
**MIDDLETON CITY COUNCIL
JUNE 2, 2021**

The Middleton City Council meeting on June 2, 2021 was called-to-order at 5:31 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: Rodger Hawker

Action Items

A. Approve Agenda

Motion: Motion by Council President Kiser to approve the Agenda as posted May 28, 2021 at 5:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Items:

1. N. Middleton Rd/Cornell St Roundabout construction and traffic control plan update. – Rachel Speer

Mayor Rule called the item and City Staff Engineer Rachel Speer gave an update on the construction. All emergency services and other agencies that would be affected by this construction and detour plan have been notified well in advance. The construction is 2 days in on the 90-day project and going well.

Action Items

Consent Agenda (items of routine administrative business)

- a. Consider approving minutes for City Council May 19, 2021 regular meeting.
- b. Consider ratifying May 21, 2021 payroll in the amount of \$109,931.02.
- c. Consider approving accounts payable thru May 12, 2021 in the amount of \$161,462.68

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 1a, b and c. Motion seconded by Council Member Garner and approved unanimously.

2. Consider accepting the 2020 Audit Findings as presented by Zwygart John & Associates, PLLC – Jordan Zwygart

Mayor Rule called the item Jordan Zwygart presented the 2020 Audit Report. The report showed a good and clean audit, and he said City Treasurer Wendy Miles and City Administrator Becky Crofts did a very good job on the audit. Mayor Rule noted that Wendy has done a good job getting all the reconciliations cleaned up that were neglected prior to her coming to the City.

Motion: Motion by Council President Kiser to accept the 2020 Audit Findings as presented by Zwygart John & Associates, PLLC. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

3. Consider adopting Ordinance 647: Bridger Creek Annexation: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 (SINGLE-FAMILY RESIDENTIAL) AND COMPLETING A DEVELOPMENT AGREEMENT; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. – Becky Crofts

Mayor Rule called the item and City Administrator Becky Crofts explained this is a housekeeping item since the annexation was approved at the last council meeting.

Motion: Motion by Council President Kiser to waive the 3-reading rule for Ordinance 647. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Council President Kiser read the Ordinance by title only.

Motion: Motion by Council President Kiser to adopt Ordinance 647: Bridger Creek Annexation: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 (SINGLE-FAMILY RESIDENTIAL) AND COMPLETING A DEVELOPMENT AGREEMENT; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member O'Meara and approved unanimously.

4. Consider approving Non-Aerial Fireworks vendor permit from Outlet Fireworks, LLC for dates 6/23/2021-7/05/2021. – 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 a Non-Aerial Fireworks vendor permit from Outlet Fireworks, LLC for dates 6/23/2021-7/05/2021. Motion seconded by Council Member Garner and approved unanimously.

5. Consider approving Sawtooth Lake Drive and Middleton Road Roundabout Plans and Specifications by Precision Engineering, LLC – Joel Grounds.

Mayor Rule called the item and Joel Grounds from Precision Engineering presented the plans specifications for the Sawtooth Lake Drive and Middleton Road Roundabout. This will be a 5-leg intersection and once final design and plans are submitted the project will go out for bid.

Mayor Rule said as part of this project the constructed wetlands that are currently on the southwest corner of Sawtooth Lake Dr. and S. Middleton Rd. will need to be moved. This is part of the reason the city needs to purchase wetland credits. Moving the wetlands will allow

for parking access finally giving Middleton residents access to the Boise River, which is part of an overall plan to create several different access points to the Boise River all connected with a nice walking trail.

Motion: Motion by Council President Kiser to approve Sawtooth Lake Drive and Middleton Road Roundabout Plans and Specifications by Precision Engineering, LLC. Motion seconded by Council Member Huggins and approved unanimously.

6. Consider approving purchase agreement from the Wetlands Group LLC in the amount of \$54,450.00 to purchase wetland credits necessary to construct the Sawtooth Roundabout. – Becky Crofts

Mayor Rule called the item and City Administrator Becky Crofts explained that this is to purchase credits to create wetlands (required by the EPA) in another area once the wetlands that are on the corner of the Sawtooth Roundabout are removed. This is funded through the Transportation Fund. The city is trying to get projects shovel ready so that when funding comes in, it can be immediately applied and taken advantage of.

Motion: Motion by Council President Kiser approve purchase agreement from the Wetlands Group LLC in the amount of \$54,450.00 to purchase wetland credits necessary to construct the Sawtooth Roundabout. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

7. Consider approving letter to LHTAC for construction of Phase II S. Cemetery Road and agreement to pay costs above the currently obligated project cost. – Becky Crofts

Mayor Rule called the item and City Administrator Becky Crofts explained this is exactly what she has been talking about when a project needs additional funding. Mayor Rule and she wrote a letter to the COMPASS Board and explained that this project has been on the books for 15 years and it needs to move forward. It is projected to be short from federal dollars, the city does not have the budget for it and are requesting 1.3 million dollars. That money showed up in a timely fashion. So now the city has the budgeted amount plus the 1.3 million dollars. Then once a project is funded it goes forward and gets bid. The city got into a real favorable bidding climate. The project came in under the Engineers estimate (that left some projected additional funding). S. Cemetery Road is built in 3 phases. Phase 1: Federally funded. Phase 3: Water Crossing. This is now complete. Phase 2: Picks up where phase 1 ends which is just behind the Middle School and finishes the connection to Sawtooth Lake Dr, over the bridge and to the connection. Phase 2 was always a local project and always city funded. It was a requirement that if we accepted funding that we completed phase 2 quickly (usually within a couple of years) As the bids came in lower there is a projected \$300K-\$325K additional funds that now the city can apply to Phase 2. Realistically and according to the engineers estimates it looks like the project can be completed for that money. The project funded the entire road which saved the city about\$400K.

The letter to LHTAC says that the city is pleased with phase 1. It has been communicated that there could possibly be an additional \$300K-\$325K available for phase 2. We understand it is an estimate. The city is requesting that LHTAC move forward with the construction of phase 2 with these estimated dollars, however if for some reason it doesn't fully cover the anticipated project, the city agrees to pay those overages.

Motion: Motion by Council President Kiser to approve letter to LHTAC for construction of Phase II S. Cemetery Road and agreement to pay costs above the currently obligated project cost. Motion seconded by Council member O'Meara.

Discussion: Mayor Rule said the stars have aligned, but there was a bunch of hard work by staff to get those stars aligned. Last year when council authorized the road construction by Lurre Construction. This construction has caused that 40–80-ton vehicles have travelled all along this road last winter. If there was a serious problem out there it really would be identified. In his opinion 4–6 months of that kind of traffic has really compacted and made an excellent base. Lurre Construction deserves credit, they dug it out and built it properly too.

Mayor Rule called for the vote. The motion passed unanimously by Roll Call Vote.

8. Consider instructing legal counsel to draft a complaint challenging the legality of the City of Star annexation of land within the City of Middleton Area of Impact. – Mayor Rule

Mayor Rule said this has been discussed during previous meetings to some point. The City of Star ambitions to annex much farther into the City of Middleton Impact Area. They are crossing an impact area that was set in 2001 to Can-Ada Road. The City legal counsel says that is not appropriate. Star believes they have a legal loophole. It will be a problem for a few more months. Part of this is yet another positioning tactic to draft the complaint letter. City Attorney Mark Hilty explained that within the last couple of weeks the city prepared a letter and sent it to the City of Star and copied Canyon County, basically saying Star needs to stop their annexation activity. That letter did suggest that perhaps a discussion could be had. There was also a letter from Canyon County that was directed to Star and Middleton indicating further that that annexation activity needed to stop, but that the County would entertain impact area negotiation with Star. The letter did express concurrence and sympathy with Middleton's position regarding the legality of those annexations. But it also indicated there would be a discussion on impact area between the County and Star, and that they would come up with a line and if that line encroached on any of Middleton's Impact Area (west of Can-Ada Rd) the County Commissioners are saying they would expect that Middleton would be involved immediately when that occurred. There has been this notion that there will be some type of negotiation in the near future. He thinks it is prudent to prepare the complaint and have it ready to go, but not file/serve the complaint until we see what position Star is going to take in those negotiations. It puts the city in a better position to move forward, while still giving peace a chance.

Motion: Motion by Council President Kiser to have legal counsel to draft a complaint challenging the legality of the City of Star annexation of land within the City of Middleton Area of Impact. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

Public Comment:

Mike Graefe: His concerns were covered. Council and the City are doing a great job.

Jim Grey – 23557 Duff Lane: The traffic on Duff Lane is getting increasingly busier. He wants the speed limit being dropped down from 50 mph to 35 mph. There needs to be a right turn lane out of Duff. He was also saddened to not see anyone from the City or Council at the Memorial Day ceremony at the cemetery.

Mayor Comments, Council Comments:

Council President Kiser: Very concerned about the Skate Park at Piccadilly Park. The kids have vandalized and taken off the metal lettering that is the address of the park. They also leave trash all over. He is very upset that the Public Works staff spends 1-2 hours every morning cleaning up after the kids who have left the park. He is tired of the complaints on Facebook from kids and adults about the trash, graffiti, vandalism, vaping, smoking, and bullying. He wants to close the skate park, not the splash pad or market, for a period of time to help those who use it understand how serious the city is. "If you pack it in, you should pack it out." He said it really is ok for people not to come if they are not willing to obey the rules. He has talked with City Staff and wanted to let the other council members know this may be a reality, so he did not want them surprised when they got phone calls.

Mayor Rule: Asked how the city closed the skate park last time. Becky Crofts said they taped it off with caution tape, police officers monitored it, it was also announced on the city website, Facebook page, and other community Facebook pages. The behavior of those using the skate park did change. She is supportive of doing it again.

Council Member O'Meara: The Middleton Rural Fire Department just had a "pushing ceremony" where they pushed their new rig (\$604K Fire Engine) into the barn. They are also opening a second facility on Kingsbury so there will be 2 open fire stations. He also agrees with Council President Kiser about the trash problem. GMPRD has closed the parking lot at Foote Park as well as the water fountain due to the construction of the roundabout. He is also still working the Viper Park lease and should have some information to bring to the council in an upcoming meeting.

Adjourn: Mayor Rule adjourned the city council meeting at 6:50 p.m.

ATTEST:


Jennica, Deputy Clerk
Minutes Approved: June 16, 2021


Steven J. Rule, Mayor





Public Comment Sign In

June 2, 2021 - City Council Meeting

	Name	Address	Phone or Email	Topic/Agenda Item #
1	MIKE GRAEFE	1889 RIDGE WAY	208-527-6227	
2	Jim Grey	23557 Duff Ln	208 250 2324	
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