
**MIDDLETON CITY COUNCIL
OCTOBER 3, 2018**

The meeting of the Middleton City Council on October 3, 2018 was called to order by Mayor Darin Taylor at 6:40 p.m.

Roll Call: Council Members Beverly Furner, and Rob Kiser were present. Council Member Carrie Huggins was present by phone.

Mayor Taylor introduced City Engineer Amy Woodruff, City Attorney Chris Yorgason, and Deputy Clerk Dawn Dalton.

Action Items:

Consent Agenda (items of routine administrative business)

a) Consider approving minutes for Council's September 5, 2018 meeting.

b) Consider ratifying payroll from September 28, 2018 for \$90,748.48, and approving accounts payable through September 30, 2018 in the amount of \$150,000.

Motion: Motion by Council Member Kiser and second by Council Member Furner to approve consent agenda items a and b with accounts payable not to exceed \$150,000 carried unanimously.

2. Consider approving a task order with Precision Engineering to design 30% of the Middleton Rd./Bass Ln. roundabout in an amount not to exceed \$49,920.

Mayor Taylor called the agenda item and explained the city needs to know what the transportation infrastructure needs at the Middleton Road/Bass Lane intersection are in order to have the developers to pay their proportionate share of those improvements. Mayor asked if anyone in audience would like to speak to this item: none.

Motion: Motion by Council Member Kiser and second by Council Member Furner to approve a task order with Precision Engineering to design 30% of the Middleton Rd./Bass Ln. roundabout in an amount not to exceed \$49,920 carried unanimously.

PUBLIC HEARING. Consider approving Resolution 415-18, a request by the City of Middleton to terminate its development and related agreements with:

Part 1 Barclay Associates LLC as successor to Riverbend Estates LC relating to the proposed **River Run Subdivision**, Inst. Nos. 2007068924 and 2010026501, records of Canyon County, Idaho.

Mayor Taylor declared the public hearing open at 6:53 p.m., called Part 1 and summarized the Administrative Review and Report for this item. Mayor asked if anyone in audience would like to speak to this item: none.

Motion: Motion by Council Member Kiser Council Member Furner to terminate the agreements between Barclay Associates LLC and the City of Middleton and hold a second public hearing separate from Parts 2 and 3 of the application carried unanimously by roll call vote.

Part 2 Gary T. and Lisa D. Brown relating to the **Saddle Creek Subdivision**, Inst. # 200683378 records of Canyon County, Idaho, including a request by the Browns to reconsider extending the preliminary plat.

Mayor Taylor called Part 2 summarized the Administrative Review and Report for this item.

Gary Brown requested the city reconsider its previous denial of the Browns' request to extend the approved preliminary plat. He also reviewed with council the written comments and concerns he had submitted to the city. Mr. Brown expressed that he and his wife would like to be able to work with the City and continue to move forward with this development. Mayor Taylor asked if he would be willing to discuss with city employees within the next week amending rather than terminating the development agreement and, after consulting his wife in the audience, said yes.

Mayor asked if anyone in audience would like to speak to this item: none.

Motion: Motion by Council Member Kiser second by Council Member Furner to reverse its previous decision and approve the extension of the preliminary plat subject to the condition that the city and developer agree to modify the development, and to hold a second public hearing separate from Part 3 of the application carried unanimously by roll call vote.

Mayor Taylor declared a recess at 7:40 p.m. to accommodate Council Member Huggins' schedule and reconvened at 8:05 p.m.

Part 3 various entities relating to the **West Highlands Subdivision** Black Cat Development LLC, Inst. #200628160 and #2007066334; West Highlands LLC and Coleman Homes LLC, Inst. #2009015525; West Highlands Sub. Homeowners Assoc. Inc., Inst. #2011049721; and West Highlands LLC and Coleman Homes LLC, Inst. #2011049722.

Mayor Taylor called Part 3 and provided a verbal administrative review and report.

Jeff Bower from Givens Pursley law firm stated his firm represents the developer, objected to continuing the hearing due to inadequate notice, denied the developer defaulted, and opposed termination of the development and related agreements because the applicant filed applications for successive final plats in a timely or substantially timely manner, the city in writing previously said the preliminary plat was valid and approved construction drawings, and the developer received 48 hours of notice and did not have adequate time to prepare for this hearing. Mayor Taylor asked several questions.

Alana Ashby asked Mayor Taylor and Council why notice was only given 48 hours ago and why there was such a rush to have this particular item added to the agenda at the last minute. She said her clients she spoke to felt that no notice was given or adequately given to the residents of West Highlands Subdivision.

Becky McKay from Engineering Solutions stated Mr. Coleman has put millions of dollars, time and commitment into the City of Middleton before even pulling one building permit,

without further phases commitments to existing residents of West Highlands fall short and only hurt the existing home owners who purchased homes in the subdivision based on knowing these improvements were coming as future expansion took place. Mayor Taylor asked several questions.

Mayor asked if anyone in audience would like to speak to this item.

Shawn Maybon and **Mike Graefe** said they live in West Highlands Subdivision, like it, and look forward to the park and irrigation improvements in future phases that the developer promised. Mr. Graefe appreciates the "best interests of the homeowners" that Mrs. McKay keeps expressing but that the City needs to remember that these agreements do not just affect the City and the developer but that the current residents living in the subdivision can be adversely affected.

Todd Lakey from Borton-Lakey Law stated his firm represents the city offered a procedural suggestion that the Council leave the public hearing open to allow for documents and further verbal comments from all parties.

Motion: Motion by Council Member Kiser second by Council Member Furner to continue this item to the same location on October 17, 2018 at 6:30 p.m. and keep the public hearing open carried unanimously.


Public Comments: Brent Dutson stated voiced traffic concerns in The Estates Subdivision neighborhood if the bond for the new school passes.

Department and Council Comments: none.


Adjourn:

Mayor Taylor declared the meeting adjourned at 9:24 p.m.

ATTEST:



Mayor Darin Taylor



Becky Crofts, City Clerk
Approved: October 17, 2018