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**MIDDLETON CITY COUNCIL  
MAY 19, 2021**

The Middleton City Council meeting on May 19, 2021 was called-to-order at 5:36 p.m. by Mayor Rule.

**Roll Call:** Mayor Rule, Council President Kiser, Council Members Huggins, Garner were present at beginning of meeting. Council Member O'Meara entered the meeting at 5:38 p.m.

Pledge of Allegiance, Invocation: Harison Reynolds

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by Council President Kiser to approve the Agenda as posted May 14, 2021 at 5:00 p.m. Motion seconded by Council Member Garner and approved unanimously.

**Action Items**

**Consent Agenda (items of routine administrative business)**

- a. Consider approving minutes for City Council May 5, 2021 regular meeting.
- b. Consider approving accounts payable thru May 12, 2021 in the amount of \$323,004.68
- c. Consider approving FCO of Annexation/Rezone, Development Agreement and Preliminary Plat – Bridger Creek.
- d. Consider approving FCO of Annexation/Rezone and Development Agreement – LaFever

Mayor Rule called the items. Council President Kiser gave a summary of accounts payable payments. Nothing is out of the ordinary.

**Motion:** Motion by Council President Kiser approve Consent Agenda Items a, b, c, d. Motion seconded by Council Member Huggins and approved unanimously.

**2. (Continuation from May 5th Meeting) Consider approving a Contribution Agreement with City of Middleton and Providence Properties, LLC for the Waterford Subdivision Intersection Improvements, and Bridge Improvements. – Roberta Stewart.**

Mayor Rule called the item and City Planner Roberta Stewart explained the Contribution Agreement. This contract will not allow a long drawn-out process. Council Member Huggins also confirmed that the city still has leverage because no Certificates of Occupancy will be issued prior to the completion of the Bridge Improvements.

**Motion:** Motion by Council President Kiser to approve a Contribution Agreement with City of Middleton and Providence Properties, LLC for the Waterford Subdivision Intersection Improvements, and Bridge Improvements. Motion seconded by Council Member O'Meara and approved unanimously.

**3. Consider approving annual (June 1, 2021-May 31, 2022) City Beer and Wine Licenses for:**

- a. Jackson's Food Store Inc #22 (7 E Main St.)

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- b. Jackson's Food Store Inc – Extra Mile #177 (802 E Main St.)
  - c. Chaparral Sports Bar and Grill (3 N Dewey Ave.)
  - d. The Vault 21 Club (21 N Dewey Ave.)
  - e. Casa Mexico (517 S. Middleton Rd.)
  - f. Tsai's Kitchen (7 S. Hawthorne)
  - g. Garbonzo's Pizza (250 E. Main St.)
  - h. Ridley's Family Markets (430 E. Main St.)

Mayor Rule called the item and City Administrator Becky Crofts explained these are the annual City Beer and Wine Licenses that are applied for and issued each year. (It was stated that Ridley's did not have the copy of their Canyon County License submitted to the City yet, however that was an error. It was Garbonzo's Pizza that was missing the Canyon County License.)

**Motion:** Motion by Council President Kiser to approve annual (June 1, 2021-May 31, 2022) City Beer and Wine Licenses for:

- a. Jackson's Food Store Inc #22 (7 E Main St.)
- b. Jackson's Food Store Inc – Extra Mile #177 (802 E Main St.)
- c. Chaparral Sports Bar and Grill (3 N Dewey Ave.)
- d. The Vault 21 Club (21 N Dewey Ave.)
- e. Casa Mexico (517 S. Middleton Rd.)
- f. Tsai's Kitchen (7 S. Hawthorne)
- g. Garbonzo's Pizza (250 E. Main St.)
- h. Ridley's Family Markets (430 E. Main St.)

pending that all the applications and required paperwork are submitted. Motion seconded by Council Member Garner and approved unanimously.

#### **4. Consider approving Non-Aerial Fireworks vendor permit from Phantom Fireworks Easter Region, LLC for dates 6/20/2021-7/04/2021. – Becky Crofts**

Mayor Rule called item and City Administrator Becky Crofts presented the application. It has been reviewed by the Middleton Rural Fire District and Deputy Chief Islas submitted his comments and approval.

**Motion:** Motion by Council President Kiser to approve Consider approving Non-Aerial Fireworks vendor permit from Phantom Fireworks Easter Region, LLC for dates 6/20/2021-7/04/2021. Motion seconded by Council Member Huggins and approved unanimously.

#### **5. Consider approving Memorandum of Understanding between the Star Sewer and Water District and the City of Middleton. – Becky Crofts**

Mayor Rule called the item and City Administrator Becky Crofts explained that this Memorandum of Understanding if approved by City Council will be presented to the Star Sewer and Water District at their next board meeting. She said there is a concern when the properties that are inside the Middleton Area of Impact are being annexed into City of Star and Star Sewer and Water District. City Attorney Mark Hilty said that Impact Areas are important, and both the City of Star and the Star Sewer and Water District are developing in the Middleton Impact Area. This MOU allows for annexation/pre-annexation agreements to be entered in to. Becky said the City of Star has a very different planning concept and allows for R-4 and R-5 which is much higher density. This MOU is a tool for the City which keeps

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the application with Middleton rather than going to Star. She said that part of this MOU will allow the City of Middleton and the District to work together in planning the areas that are impacted. Mayor Rule said that the question is which utility can serve the best. If the City has an agreement in place, the City can do just as well. He wants to make sure it is known, on the record, Star Sewer and Water is separate from City of Star. They are like an irrigation district, not the City of Star.

**Motion:** Motion by Council President Kiser to approve Memorandum of Understanding between the Star Sewer and Water District and the City of Middleton. Motion seconded by Council Member Garner and approved unanimously.

**6. Consider approving Scope of Work from SPF Water in an amount not to exceed \$\_\_\_\_\_ to update Water Master Plan. – Becky Crofts**

Mayor Rule called the item and City Administrator Becky Crofts asked that this be tabled to another meeting.

**Motion:** Motion by Council President Kiser to table Consider approving Scope of Work from SPF Water in an amount not to exceed \$\_\_\_\_\_ to update Water Master Plan to the next meeting of June 2, 2021. Motion seconded by Council Member Huggins and approved unanimously.

**Information Items:**

**1. Foundation for Ada/Canyon Trail Systems, Inc – FACTS – Gary Payne**

Mayor Rule called the item and introduced Gary Payne. Gary gave a brief presentation of what his organization does. They work to expand pedestrian, bicycle and equestrian trails.

**2. South Cemetery Road project update – Rachel Speer**

**3. North Middleton Rd and Cornell Street Roundabout – Rachel Speer**

Mayor Rule called the items and City Staff Engineer Rachel Speer gave a project update on both projects.

**4. Piccadilly Park Re-use Tank update – Bruce Bayne**

Mayor Rule called the item and gave the update on the project.

**5. Response to resident correspondence – Becky Crofts**

Mayor Rule called the item and City Administrator stated that on May 12, 2021 the City received a letter from Don and Ruth Volquert at 24331 Cowboy Lane, Middleton ID. They are unable to come to the council meetings so asked that these issues be addressed at a council meeting. (See Exhibit 1)

First Item: Traffic on Hartley/Willis and SH44.

- Intersection control is being planned at SH44 and Hartley. The delay is largely due to the 30 inch sewer trunkline needing to be put in place first. The reason this was missed for this year is because the city put this out to bid and Idaho Power said there was additional right of way required. The city is securing the additional right of way so that project can move forward. It will go out to bid probably August or September

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for construction once the water leaves the ditch there. Construction will take place December – March time frame. Once that project is in place then the City can move forward with the intersection control at Hartley and SH44. The city also has some intersection control planned for Willis Road that is in process and could be started as early as next spring. Those things are in place, probably a little slower than residents would prefer, but these are very expensive projects at about 1 million dollars each. For the record the City brings in property tax revenue about 2.7 million dollars each year. It takes a little while to save and build for these projects going forward.

Second Item: The building and water supply

- The City completed a Water Master Plan and based on the planning done and the forecasting the City looks forward to there are no issues with water supply for the residential development that is currently being approved.

Third Item: Enforcement of builder's construction trash.

- The City Building Official is actively working with the builders to make sure their sites are cleaned up.

Last Item: Against the Rezone of Tax parcel 34443013

- This parcel is located at the corner of Hartley and Willis and Planning and Zoning did recommend for denial the rezone for that parcel at its meeting on May 10, 2021. We don't know now if the applicant will bring it forward to City Council.

Council President Kiser noted this letter is from a resident who lives in Canyon County, upset with the City who doesn't pay taxes to the City who is upset about what the City is doing. He is happy to annex them in to give them a voice. He understands the concerns because he drives those roads and area around the High School, but until they become part of Middleton City and pay taxes to the City they do not have a voice.

Mayor Rule asked for public comment prior to going into Executive Session.

**Public Comment:**

*Mike Graefe:* He asked about the petition for Drink by the Glass, is there a status, does anyone know what is going on with it? His personal opinion is that it would be very beneficial source of tax revenue for the City.

- Mayor Rule: You won't see a lot from the City as we are advised by legal counsel to not get involved at all. He can comment and say he is aware of 3 or 4 petitions around that are active. He doesn't know the numbers, and he hasn't heard a lot of public objections to it. There is a date that is coming up quickly if they would like to get on the November election.

*Elaine Mathiasen:* She would like the Trolley Station to be able to be used for Library Storytime. Previously Story Time has been held outside but do to parent complaints it has been moved inside and staff has to move furniture to accommodate the activities. The current space is overcrowded, and because there are so many children that want to attend and because staff schedules are varied, the library is now holding story time 2 times a week. Trolley Station stands empty most of the time, she would like the City Council to allow the Library. She doesn't believe that using the Community Center for Library Storytime is a good idea when there is already a City owned building so close. It would make it more difficult for parents to use the library resources if the Storytime is not close to the library. She believes that it is important to support

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the Library and the good work that is done at the Library. She would like the Trolley to be able to use it for all their Summer Reading programs She would like this item to be brought up on a future agenda to be voted on.

*Council President Kiser:* Said if Storytime is held Tuesday mornings and Wednesday afternoons, these are preschool children, he asked if she knows the numbers of those who attend.

*Jim Taylor:* He is on the Library board and his the last he heard there were 45 children and 26 adults that attended Storytime on Tuesdays in April. He doesn't have the current numbers for Wednesday because they hadn't added that day. He believes it would be a help to allow the use in the Trolley Station for the Library Storytime.

**Executive Session:**

1. Executive Session pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(f) Potential or pending litigation

**Motion:** Motion by Council President Kiser to move into Executive Session pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(f) Potential or pending litigation. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

At 6:55 p.m. the recording was turned off and Council entered the Executive Session in which items were discussed, information was exchanged, no decisions were made.

At 7:38 p.m. the recording resumed.

**Mayor Comments, Council Comments:**

*Council Member Kiser:* The High School is hosting the 3A, 2A and 1A State Track Meet this weekend so there will be a bunch of people in the community. And with the restrictions lifted anyone can come in and watch. The High School is expecting about 3,000 participants, that is not including fans, that is just kids on the track. It will be a busy two days.

*Mayor Rule:* The Middleton High School Boys Golf Team got second in the State Golf Competition. So congratulations to the boys team.

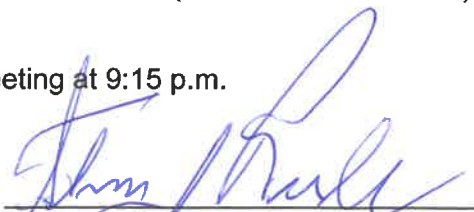
**Budget Workshop:** FY 2022 – Wendy Miles

City Treasurer Wendy Miles and City Administrator Becky Crofts discussed with council proposed capital projects for Transportation, Water, Wastewater (sewer and collections) and Parks. Information only.

**Adjourn:** Mayor Rule adjourned the city council meeting at 9:15 p.m.

ATTEST:

  
Jennica, Deputy Clerk  
Minutes Approved: June 2, 2021

  
Steven J. Rule, Mayor





( Exhibit 1 )

Don and Ruth Volkert  
24331 Cowboy Lane  
Middleton, ID 83644

May 12, 2021

Mayor and City Council  
1103 West Main Street  
Middleton, ID 83644

Greetings,

We are writing and would appreciate it if you can address the following concerns at the upcoming Council meeting to be held on May 19, 2021. We have not been in attendance at council meetings for awhile so these issues may have been addressed, but would appreciate your time in addressing these concerns/issues.

1. If I remember correctly, several years ago, a traffic study was done in regard to Hartley/Willis/and Hwy 44. The result was a failing grade. Now building is taking place Northwest of Willis off of Hartley, Southwest of Willis off of Hartley and soon building will be taking place Northeast of Willis off of Hartley. Minimal changes have been made to address the traffic issues. Have the City Council members and Mayor tried to get out onto Hwy 44 prior to school starting or when school lets out? It is a very dangerous situation. Cars wanting to go into Middleton are turning right, turning into the Hwy 44 Livestock Store and then trying to merge back onto Hwy 44 so they can go west. This is a disaster waiting to happen. Building needs to stop until transportation issues can be addressed. We have high density housing on a low density road. What kind of traffic control is in the plans and when will this be accomplished. Traffic relief is needed NOW.
2. Can you please address the how all of this new building will impact the City Water supply.
3. Does the city have a way to inforce the building trash that is taking place? There is a lot of trash Southwest of Willis off of Hartley where new building is taking place. It seems to me the contractors need to be required to clean up after themselves much more than they currently do.
4. We are 100% against the Rezone of Tax Parcel #34443013 at the Southwest corner of Hartley and Willis. Another 84 townhomes , really are you kidding? Please do not approve this rezone from C-1 to M-F. We don't need anymore traffic. We don't need anymore houses in this immediate area.

Thank you in advance for addressing these concerns and issues.

Sincerely,

Don and Ruth Volkert



# Public Comment Sign In

May 19, 2021 - City Council Meeting

	Name	Address	Phone or Email	Topic/Agenda Item #
1				
2	MIRE GRUEFE	1889 RIDGE WAY	708-587-6227	
3	Elaine Mathiasen	328 ATLANTIC		
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