
MIDDLETON CITY COUNCIL
SEPTEMBER 21, 2022

The Middleton City Council Meeting was called to order on September 21, 2022, at 5:35 p.m. by Mayor Steve Rule.

Roll Call:

City Council: Council President Kiser, Council Members O'Meara and Murray were present
Council Member Huggins was absent.

Mayor Steve Rule, City Attorney Douglas Waterman, City Administrator Becky Crofts, City
Treasure Wendy Miles, Public Works Director Jason Van Gilder, Planning and Zoning Official
Roberta Stewart, and Deputy Clerks Jennica Reynolds and Amber Day were present.

Pledge of Allegiance, Invocation: Mark Christiansen

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve the agenda as posted September 16,
2022, at 4:30 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Action Items:

1. Consent Agenda (items of routine administrative business) (**Action Items**)
 - a. Consider approving minutes for City Council September 7, joint and regular meeting.
 - b. Consider ratifying payroll for September 9, 2022, in the amount of \$ 98,610.14
 - c. Consider approving accounts payable through September 12, 2022, in the amount of \$769,563.49.

Mayor Rule called the items. President Kiser stated he had reviewed the accounts payable. He mentioned this AP run contained payments for the Hartley Sewer and ROW purchase for the straightening of Middleton Road

Motion: Motion by Council President Kiser to approve Consent Agenda Items 1 a-c
Motion seconded by Council Member O'Meara and approved unanimously.

2. **Consider approving an application by Middleton High School for a Special Event Permit for the Viking Homecoming Parade on September 29, 2022. Applicant is requesting a waiver of the \$160.00 permit fee. – Brian Rothe**

Mayor Rule called the item and invited Principal Brian Rothe to present the application.

Brian Rothe explained the parade route, time parade will start and asked for a waiver of the Special Event Permit Application fee of \$160.

Motion: Motion by Council President Kiser to approve the application by Middleton High School for a Special Event Permit for the Viking Homecoming Parade on September 29, 2022, and waive \$160 fee. Motion seconded by Council Member O'Meara and approved unanimously.

3. **Consider a request from the Middleton Police Department to fund from General**
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Fund Savings two new police cars in the amount of \$145,277.00 – Sgt. Hilkey

Mayor Steve Rule called the item and invited Sgt. Hilkey to present the request.

Sgt. Hilkey requested two new police vehicles for the department. If approved the department will purchase two Durango's which are more fuel efficient and have better braking systems. The total cost of the vehicles fully equipped will be \$145,277.00 He believes about \$126,557 from already collected impact fees can help pay this, as well as the savings in the General Fund until the future impact fees can pay the General Fund Savings back. ERS has been holding the vehicles for MPD since June. They can have the vehicles ready for the Police within about 1- 1 ½ months.

Council discussion ensued. Legal Counsel Douglas Waterman asked for time to review the legality of using Impact Fees for this purchase.

Motion: Motion by Council President Kiser to approve request from the Middleton Police Department to fund from General Fund Savings two new police cars in the amount not to exceed \$145,277.00 if Legal Counsel deems appropriate. Motion seconded by Council Member O'Meara and approved unanimously.

4. Consider approving the Final Plat for Waterford Subdivision No. 1. – Roberta Stewart

Mayor Steve Rule called the item and Planning and Zoning Official Roberta Stewart explained the Final Plat for Waterford Subdivision No. 1. It has 51 buildable lots, the developer has paid the Pro-rata fees and there are no outstanding issues.

Councilman O'Meara asked and Ms. Stewart answered questions about the cul-de-sac and all access from 9th Street.

Motion: Motion by Council President Kiser to approve Final Plat for Waterford Subdivision No. 1. Motion seconded by Council Member O'Meara. Motion approved unanimously by Roll Call Vote.

5. Consider approving the Final Plat for W. Highlands Ranch #16. – Roberta Stewart

Mayor Steve Rule called the item and Planning and Zoning Official Roberta Stewart explained the Final Plat for West Highlands Ranch # 16. It has 39 buildable lots. According to the Developer Agreement they are allowed to bond. All the bonds have been approved. The final plat meets all standards and cods and there are no outstanding issues.

Motion: Motion by Council President Kiser to approve Final Plat for W. Highlands Ranch #16. Motion seconded by Council Member O'Meara. Motion approved unanimously by Roll Call Vote.

6. Public Hearing: An application by Wade Thomas, IAG, LLC (successor in interest, "IAG Hidden Mill, LLC") and Bob Unger, Unger Enterprises, LLC for preliminary plat, with respect to the Hidden Mill Subdivision (Tax Parcel No. 33891010). The proposed preliminary plat consists of 20 residential lots and 4 common lots on approximately 6.665 acres of land currently in city limits and zoned R-3. – Jennica

Reynolds

Mayor Steve Rule called the agenda item and opened the public hearing at 6:01 p.m.

City Staff Jennica Reynolds presented a Power Point presentation of the application for Preliminary Plat for Hidden Mills Subdivision (Exhibit 1)

Councilman O'Meara is concerned that the pathway will not connect from the apartment complex to the development.

City Staff – Jennica Reynolds stated the applicant will need to confirm, but she believes the pathway will connect pavement to pavement.

Mayor Rule opened public comment at 6:28 p.m.

Applicant Representative: Bob Unger, Unger Enterprises, LLC gave a Power Point presentation (Exhibit 2) of the project and stated that they had added a micro path from the cul-de-sac to the large path per Planning and Zoning Commission's request. They also met with MSD School Superintendent Gee to discuss the impacts of the development per P&Z's request. He stated that the residential lots should not be in the AE flood zone. If there are some, they will pay for the flood plain application at building permit. He asked that it be noted on the record that flood plain does not apply to the buildings in the development.

Mr. Unger answered questions about pathway along the slough and how it will connect to the existing pathway to the east of the project.

Mayor Rule asked Mr. Unger to address concerns from the written letters from Mr. Schwab and Mr. Sommer. Mr. Schwab lives to the east of the project and the sewer is too shallow to connect to his property. However, the water could be connected at Mr. Schwab's expense. His private lane will not be connected into the development. Regarding Mr. Sommer's concerns the fence should stop the foot traffic across the sewer pipe from Mr. Sommer's property. The headlights from the cul-de-sac should be shielded by the fencing.

Discussion with Council, City Staff and Applicant regarding the pathway connectivity.

Mayor opened public testimony at 6:28 p.m.

Mike Fitzrick: Concerned about who will maintain the ditch easement for the mill slough. And he is concerned about headlights from the development pointing directly into his house.

Mark Christiansen: He is on P&Z Commission and wanted to make sure the pathway P&Z requested was added. And that the applicant spoke with the School District.

Applicant Representative: Bob Unger stated in rebuttal their will be privacy fence along the perimeter, with the exception of open view fencing along the slough/pathway. The ditch company will maintain the ditch easement. The applicant will connect the pathway to the east if necessary. And the houses built should provide adequate shielding of headlights.

Mayor Rule Closed public comment at 6:36 p.m.

Discussion from Council about the development. Councilman Murray is concerned about approving any more subdivisions because the School District did not pass a bond. He cited LUPA as a reason to deny the application.

Mayor Rule called for a brief recess at 6:43 p.m. and the meeting resumed at 6:50 p.m.

Discussion about proposed wording of the motion.

Motion: Motion by Council President Kiser to deny the application by Wade Thomas, IAG, LLC (successor in interest, "IAG Hidden Mill, LLC") and Bob Unger, Unger Enterprises, LLC for preliminary plat, with respect to the Hidden Mill Subdivision. Citing Idaho Code 67-6513. The applicant can return to the School District to discuss what the applicant can do to mitigate the impact the additional students will add to the School District. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Mayor Rule closed public hearing at 6:54 p.m.

7. Tabled from last meeting: Consider ratifying On-Call Professional Services Task Order (T-O #3) in an amount not to exceed \$6,000.00. Final invoice \$625.00. – Jason VanGilder

Mayor Steve Rule called the item and Public Works Director Jason VanGilder explained the request to ratify and the new invoice amount reduced from not to exceed \$6,000.00 to \$625.00.

Motion: Motion by Council President Kiser to ratify On-Call Professional Services Task Order (T-O #3) in an amount not to exceed \$6,000.00. Final invoice \$625.00. Motion seconded by Council Member O'Meara and approved unanimously.

8. Consider approving the Notice of Award to Hawkeye Builders, Inc for the construction of the Hartley/SH44 Traffic Signal in the amount of \$1,727,180.67 and to authorize the City of Middleton to enter into a contract with Hawkeye Builders, Inc for the same. – Jason VanGilder

Mayor Steve Rule called the item and Public Works Director Jason VanGilder explained the Hartley Intersection project. The city sent this project out for bid and Hawkeye Builders, Inc was the only firm to submit a bid. The bid came in considerably under the amount expected. The city has \$1.5 million saved in fees paid by development. The City has submitted a request to ITD and it is under review, to fund the remainder of the balance.

Council asked about timing of construction, and traffic mitigation.

Mr. VanGilder stated plans are in place for traffic control, where only ½ of Hartley and SH44 will be closed at a time. Construction is expected to last about 200+/- days.

Motion: Motion by Council President Kiser to approve the Notice of Award to Hawkeye Builders, Inc for the construction of the Hartley/SH44 Traffic Signal in the amount of \$1,727,180.67 and to authorize the City of Middleton to enter into a contract with Hawkeye Builders, Inc for the same. Motion seconded by Council Member O'Meara and

approved unanimously.

Public Comments

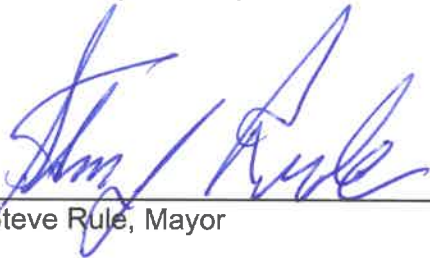
Mike Graefe: Excited for new intersection. Questions about Liquor by the drink petitions. Stated that residents need to pass the School bonds, and the legislature needs to approve Impact fees for the School Districts.

Mayor and Council Comments

Mayor Rule: Explained the process to get Liquor by the Drink on the ballot in 2023. According to state code, it cannot come before the electorate before 2023.


Councilman O'Meara: Asked if the lines in front of the Historical Society's Lee Moberly Museum can be repainted after the city did the excavation work. Mayor Rule said Jason will follow up.

Adjourn: Mayor Steve Rule adjourned the city council meeting at 7:11 p.m.



Steve Rule, Mayor

ATTEST:



Jennica Reynolds, Deputy Clerk
Minutes Approved: October 5, 2022