
**MIDDLETON CITY COUNCIL
FEBRUARY 2, 2022**

The Middleton City Council meeting on February 2, 2022, was called-to-order at 5:30 p.m. by Mayor Steven Rule.

Roll Call: Council President Kiser, Council Members O'Meara, Murray, and Huggins were present. City Attorney Douglas Waterman, City Clerk Becky Crofts, Deputy Clerk Dawn Goodwin, City Planning Staff Jennica Reynolds, Public Works Director Jason VanGilder, Building Official Chris Grooms and Police Chief Alan Takeuchi were present.

Pledge of Allegiance, Invocation: Don Watt – United Methodist Church

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve the amended agenda as posted January 31, 2022, at 3:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Items:

1. Presentation by Lisa Marie regarding mandatory alert for missing children.

Lisa Marie was absent from the meeting and did not present to the Council and those in attendance.

2. Building Department Update – Chris Grooms, Building Official (**Exhibit A**)

Building Official Chris Grooms addressed council and presented an overview of the permits that have been pulled in the city over the last three years for both commercial and residential.

Discussion Item:

1. Residential RV Dump/Sewer Clean-Out – Jason VanGilder, Public Works Director (**Exhibit B**)

Public Works Director Jason VanGilder explained to Council that the city was starting to see RV Dump/Sewer Cleanouts being placed at new residential construction sites around the city. He went on to explain that this was just a discussion for Councils thought.

Action Items:

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for City Council January 19, 2022, regular meeting, Joint City Council and Planning and Zoning Commission Workshop January 7, 2022, and the Special City Council Meeting January 18, 2022.
 - b. Consider ratifying payroll for January 28, 2022, in the amount of \$157,918.19.
 - c. Consider approving accounts payable thru January 28, 2022, in the amount of \$112,584.93.

Mayor Rule called the items. Council President Kiser stated he had gone through the accounts payable, and nothing had changed since the check registers had been uploaded to the council drobox. There were no concerns.

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. **Public Hearing:** Application by Value Lane, LLC, and JP Wagoner Planning for a preliminary plat with respect to the Artesian Springs Subdivision located at 10348 Hwy 44 (Tax Parcel No. R33916) zoned R-4 (Single Family Residential). The proposed preliminary plat consists of 40 single-family homes and 7 common lots on 13.56 acres. – Jennica Reynolds

Mayor Rule called the item and opened that public hearing open at 6:06 p.m. City Planning staff Jennica Reynolds presented **Exhibit C** to the Council and those in attendance. Douglas Waterman, City Attorney went on to explain that regarding the disagreement that is being worked on pertaining to the easement on the western side of the property, it is recommended that before being brought before City Council for final plat approval, the developer submit to the City Attorney adequate proof that the access issue has been resolved. Mr. Waterman also went to disclose that the representative to the applicant Mr. Jarom Wagoner is the Mayor of Caldwell and that the law firm Hamilton, Michaelson & Hilty, LLP is also the City of Caldwell's attorney of record, but that this would have zero effect on the matter before Council.

Applicant Remarks by Jarom Wagoner – JP Wagoner Planning

- Projects is 40 lots just off HWY 44
- Asking to be plated as R-3 zoning at 3 units per acre as opposed to the actual R-4 zoning which is 4 units per acre.
- There is an emergency access road that will be bollards and locked that is per the international fire code. In the case that this entrance would ever need to need to be used, by emergency services, they would be able to unlock and remove the bollards to gain the access that is needed.
- The average lot size is 95,000 square feet.
- There is an open space of 8% which is all usable space with walking paths and picnic benches as opposed to storm drainage. This open space along with the pathways and frontage along HWY 44 would be maintained by the Artesian Spring HOA.

Mayor/ Council Questions: Council Member O'Meara asked if the HOA would be willing to help maintain the roundabout in the Greenlinks Subdivision. Mr. Wagoner stated that at this time the HO would not be assisting in the maintenance of the roundabout in question. Council President Kiser wanted to know why the existing entrance off HWY 44 was not being utilized. Mr. Wagoner responded that ITD wanted to protect that exiting entrance and that they do not want it to be used for this project.

Public Comment:

Aaron Gross – 1015 Victoria Drive, Fruitland, ID – Mr. Gross is the owner of the property and expressed that change is inevitable and is good if it is positive for the city, which this development is.

Shaleen Stevenson – 78 Greenlinks, Middleton – spoke on behalf of the Greenlinks HOA and stated that proper notice was not given to in January to the residents of the Greenlinks Subdivision. Mrs. Stevenson then went on to read into record a letter from the Greenlinks HOA (**Exhibit D**) which expressed opposition to the development due to safety concerns such as traffic congestion and safety of the children at the day care center.

Larry Rick – 1522 Fairway St, Middleton, LD Smith – 1518 Mulligan, Middleton, Stephen Krogh – 158 Greenlinks Ave, Middleton, Todd McDonald – 1508 Fairway St, Middleton, Steve & Lynda Nickolia – 2162 Andalusian Ave, Middleton, Chad & Corinna Mink – 1515 Mulligan St, Middleton, Mike McDougall – 13037 Greenwell, Middleton, Greg Lucido 24552 Blackbird St, Middleton, Ron Stenton – 1885 Fairway St, Middleton, and Todd Ogibene – 1973 Scotch Pine, Middleton – all agreed with Mrs. Stevenson's letter and with concerns of traffic congestion, speeding and the safety of the children at the daycare center and that no Traffic Safety Plan had been submitted for city of public review. The residents also wanted to see speed bumps placed in the area to address concerns of speeding.

Rebecca Martin – 10346 HWY 44, Middleton – Strongly opposed the development for the above-mentioned reasons. Mrs. Martin also feels that the development causes her to lose her protected easement and access to HWY 44 and causes inconvenience on her and her family both financially and physically if the development was to be approved.

Mayor Rule called for a break at 7:41 p.m. and resumed the public meeting at 7:51 p.m.

Applicant Rebuttal: Jarom Wagoner – JP Wagoner Planning

- A traffic study was submitted to the City of Middleton on August 20, 2021
- Speed bumps in theory are a great idea but, cause many issues for emergency services and residents alike.
- Most of the resident traffic will flow to the south.
- By converting the open ditch to underground piping this saves that irrigation district hundreds of dollars by preventing seepage of water and evaporation not to mention the safety it provides by closing the ditch.
- Regarding Mrs. Martin's issues with the license agreement and easement access, two separate attorneys have reviewed the agreement and they agree that the HWY 44 access that is forementioned has been met by access through Mulligan.
- Having the emergency access locked when not in use is standard practice universally.
- ITD was sent notice of the right-of-way access but to date ITD has yet to respond with comment or concerns.
- Regarding infrastructure, the developer is providing its proportionate and appropriate amounts.

Mayor Rule closed the public hearing at 8:25 p.m.

Motion: Motion by Council President Kiser to approve the preliminary plat of Artesian Springs Subdivision located at 10348 HWY 44 with the conditions 1-7 from the staff recommendations and that prior to final platting proof of the easement dispute must be submitted to the City Attorney and meet City Attorney satisfaction. Motion seconded by Council Member Huggins and approved unanimously by roll call vote.

-
3. Consider approving Findings of Facts, Conclusions of Law and Order for Artesian Springs Subdivision. – Jennica Reynolds

Mayor Rule called the item.

Motion: Motion by Council President Kiser to table agenda item 3 to the February 16, 2022, regularly scheduled meeting at 5:30 p.m. Motion seconded by Council Member Huggins and approved unanimously.

4. Consider adopting Resolution 464-22 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY TO THE GREATER MIDDLETON PARKS AND RECREATION DISTRICT. – Becky Crofts (**Exhibit E**)

Mayor Rule called the item. Becky Crofts, City Administrator addressed the council stating that in December the Council had approved the surplus of unused city property. Some of the property had been sold to Greater Middleton Parks and Recreation District. Mrs. Crofts went on to explain that the resolution before council was backup to show that the property had been sold from one entity to another and the council was aware of such transaction. Council Member O'Meara stated that as the Director of Greater Middleton Parks and Recreation District, he was the one the procured the sale for the parks district and felt that he should recuse himself from the approval or denial of Resolution No. 464-22.

Motion: Motion by Council President Kiser to approve Resolution 464-22 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY TO THE GREATER MIDDLETON PARKS AND RECREATION DISTRICT. Motion was seconded by Council Member Huggins and approved unanimously with roll call vote with Council Member O'Meara being recused from the vote.

5. **Public Hearing:** Consider adopting Ordinance No. 660 AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1, MIDDLETON CITY CODE, BY THE ADDITION OF A NEW CHAPTER AND TWO NEW SECTIONS, CHAPTER 1, SECTIONS 1-20-01 AND 1-20-02, OF THE MIDDLETON CITY CODE, PERTAINING TO THE DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. – Douglas Waterman (**Exhibit F**)

Mayor Rule called the item and opened the public hearing at 8:40 p.m. City Attorney Douglas Waterman explained to the council that the State of Idaho has a process and regulations in place for the disposal of real surplus property, but that Ordinance No. 660 gives written proof at the city level of how the city handles the disposal of real surplus property.

There were no residents signed up to provide public comment on Ordinance No. 660. The Public hearing was closed at 8:46 p.m.

Motion: Motion by Council President Kiser to read Ordinance No. 660 by title only. Motion was seconded by Council Member Huggins and approved unanimously by roll call vote. Council President Kiser read Ordinance No. 660 by title only.

Motion: Motion by Council President Kiser to waive the three-reading rule and adopt Ordinance No. 660. Motion was seconded by Council Member Huggins and approved unanimously by roll call vote.

6. Consider approving the request of Chief Alan Takeuchi to award retired officer Frank Esquivel his handgun. – Chief Takeuchi

Mayor Rule called the item. Chief Takeuchi explained that it is customary at the retirement of an officer to retire the officers service piece and gift it to the officer. Although officer Esquivel only served the Middleton Police Department for five years in total, he has served the State of Idaho for 29 years in law enforcement.

Motion: Motion by Council President Kiser to approve the request of Chief Alan Takeuchi to award retired officer Frank Esquivel his handgun. Motion seconded by Council Member O'Meara and approved unanimously.

7. Consider ratifying change order PCO-002 Pressure Sewer Tie-In from LaRiviere Inc for the (Hartley Sewer Main Project) in an amount not to exceed \$5,572.49. – Jason VanGilder

Mayor Rule called the item. Jason VanGilder, Public Works Director gave a brief explanation for the reason of the change order which included the work having to be done closer to the trench line than had originally been anticipated.


Motion: Motion by Council President Kiser to ratify change order PCO-002 Pressure Sewer Tie-In from LaRiviere Inc for the (Hartley Sewer Main Project) in an amount not to exceed \$5,572.49. Motion was seconded by Council Member O'Meara and approved unanimously.

Public Comments, Mayor and Council Comments:

- Mike Graffe—1889 Ridgeway- Mr. Graffe wanted the council to know once more that gross acres and buildable acres needed to be better defined in the city code. Mr. Graffe also wanted the City Council to support the desire of the Middleton and Kuna School Districts effort to obtain have the legislature start collecting school impact fees.
- Mike McDougal – 13032 Green Well Ln – Middleton – Mr. McDougal wanted the council to know that he does appreciate the effort that is put into the City Council and Planning and Zoning meetings.
- Council Member O'Meara— stated that HB 667 was to go before the legislature on February 17, 2022, and he encouraged everyone to speak to their representatives and get their voice heard in support of the bill. Mr. O'Meara also let everyone know that Greater Middleton Parks and Recreation District we in the stages of re-negotiation for the rental space from the Middleton School District for the recreation center.

Adjourn: Mayor adjourned the city council meeting at 9:06 PM.

ATTEST:


Dawn Goodwin, Deputy Clerk
Minutes Approved: February 16, 2022


Steven J. Rule, Mayor

Residential Building Permits



2018

2019

2020


2021

2022

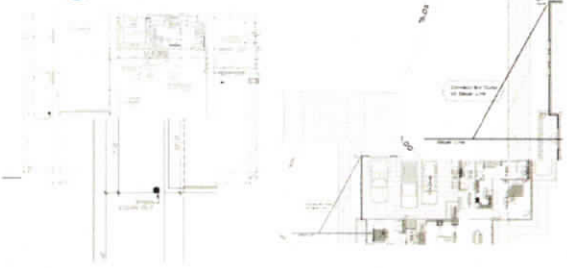


Residential RV Dump / Sewer Clean-Out Discussion
Jason Van Gilder, Public Works Director


1




Residential RV Dump/ Sewer Clean-Out




2



Residential RV Dump/ Sewer Clean-Out




www.rvdumpsites.net

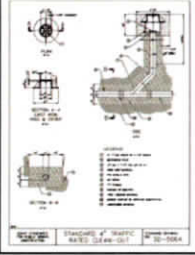



City's RV Dump Station on S. King Street

3




Residential RV Dump/ Sewer Clean-Out





ISPMC Standard Detail
 (2017 edition)


4



Residential RV Dump/ Sewer Clean-Out



5



Residential RV Dump/ Sewer Clean-Out

Concerns identified with additional "RV Dump" clean-outs:

1. Septic or Chemical Waste Upsetting the City Treatment Process.
2. Additional/ Convenient Point of Entry for Illicit Discharges.
3. May facilitate RV living in driveways.

6



Residential RV Dump/ Sewer Clean-Out

Concerns identified with additional "RV Dump" clean-outs:

1. Septic or Chemical Waste Upsetting the City Treatment Process.
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3. May facilitate RV living in driveways.

7



Residential RV Dump/ Sewer Clean-Out



City's RV Dump Station on S. King Street

8



Residential RV Dump/ Sewer Clean-Out

Concerns identified with additional "RV Dump" clean-outs:

1. Septic or Chemical Waste Upsetting the City Treatment Process.
2. Additional/ Convenient Point of Entry for Illicit Discharges.
3. May facilitate RV living in driveways.

9



Residential RV Dump/ Sewer Clean-Out

Relevant City Code:

8-1-19: ILLICIT DISCHARGE:

- A. Drain Water Prohibited: It shall be unlawful for any person to discharge irrigation water or roof or surface drain water or ground drainage into the sanitary sewer system.
- B. Objectionable Waste Prohibited: It shall be unlawful for any person to place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any wastewater, human or animal excrement, garbage or other objectionable waste.
- C. Discharge Of Sewage To Natural Outlet: It shall be unlawful to discharge to any natural outlet or drop inlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters.

(Ord. 553, 3-18-2015; amd. Ord. 619, 7- 17-2019)

10



Residential RV Dump/ Sewer Clean-Out

Relevant City Code:

8-1-20: IMPROPER USE OF SYSTEM:

- A. Entrance to the manhole or opening the same for any purpose whatsoever, except by the City or other persons duly authorized, is strictly prohibited. No one shall throw or deposit or cause to be thrown or deposited in any vessel or receptacle connected with the public sewer, garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, sticks, cinders or any other matter or thing whatever, except human excrement, urine, the necessary paper products, household sewage and drainage of such character.

(Ord. 553, 3-18-2015; amd. Ord. 619, 7-17-2019)

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Residential RV Dump/ Sewer Clean-Out

Concerns identified with additional "RV Dump" clean-outs:

1. Septic or Chemical Waste Upsetting the City Treatment Process.
2. Additional/ Convenient Point of Entry for Illicit Discharges.
3. May facilitate RV living in driveways.

12



Residential RV Dump/ Sewer Clean-Out

Relevant City Code:

11-2-3: RESTRICTED PARKING OF TRUCKS, CAMPERs, MOTOR HOMES AND TRAILERS:

A. It is unlawful for any person to stop, stand, or park a camper, motor home, recreational vehicle, storage pod, trailer, truck or truck-tractor on any road, alley, or easement in the City for more than forty eight (48) hours. However, between April 1 and October 31, campers, motor homes and recreational vehicles or similar vehicles may park (as long as they are not on the City for up to seventy-two (72) hours on road or on road.) (Ord. 619, 7-3-2019)

11-2-4: RECREATIONAL VEHICLE VISITOR PARKING PERMITS:

Visitors to the City of Middleton are allowed to park their recreational vehicle, trailer or other like vehicle curbside for up to fourteen (14) total days in a twelve (12) month period, upon the acquisition of a permit from the City. Permits shall be administratively approved by the Mayor or his/her designee. The permit fee shall be set by the Council. (Ord. 567, 3-16-2015)

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Residential RV Dump/ Sewer Clean-Out

Relevant City Code:

8-1-9: VAGRANCY:

It shall be unlawful for any person to be a vagrant. Residents shall reside in a house, duplex, triplex, apartment, condominium, townhouse, or manufactured home certified by the United States Department of Housing and Urban Development (HUD) or International Residential Code adopted in section 5-1-2 of this Code. Residents shall not reside in a storage unit, accessory structure, camper, trailer, RV, bus or other vehicle, tent, teepee, igloo, box, sleeping bag, or other shelter. (Ord. 570, 1-20-2016; amd. Ord. 619, 7-17-2019)

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Residential RV Dump/ Sewer Clean-Out

Thank You

City Staff
Civil Dynamics
City of Caldwell
City of Meridian
City of Nampa
Operations Management Consulting Services (OMCS)
Pacific Northwest Source Control Training Association (PNSCTA)
T-O Engineers

Next Steps

15



**ARTESIAN SPRINGS
PRELIMINARY
PLAT APPLICATION**

DESCRIPTION	DETAILS
Acres	13.56 acres
Current Zoning	R-4 (Single-Family Residential)
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	Residential
Lots	40 residential lots and 7 common lots
Density	3 single-family lots per acre
Open Space	8%
Amenities	Pocket Park, Pathways & Benches



1



Project Description:
Residential Subdivision with 40 buildable lots and 7 common lots on 13.56 acres of vacant land.




2






Current Zoning & Property Condition:
Located in City Limits and zoned R-4 (Single-Family Residential)

3




City Services:
City water and sewer are located immediately south in SH44.

Water: 

Sewer: 

East Trunkline fee will be assessed at each building permit in addition to all other building and impact fees the city has in place at time of building permit.



4



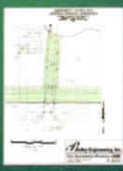

Traffic Access & Streets:
Proposed connection into Mulligan Street with one loop road throughout the entire subdivision. A stub road at the northwest border will provide for future connectivity to the north.




5



Traffic Access & Streets:
A 2nd Emergency Access will connect to SH44. As a condition of approval, the applicant will be required to obtain a permit from ITD prior to final plat approval.

6



The property owner (Marlin's) to the north of the project claims an access easement or license across the Applicant's property to the south. The Applicant claims it has legally terminated a portion of the access. The remaining portion has been preserved on the preliminary plat.

This constitutes a legal dispute between neighbors, and the City is not obligated to determine the parties' rights in the matter. The City's only responsibility is to make sure the Applicant owns the property, which obligation the City has fulfilled, and forward the application through public hearing process.

7



Traffic Study:

The Applicant completed a Traffic Study. It will show percentage of impacts this subdivision will have on surrounding intersections, and the Developer will be required to pay for those impacts via a proportionate share traffic fee that must be paid prior to final plat approval.

The Study has been sent to ITD who has not commented.

8



Pathway & Sidewalks:

Developer is required to construct a landscape buffer south along SH44 and a large meandering sidewalk to match the frontage buffer already existing west and east of the project.

The Applicant's Preliminary Plat is in compliance with the Transportation, Schools and Recreation Map.



9



Open Space:

Developer has provided 8% open space (only 5% is required by City Code 5-4-10-10).

A pocket park, meandering pathway and benches are shown as amenities.

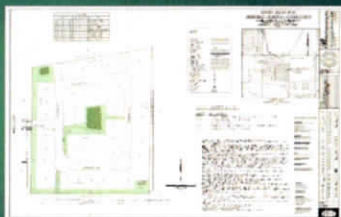
10



Preliminary Plat Application:

There is no phasing plan, so the project will be brought to final plat in one phase.

The Preliminary Plat complies with all dimensional standards and codes of the City of Middleton.



11




Findings:

Planning Staff finds that the Preliminary Plat will not adversely affect the City's ability to deliver services. Planning Staff finds the Preliminary Plat is in harmony with the City's Comprehensive Plan.

(A copy of the full Preliminary Plat and Landscape Plan is attached as Exhibit "A" of the full Staff Report.)

12




Comprehensive Plan:

Project complies with the Goals, Objectives and Strategies of the 2019 Middleton Comprehensive Plan as follows:

- a. Goals 3 & 23: Project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. Goals 4 & 5: 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. Goal 11: The housing type matches the residents' lifestyle in the area the project is located and is an in-fill improvement project.

13



Civil Dynamics

January 17, 2022

100 Greenlinks Ave., Suite 100
Fruitland, ID 83619

City Engineer & Planning Staff
Comments:

City Engineer recommends approval of the Preliminary Plat.

(Complete Comments attached as Exhibit "B" in full Staff Report)

14



Surrounding Landowners Comments: (Exhibit "C" of Full Staff Report)

Steve Walker – Greenlinks HOA Letter 11-8-2021

- Concerned with increased traffic on Greenlinks Ave.
- Propose cost of landscape maintenance along entrance of Greenlinks Ave. up to and including Mulligan Street traffic circle be shared with Artesian Springs HOA.
- Propose only single-story homes be built along the western boundary where the lots directly back up to existing residents' backyards. (Should only affect up to 4 lots.)

15



Continued Surrounding Landowners Comments:

Mike & Joan Walker – Letter dated 11-8-2021

- Concerned with additional traffic and impacts to Greenlinks Ave. and SH44

Gary & Rebecca Martin – Email letter with Easement and License Agreements dated 12-2-2021

- Objection to plat due to ingress/egress easement to SH44.

16



Agency Comments: Exhibit "D" of Full Staff Report


Middleton Rural Fire District

- Chief's Review 1-5-2022

Canyon County Water Company 11-29-2021

- Tentatively to approve plan to pipe the ditch, after the required license agreement is acquired.

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Applicant Information:

Application received and accepted on June 29, 2021.

Applicant/Owner: Aaron Gross, Value Land, LLC.
1015 Victoria Drive
Fruitland, ID 83619

Representative: Jarom Wagoner, JP Wagoner Planning
11846 Linden Road
Caldwell, ID 83605


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Notices & Neighborhood Meeting:	Dates:
Neighborhood Meeting	6/17/2021
Newspaper Notification	1/16/2022
Radius notification mailed to Adjacent landowners within 300'	1/13/2022
Circulation to Agencies	1/13/2022
Sign Posting property	1/13/2022

Planning Staff finds that notice was appropriate and given according to law.


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Applicable Codes and Standards:

- ▶ Idaho Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329.
- ▶ Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction.
- ▶ Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.

20




Planning & Zoning Recommendation:

This application was considered in a public hearing before the Planning & Zoning Commission on Dec 6, 2021, and January 10, 2022. The Commission recommended approval of the preliminary plat application subject to the conditions of approval set forth in the Staff Reports for those hearings.

(A copy of the FCR from the P&Z hearing is attached as Exhibit "E" of the Staff Report.)


21



Conclusions and Recommended Conditions of Approval:

The decision to approve or deny a preliminary plat application must be based upon *General Facts and Conclusions of Law* formally accepted by City Council.


22



As to General Facts:

Planning Staff has set forth General Facts that are the basis for approving or denying this application. If the Council agrees with these general facts and agrees with the testimony and evidence presented at the public hearing, the Council need merely make a motion to accept those general facts set forth by Staff in the Staff Report and presentation.

23



As to Conclusions of Law:

Planning Staff finds that the City Council has the authority to hear this application and to approve or deny this application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a decision on the application. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.

24



If the Council is inclined to approve the Preliminary Plat based upon the above *General Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Owner/Developer shall construct, at its own cost, all frontage improvements of SH44.
3. Owner/Developer to pay all City required proportionate share traffic fees.
4. All City Engineer review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
6. License agreement granting access over irrigation easement connecting Mulligan Street to Artesian Ave must be recorded prior to final plat approval.
7. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

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Finally, if the City Council denies the application, pursuant to Middleton City Code 1-14(E)(8), the Council must state on record what Applicant can do, if anything, to gain approval of the application.

Planning Deputy Clerk
Jennica Reynolds
2/1/2022



26

January 30, 2022

Middleton City Council
1103 W. Main Street
Middleton, Idaho 83644

Dear Honorable City Council,

As board members of the Greenlinks Homeowners Association, we are writing to you on behalf of the residents of Greenlinks Subdivision. This letter is in regards to our public safety concerns we have with the proposed Artesian Springs Subdivision.

Artesian Springs Subdivision includes 40 new homes. The City of Middleton requires a completed traffic study if the development has over 25 lots. Mr. Jarom Wagoner has stated a traffic study was completed for Mulligan Street and "...can handle the traffic" however we have not seen this study, been able to find it in any of the Planning & Zoning Commission Meeting minutes or agendas, and no one has observed any actual study being completed in our neighborhood. With 40 additional homes going in and no proposed improvements to existing streets, we are concerned about the increase in traffic and the impacts it will have on our neighborhood. Greenlinks Avenue has already become a main roadway for other drivers going to/from Highway 44. Besides being driven by Greenlinks residents, it serves as a main roadway for drivers coming and going to the churches and park on Cornell, the daycare on Greenlinks and the homes at Park Place subdivision.

Along with an increase in traffic, many of us have witnessed drivers failing to adhere to posted speed limits on Greenlinks Ave. There are drivers that fly through our neighborhood dangerously with complete disregard for speed, the roundabouts, or pedestrians. With a minimum 80+ vehicle trips with the new subdivision, we are very concerned with safety of drivers and pedestrians. To help slow traffic and prevent excessive speeding, we are requesting speedbumps to be installed along Greenlinks Avenue before each intersection throughout our subdivision. Please see the attached map with suggestions for placement of speedbumps (yellow rectangles on attached map).

The most concerning issue for our neighborhood is that Artesian Springs subdivision has only one entrance/exit to the subdivision. We are very concerned with the safety of not only our residents but also for the new ones in Artesian Springs. We believe that there needs to be 2 ways in and out of the new subdivision not just for traffic purposes, but for potential emergency situations or potential evacuations. With Mulligan St. being the only proposed entrance, it poses

a MAJOR safety issue. If there was an emergency evacuation, 40 homes trying to exit one road is dangerous and it would block our residents' driveways and their ability to safely evacuate as well. The proposed Emergency Only entrance to allow Emergency Vehicles in does nothing to allow people to exit if needed.

Thank you for your consideration and time. We hope that we can continue to work together as a community to keep Middleton safe and a great place to live for new and existing residents.

Sincerely,

Greenlinks HOA

Steve Walker, President

A handwritten signature in blue ink, appearing to read "Steve Walker", with a stylized flourish at the end.

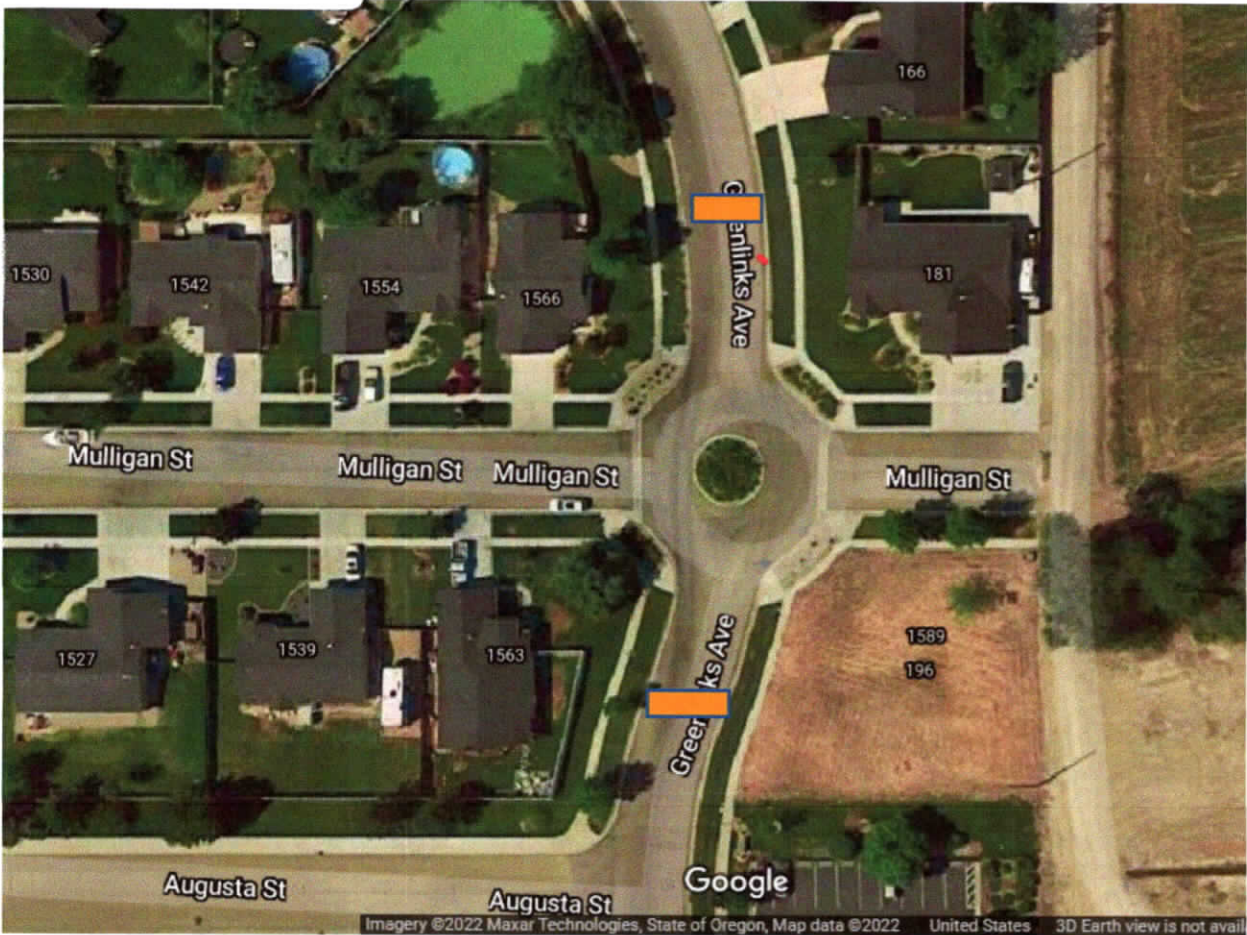
Curtis Mihm, Vice President

A handwritten signature in blue ink, appearing to read "Curtis Mihm", with a stylized flourish at the end.

Shaleen Stevenson, Secretary/Treasurer

A handwritten signature in blue ink, appearing to read "Shaleen Stevenson", with a stylized flourish at the end.

Proposed speedbumps for Greenlinks Avenue



RESOLUTION NO. 464-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY TO THE GREATER MIDDLETON PARKS AND RECREATION DISTRICT.

WHEREAS, the City of Middleton, Idaho, (the "City") has declared certain property to be surplus and has determined the appropriate value for said property on December 15, 2021 ; and,

WHEREAS, included in said list of surplus property was a 2011 Dodge Charger and four picnic tables; and,

WHEREAS, the Middleton City Council determined that the fair market value for the 2011 Dodge Charger was two thousand dollars (\$2,000.00); and,

WHEREAS, the Middleton City Council determined that the fair market value for the four picnic tables was twenty-five dollars (\$25) for all four tables; and,

WHEREAS, the Greater Middleton Parks and Recreation District is a duly formed recreation district operating within the general area of the City of Middleton; and,

WHEREAS, the Greater Middleton Parks and Recreation District desires to purchase the foregoing items of personal property for the amounts determined to be the fair market values for said property; and,

WHEREAS, the Middleton City Council has previously auctioned some items of surplus personal property and has, at other times, authorized the transfer thereof directly to buyers at said fair market value; and,

WHEREAS, the Middleton City Council desires to sell the foregoing items of surplus personal property to the Greater Middleton Parks and Recreation District for their fair market value; and,

WHEREAS, the Middleton City Council has determined that said transaction is on terms that are would be reached at an arms-length commercial transaction; and,

WHEREAS, the Middleton City Council has determined that the foregoing transaction is in the best interests of the City of Middleton and her citizens; and,

WHEREAS, the Middleton City Council has the authority to dispose of surplus personal property.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND DECLARED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, THAT:

1. The Mayor is hereby authorized to execute any and all documents necessary to consummate the transfer of a 2011 Dodge Charger and four (4) picnic benches to the Greater Middleton Parks and Recreation District.

PASSED BY THE COUNCIL of the City of Middleton, Idaho this 2nd day of February, 2022.

APPROVED BY THE MAYOR of the City of Middleton, Idaho this 2nd day of February, 2022.

APPROVED

By _____
STEVE RULE, Mayor

ATTEST:

By _____
City Clerk



CITY OF MIDDLETON

P.O. Box 487, 1103 W Main Street, Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

citmid@middletonidaho.us

www.middleton.id.gov

BILL OF SALE

Date: January 13, 2022

Seller: City of Middleton
P.O. Box 487
Middleton, Idaho 83644

Buyer: Greater Middleton Parks and Recreation Dist.
P.O. Box 265
Middleton, Idaho 83644

Property: 2011 Dodge Charger
VIN #2B3CL1CT8BH567878
Milage: 159,137

4 Picnic Tables

Condition: Charger: Electrical Issues Picnic Tables: Need Repair

Price: \$2,025.00 (Price break down: Charger \$2,000 Picnic Tables \$25)

Terms: Buyer has inspected the Property, understands the condition of said property, and is purchasing the property as is, where is, and assumes the risk of liability associated with the property.

CITY OF MIDDLETON

GREATER MIDDLETON PARKS & RECREATION DIST.

Becky Crofts, City Administrator

Tim O'Meara, Executive Director



City of Middleton

P.O. Box 487 · 1103 West Main Street · Middleton, Idaho 83644
(208) 585-3133 · Fax (208) 585-9601

Invoice No. 2022-01
Invoice Date 1/10/2022
Due Date **Upon Receipt**

Bill To:
Greater Middleton Parks & Recreation
P O Box 265
Middleton, ID 83644

Description of Services	Amount
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Regarding: Surplus Items

2011 Dodge Charger	\$2,000.00
Four (4) Picnic tables	\$25.00

Total Amount Due **\$2,025.00**

Comments

If you have any questions, please call (208) 585-3133

Please make check payments payable to
City of Middleton

You Must Return This Portion With Your Payment To Insure Timely Credit To Your Account
Remit Payment To : Po Box 487 Middleton, Idaho 83644

Greater Middleton Parks & Recreation
P O Box 265
Middleton, ID 83644

\$2,025.00	Upon Receipt
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Invoice No. 2022-01

Regarding: Surplus Items

Balance Due: **\$2,025.00**



GMPRD Directors
Deborah Sandborgh, President
Bo Mackey, Vice President
Elizabeth Weaver, Treasurer
Mike Okamura, Director
Jon Roth, Director

January 7, 2022

City of Middleton
1103 W. Main St.
Middleton, ID 83644

Attn: Mayor Steve Rule

Dear Mayor Rule,

Per our discussion earlier today, Greater Middleton Parks & Recreation District would like to purchase some of the surplus items available through the City of Middleton.

We are interested in the following items:

2011 Dodge Charger – purchase price to be \$2,000.00.

Four (4) picnic tables – purchase price to be \$25.00 for all four tables.

Please send us an invoice for the above items, so we can purchase these from the City of Middleton at your earliest convenience.

Thank you,


Tim O'Meara
Executive Director

P.O. Box 265 Middleton, Idaho 83644 Ph.# 208/585-3461 FAX: 208/585-6198
gmprdjulie@gmail.com www.greatermiddletonparksandrec.org

ORDINANCE NO. 660

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1, MIDDLETON CITY CODE, BY THE ADDITION OF A NEW CHAPTER AND TWO NEW SECTIONS, CHAPTER 1, SECTIONS 1-20-01 AND 1-20-02, OF THE MIDDLETON CITY CODE, PERTAINING TO THE DISPOSITION OF SURPLUS PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HERewith.

BE IT ORDAINED by the Mayor and Council of the City of Middleton, County of Canyon, State of Idaho:

Section 1. That Title 1 of the Middleton City Code is hereby amended by the addition of a new Chapter 20, Section 01-20-21 and 01-20-02, as follows:

01-20-01: SURPLUS PROPERTY; AUTHORIZATION; DECLARATION; DISPOSAL; PROHIBITIONS:

No employee of the city is authorized to sell, transfer or give away personal or real property of the city except in accordance with this article and state law. The unauthorized sale or transfer of property of the city by any employee, other than by discarding as waste material at the sanitary landfill or similar approved depository for refuse, shall constitute a misdemeanor, punishable as provided in Idaho Code sections 50-302(1) and 18-113, as amended, in addition to any other civil or equitable remedy which might be available to the city or criminal charge that might be appropriate under the circumstances. Only the city council has authority to declare property, whether real or personal, to be surplus. The city clerk shall coordinate the disposal of all surplus property, including land, buildings, equipment, and other city assets no longer required for city use, in the manner which is in the best interests of the city and which is consistent with the requirements of law.

- (1) Declaration Of Surplus; Disposal Of Personal Property: For an item or batch of items estimated by the city clerk to be valued at less than one thousand dollars (\$1,000.00), and subject to the prohibitions set forth in subsection (5) of this section, the city clerk shall have full discretion on when and how such an item, or batch of items, shall be disposed of following declaration by the city council that such property is surplus, unless specific dispositive instructions are given by the city council in that declaration. Surplus personal property estimated by the city clerk to have a value of one thousand dollars (\$1,000.00), or more, shall be disposed of in accordance with the provisions set forth in subsection (4) of this section. The city council may, in any resolution declaring personal property to be surplus, direct the method of disposition. If no method of disposition is set forth in the resolution, such property shall be disposed of in any manner consistent with this article and state and federal law.

- (2) Declaration Of Surplus; Disposal Of Real Property: When appropriate, the city shall declare city owned real property to be surplus and dispose of such property in accordance with the requirements and procedures set forth in Idaho Code section 50-1403.
- (3) Transfer Of Surplus Property To Other Government Agencies: When appropriate and in the city's best interest, the city clerk shall recommend to the mayor and city council the transfer or donation of surplus property to other government agencies in accordance with the requirements of Idaho Code.
- (4) Disposition Of Surplus Property: The city clerk may dispose of personal property through a sale, or may, in the alternative, dispose of said property through exchange for property to be acquired by the city.
 - A. All sales of surplus personal property, except as specifically provided for herein, shall be made through a public sale or auction and shall be preceded by some form of public notice, which shall include, at a minimum, a posting for at least three (3) days on the city's internet website. Except where such procedures or requirements are set forth in Idaho Code, decisions concerning the procedures to be followed for the sale and any additional notice beyond that required above shall be made by the city clerk.
 - B. If any sale or auction of surplus personal property fails to produce a buyer at a minimum price set by the city council, if a minimum price was set, or, if no bids are received, the city clerk shall proceed to dispose of the property at his or her discretion, subject to the prohibitions set forth in subsection (5) of this section, in any appropriate manner designed to maximize the financial return to the city, unless otherwise instructed by the city council in its resolution declaring such property to be surplus.
 - C. In the event items of surplus personal property are determined to have no salable value because of condition, obsolescence or inappropriateness of use for the general public, the city clerk shall dispose of such items in any manner appropriate, subject to the prohibitions set forth in subsection (5) of this section.
 - D. When real or personal property is purchased, donated or otherwise conveyed to the city and federal funding designated for the purpose of assisting low to moderate income persons with decent, safe, affordable housing opportunities, has been utilized to obtain or improve the property, it may be offered for public sale. If the property is not sold through a public sale, the property may be sold, donated or otherwise conveyed directly to a low to moderate income person as approved by the city clerk and housing program administrator. In either event, the sale or conveyance must be consistent with the requirements of the applicable federal regulations under which the property was obtained initially or improved.

E. All proceeds from the sale or auction of an item or batch of items of surplus property shall be deposited into the miscellaneous revenue account of the department from which such item or batch of items originated.

- (5) **Parties Prohibited From Purchasing Surplus Property:** It shall be unlawful for any of the following persons to purchase surplus property at any sale or auction: mayor, city clerk, members of the city council, appointed officials or department heads. It shall likewise be unlawful for any partnership or entity in which any of the foregoing persons have any financial interest to purchase such property. No employer, business partner, business associate, or immediate family member of one of the aforementioned persons shall be permitted to purchase surplus property at any sale or auction. Finally, no city employee involved in the sale of any specific item or batch of items of surplus property shall be permitted to purchase said property.

01-20-02: SALE AT RETAIL:

Notwithstanding any other provision of this code, the city may sell personal property to employees and members of the public at retail at city facilities and events. For purposes of this section "facilities and events" shall include, but shall not be limited to, vending machines, snack bars, gift shops, pro shops or other marketing methods catering to city employees or members of the public utilizing city facilities or participation in city sponsored events.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this 2nd day of February, 2022.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this 2nd day of February, 2022.

ATTEST:

Steve Rule, Mayor

City Clerk (or Deputy)