he does not believe with over 30 days before Christmas that it is springing it on anyone.

Doug Robertson said that employees were hired with the understanding of these specific days being their leave and that taking them out from under them isn't right and that it really doesn't make sense to do it now. Mayor Taylor asked if he is okay with paying employees for not working, and Mr. Robertson answered that this is a two way street, if the employees can be fired for not following the handbook then Mayor and Council should have to follow it as well.

City Planner Randall Falkner stated that his expectation along with other City employees was that the handbook would be followed. He also added that like had been stated by other employees he would appreciate the time home with his family for the holiday.

City Public Works employee Stan Milburn echoed what had been stated by others in that time off with family versus money is more important. He added that employees have to follow the handbook and that if they don't they will be fired they don't get to just change what they don't like.

City Deputy Clerk Kandice Cotterell stated that Christmas is a time when the majority of residents understand that offices may be closed an extra day or two and added that the handbook is meant to protect employees and that it feels like every time annual review comes up more and more just gets taken out of the handbook, nothing ever gets added.

Richard Pittman said that he has been in Human Resources for years and that the morale of the employees is worth having the extra days off. He added that he would gladly pay for the employees to have those days off. Mayor Taylor asked if there was a holiday he sees would be okay to take away since the City has more holidays than the federal government that would not lower moral, and Mr. Pittman replied that the federal government holidays make no difference to him, this is the City of Middleton.

Council President Riccio wanted to clarify that there are 12.5 holidays. That being the case the City Hall should be closed Friday, Monday and Tuesday. He believes that Council should revisit putting Columbus Day back in next year instead of the day after Christmas. As far as handbook expectations of what is in there he stated that holidays are a benefit that employees look forward to and he agreed with Deputy Clerk Cotterell that a large number of things have been removed over the years and he added that there are many other cities that will have Friday and Monday off for Christmas this year.

Council Member Huggins added that if you get too many days off in a row it can be hard on staff to keep caught up but added that she does not want to reduce the number of holidays just because it falls on the weekend. She then suggested thinking about moving the Tuesday off to somewhere else within the month of December.

Council President Riccio agreed that three days off in a row can be cumbersome and thinks that it may be best to move the extra day back to Columbus Day.

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Council Member Kiser said from what he has heard staff is asking for the Friday and Monday off and he believes then staff can figure out where to make up the extra day within the month. He believes that is what is fair and that everyone should follow the handbook.

Mayor Taylor stated that he believes the City is good to its employees and then had employees stand up that have received a raise within the last six years. He said that Middleton pays competitively and treats employees fairly.

Council Member Huggins added that this issue comes up only every few year as the Mayor pointed out at the beginning of the discussion.

Motion: Motion by Council President to make no decision on removing the second and third sentences of the first full paragraph under C(2) EMPLOYEE BENEFITS, Holidays, on page 18 of the Employee Handbook (Jan. 6, 2016 Revision) was seconded by Council Member Kiser and carried unanimously by roll call vote.

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

5) **Old Business:** none.

6) **Public Hearing:**

6)A. Consider approving a request by the Idaho Mutual Trust LLC to rezone the 5.5 acre property from R-3 (Single Family Residential) to M-U (Mixed Use). The subject property is located at the northwest corner of Middleton Road and Cornell Street, Lot 1, Block 1, Old Mill Stream Subdivision.

Mayor Taylor declared the public hearing open, introduced the item, and then City Planning and Zoning Official Randall Falkner gave the staff report.

Council President Riccio asked if the subject property is one parcel, and Planner Falkner replied that yes it was. Council President Riccio then asked if this is a spot zone, and Mayor Taylor said he does not believe so because the comprehensive plan map in effect on the date the application was filed was adopted by the city council in 2013 and shows the area including the subject property as mixed use. Council President Riccio asked for clarification that all mixed use goes through design review, and Mayor Taylor answered no that all commercial use does.

Blake Wolfe spoke on behalf of the applicant and answered Council's questions. Richard Fried spoke in favor of the application and answered questions.

Council Member Kiser said that he believes the impact to the school district will be larger than they think. Lower income homes are usually occupied by younger families with children who in this case will go to Mill Creek. He agrees that Middleton needs quality multi-family housing.

Council Member Furner asked if Mr. Fried drives N. Middleton Rd. during school hours, and he answered yes he does as his children attend Mill Creek. Council Member Furner responded that then he understands the concerns about increased traffic and asked that they be mindful of it.

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

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Justin Rahn said that the comprehensive plan shows this area as residential and he believes that millennials want to live in more of a bigger city and doesn't think that Middleton wants a lot of turnover which apartment complexes tend to bring. He suggests rezone to C-1 instead of M-U.

Greg Teichert stated that his main concern for is that multi-use allows for a great source to do other things if economy changes down the road.

Cheryl Teichert said that Middleton is a good place to live and they want to keep it that way. She has attended two Planning and Zoning meetings and appreciated their study and recommendation for this item. She believes that the traffic impact is a significant concern and that the land can be profitable with single family homes.

Mike Fitzryk said that protection will be needed along Mill Creek for the vegetation as well as a buffer for noise control. He also added that traffic will be a concern and he doesn't believe it will go down because people do not walk to school.

Doug Robertson agreed that there is a demand for multi-family housing but believes that just because there is a demand doesn't mean we need to fill the need here in Middleton. He added that growth is inevitable, but believes the type of growth that is wanted here is the permanent kind that invests in community long term, and encouraged city council to approve single-family dwellings that are owner-occupied. Middleton values home ownership, he said.

Applicant rebuttal Mr. Wolfe:

- Mixed-use was chosen for flexibility but the applicant will only be choosing to use a few of those options and they are willing to discuss with Council their needs and wants, such as walking paths through development agreement process.
- This five acre development is a very small area compared to other open areas around that will have a larger impact on growth and traffic in the future.
- There is a large amount of baby boomers moving into these types of housing, we can't assume it is just a certain type of demographic all the time.

Mayor asked;

- Would it be acceptable to the applicant for the development agreement to go back to P&Z and Council, and Mr. Wolfe replied yes it would be.
- Would they be willing to agree on a height limitation of two stories, and Mr. Wolfe said yes they are planning on a 30 - 35 feet maximum height.
- Would they be willing to have a traffic study done, and Mr. Wolfe said yes they would be.
- Think through buffering for surrounding neighbors.

Council President Riccio asked about proposed amenities, and Mr. Wolfe answered that they have not fully thought through amenities yet and, with a park across the street, amenities may not be park-type but they will add whatever will help to rent the units and make the development aesthetically pleasing. Council President Riccio also asked about possible buffering, and Mr. Wolfe replied that they are willing to work with neighbors to find out what they would like.

Council Member Furner asked if there is an alternative plan if mixed-use zoning is not approved, and Mr. Wolfe answered that there is not an alternative plan for these buyers. Placing single-family homes is not as profitable so is not an alternative for these buyers ("does not pencil out on this parcel") so this is the only direction they have at this time.

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Council President Riccio stated that traffic control and flow is biggest concern for this area and that there have been a lot of great comments about economics and this project. The applicant in front of us wants to improve vacant land that has not been used for so long, the pricing of the units is up to the applicant, if they choose the wrong price and it's not feasible they will need to change.

Council Member Huggins said that she believes the developer wants to put out a quality product and be good neighbors. She added that tonight is the first step in the process and the steps on how to get there will follow in other meetings. Tonight will not be the beginning of a free-for-all for building to begin. Mayor Taylor replied that was correct and that no final decisions will be made until a development agreement between the applicant and city is agreed upon.

Motion: Motion by Council President Riccio to tentatively approve a request by the Idaho Mutual Trust LLC to rezone the 5.5 acre property from R-3 (Single Family Residential) to M-U (Mixed Use) and table this item until there is an accompanying proposed development agreement was seconded by Council Member Kiser.

Discussion: Council President Riccio said that he would like the applicant to meet with Teicherts' before the public hearing, consider the possibility of donating funds to Greater Middleton Parks and Recreation District to grass Foote Park across the street, agree to the two story height limit, have a traffic study done, and include a table showing exclusion of mixed use possibilities.

Council Member Huggins agrees that there is a shortage and therefore a need for multi resident housing, where and what type of housing is the question.

The motion was then passed unanimously by roll call vote.

Mayor Taylor closed the public hearing, declared a recess at 10:08 p.m. and reconvened the meeting at 10:13 p.m.

6)C. Consider approving a request by Premier Industrial LLC, Forty Two Acres LLC, and Baserri, LLC to annex into Middleton city limits approximately 26.6 acres and rezone approximately 54.1 acres all to be zoned Mixed-Use (M-U). The properties are located on the west side of Middleton Road, south and east of the Middleton Lakes Subdivision and north of the Boise River.

Mayor Taylor declared the public hearing open, introduced the item, and City Planner Falkner gave the staff report and answered questions.

Sean Parks of T-O Engineers spoke on the item and answered Council's questions.

Council President Riccio asked about future intersection improvements when heading north on Middleton Road toward Sawtooth Lake Drive and the possibility that this project could provide that. Mr. Parks answered that yes there have been options brought forward including a round-about and that there is space in the plans for those future possibilities

Steve Peel of Premiere Industrial then spoke on the item and answered Council's questions

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

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Don Reynolds realizes there will be future growth and he does not see any reason to not rezone the parcel. He added that the proposed plan seems to be a good one.

Jared Barclays' main concerns with the zoning are increased traffic, possible dropping home values and the current vegetation. He likes the idea of a specific percentage of the area designated for multi-family. He added that this it is the first thing people will see coming into Middleton so it is important that it looks nice.

Justin Rahn believes that five acres for multi-family housing would be enough on this piece and he asked about gravel extraction and hauling on streets.

Jennica Reynolds asked if when the property initially was zoned R-3 had the flood maps been changed to what they are now, and Mayor Taylor answered that no they had not. Mrs. Reynolds then asked when the property was zoned R-3 she believed that there was a possibility of building Middleton Lakes Subdivision there but now that it's in the flood zone it's not a possibility, and Mayor Taylor said that was correct along the north side of the river but was not sure along the other side. Mrs. Reynolds then added that she can see why the applicant would request the zone change and appreciates all of the work that has gone into this item. She supports rezone and likes the idea of a 55 and over community and feels that it is needed in Middleton. She understands the need for multi-family housing and is in support of it as long as it is not a large number subsidized housing. She spoke about the HOA fees Middleton Lakes residents pay for the private lakes in the subdivision and voiced concern about the possibility of residents in these new housing complexes using them and therefore the possibility of HOA fees needing to be raised in order to keep the lakes clean and useable.

Robert Pitman said that he likes the submitted concept drawing and would like to be assured that is the direction the applicant will go and if so he would be very happy. His main concern is the increased traffic that will come with the development.

Applicant rebuttal Steve Peel:

- A good portion of this property is not yet in City limits. He added that this is a preliminary concept so at this time they want to get into the City and then move forward with the rest of the project.
- They want to remain flexible so that the overall project can be built into whatever will complement the City best.
- The concept drawing shows potential of what could be valuable to the applicant and the City.
- Gravel extraction should have no impact on the existing trees and vegetation and zero impact on Middleton Lakes.
- They will continue to work with the City because they have a vested interest in doing a good job and being a good neighbor.

Motion: Motion by Council President Riccio to approve a request by Premier Industrial LLC, Forty Two Acres LLC, and Baserra, LLC to annex into Middleton city limits approximately 26.6 acres and rezone approximately 54.1 acres all to be zoned Mixed-Use (M-U) was seconded by Council member Kiser.

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Discussion: Council Member Kiser stated that from the discussion tonight multi-family housing seems to be the biggest issue for most but added that multi-family housing does not always mean apartment complexes. He believes that there is a need in Middleton for multi-family housing and is looking forward to working with the applicant and seeing their finished project.

Council Member Huggins said that even though there has been a lot of negative focus on multi-family housing tonight she has three friends that she knows would immediately move into better rentals if they could find them in Middleton. She added that good, affordable rentals are hard to find in Middleton and unfortunately many have to try and find housing elsewhere.

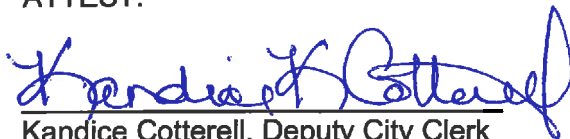
The motion was then passed unanimously by roll call vote, and Mayor Taylor declared the public hearing closed.

- 7) **Public Comments:** none.
- 8) **Department Comments:** none.
- 9) **Mayor's Comments:** none.
- 9) **Council Comments:** none.
- 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

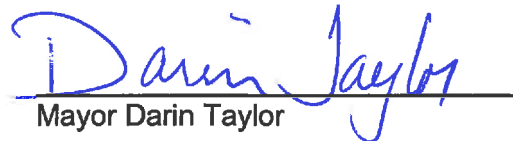
Adjourn:

Motion: Motion by Council President Riccio to adjourn was seconded by Council Member Kiser and carried unanimously. Mayor Taylor declared the meeting adjourned at 11:32 p.m.

ATTEST:



Kandice Cotterell, Deputy City Clerk
Approved: December 7, 2016


Mayor Darin Taylor

