
MIDDLETON CITY COUNCIL
APRIL 7, 2021

The Middleton City Council meeting on April 7, 2021 was called-to-order at 5:35 p.m. by Mayor Rule.

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

Pledge of Allegiance, Invocation: Spencer Kofoed

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve the Amended Agenda as posted April 5, 2021 at 5:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Items

1. Presentation by Don Miller—Don Miller was not present. No presentation was given regarding the Mason Creek water project. Mayor Rule said this item will be pulled off the agenda until such a time as Mr. Miller will be present.

Action Items

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving minutes for Council's March 17, 2021 regular meeting.**
 - b. Consider ratifying March 26, 2021 payroll in the amount of \$110,667.87 and April 9, 2021 in the \$80,388.29 and accounts payable thru March 29, 2021 in the amount of \$645,362.07.**
 - c. Consider approving FCO with conditions of Valhalla Country Estates Subdivision No. 4.**

Mayor Rule called the items. Council President Kiser said excluding the large payments for Cemetery Rd and the pass through for Latecomer fees for the sewer Trunkline this would be a smaller accounts payable run. Council Member Huggins said for the record her husband is a 3rd or 4th subcontractor on the Bridge contract. Council President Kiser said she has recused herself in the past, and the City has used Jack Huggins in the past for his expertise and ability to work with ITD. The City has every intention of continuing to do business with him. Council Member O'Meara asked for clarification on the items for the Police. Impact Guns is a dealer that supplies the police tasers, shotguns, scopes, etc.

Motion: Motion by Council President Kiser approve Consent Agenda Items a, b and c. Motion seconded by Council Member O'Meara and approved unanimously.

2. Consider approving the City applying asphalt seal coat for FY 2021 in an amount not to exceed \$59,515.00 (weather dependent). – Bruce Bayne

Mayor Rule called the item and Public Works Director Bruce Bayne explained the process of applying the polymer seal coat. The City has budgeted \$65,000 for this project, but by combining efforts and sharing the product with other cities (because Middleton will not use an

entire tanker load) the costs are likely to be less. The areas to be done are Sawtooth Lake Drive, the Middleton Lakes subdivision and some roads north of Middleton Lakes, and south of SH44.

Motion: Motion by Council President Kiser to approve the City applying asphalt seal coat for FY 2021 in an amount not to exceed \$59,515.00 (weather dependent). Motion seconded by Council Member Garner and approved unanimously.

3. Consider approving proposal from SPF Water for due diligence on City Water Well No. 2 in an amount not to exceed \$2,650.00. (Well is located adjacent to existing water tower, on 2nd Street.) – Bruce Bayne

Mayor Rule called the item and Public Works Director Bruce Bayne explained that the City Water Well 2 was abandoned about 1979. There is still a pump at the well, but we do not know if it is functional. This investigation is necessary to determine if this well and water source could be a viable resource for the City.

Motion: Motion by Council President Kiser to approve proposal from SPF Water for due diligence on City Water Well No. 2 in an amount not to exceed \$2,650.00. (Well is located adjacent to existing water tower, on 2nd Street.) Motion seconded by Council Member Garner and approved unanimously.

4. Public Hearing: Consider approving the application of Debbie Hundoble/Hundoble Family Trust for preliminary plat with respect to the Piccadilly Square Subdivision located at 0 Cemetery Road (Tax Parcel No. R1791101). – Roberta Stewart

Council President Kiser recused himself from the public hearing due to past interactions with previous applications submitted by the Hundoble Family Trust. He excused himself from the meeting hall.

Mayor Rule called the item and opened the public hearing at 5:54 p.m.

City Planner Roberta read the Staff Report (See Exhibit 1)

Mayor Rule opened to public comment.

Elwin Butler - Engineer: They appreciate City Staff working to come up with a plan that will accommodate this parcel and will make a nice infill project for the city .

Debbie Hundoble – Applicant: Initially in this space they requested a rezone for higher density at the suggestion of the City. That was ultimately denied so they had to go back to the drawing board. They are staying with the zoning of R-3 and think this will be a nice neighborhood for the City. There are 5 large lots. It will be a nice infill project. And they are eager to get started.

Mayor Rule closed the public comment.

Discussion: Council Member Huggins asked if the conditions previously placed on the application have been met. Roberta said they have met the conditions.

Motion: Motion by Council Member Huggins to approving the application of Debbie Hundoble/Hundoble Family Trust for preliminary plat with respect to the Piccadilly Square Subdivision located at 0 Cemetery Road (Tax Parcel No. R1791101), and approve with

conditions of approval from Planning and Zoning commission. The motion was seconded by Council Member O'meara. Motion was approved unanimously by Roll Call Vote with Council President Kiser recusing himself.

Mayor Rule closed the public hearing at 6:09 p.m.

5. Consider approving Final Plat for The Crossings at Meadow Park No. 2 Phase 1. – Roberta Stewart

Mayor Rule called the item and introduced City Planner Roberta Stewart. Roberta presented the final plat and stated the developer has complied with all of the planning and engineering comments and the final plat is in compliance with all City codes. There is a bond in place that is strictly for landscaping. The bond is for 150% of the bid the developer received from their subcontractor and brings to the City.

Council Discussion: They would like to review the requirements for bonds going forward and perhaps require a bid process so that in the event that a project is not completed the City is not held liable for the project where the bond is not a sufficient amount.

City Administrator Becky Crofts said that the bonding is in place so that it holds the developer responsible to complete the project and the City by policy does not issue a Certificate of Occupancy on any new homes in the development until the project is completed, or the City cashes the bond and completes the project.

Motion: Motion by Council President Kiser to approve Final Plat for The Crossings at Meadow Park No. 2 Phase 1. Motion seconded by Council Member Huggins and approved unanimously.

6. Consider approving Final Plat for The Crossings at Meadow Park No. 2 Phase 2.– Roberta Stewart

Mayor Rule called the item and introduced City Planner Roberta Stewart. Roberta presented the final plat and stated the developer has complied with all of the planning and engineering comments and the final plat is in compliance with all City codes. There is a bond in place that is strictly for landscaping. The bond for phase 1 applies to phase 2 as well.

Motion: Motion by Council President Kiser to approve Consider approving Final Plat for The Crossings at Meadow Park No. 2 Phase 2. Motion seconded by Council Member Huggins and approved unanimously.

7. Consider approving Resolution 456-21: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, AMENDING WATER, SANITARY SEWER, STORMWATER MANAGEMENT, STREETS, PROJECT INSPECTION, POST-CONSTRUCTION CHECKLIST, APPLICATION AND PERMIT TO EXCAVATE IN PUBLIC RIGHTS OF WAY STANDARDS IN THE MIDDLETON SUPPLEMENT TO THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE – Rachel Speer

Mayor Rule called the item and introduced City Staff Engineer Rachel Speer. Rachel reviewed the proposed edits to the supplement.

Motion: Motion by Council President Kiser to approve Resolution 456-21: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, AMENDING WATER, SANITARY SEWER, STORMWATER MANAGEMENT, STREETS, PROJECT INSPECTION, POST-CONSTRUCTION CHECKLIST, APPLICATION AND PERMIT TO EXCAVATE IN PUBLIC RIGHTS OF WAY STANDARDS IN THE MIDDLETON SUPPLEMENT TO THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member O'Meara and approved unanimously.

8. Consider approving a Viper Park (located in Falcon Valley Subdivision) Lease Agreement (Lease of Real Property) between the City of Middleton and the Greater Middleton Area Recreation District. – Tim O'Meara

Mayor Rule called the item. Council Member Tim O'Meara stated that he would not be voting on this item but would be able to answer questions and help with the discussion.

Elizabeth Weaver: GMPRD Board Member formally offered the proposal and lease for City Council. As has been discussed they are seeking a 50-year lease for \$10.00 a year per the Idaho Code Section 31-4316, to create a recreational park for the citizens of Middleton, and hopefully plant a lot of green grass for soccer fields that are in desperate need. She does not know a lot about it and would defer all questions to Tim O'Meara. There are no plans or course of action. They have lots of ideas, but nothing concrete.

Mayor Rule asked if GMPRD has a conceptual/preliminary plan for the park?

Tim said they have had discussions about what they would like to do. The preliminary plan is not on paper because they are still in the discussion stages of coming up with an agreement. They do not want to spend money on engineering until they for sure know they will be able to lease the park. Any improvements to that site would have to have Council approval first before they actually construct anything.

Mayor Rule said it would be good for the public if the City leases out this land for \$10.00 a year for 50 years to be able to see a conceptual plan. He doesn't expect it to be complicated, but he does want to see something.

Council President Kiser read a letter from resident Shawn Maybon (See Exhibit 2) in opposition to the lease with GMPRD.

Council President Kiser responded to the letter by saying that the understands the Reservation policies for GMPRD sports fields. They provide recreational opportunities. REAL Soccer is a Competitive team, not a recreational team like Middleton Soccer Club (MSC). According to the 2 tiers of reservations GMPRD policy caters to recreation. He disagrees with Mr. Maybon.

Tim also said the reservations start the beginning of January on a first come/first served basis. After that it splits off to a percentage group that according to GMPRD policy preference is given to those teams who have the most members that reside in the GMPRD. 500+ residents play on MSC and 90% of those children live inside GMPRD boundaries. REAL Soccer recruits outside of the District and only about 70% of the participants live inside the District. Because of that Middleton Soccer Club gets 1st choice over the soccer fields. Because of the growth of MSC they have requested to reserve Foote Park and

Colman Homes fields. GMPRD did not expect to have the 2nd field in Foote Park ready for older kids, but later in the year the field was stepped away from by MSC, and the Coleman field was offered to REAL, but they had already made other arrangements. That is why Coleman fields are vacant most of the week. GMPRD does not cater to any club. It is on a first come/first serve. Coleman Homes fields go away in November, they are building a subdivision. As far as Futsal reservations of the Community Center, reservations are tentative for anyone trying to reserve the building for more than month at a time. That is due to the lease agreement with the School District allowing only a month-to-month contract with GMPRD. As far as the second field at Foote Park, the grass field that is available is for small children. REAL Soccer needs a large field for their competitive teams so the amount of grass they need is not accessible with that field.

Mayor Rule said he believes the Letter from Mr. Maybon has been addressed.

City Attorney Chris Yorgason added that the City has decades of working with GMPRD.

Discussion by Council: Council is open to the idea of a lease with Viper Park, but she would like to hear from the City Parks Department as to their ideas and plans. Would like to get a better idea of a timeline, how it fits into GMPRD budget as well as a concept plan. She would also like to see a depreciation schedule so that it can be a win/win for each entity involved. They would like the plan to address if there is an “out” needed. They would like to see a review of the lease on a 5 or 10 year plan.

City Administrator Becky Crofts said the property in question is located in the Falcon Valley Subdivision. There is no direct road access to it now other than a dirt road. There is not a specific timeline for the City to develop the park. However, the City does not want a developed subdivision surrounding an undeveloped park site for years to come. She asked what need does this solve for the GMPRD need for fields, how much needed acreage does this supply to address the need? She would like to have a timeline for the City so that it can be developed quickly. She also wants to know what facilities (restrooms, improved parking lots, sidewalks and pathways, access and coordinating with Falcon Valley) How much acreage will be usable space as well as adequate parking. Originally this park was planned in the concept plan as a Disc Golf Course. If the City were to develop this park it could be upwards of \$400,000. She would like to see a timeline and financial contribution and commitment from GMPRD board that identifies the improvements to be made each year. It is likely this park will have some impact on the Park Capital Improvement Plan (CIP) not currently a lot because this park is listed in the unimproved section and when Council adopted the fee that is currently being collected in parks it did not include the unimproved dollars associated with that. The City's impact fee will not change.

Motion: Motion by Council President Kiser to approve the construction of a Lease Agreement at the administrative level with City of Middleton and GMPRD of Viper Park that includes a review every 5 years, depreciation schedule, timeline of construction, parking, restrooms, greenspace, sidewalks and pathways and connectivity to the surrounding community and other parks. Motion seconded by Council Member Garner approved unanimously with Council Member O'Meara abstaining from voting.

9. Consider approving T-O Engineers Scope of Work for Additional Services Authorization #3 – Additional Topo and Right of Way for Middleton Road Extension in an amount not to exceed \$23,110.00. – Becky Crofts

Mayor Rule called the item and City Administrator Becky Crofts stated that the City is working fast to get multiple projects shovel ready in anticipation of Federal monies to be distributed. The projects cannot move forward until the TOPO and Right of Way have been completed. Having projects ready to receive federal or state funding is a good move for the City and tax payers of Middleton.

Motion: Motion by Council President Kiser to approve T-O Engineers Scope of Work for Additional Services Authorization #3 – Additional Topo and Right of Way for Middleton Road Extension in an amount not to exceed \$23,110.00. Motion seconded by Council Member Huggins and approved unanimously.

10. Consider approving Gravel Extraction Lease Agreement between City of Middleton and Knife River Corporation-Mountain West to create a water feature in River Park. – Mayor Rule

Mayor Rule called the item. He stated that this is the excavation through the Lease agreement will continue to help build the water amenity for River Park. He is estimating 1.3 million viable tons at \$236/a ton, that is about a \$2.4 million value for the City over 2 years. He is excited about this project and believes it will be a great addition for City residents.

Motion: Motion by Council President Kiser to approve a Gravel Extraction Lease Agreement between City of Middleton and Knife River Corporation-Mountain West to create a water feature in River Park. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

11. Consider approving survey contract with Civil Survey Consultants, Inc. of Meridian to secure right of way and legal descriptions for SH44 and Hartley Intersection in an amount not to exceed \$9,925.00. – Becky Crofts

Mayor Rule called the item and introduced City Administrator Becky Crofts. She said that the Forge School is getting ready to build phase 2 of their school campus. Which also will necessitate a traffic light being installed soon. This project will identify re the right of way and the legal descriptions so that the intersection at Hartley and SH44 can be shovel ready should additional funding be given to the City.

Motion: Motion by Council President Kiser to approve a survey contract with Civil Survey Consultants, Inc. of Meridian to secure right of way and legal descriptions for SH44 and Hartley Intersection in an amount not to exceed \$9,925.00. Motion seconded by Council Member Garner and approved unanimously.

12. Consider approving Mayor's appointee to Planning and Zoning Commission Board. – Mayor Rule

Mayor Rule called the item and said he is not ready to make a recommendation for appointment yet. He has interviewed two very good candidates but has not made a decision. He asked to continue to the April 21, 2021 meeting.

Motion: Motion by Council President Kiser to table item to April 21, 2021 regularly scheduled meeting. Motion seconded by Council Member O'Meara and approved unanimously.

Public Comment: No Public Comment


Mayor Comments, Council Comments:

Council Member O'Meara: GMPRD is watching bills in the Legislature that would allow Parks and Rec Districts to collect impact fees and enter into intergovernmental agreements with other agencies.

Mayor Rule: The City is making good progress. We are working to get Hartley and SH44 pinned down and have met with Forge School. He believes progress with the intersection will be made in the next month or months.

Adjourn: Mayor Rule adjourned the city council meeting at 7:42 p.m.

ATTEST:


Jennica, Deputy Clerk
Minutes Approved: April 21, 2021


Steven J. Rule, Mayor





STAFF REPORT

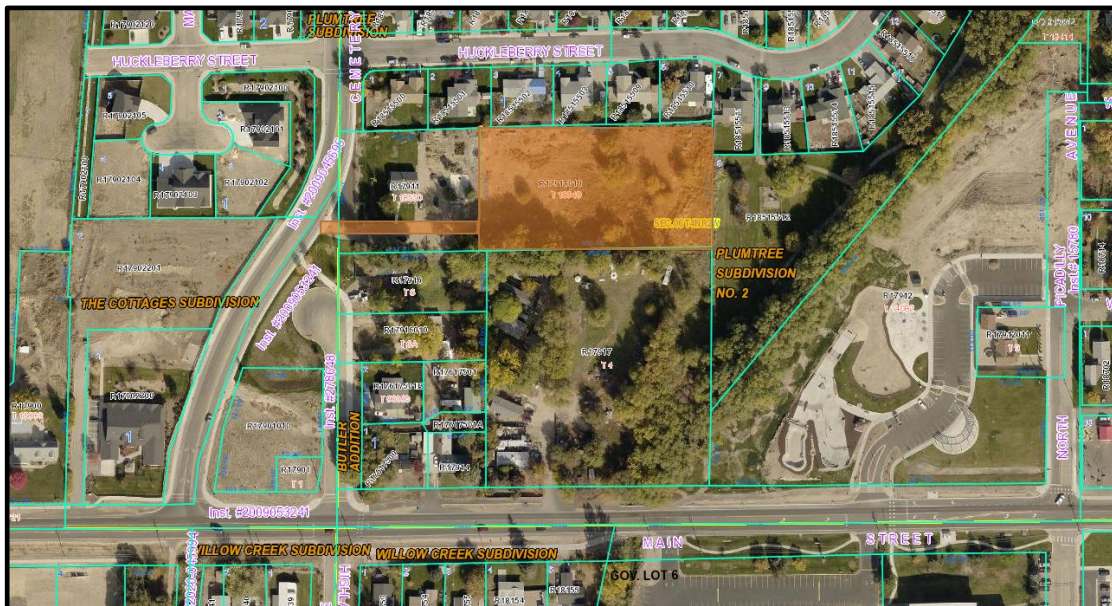
Middleton Planning and Zoning Department

Piccadilly Square Subdivision

Snapshot Summary

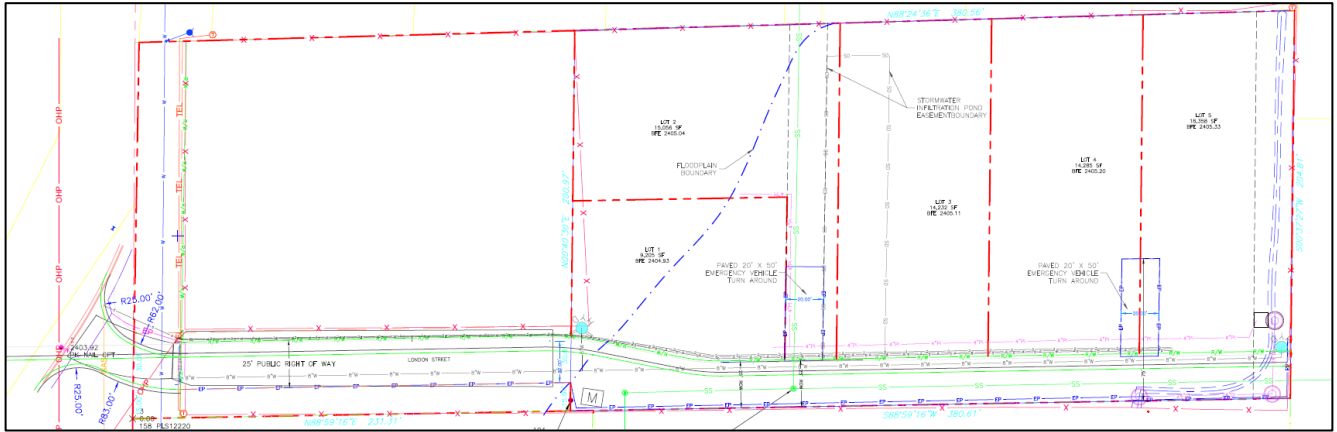
Acreage	1.77 acres
Current Zoning	R-3
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	to remain the same
Lots	5 lots ranging in size from 9,200 sf to 15,000 sf. No common lots
Density	2.75 units per acre (w/easement area)
Open Space	0% - Variance approved
Amenities	None

- A. **City Council Hearing Date:** April 7, 2021
- B. **Project Description:** Residential subdivision with five lots on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101).



- C. **Project History:** The project property was the subject of a Rezone application in Spring of 2020. Applicant requested that the property be rezoned from R-3 to Multi-Family (M-F). City Council denied the application in July 2020 and declared that the property should remain R-3 zoning.

- D. Application Requests:** Applicant currently has two applications pending. The first application is a Preliminary Plat application to re-plat a single lot in the Hawthorn Subdivision. See proposed preliminary plat below:



The second application is a floodplain application that is an administrative application being handled by Middleton's Floodplain Administrator.

Applicant had also submitted an application for special use permit requesting to be exempt from the 5% Open Space requirement of MCC 5-4-10-10. The Planning & Zoning Commission approved that application on March 8, 2021.

- E. Current Zoning & Property Condition:** The property is currently zoned R-3, which allows 3 residential units per gross acre. The project parcel is a single lot in the Hawthorn Subdivision, and it is surrounded by the Hawthorn subdivision on the west and south sides. The Plumtree Subdivision is immediately to the north and east of the project, and it is also zoned R-3.

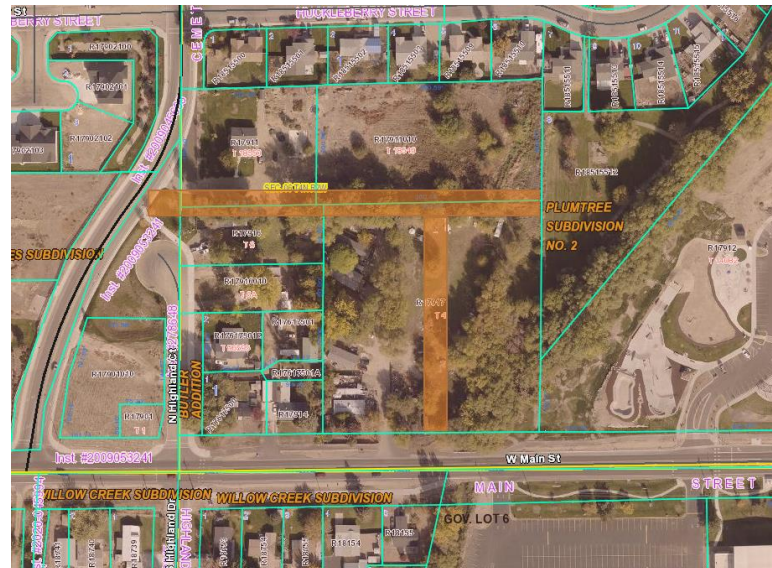
The Project site is effectively an infill project. It is vacant land that has been difficult to improve because it does not front a public street. Instead, access to the property is via a 30' wide access easement across another lot in the Hawthorn Subdivision.

- F. City Services:** City water is located on the east side of Cemetery Road, making water service very accessible to the project. City Sewer is already located down the center of the project site.

G. Traffic, Access & Streets:

Access to the Project site is via a 30' wide cross-access easement that runs from Cemetery Road across another Hawthorn Subdivision lot to the Project parcel. The easement is ample size to fit a 25' wide local half-road that Middleton requires for access and circulation. Applicant's proposed preliminary plat appropriately shows the local $\frac{1}{2}$ road. Applicant will also dedicate the 25' right of way to the City, making it a public road. The other half of the 50' local road may be completed in the future if the

property to the south is redeveloped for commercial use or other high density use. In other words, the local road in Piccadilly Square will help provide future north/south access for any future development to the south. See concept below.



The preliminary plat also contains two “private lanes”, which are permitted by the Middleton City Code so long as the lanes are not used to access more than 3 residential lots. (See private lanes highlighted in yellow below.) The two private lanes will also serve as turn-arounds for fire truck access in the event of a fire. Applicant is required to grant cross-access easements for the two private lanes to ensure there is public access to the drive lanes. The Homeowners Association will be responsible for maintaining and repairing the two private drives.



Finally, applicant has been required to improve the existing approach off of Cemetery Road, and the improvements are shown on the preliminary plat above.

City Engineer has approved all of the road improvements discussed above.

- H. Sidewalks, Pathway & Open Space:** There will be a 5' wide attached sidewalk that will span along the north side of the public street. There are no additional pathways planned for the small project.

Applicant requested an exemption from the 5% Open Space requirement of MCC 5-4-10-10 because the project is a small infill project with a difficult layout and because of the close proximity to Piccadilly Park. The Planning & Zoning Commission approved that variance request at the March 8, 2021 Public Hearing.

- I. Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation are provided outside the dedicated right of way. The HOA will be solely responsible for maintaining both.

- J. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed and approved the preliminary plat submitted. See Fire District comments in the City Council Packet.

- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.

Additionally, Applicant's project complies with the *Goals, Objectives, and Strategies* of the *2019 Middleton Comprehensive Plan* as follows:

- a. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. *Goals 11:* The housing type matches the residents' lifestyle in the area the project is located.

- L. Comments Received from Surrounding Landowners:** None.

- M. Comments from Agencies:** 1/29/2021 comments from the Middleton Rural Fire District. (Copies of the comments can be found in the City Council Packet.)

- N. Comments from City Engineer, Planning Staff & Floodplain Administrator:** Copies of City Engineer comments dated 2/17/2021 and March 22, 2021, Planning Staff comments dated 2/18/2021, and Floodplain Administrator's comments dated 3/1/2021 are in the City Council packet.

O. Applicant Information: Application was received and accepted on January 19, 2021. The Applicant/Owner is Debbie Hundoble (Hundoble Family Trust), P.O. Box 609, Middleton ID 83644 (208) 488-0615.

P. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	03/21/2021
Radius notification mailed to Adjacent landowners within 300'	03/17/2021
Circulation to Agencies	03/18/2021
Sign Posting property	03/19/2021
Neighborhood Meeting	01/04/2021 and 01/05/2021

Q. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

R. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission recommended approval of the Piccadilly Square preliminary plat with the following recommended conditions of approval:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Applicant to construct, at its own cost, the half road that is shown as a public right of way on the preliminary plat.

Prepared by Middleton City Planner, Robert Stewart

Dated: March 29, 2021



Hundoble - Preliminary Plat Piccadilly Sqare Subdivision

April 7, 2021 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Elwin Butler	PO Box 683 Middleton	208 739 8668	x			
2	Dobbi Hundoble	PO Box 689 Middleton	208 488 0615	x			
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Public Comment Sign In

April 7, 2021 -City Council Meeting

	Name	Address	Phone or Email	Topic/Agenda Item #
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