
**MIDDLETON CITY COUNCIL
JULY 19, 2023**

The Middleton City Council Meeting was called to order on July 19, 2023, at 5:31 p.m. by Mayor Steve Rule.

Roll Call:

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

City Attorney Mr. Waterman, Public Works Director Mr. Van Gilder, Planning & Zoning Official Ms. Stewart, and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Jim Taylor

Action Items

A. Approve Agenda

Motion: Motion by Council Member Huggins to approve the Agenda dated July 14, 2023, 5:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Item:

1. Introduction of Jacob Sherrer for MURA – Mayor Rule

Mayor Rule introduced the item and Mr. Sherrer gave a brief introduction of himself. He is happy to serve on MURA.

2. Sewer System overview – Amy Woodruff, City Engineer.

Mayor Rule asked Ms. Woodruff to present a review of the city's Sewer System.

- Infiltration and Inflow (I&I): The city has identified and stopped 100,000 gallons per day of I&I. This is a significant savings to the residents because that water is no longer leaking into the sewer system and inadvertently being treated.
- There is a significant benefit to the city if the pilot study can show removal of temperature and other nutrients thorough the uptake in the alfalfa thus negating the need for costly chillers and nutrient removal.
- Middleton needs to upgrade the WWTP to meet the requirements for discharge back into the Boise River. All the cities along the Boise River (in the Treasure Valley) are looking at the new federal requirements and making appropriate upgrades. The previous upgrade before 2012 was 7 million dollars, which is nothing in the wastewater industry. The technology had been selected and it made the most sense for Middleton at that time but is not capable of meeting the limits anticipated.

Action Item:

1. Consent Agenda (items of routine administrative business)

- a. Consider approving minutes for City Council July 5, 2023, Regular meeting.
- b. Consider ratifying payroll for July 14, 2023 in the amount of \$101,556.12.
- c. Consider approving accounts payable through July 19, 2023, in the amount of \$311,839.95.
- d. Consider authorizing the Mayor to accept the quote for the repair of a WWTP headworks pump not to exceed the amount of \$13,209.69. – Mr. Van Gilder

Mayor Rule called the items. He asked Mr. Van Gilder to explain item 1d. Council Member Huggins said she had an email from Council President Kiser who had gone through the accounts payable in the packet. He noted that there was a large check to Integrity Solutions for the camera inspections that was authorized by Council previously and 3 large passthrough checks on this run.

Motion: Motion by Council Member Huggins to approve Consent Agenda Items 1 a, b, c & d. Motion seconded by Council Member O'Meara and approved unanimously.

- 2. Consider authorizing the Mayor to enter into an agreement with the Bloomquist family to accept the donation of a tree to be planted on City property, the placement of a plaque to commemorate that donation, and a plaque to be placed on the back of the "Welcome to Middleton" sign located in Centennial Grove Park. – Mr. Van Gilder**

Mayor Rule called the item and Mr. Van Gilder explained the agreement. Mr. Bloomquist passed away on August 2, 2022. The family has asked if they can place a plaque on the monument sign that he had built for his Eagle Scout project years ago. The family will also donate and plant a tree in Roadside Park.

Motion: Motion by Council Member Huggins authorize the Mayor to enter into an agreement with the Bloomquist family to accept the donation of a tree to be planted on City property, the placement of a plaque to commemorate that donation, and a plaque to be placed on the back of the "Welcome to Middleton" sign located in Centennial Grove Park. Motion seconded by Council Member O'Meara and approved unanimously.

- 3. Consider authorizing the Mayor to approve the Baer Design Group Inc. scope of work not to exceed the amount of \$34,000 to master plan River Walk Park. – Mr. Van Gilder**

Mayor Rule called the item and Mr. Van Gilder explained the item. This is necessary as it is the next logical step in the development of River Walk Park. It was noted that advancing the design will be helpful as the city applies for state grant funding which typically favor 100% design completed prior to grant application.

Motion: Motion by Council Member Huggins to authorize the Mayor to approve the Baer Design Group Inc. scope of work not to exceed the amount of \$34,000 to master plan River Walk Park. Motion seconded by Council Member O'Meara and approved unanimously.

- 4. Consider approval of the final plat for Estates at W. Highland, Phase #2. - Ms. Stewart**

Mayor Rule called the item Ms. Stewart gave a brief overview/report of the final plat. There are 2 phases of this subdivision. This is the last phase.

Motion: Motion by Council Member Huggins to approve the final plat for Estates at W. Highland, Phase #2. Motion seconded by Council Member O'Meara and approved unanimously.

- 5. Consider approving Resolution No. 483-23: A Resolution declaring the value of certain real property intended for conveyance; and declaring the intent to convey said real property by exchange; and calling for a public hearing to be held to take public testimony concerning said proposed conveyance. – Mayor Rule**

Mayor Rule called the item and explained this property exchange with the Higginson's is favorable to the city because the property borders the old walking path and train track that was donated to the city for tax credits during Mayor McKeever's administration. This exchange gives the city full needed right of way to construct Middleton Road. There is an agreement, but this resolution is the first step to get to the public hearing.

Council member O'Meara asked about the cost of moving the fence. Mayor Rule said that cost has been corrected to \$18,000. City feels it is in the City's best interest to let Higginson's build and construct the fence, rather than have the city construct the fence.

Council Member Murray asked if there have been any studies that have been conducted showing that the straightening of Middleton Rd will improve traffic flow.

Ms. Woodruff stated that the city has done extensive analysis and the straightening of Middleton Rd. provides an increasing capacity of 200%.

Mayor Rule stated that there are over 2,000 homes that are approved in Middleton now. The straightening of Middleton Rd is an attempt to route outside through traffic away from downtown Middleton to Nampa and Caldwell. This has been on the radar for decades.

Council Member O'Meara stated that this has been in planning for a long time. It would have behooved the City to acquire this land decades ago.

Mr. Van Gilder stated that there was a study conducted in 2016 identifying the Middleton Rd. corridor with plan to enlarge from 2 lanes to 4 lanes and enlarging or replacing the bridge to 4 lanes.

Council Member Huggins said the straightening of Middleton Rd has been part of the plans since before she became a part of Council. And finally, the City is getting the right of way.

Motion: Motion by Council Member Huggins to approve Resolution No. 483-23: A Resolution declaring the value of certain real property intended for conveyance; and declaring the intent to convey said real property by exchange; and calling for a public hearing to be held to take public testimony concerning said proposed conveyance. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – No, O'Meara – Yes. Approved 2 to 1.

6. Public Hearing: Application by City of Middleton for rezone and comprehensive plan map amendment with respect to parcels owned by the City of Middleton (Parcel No. R33900010A0 Middleton Road (approx. 21 acres) and Parcel No. R33910010 (approx. 7 acres)). City is requesting City Council to rezone Parcel R33900010A0 from R-3 (Single Family Residential) to M-U (Mixed Use) and rezone Parcel No. R33910010 from A-R (Agricultural Residential) to M-U (Mixed-Use) in anticipation of a future mixed-use project to be known as the Mill Creek Plaza. City is also requesting that the designation of "Public" on the Comprehensive Plan Future Land Use Map be changed to "Mixed-Use." - Ms. Stewart

Mayor Rule opened the Public Hearing at 6:25 p.m.

Planning & Zoning Official Ms. Stewart presented a PowerPoint of the staff report of the application. (Exhibit 1)

Mayor Rule said this is one of the steps moving forward to get this property staged properly prior to putting out the RFQ.

Council Member Murray stated he thought the 7 acres should be used as an area to re-route the Middle School traffic.

Council Member Huggins asked what the repercussions of changing the zoning now could be on potentially new council members and mayor given this is an election year.

Ms. Stewart said we are strictly talking about zoning right now and laying the foundation for the potential plaza. Any future council members or mayor could come in and change the zoning and change the plan.

Mayor Rule opened public testimony at 6:39 p.m.
No one testified.

Mayor Rule closed public testimony at 6:40 p.m.

Motion: Council Member Huggins moved based upon the facts and law presented to approve the Application by City of Middleton to rezone and parcel numbers R33910010 and R33900010A0 to Mixed-Use. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – No, O'Meara – Yes. Approved 2 to 1.

Motion: Council Member Huggins moved based upon the facts and law presented to approve the application by the City of Middleton to amend the Comprehensive Plan Future Land Use Map by changing the land use designation of parcels numbers R33910010 and R33900010A0 to Mixed-Use. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – No, O'Meara – Yes. Approved 2 to 1.

7. Consider approving Ordinance 678 OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, TO REZONE CERTAIN REAL PROPERTY SITUATED WITHIN MIDDLETON CITY LIMITS TO M-U (MIXED-USE); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. - Ms. Stewart

Mayor Rule called the item.

Motion: Motion by Council Member Huggins to read Ordinance 678 by Title Only. Motion seconded by Council Member O'Meara and approved unanimously.

Council Member Huggins read Ordinance 678 by Title Only.

Motion: Motion by Council Member Huggins to waive the 3-reading rule and adopt Ordinance 678. Motion seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – Yes, O'Meara – Yes. Approved unanimously.

8. Consider adopting Resolution 482-23 PURSUANT TO IDAHO CODE § 67-6509(C), OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AN IDAHO MUNICIPAL CORPORATION, REPLACING THE FUTURE LAND USE MAP. - Ms. Stewart

Mayor Rule called the item.

Motion: Motion by Council Member Huggins to approve Resolution 482-23 replacing the Future Land Use Map of the City's Comprehensive Plan with a new Future Land Use Map showing the use for the parcels proposed for the Mill Creek Plaza as Mixed-Use. Motion Seconded by Council Member O'Meara.

Roll Call Vote: Huggins – Yes, Murray – Yes, O'Meara – Yes. Approved unanimously.

Mayor Rule closed the Public Hearing at 6:44 p.m.

9. Consider approving ORDINANCE 679 AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, OF THE MIDDLETON CITY CODE, PERTAINING TO THE GENERAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMITS AND AMENDING TITLE 4, CHAPTER 1, SECTION 4-1-1 OF THE MIDDLETON CITY CODE REGARDING BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HERewith. - Ms. Stewart

Mayor Rule called the item. Ms. Stewart explained the changes.

City Attorney Mr. Waterman clarified the rough proportionality regarding mitigation and impact of development.

Discussion about the ordinance between Council and Ms. Stewart.

Council Member Huggins would like Council President Kiser to be able to weigh in on this ordinance before it is passed. She would like to not waive the 3-reading rule.

Motion: Motion by Council Member Huggins to read Ordinance 679 by Title Only for the 1st reading. Motion seconded by Council Member O'Meara.

Council Member Huggins read Ordinance 679 by Title Only for the 1st reading.

This Ordinance will be brought back before the Council for the 2nd reading at a future meeting.

(Tabled to Future meeting)

10. Consider approving the Summary of Ordinance 679 AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, OF THE MIDDLETON CITY CODE, PERTAINING TO THE GENERAL REQUIREMENTS FOR VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMITS AND AMENDING TITLE 4, CHAPTER 1, SECTION 4-1-1 OF THE MIDDLETON CITY CODE REGARDING BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HERewith. - Ms. Stewart

Public Comments:

Jim Taylor: In past administrations public comments were allowed to be made on individual items. He would like to see that reinstated. He also believes that council members should recuse themselves when there are items brought forward that could create a conflict of interest given their employment.

Mikel Galloway: Concerned there was not a unanimous vote to waive the permit fees for the

School District for the 5 portable classrooms at the last council meeting. All kids that go to Middleton schools are Middleton kids regardless of if they live in the City or County.

Mayor, Staff and Council Comments:

Council Member Murray: Concerned that the 7 acres came up as part of the rezone. He believes the 7 acres could have been used for a parking lot with the School District had it been brought up. Would like to have a more comprehensive discussion in the future.


Mayor Rule: Doesn't disagree with Council Member Murry. He said this zoning change came up as part of the RFQ discussion well after the parking lot discussion was presented to the council.

Council Member Huggins: Concerned the minutes reflect to "waive" the fees. That verbiage makes it sound like we made the fees zero. The fees of \$17,000 didn't go away, they are only being charged to the Middleton City Residents. Those fees still go out in wages, benefits and city employee's time. She would like there to be an information item as a council discussion regarding the percentage of other taxing districts that the city is willing pay for.

Mayor Rule: Months ago, Councilman Murray asked for an update to the Comprehensive Plan. The City received only one application and Mayor asked Ms. Stewart to get more. Currently the City is vetting 3 applicants to update the Comprehensive Plan and hope to have them presented to Council in the near future. It has taken longer to get going than anticipated.

Adjourn: Mayor Rule adjourned the meeting at 7:27 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: August 2, 2023


Mayor, Steve Rule

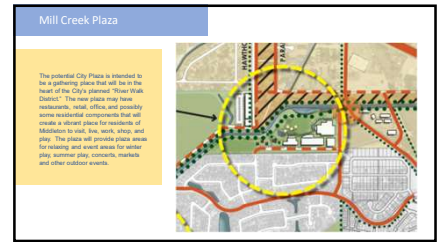




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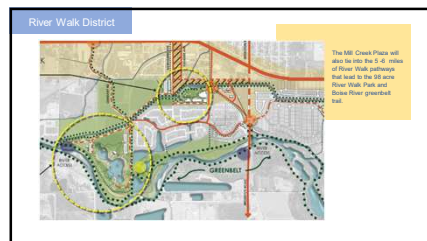
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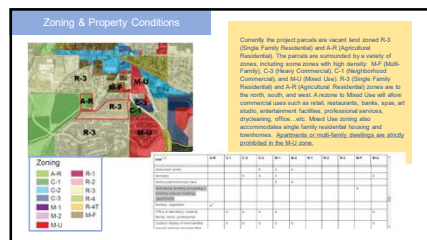
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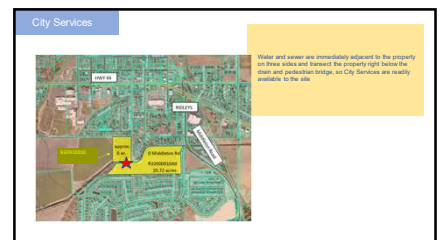
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Rezone

Findings:

Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services because the project is an in-fill project and City services, roads, infrastructure and schools already surround the site.

Planning Staff also finds that the rezone request is in harmony with the Comprehensive Plan. Specifically, it is in compliance with the following Goals & Strategies:

Goal 7: The rezone and subsequent project will "involve commercial development that provides employment opportunities for residents."

Goal 8: The project will "promote a vibrant community that attracts businesses and people. It will also improve the tourism economy in the City and will establish facilities that help utilize the river heritage and outdoor recreation areas."

Goal 16: Project "designs open spaces as part of large-scale developments and locates buildings/nearby public spaces to promote activity."

Goal 22: Project "establishes interesting gathering places that encourage walkability and promotes good health and positive social interaction."

City Staff is requesting that the 20-acre parcel that is currently zoned R-2 and the seven-acre parcel that is currently zoned A-1 be rezoned to M-2.

An application for rezone requires two findings before the Council can approve the application: (1) the rezone will not adversely affect the City's delivery of services and (2) the rezone request is not in conflict with the Comprehensive Plan. (State Code §7-6511)

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Comprehensive Plan Amendment

Although the rezone and future Plaza project are in harmony with the Goals and Strategies of the City's Comprehensive Plan, it does not comply with the Future Land Use Map that shows the project parcels to be "Public." City Staff requests that the PLUM be amended to allow the project parcels as Mixed Use, which is defined in the Comprehensive Plan as a combination of Commercial and Residential uses.

In order to amend the Comprehensive Plan Maps, the Governing Board needs to find that the proposed amendment is in harmony with the Comprehensive Plan (MCC 1-54-3).

Main St

Area

- Commercial
- Residential
- Mixed Use
- Public
- Recreational

FINDINGS:

City Staff finds that an amendment to the PLUM changing the project parcels from "Public" to "Mixed Use" is in harmony with the stated goals in the Comprehensive Plan as shown on the previous slide.

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MIDDLETON

Comments Received from Surrounding Landowners were attached as Exhibit A to the staff report and report.

Applicable Codes: Middleton City Code 1-14 and 5-2 and Idaho State Statute §7-6511

Notices & Neighborhood Meeting:	Date:
Newspaper Notification	7/3/2023
Radius notice to adjacent landowners	6/27/2023
Circulation to Agencies	6/27/2023
Sign Posting properly	6/26/2023
Neighborhood Meeting	5/25/2023

P&Z Commission Recommendation: The P&Z Commission considered City's applications at a public hearing on June 12, 2023. The Commission recommended approval of the application. FCR

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Conclusions and Recommended Conditions of Approval:

Per State law and the Middleton City Code, any decision on a land use application must be based upon findings of facts and conclusions of law.

As to Findings of Facts: Planning Staff has set forth findings of facts above in parentheses.

As to Conclusions of Law: Planning Staff finds that City Council has the authority to hear these applications and to approve or deny the applications. 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 City Code to be considered in making a decision on the application.

If the Council is inclined to recommend approval of the applications, then Planning Staff & the P&Z Commission do not recommend any conditions of approval.

If the Council denies the applications, then Council should state what the applicant can do if anything, to obtain approval. (Middleton City Code 1-14-3)(8).

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rezone and comprehensive plan map amendment with respect to parcels owned by the City of Middleton (Parcel No. R33900010A0 Middleton Road (approx. 21 acres) and Parcel No. R33910010 (approx. 7 acres)).

July 19, 2023 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Jia Taylor	1052 Trough Hill Rd	2086725921				
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Public Comment Sign In

City Council - July 19, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Jim Taylor	1052 Triumph Dr	208-602-8984	
2	Mike Galloway	8425 Sprucefield Dr	208-8915018	
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