
**MIDDLETON CITY COUNCIL
JANUARY 6, 2021**

The Middleton City Council meeting on January 6, 2021 was called-to-order at 5:31 p.m. by Mayor Rule.

The City is following the CDC/COVID-19 Social Distancing guidelines as directed by the Governor. Persons desiring to testify at the Public Hearings will be welcomed in a few people at a time. This Meeting will be streamed live via Facebook.

Roll Call: Mayor Rule, Council President Kiser, Council Members Huggins, Garner and O'Meara were all present.

Pledge of Allegiance, Invocation: Jennica Reynolds

Action Items

A. Approve Agenda

Motion: Motion by Council President Kiser to approve the Agenda with a correction of the date posted from January 4, 2020 to January 4, 2021 at 4:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Items

1. Equivalent Dwelling Unit power requirements to be able to charge electric vehicles. – Bruce Bayne

Planning and Zoning Official Bruce Bayne gave updated information on City of Boise's recently approved code changes for additional power requirements in equivalent dwelling units for the purpose of charging electric vehicles. The Boise Contractors Association is not in favor of this. The original intent when first brought to City Council staff was under the impression the additional power requirements would be a simple inexpensive thing. But staff has since learned that making it a requirement would be rather expensive for the builders.

Mayor Rule said he has talked with John Kotner from past President of the SRVBCA (the Canyon County version of the Boise Builders Association) his opinion is this option is something that can be added easily after the house is initially built so why would the City make it mandatory at the building stage and increase the cost of permits? The amperage for the service is entirely dictated by the size of the home. Very few residents have a need for it, and those that want it can pay for it on their own. Mayor agrees it is not a big safety item and he doesn't know why our government would impose this on the builders at this time.

2. South Cemetery Road Construction Update – Rachel Speer

Mayor Rule called the item, Public Works Superintendent Bruce Bayne gave a report on the continued progress of S Cemetery Road construction.

3. City Re-Use Farm Supplemental Irrigation Water – Bruce Bayne

Mayor Rule called the item, Public Works Superintendent Bruce Bayne gave a report on the

City re-use farm supplemental irrigation water.

Action Items

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving minutes for Council's December 16, 2020 regular meeting. Consider ratifying December 18, 2020 payroll in the amount of \$116,709.34 and January 1, 2021 payroll in the amount of \$85,141.05 and accounts payable thru December 28, 2020 in the amount of \$89,996.10.**

Mayor Rule called the items. Council President Kiser asked if there were any questions from the Council. None.

Motion: Motion by Council President Kiser to approve the consent agenda item a. Seconded by Council Member O'Meara. Approved unanimously.

2. Consider approving Final Plat – West Highlands No. 10 – Bruce Bayne

Mayor Rule called the item. Planning and Zoning Official Bruce Bayne said the final plat is ready for adoption by the City. This project was allowed in 2011 to have some of the work done with the project on a bond. Some of the work involved is still to be done but it will be done before the project is issued Certificates of Occupancy. Onsite work for water, sewer and streets has been completed and the City Engineer has also approved it.

Mayor Rule said this particular West Highlands got held up from the Board of Reclamation. There was an easement that was in question whether it had been continued and that was resolved to everyone's satisfaction.

Motion: Motion by Council President Kiser to approve West Highlands Subdivision Phase 10 Final Plat. Motion seconded by Council Member Garner and approved unanimously.

3. Public Hearing: Regarding the sale of real property located 0 Purple Sage Road, Middleton ID 83644, Canyon County parcel number R37581012B0. City Council at its December 16, 2020 council meeting declared the property as surplus and set a minimum price of \$150,000. – Mayor Rule

Mayor Rule called the item and opened the Public Hearing 5:53 p.m. He reported that there has been substantial interest in it, and he believes it will sell for more than the minimum bid price of \$150,000.00. At least 4 parties have contacted him on bidding on this parcel.

He opened the public comment portion at 5:55 p.m.

Jim Taylor: 1052 Triumph Dr. In favor of selling the property. He urged City Council to sell it, as it is not suitable for a Park, it is not level and the stop light at the Hartley intersection needs to go in. If you try to drive past here at 8 am going towards Caldwell, your fine. But if you are coming towards Middleton, it is backed up to City Hall because of the intersection at Hartley. He urges Council to sell the property and get what money they can for it because you have more places to go with it than you have money.

Facebook Live Comments:



City of Middleton · 17:35

There are two public hearings tonight. The public is welcome to testify in person. Staff will be requested to leave to accommodate public testimony.

Like · Reply · Commented on by Becky Crofts · 1d



Nick Tman · 27:12

If it was supposed to be a park it needs to stay a park!

Like · Reply · Message · 1d



Nick Tman · 26:08

We are absolutely against the sale of that land!

Like · Reply · Message · 1d



Bobbi Goodfellow · 27:49

Also against the sale. 🙌 This was donated for a park. If you're not going to build a park give it back. Residents near this location want a park.

Like · Reply · Message · 1d



4



Tiffanie Garcia · 27:20

Tiffanie Garcia. I am not in favor of selling a parcel of land that was donated for the specific purpose of a park. Middleton could use another park. The comment that the land is not level does not mean its unusable, hills are so fun!

Like · Reply · Message · 1d



3



Nthn DHlky · 28:31

I would like to comment. There are no parks around these houses out here

Like · Reply · Message · 1d



1

At 5:59 p.m. Mayor Rule asked that addresses be posted on the FaceBook chat. He asked City Attorney Chris Yorgason (who participated via telephone) for clarification about the procedure when addressing Face Book comments.



Nick Tman · 28:33

We live in the Crossings subdivision!

Like · Reply · Message · 1d



City of Middleton · 28:46

If you would like your comment to be recorded mayor is requesting names and addresses

Like · Reply · Commented on by **Becky Crofts** · 1d



Tiffanie Garcia · 29:17

Crossings neighborhood resident here. Cemetary and purple sage

Like · Reply · Message · 1d



Bobbi Goodfellow · 29:32

111 pilgrim way. Aaron and Bobbi Goodfellow object to the sale.

Like · Reply · Message · 1d



1



Nthn DHIky · 30:03

2131 pilgrim way, no sale

Like · Reply · Message · 1d



Cyndi Gregg · 31:33

You have our name on Facebook reply. The land was given for a park. It should be a park or given back to the family that donated the property.

Like · Reply · Message · 1d



1



Katie Root · 33:26

This is not morally right. You can't sell something that was donated!

Like · Reply · Message · 1d



2



Rebecca J Garner · 33:58

Rebecca Garner

If the land was donated, why wouldn't the city consider donating it back to the next of kin?

Like · Reply · Message · 1d



1



Rebecca J Garner · 34:21

Rebecca Garner. Nottingham greens.

Like · Reply · Message · 1d



Sheila Tman · 34:51
We are against this sale!
Trailblazer ct Crossings subdivision.

Like · Reply · Message · 1d



1



Kaye DuVall · 34:52
Kaye DuVall 318 W. 2nd Street. I have been told that if a property was donated for a park that the in order for the city to sale the park land, the city would have to donate an equal parcel of land for a park.

Like · Reply · Message · 1d



3

Mayor Rule asked City Attorney Chris Yorgason if there is any requirement by public municipality of any kind to donate equal portions of land back if a municipality sells a portion of land?

Chris Yorgason said the short answer is No. This can arise if there is an issue where the park use was specifically identified in the deed that the land could only ever be used in the park. In this scenario he is not aware of anything like that. There is not a legal requirement that if the City sells park land, they have to find other land somewhere in town for another park. That might be the Councils analysis to decide if they have sufficient park ground and the location as they are deciding whether or not to sell this particular parcel. But there is not a legal obligation on the City to find 3 acres somewhere else that can be made into a park.

Mayor asked if anyone was aware of Deed Restriction on this property?

City Administrator Becky Crofts said she is not aware of any.



Nick Tman · 36:39
WE DO NOT NEED ANY MORE HOUSES IN THIS AREA OR ANY OTHER TYPE OF STRUCTURE! WE THAT LIVE HERE SHOULD HAVE THE MAJORITY OF THE SAY AS IT EFFECTS US THE MOST!

Like · Reply · Message · 1d



Shayla Aguilera · 37:15
Shayla Aguilera - keep the donated land as a park. This was the intent, and it should be kept as such.

Like · Reply · Message · 1d



2



Sheila Tman · 37:50
This is absurd! This land does not effect anyone outside of our subdivisions and the city should not have the say to take this away from us residents!

Like · Reply · Message · 1d



2



City of Middleton · 39:18

Public comment closed 🚫 1

Like · Reply · Commented on by Becky Crofts ⓘ · 1d

Mayor Closed the public comment portion at 6:08 p.m.

Mayor Rule asked City Attorney Chris Yorgason to clarify the City Council's action with this item. Chris said at a previous meeting the Council determined to declare this parcel surplus property and set a minimum price for the land. The purpose of the public hearing tonight is to determine whether or not to move forward with that decision and sell the property at that designated minimum price. If the council decides to move sell the property it will be sold at public auction to the highest bidder and cannot be sold for less than the minimum price. If the Council decides not to move forward then the parcel will stay as it is, it will continue to be city property and may be developed in any way the city wants to develop it or not develop it going forward.

Discussion by Council:

Council Member Huggins said that she doesn't consider the property a donation. When developers come in and subdivisions are planned there are certain things that are asked of them, and sometimes that is dependent on what they are willing to do. She doesn't remember the exact situation for that piece of land. But the City requires that they contribute towards the city and so she doesn't think it is a donation but rather for the City to use in the best possible way. If right now that is to sell it and use the money somewhere else, that is the main theme behind it, not that it was donated specifically for a park. She thinks the best way to use this land is to sell it and use the money towards the much-needed traffic light.

Council President Kiser said a lot of times these types of donations come to offset other costs the developer would otherwise pay. This land helped offset maybe another cost somewhere within that project. Based on location and topography of the ground he doesn't see this as an excellent park site unless you live directly around that. It was a donation to the City, the City labeled it as a park, but the City is doing what is in the best interest of the majority of residents in terms of looking at the sale of this said property.

Council Member O'Meara asked if this particular park site was donated to the City as greenspace for that subdivision, and specifically noted as such in the development process?

Mayor Rule said this was done long before his time with the City, he cannot answer that.

Council Member O'Meara said he would hate to take away a park site from residents that were promised it would be a park site in the purchase of their homesites. If there was an original developmental agreement that earmarked that as green space for that subdivision and we agreed to it in the past, then the City should stand by that original agreement. He doesn't know what that agreement is either.

Mayor Rule said he is certain it is not "green space" there is a real difference there. He asked Becky Crofts if she had any recall on this property?

Becky Crofts said she doesn't have any specific information; she does know that it came to the City and was discussed as a potential park site. There is a school site across the street

and then located. Originally the City well was located on school district property so that was important to get it under City ownership there. She thinks somehow the park site came as a package with the City well. That is the best of her recollection.

Mayor Rule asked how many homes were originally approved for that original subdivision?

City Attorney Chris Yorgason said that when this development was developed originally 3 projects made up the area. (Meadow Park Estates, The Crossings at Meadow Park and the Pines at Meadow Park). The parcel was not originally city property. It would have been common area of those 3 developments, owned by the HOA and would have been developed as a common area. That was the original development plan when the plans were approved by the city about 15-16 years ago. None of those developers are still around, as Becky has identified across the street was the City's well site, and across the street the other way there was going to be an elementary school. But it was originally common area. It was the interim between his two terms as the City Attorney that it went back to the City. It was originally going to be common area, and then it became City property, but it wasn't donated by the developer or dedicated a City park as part of the original development plan.

Mayor Rule said since he has been mayor, he has probably had 15 plus texts, emails, calls on what we are going to do at Hartley. Now the City has \$500,000 towards a \$1,000,000 stoplight and feeling real pressure from ITD. He has heard the comments saying some people would like to keep the space as a possible park in the future. The City will have to spray and mow and maintain that site before it is even a park. He would rather turn that site into \$200,000 liquid cash to put towards a stoplight. All the people that do want this to stay a park and don't want this to stay a park are going to have to travel through that intersection at Hartley.

Council Member O'Meara asked for clarification of the school site. It is 15 plus acres to the south. It is owned by the School District, and is planned to become an elementary school, which will most likely have some kind of field or playground.

Council Member Garner said he believes it is in the cities best interest to auction the land and use the money towards other projects. The location of the park, only a handful of people would use it and it would most likely not be used by other people living outside of that neighborhood, and considering the way the landscape is, it is not the best spot for a park.

Motion: Motion by Council President Kiser to sell the real property located 0 Purple Sage Road, Middleton ID 83644, Canyon County parcel number R37581012B0 with a minimum bid price of \$150,000.

Motion was seconded by Council Member O'Meara, but with an amendment. He said he thinks the city can get \$200,000 or more for the property and would like to see the minimum bid price at \$200,000. He rescinded his second.

Original motion was seconded by Council Member Garner.

Council President Kiser said he agrees the price could go up, but like any auction he has been to, the auctioneer always starts super high, when he drops down to a price, they end up above where they began in the first place. Based on the interest and the Mayor has done his homework on this property, \$150,000 is a good starting point.

Motion was approved unanimously by Roll Call Vote.

The City will post the date and time of the auction and will notify City Council and public notice will be served.

Mayor Rule closed the Public Hearing at 6:23 p.m.

4. Consider approving Ordinance No. 646: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1 UPDATING DEFINITIONS FOR APARTMENT, DWELLING, MULTI-FAMILY, PARKING SPACE, AND LOCAL ROAD; DELETE DEFINITION FOR DWELLING, TWO-FAMILY; ADDING A DEFINITION FOR TOWNHOME ROAD; AMENDING TITLE 4, CHAPTER 5, SECTION 11 UPDATING PARKING REGULATIONS; AND PROVIDING AN EFFECTIVE DATE. – Bruce Bayne

Mayor Rule called the item. Planning and Zoning Official Bruce Bayne. This is to amend Titles 1 and 4. This has to do with discussions that started end of last year and will continue into this year regarding apartments, townhomes, mixed use zoning and multi-family zoning. reviewed the changes proposed in this ordinance.

Mayor Rule said there are several Ordinances that will come before the Council as staff works to clean up language in the City Code. Council President Kiser asked if this was time sensitive? Bruce said yes, it is time sensitive.

Motion: Motion by Council President Kiser to read Ordinance 646 by title only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Council President Kiser read Ordinance 646 by title only: Ordinance No. 646: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 3, SECTION 1 UPDATING DEFINITIONS FOR APARTMENT, DWELLING, MULTI-FAMILY, PARKING SPACE, AND LOCAL ROAD; DELETE DEFINITION FOR DWELLING, TWO-FAMILY; ADDING A DEFINITION FOR TOWNHOME ROAD; AMENDING TITLE 4, CHAPTER 5, SECTION 11 UPDATING PARKING REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion: Motion by Council President Kiser to waive the 3-reading rule and approve Ordinance No. 646. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

5. Public Hearing: Ordinance No. 644: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 1, SECTION 5 UPDATING DEFINITION OF M-F ZONE; AMENDING TITLE 5, CHAPTER 4, SECTION 1, TABLE 1 TO DELETE DUPLEX AND TRI-PLEX AND UPDATE LAND USE STANDARDS FOR MULTI-FAMILY DWELLING; UPDATING TITLE 5, CHAPTER 4, SECTION 1, TABLE 2, UPDATING M-F ZONE STANDARDS, UPDATING NOTE 8 AND ADDING A NEW NOTE 11; AND PROVIDING AN EFFECTIVE DATE. – Bruce Bayne

Mayor Rule called the item and opened the Public Hearing at 6:30 p.m.

Planning and Zoning Official Bruce Bayne explained the ordinance and the changes to City Code.

Mayor Rule opened the public comment portion at 6:32 p.m.

Jim Taylor: 1052 Triumph Dr: He is in favor of this Ordinance and is delighted City Council taking this action. He doesn't want to see Middleton become home of the 3-story walkups. They are not conducive to law enforcement, or schools. You can put a ton of people in 3-story walkups. It is advantageous for developers to do this because the cost per unit per building is really small compared to building single level homes or apartments. People who live in those buildings are not people who have set roots in our town. Most of them are here for a short time and then move on. Take this opportunity to not become the 3-story walkup of Canyon County.

Planning and Zoning Official Bruce Bayne reviewed the changes to City Code proposed in the Ordinance.

Comment from Facebook:



City of Middleton · 1:03:40
Public hearing for ordinance 644 now open

Like · Reply · Commented on by Becky Crofts · 6d



Nick Tman · 1:03:40
We are against the building of any apartments, duplexes, or townhomes in the city of Middleton!

Like · Reply · Message · 6d



1



Tiffanie Garcia · 1:03:46
Our town can not sustain multi unit homesites. We are bursting at the seams already

Like · Reply · Message · 6d



2



Sheila Tman · 1:04:22
We are against the building of any apartments, townhomes or duplexes within the city of Middleton!

Like · Reply · Message · 6d



1



Kaye DuVall · 1:07:29

Is the city requiring impact fees from developers to offset costs for increased stress on city services ie sewer, fire dept, police and traffic? Your previous comment indicated that there was concern for the cost of the traffic light.

Like · Reply · Message · 6d



1



City of Middleton · 50:39
Ues

Like · Reply · Commented on by Becky Crofts · 6d

Mayor Rule: The answer to Kaye Duvall's question is yes.



City of Middleton · 1:09:27

Public comment portion closed 🚫 1

Like · Reply · Commented on by Becky Crofts · 6d

Mayor Rule closed the public comment portion at 6:39 p.m.

Council President Kiser said this is a very time sensitive issue. If a developer had the right zoning and could have purchased property 20 years ago, they could have been building apartments.

Motion: Motion by Council President Kiser to read Ordinance 644 by title only. Motion seconded by Council Member Garner and approved unanimously.

Council President Kiser ready Ordinance 644 by title only: Ordinance No. 644: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 5, CHAPTER 1, SECTION 5 UPDATING DEFINITION OF M-F ZONE; AMENDING TITLE 5, CHAPTER 4, SECTION 1, TABLE 1 TO DELETE DUPLEX AND TRI-PLEX AND UPDATE LAND USE STANDARDS FOR MULTI-FAMILY DWELLING; UPDATING TITLE 5, CHAPTER 4, SECTION 1, TABLE 2, UPDATING M-F ZONE STANDARDS, UPDATING NOTE 8 AND ADDING A NEW NOTE 11; AND PROVIDING AN EFFECTIVE DATE.

Motion: Motion by Council President Kiser to waive the 3-reading rule and approve Ordinance No. 644. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

Council President Kiser thanked Bruce for the time he put in to find the mistakes from long ago and correcting them.

Mayor Rule closed the public hearing at 6:41 p.m.

6. Consider approving quote from Idaho Power to install 3 phase service for future lift station on Highway 44 in an amount of \$13,929.00 – Becky Crofts

Mayor Rule called the item and introduced City Administrator Becky Crofts. The quote before Council is to install the electrical service at the property that the City exchanged. Part

of the agreement was for the City to install electrical service when the City does the exchange. This electrical service will feed the future regional lift station. Becky explained this is to do a one power drop, done right from Idaho Power. She is asking for a bit of leeway on the cost as the size of the transformers will need to be increased and that is not reflected on the current quote. The City doesn't want to have to do this again in 3-5 years. The City would like to keep this moving forward and Idaho Power will do nothing without full payment. The two stubs will be one, to the property owner and the other stub to the City's property to the south where the future lift station will be. There will be 2 connections into the same transformer.

Mayor Rule said for those listening the City has traded a piece of property, a portion of a well site that was in excess, and have kept enough to have the well site and traded it for a lot here adjacent to the Library for a future Middleton Campus concept.

Council President asked for some clarification on what an increase of "a little bit" is? Bruce said it most likely is somewhere in the range of \$2,000-\$5,000. These numbers are computer generated and when Bruce asked for a more concrete number Idaho Power said they could not give one.

Council Member said this is part of the agreement and there is no other game in town than Idaho Power. Going forward they will charge what they will.

Motion: Motion by Council President Kiser that the City work with Idaho Power to install 3 phase service for future lift station on Highway 44 in an amount of \$13,929.00 and trust that City Staff will be cognitive of the cost moving forward. Motion seconded by Council Member Huggins and approved unanimously.

7. Consider approving Memorandum of Understanding between City of Middleton and Challenger Development, Inc for bridge extension on Duff Lane over the Middleton Mill Ditch. – Becky Crofts

Mayor Rule called the item and introduced Planning and Zoning Official Bruce Bayne who explained this has to do with Phase 7 of Falcon Valley Subdivision. This is the Memorandum of Understanding so that the City can get funds from Challenger Development for their portion of a bridge which is at some time going to in across Duff Lane but which does not have to go in at the current time. With the stiff lake bridge that is currently in across Duff Lane right now, Bruce has been told by CHD4 and others the City cannot just add onto that bridge and build to the east and west later. This project should be done as one complete project. He reviewed the conditions of the contract with the Council and confirmed that Latecomers fees cannot be used for Transportation. He believes this is in the City's best interest to acquire the money now from the developer to pay for their portion of the bridge to be built.

Motion: Motion by Council President Kiser to approve the Memorandum of Understanding between City of Middleton and Challenger Development, Inc for bridge extension on Duff Lane over the Middleton Mill Ditch. Motion seconded by Council Member O'Meara and approved unanimously.

8. Consider approving proposed Public Meeting 2021 schedule. – Becky Crofts

Mayor Rule called the item. City Administrator Becky Crofts explained this is a state requirement to publish the meeting schedule. Nothing has changed, City Council Meetings will be held on the 1st and 3rd Wednesday at 5:30 p.m. City Council Meeting Schedule and Planning and Zoning Meeting Schedule is for Council approval.

Motion: Motion by Council President Kiser to approve the proposed Public Meeting 2021 schedule. Motion seconded by Council Member Garner and approved unanimously.

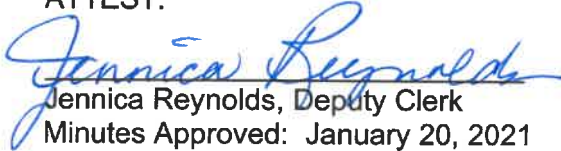
Public Comments, Mayor Comments, Council Comments:

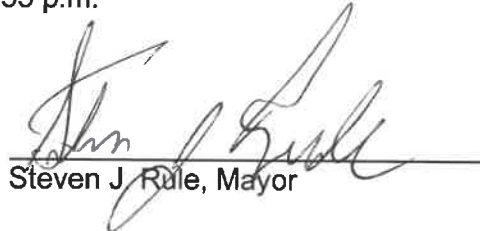
No public comment from Facebook.

No Mayor, Council or Staff comments

Adjourn: Mayor Rule adjourned the meeting at 6:53 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: January 20, 2021


Steven J. Rule, Mayor





Sale of Real Property - 0 Purple Sage Rd

January 6, 2021 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Scot's Tank Taylor	1052 Triumph Dr	208-602-8994	✓			
2	FB Nick Timan				✓		
3	FB Bobbie Goodfellow	111 Pilgrim Way			✓		
4	Nathan Goodfellow	2131 Pilgrim Way		✓			
5	Tiffany Garcia	Crossings			✓		
6	Katie Root				✓		
7	Rebecca Grimes	Nottingham Greens			✓		
8	Kyle Dyeall	318 W 2nd St.		✓			
9	Sharon Aguilera				✓		
10	Shelia Timan				✓		
11							
12							
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16							



Ordinance 644 - Amending Title 5

January 6, 2021 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Jim Taylor	1052 Triumph Drive	208-602-8994	✓			
2	Nick Thuan				✓		
3	Tiffany Garcia	Facebook comment			✓		
4	Shelia Tman				✓		
5	Kay Duvall						?
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