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**MIDDLETON CITY COUNCIL  
MARCH 4, 2020**

The Middleton City Council meeting on March 4, 2020 was called-to-order at 6:30 p.m. by Mayor Steve Rule.

**Roll Call:** Council President Rob Kiser, Council Members Carrie Huggins, Jeff Garner, and Tim O'Meara were present.

**Information Items**

1. **Discussed the online Building Application process. – Wendy Miles**
2. **Discussed the 2020 Census. – Joe Burns**

**Action Items**

1. **Consent Agenda (items of routine administrative business)**
  - a) **Consider approving minutes for Council's February 19, 2020 meeting.**
  - b) **Consider ratifying February 28, 2020 payroll in the amount of \$102,748.29, and accounts payable thru February 28, 2020 in the amount of \$386,574.32.**

Mayor Rule called and introduced the action items, and asked if Council had any questions. Council President Kiser gave a brief review of the accounts payable items. He notably mentioned that included in the large sum was a partial payment towards the sludge pump cleaning at \$102,185.00, as well as the purchase of a new Public Works vehicle at \$31,083.75, and the payment to the Fitzpatrick's for the purchase of property on South Cemetery Road \$121,811.87.

**Motion:** Motion by Council President Kiser to approve consent agenda items a and b, it was seconded by Council Member Huggins and carried unanimously.

2. **Swear in new Middleton Police Officer Paul Carranza. – Mayor Steve Rule**

Mayor Rule called and introduced the agenda item, and Chief Alan Takeuchi gave a brief statement about Paul.

Mayor Rule swore in Middleton Police Officer Paul Carranza.

3. **Consider approving a preliminary plat for Bozic Subdivision located at the Southeast corner of State Highway 44 and Hartley Lane. – Bruce Bayne**

Mayor Rule called and introduced the agenda item, and Planning and Zoning Official Bruce Bayne gave a brief administrative review. Council President Kiser asked if we were in agreement with Idaho Transportation Department about the right in and right out? Planning and Zoning Official Bruce Bayne advised ITD is only allowing that, and it is shown on the plat. And also a lot of people will access it by going South on Hartley Lane and turning onto Bozic Street.

**Motion:** Motion by Council President Kiser to approve the preliminary plat for Bozic Subdivision provided that all the conditions for Planning and Zoning are met, it was seconded by Council Member Garner and was approved unanimously by roll call vote.

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4. **Consider approving a Memorandum of Understanding between the City and other jurisdictions to increase vehicle registration fees to allow for maintenance and improvement to streets, roadways and highways. – Mayor Steve Rule**

Mayor Rule called and introduced the agenda item, and gave a brief review of the Memorandum. City Administrator/Clerk Becky Crofts also advised Council of the breakdowns and costs, and advised Council she fully supported it. City Attorney Chris Yorgason advised that the Memorandum is a sign of support, and that the fees would have to go up for a County wide vote before anything would be changed.

**Motion:** Motion by Council President Kiser to approve the Memorandum of Understanding, it was seconded by Council Member O'Meara and carried unanimously.

5. **Consider approving Resolution No. 439-20 appointing Becky Crofts as a Primary Representative for the Valley Regional Transit Board and Tim O'Meara as the Alternate Representative. – Mayor Steve Rule**

Mayor Rule called and introduced the agenda item, and provided a brief review of the Resolution. He advised Council that when they sat down for their last meeting with Valley Regional Transit he found out that the board has a potential fund of about one million dollars that the City could qualify for to help with transportation needs. And so he nominated Becky Crofts as the primary representative, and Tim O'Meara as the alternate representative and both accepted.

**Motion:** Motion by Council President Kiser to approve Resolution 439-20, it was seconded by Council Member Garner and carried unanimously.

6. **Consider approving Resolution 440-20 declaring certain business personal property such as 14 iPhone 5's, 6's, and 7's, 7 monitors, 1 network switch, 8 laptops, 1 tower, miscellaneous computer hardware, and 25 phone cases as broken, obsolete or surplus and authorizing their sale or other disposition. – Becky Crofts**

Mayor Rule called and introduced the agenda item, and City Administrator/Clerk Becky Crofts came forward to brief Council on the items. She stated it would be more efficient to take most of the surplus items and donate them to Idaho Youth Ranch, or Deseret Industries because of the time it takes to post the items and the lack of profit to be made. And also all of the Police Department phones will be destroyed as they held sensitive information and we never sell those items back to the public.

**Motion:** Motion by Council President Kiser to approve Resolution 440-20, it was seconded by Council Member Huggins and carried unanimously.

7. **Consider entering into an Independent Contractor Agreement with Tom Bicak for consulting services on the development of City owned property to be converted into community parks and transportation corridors. – Mayor Steve Rule**



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Mayor Rule called the agenda item and advised Tom previously worked with the County and he has seen him do amazing work with grants. He stated he and Becky sat down with Tom and spoke about the Cemetery Road project a little bit and Tom advised of some grants that have to do with boat launches and waterways that could potentially help with the connection to Sawtooth Drive. He also told Council that Tom is the person who taught Becky how to write for grants, and he highly recommends using him. Council Member O'Meara stated he also highly recommends Tom, as Parks and Recreation has had his assistance as well before and he does a wonderful job.

Council Member Huggins stated she was wondering about the price, as thirty-five dollars an hour seems really low for the services he is providing, and she wanted to know if somewhere hidden in the contract was there more money we would be potentially paying. City Administrator/Clerk Becky Crofts advised there was not.

**Motion:** Motion by Council President Kiser to approve entering into an Independent Contractor Agreement with Tom Bicak, it was seconded by Council Member Garner and carried unanimously.

**8. Consider entering into an Independent Financial Consulting Agreement with ElJay Waite for financial consulting services with the City of Middleton. – Mayor Steve Rule**

Mayor Rule called the agenda item and advised Council that he has known ElJay Waite since they were in high school together and he also wanted to disclose that he is a personal friend. However, he was able to see his tremendous work with the County as the Financial Officer before he retired, and he is very great at finding and helping save money. He invited City Administrator/Clerk Becky Crofts to come speak about ElJay since he does know him personally, Becky advised Council that when she started with the City eight years ago ElJay was one of the first people she met with to help her better understand City finances. And he would be very valuable to have for the City going forward with a few projects.

**Motion:** Motion by Council President Kiser to approve entering into an Independent Financial Consultant Agreement with ElJay Waite, it was seconded by Council Member Huggins and carried unanimously.

**9. Consider reopening Murphy Street to alleviate traffic flow from the Ridley's parking lot. – Chief Alan Takeuchi**

Mayor Rule called the agenda item, Chief Alan Takeuchi came forward and presented a graph and aerial photo to Council. He advised that as far as emergency responding they would like to have it open, but it is still a dangerous intersection whether it stays closed or not because of the layout. It is a longer intersection and it does raise up slightly in the center, but possibly changing the speed limit in the area may help as it is currently thirty-five miles per hour. But then it changes almost immediately to forty-five miles per hour as you are headed West bound on Main Street after the intersection. And because of this people do speed up going through the intersection. Council Member Garner advised he lives just North of the Chevron, and the people that are heading West bound on Main Street are going forty-five miles per hour and the people who are pulling out of the chevron don't get up to

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speed fast enough. So, with opening Murphy Avenue again it is just going to add more to it, and he does not honestly feel comfortable with it. Chief Takeuchi advised we could look at decreasing the speed limit in the area. Mark Christiansen asked why was it closed in the first place, and Chief Takeuchi advised he does not know the statistics that were used as to why it was closed. Planning and Zoning Official Bruce Bayne advised as an engineer who has done traffic studies he would only recommend a right in and right out at that intersection. Council President Kiser asked since the City does not own that intersection how does it become a right in right out. Planning and Zoning Official Bruce Bayne advised we would coordinate with Idaho Transportation Department. Council President Kiser advised he is very sensitive about this intersection because he was there directly after an accident, and he has seen what it looks like. It is a long intersection, it's oddly shaped, and it is longer than most intersections. However, he understands where Chief Takeuchi is coming from, if he has a call in the Lakes subdivision it would be much quicker to get there rather than try and navigate over through Main Street and Middleton Road. And statistically speaking it didn't change one thing by shutting it down, because we still have accidents there. But his fear is if we open it, we will see a spike in numbers for crashes. He asked City Attorney Chris Yorgason if we do reopen it, and we have a terrible crash there, does it become a liability for us.

City Attorney Chris Yorgason stated no, the only way it would be a liability is if the City knew it was creating a dangerous intersection. There are statistics where it was open for years and closing it didn't decrease the number of accidents. But if you had advice from an expert saying we don't need that intersection don't do it, and we decide to do it anyway then possibly it could be a liability that way.

Council Member O'Meara asked Planning and Zoning Official Bruce Bayne since the highway is state property do we have the jurisdiction to change the speed limit in that area. Planning and Zoning Official Bruce Bayne stated he did not know the answer, but we can ask the question. We did talk about doing this further down where the bypass will be, and we did not get any negative feedback that we couldn't do it. But he will ask the question. Council Member O'Meara stated he knows we have been planning for years to realign Middleton Road, where are we in planning for it? Planning and Zoning Official Bruce Bayne advised our first project is Cemetery Lane and then Middleton Road.

Mark Christiansen asked what the most common accident is and Chief Takeuchi advised that t bones are the most common. Mike Graefe 1889 Ridgeway stated the best solution from the outside looking in is to reduce the speed. He travels that way everyday and it is almost a suicide mission for people pulling in and out of the Chevron, they are already on a down hill slope trying to come up and turn out and it is dangerous. It should be twenty-five miles per hour all the way to the Chevron station.

Council Member Huggins asked if there would be access to O'Reilly's on Highway 44 and to Boise Street. Planning and Zoning Official Bruce Bayne advised yes. Council Member Huggins asked then if Murphy Avenue is not reopened how many people will use it to cut through, because people make their own traffic patterns. And what if we just made it a one way.

Mayor Rule advised we need to get with ITD to get some more information on the subject.



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**Motion:** Motion by Council President Kiser to table the item to a future date, it was seconded by Council Member Garner and carried unanimously.

**10. Consider adopting Ordinance No. 630 Amending Title 1 Chapter 11 Section 3 Waiver or Reduction of Cleaning Deposit and/or Rental Fee for the Middleton Trolley Station. – Becky Crofts**

Mayor Rule called and introduced the agenda item, and City Administrator Becky Crofts advised Council that this was brought to their attention at the last meeting. And it was talked about that Council wanted to make waiving the Trolley Station rental an administrative task rather than bringing them to Council. So, this would allow the Mayor and City Administrator/Clerk to do so. And it would be focused to 501(c)(3)'s, non-profits, large community supported events, and elections. That would be the guidance used when making the decisions.

Mayor Rule advised the only times he sees these types of situations becoming a problem is when nepotism is involved and if he has any issue with that will be scrutinized in word by writing to that effect. City Administrator/Clerk Becky Crofts advised that is why there is an and in the writing so that both parties have to agree to it.

**Motion:** Motion by Council President Kiser to read Ordinance No. 630 by title only, it was seconded by Council Member Huggins and carried unanimously.

**Motion:** Motion by Council President Kiser to waive the three reading rule and approve Ordinance No. 630, it was seconded by Council Member Garner and carried unanimously by roll call vote.

**11. Consider entering into an agreement with Galena Consulting Inc., for the Middleton Police Department impact fee analysis. – Becky Crofts**

Mayor Rule called and introduced the agenda item, and City Administrator/Clerk Becky Crofts advised Council the Police Department has been wanting to create an impact fee to help with capital improvement projects. So, we researched who had completed the Fire Department's impact study as the data is very similar as to what would have to be collected for the Police Department. However, the fee they set was reduced from \$8,000.00 to \$6,000.00, and that fee was based on the fact that they had done a lot of the collection of data for that. And there may be room for negotiation there, and if they were to approve that it was not to exceed \$6,000.00 we may go back to them because it is her understanding that the Fire Department only paid \$4,000.00 for their fee. So, she would like to visit with them.

Council Member O'Meara stated the Parks and Recreation District only paid \$4,000.00 as well but that was because most of the information had already been obtained in previous years. Council Member Huggins asked if we still had the impact fee committee and if they would be used in conjunction with this. City Administrator/Clerk Becky Crofts advised yes, they are the approving body, and then asked City Attorney Chris Yorgason if that was correct. City Attorney Chris Yorgason advised they are the commenting body, Council approves it. The way it works is we would hire Galena, they go out and create the report and present a recommended fee, then that document is presented to the Impact Fee Committee who reviews it. Then the Committee creates some

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comments to the City, and Planning and Zoning is involved because they have to have a public hearing process to add the capital improvement plan to the comprehensive plan. Then eventually everything comes to Council to review of the capital improvement plan, and review of the impact fee ordinance. City Administrator/Clerk Becky Crofts advised this was not budgeted for this year, but her and Chief Takeuchi got together and reviewed the department budget. There is funding in the canine program which is not likely to move forward this year so that is where the funding would come from in the budget. Council Member O'Meara asked if we do approve the fee, once it is in place is the fee not deductible from the impact fees that are generated. City Attorney Chris Yorgason advised so that in other words it would be reimbursed. City Administrator/Clerk Becky Crofts advised yes.

**Motion:** Motion by Council President Kiser to approve entering into an agreement with Galena Consulting for the Middleton Police Department impact fee analysis, it was seconded by Council Member O'Meara and carried unanimously.

**Public Comments, Mayor Comments, Council Comments:**

Mayor Rule asked if the public had any comments:

**Jim Taylor** 1052 Triumph Dr., Middleton, ID came forward to state he had received the incorrect information that he had presented at the last meeting during the public comments portion. He went in early to vote and the lady told him there was a lot of confusion but the church he needed to vote at is the one by the high school. And he also hopes that the City works as hard as they can to squeeze three nickels out of every dime. And he agrees with the decision to donate most of the surplus items, as there is no point chasing a nickel to make a dime.

**Mike Graefe** 1889 Ridgeway stated the number of people in the room was commented on well over a year ago, and that there were over seventy people in the room. And it was laughed at a little. And the way that meeting was being run there was no respect paid to the sign of maximum occupancy seventy people. At the time there were a number of students there too, and we are trying to teach them how our government works. And if we can't obey a sign on the wall we are setting one poor example for the students.

The Middleton Police Department office is what he would call a cracker jack box compared to what they need. And with the growing number of residents they are not going to have enough room either. And he understands how money works, but we can't overload the occupancy and the building needs to be bigger for the Police. But please squeeze three nickels out of every dime to make it work. He also spoke to the amount of people in our impact area who use our roads and stores and need to be paying towards the growth. He just wants Middleton to get their fair share of money for improvement.

Mayor Rule stated the vehicle registration fee going up ends up being a per capita payment back to Middleton. And the smaller towns like Middleton are guaranteed the \$40,000.00 or more back. City Administrator/Clerk Becky Crofts stated she ran through the funding formula for this and the \$25.00 fee is collected County wide. Then it is divided into 50%, then they look at the total highway distribution dollars that come in from Idaho Transportation Department. She looked at a few cities, and for instance Wilder through the highway distribution fund gets \$61,670.00, Star gets \$325,417.00, Parma gets \$75,438.00, and Middleton gets \$266,723.00. So, they take all of that and they take the highway distribution and they lump it in to one big amount. And for the record we will make up an amount but let's say it's \$3,000,000.00. So, then you take your appropriation,



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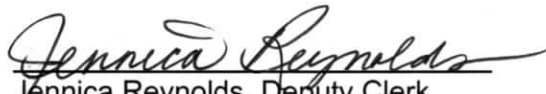
Middleton's \$266,723.00 and divide that by the \$3,000,000.00. And that gives you a percentage, so let's say our percentage is 8% which we are making up for the record. Then you look at the \$25.00 collected and then divided in half. Half of it goes to the County, half of that goes to the cities. So, then our made up 8% is taken from that other half. She stated Middleton would be well over the threshold of the \$40,000.00 and we would stand to benefit greatly from the \$25.00 fee increase.

**Victor Islas** 302 E Main Street stated he wanted to let Council know that his office has been going over what the processes would be for Middleton if Coronavirus were to get here. They just want to get out to the public to practice good hygiene, wash your hands, and stay home if you are sick.

Mayor Rule stated a lot of the remodeling is done at City Hall, we do still need to get the doors in. Overall things are going well at the City, but we have only got two applications for the Community/City Planning positions.

**Adjourn:** Mayor Rule adjourned the meeting at 8:47 p.m.

ATTEST:

  
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Steven J. Rule, Mayor  
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Jennica Reynolds, Deputy Clerk  
Minutes Approved: March 18, 2020