
**MIDDLETON CITY COUNCIL
SEPTEMBER 6, 2023**

The Middleton City Council Meeting was called to order on September 6, 2023, at 5:33 p.m. by Council President Kiser.

Roll Call:

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

City Attorney Mr. Hilty, City Administrator Ms. Crofts, Public Works Director Mr. Van Gilder, City Engineer Ms. Woodruff, Treasurer Ms. Miles, and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Jim Taylor

Action Items

A. Approve Agenda

Motion: Motion by President Kiser to approve the Agenda posted September 1, 2023, 4:30 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Item:

1. **Ridleys Parking lot. – Ms. Crofts**
2. **Progress on Riverwalk Park – Ms. Crofts**

Ms. Crofts explained these items were left over from the last meeting agenda. There is nothing new to present to the Council.

Action Item:

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for City Council August 16, 2023, Regular meeting.**
 - b. **Consider ratifying payroll for August 25, 2023, in the amount of \$142,650.17.**
 - c. **Consider approving accounts payable through August 25, 2023, in the amount of \$536,794.63**

President Kiser called the item and briefly reviewed the accounts payable with the Council.

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

2. Consider approving Special Event Permit for Middleton High School Homecoming Parade, September 21, 2023. – Ms. Betzold

President Kiser called the item Ms. Crofts explained the request in Ms. Betzold's absence. She explained the route could possibly change if the construction on N. Middleton Rd is not completed in time. The school is requesting the fee be waived.

Motion: Motion by President Kiser to approve a Special Event Permit for Middleton High School Homecoming Parade, September 21, 2023 and to waive the fee. Motion seconded by Council Member O'Meara and approved unanimously.

3. Treasurer's report to council. - Ms. Miles

President Kiser called the item and Ms. Miles gave a treasurer's report.

4. Consider Mayor's recommendation to appoint Dr. Trent Saxton to the Middleton Library Board. – Ms. Crofts

President Kiser called the item and Ms. Crofts introduced Dr. Trent Saxton. Dr. Saxton then addressed the Council. He has worked for many years in public service and looks forward to serving on the Library Board.

Motion: Motion by Council President Kiser to approve Mayor's recommendation to appoint Dr. Trent Saxton to the Middleton Library Board. Motion seconded by Council Member O'Meara and approved unanimously.

5. Consider authorizing the Mayor to approve service contract with RM Mechanical not to exceed the amount of \$6,824. – Ms. Crofts

President Kiser called the item and Ms. Crofts explained this the quarterly service contract with RM Mechanical with the amount paid annually.

Motion: Motion by President Kiser to approve service contract with RM Mechanical not to exceed the amount of \$6,824. Motion seconded by Council Member O'Meara and approved unanimously.

6. Consider approving the final plat for Phase 7 of the Falcon Valley Subdivision. - Ms. Woodruff

President Kiser called the item and City Engineer Ms. Woodruff presented the final plat of Falcon Valley Phase 7. She answered questions from Council regarding road access and the booster pump station.

Motion: Motion by President Kiser to approve the final plat for Phase 7 of the Falcon Valley Subdivision. Motion seconded by Council Member O'Meara and approved unanimously.

7. Consider approving the final plat for Phase 7 of Stonehaven Subdivision. – Ms. Woodruff.

President Kiser called the item and City Engineer presented the final plat of Stonehaven Phase 7. She answered questions from Council regarding the access to the nature park that will be built in Stonehaven Phase 8.

Council Member Murray recused himself because he lives in the Stonehaven Subdivision.

Motion: Motion by President Kiser to approve the final plat for Phase 7 of Stonehaven Subdivision Motion seconded by Council Member O'Meara and approved unanimously.

8. Consider authorizing the Mayor to execute a contract with Knife River Corporation – Mountain West for paving of the portion of S. Dewey Avenue damaged by a

water main leak in the amount not to exceed \$9,970.50. – Mr. Van Gilder

President Kiser called the item and Mr. Van Gilder explained the contract.

Motion: Motion by President Kiser authorizing the Mayor to execute a contract with Knife River Corporation – Mountain West for paving of the portion of S. Dewey Avenue damaged by a water main leak in the amount not to exceed \$9,970.50. Motion seconded by Council Member O'Meara and approved unanimously.

9. Consider authorizing the Mayor to accept the quote from Integrity Pump Solutions, Inc for the purchase of a replacement sewage pump for Middleton Park Place Lift Station in the amount not to exceed \$6,625.66. – Mr. Van Gilder

President Kiser called the item and Mr. Van Gilder explained the request.

Motion: Motion by President Kiser authorizing the Mayor to accept the quote from Integrity Pump Solutions, Inc for the purchase of a replacement sewage pump for Middleton Park Place Lift Station in the amount not to exceed \$6,625.66. Motion seconded by Council Member O'Meara and approved unanimously.

10. Consider authoring the Mayor to execute Task Order 5 with Precision Engineering, Inc. for the design of the 9th street road and sidewalk connection immediately west of Cemetery Road in the amount not to exceed \$55,463.00. – Mr. Van Gilder

President Kiser called the item and Mr. Van Gilder explained that last council meeting he misspoke when he stated that the sidewalk had been designed for the road. He has since spoken to the engineer who informed him the design needed to be completed. This request is for the entire road design adjacent to the sidewalk to be completed.

Mr. Van Gilder answered Council questions.

Motion: Motion by President Kiser authorizing the Mayor to execute Task Order 5 with Precision Engineering, Inc. for the design of the 9th street road and sidewalk connection immediately west of Cemetery Road in the amount not to exceed \$55,463.00. Motion seconded by Council Member O'Meara

President Kiser called a brief recess at 6:07 p.m. and the meeting resumed at 6:12 p.m.

11. Consider approving Resolution No. 486-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, PURSUANT TO IDAHO CODE § 50-2015(a) AND (b), AUTHORIZING EXECUTION AND DELIVERY OF A WARRANTY DEED FOR THE TRANSFER OF REAL PROPERTY HEREINAFTER DESCRIBED FROM THE CITY OF MIDDLETON, IDAHO, AN IDAHO MUNICIPAL CORPORATION, TO THE MIDDLETON URBAN RENEWAL AGENCY, A PUBLIC BODY CORPORATE AND POLITIC, ORGANIZED AND EXISTING PURSUANT TO THE IDAHO URBAN RENEWAL LAW, CHAPTER 20, TITLE 50, IDAHO CODE. – Mr. Hilty

President Kiser called the item and City Attorney Mr. Hilty explained the resolution and decisions before Council to consider the transfer of property to the Middleton

Urban Renewal Agency (MURA) also referred to as the Urban Renewal District (URD).

Mr. Hilty described the property and location. The property is about 20 acres in size and located south of the Mill Slough. Mr. Hilty explained the transfer options available to Council and discussed how the URD would use the property for Redevelopment to be a catalyst for economic growth in that area.

The land was originally purchased in 2016 with funds from the sewer fund for \$242K for three possible uses: 1. Land application for treated wastewater, 2. A park for recreation and 3. Right of Way possibly needed for a future road. All three of those uses for the land are no longer part of the city's future plans. If approved the land would be transferred to the Urban Renewal Agency. The Agency would then send out Request for Proposals (RFP) to the development community. After the RFP's are received the Agency would select the private developer and their plan. Following the selection there is a contracting process in which the developer commits to build what they submitted in the RFP. The state statute gives the Agency mechanisms to ensure the developer is held to a reasonable timeframe for the development.

Regarding the terms of the Resolution, this is not a transfer with zero strings attached. The resolution conditions provide the following terms:

- a. Agency shall seek private development of the Property, alone or in conjunction with adjoining property, pursuant to a request for proposals process as outlined in Idaho Code 50-201 I(b).
- b. Agency may, in its discretion, sell the Property for no less than its reuse appraisal value provided that prior to, or at the time of closing on the Property from the Agency to the selected proposer, Agency shall pay to City Three Hundred Eighty-Seven Thousand, Seven Hundred Eighty-Three and 45/100 (\$387,783.45), plus interest thereon commencing September 1, 2023 until closing at the same rate paid on funds invested in the Idaho Local Government Investment Pool, for the conveyance of the Property from the City to the Agency.
- c. The Mayor is authorized to execute and deliver the fully executed Warranty Deed upon payment, or arrangements for payment out of an authorized escrow, of the sum set forth in the preceding paragraph.

Regarding b. above, Mr. Hilty has counseled the city that the sewer fund needs to be reimbursed. He suggested that the Agency should have to pay the original cost of the property purchased plus the interest that would have been received were those funds held in the LGIP, bringing the amount today to about \$387,783. Until the Agency has paid for the property in full the city interest will continue to accrue.

The property in question is only the 20 acres south of the Mill Slough and does not include any of the land to the west of the Mill Slough.

Discussion by Council regarding changes to the terms and conditions of the Resolution.

Both President Kiser and Council Member Huggins sit on the Middleton Urban Renewal Agency board. Council discussed the benefits of long term development of this property, verses an immediate payout. The City will still be involved in the approval of the development. Applications will still need to be filed with the City and go before the Planning & Zoning Commission and City Council. Additional terms below were discussed.

- A timeline of 10 years be added so that if the Agency doesn't move on this project and the ground is still bare after 10 years the property goes back to the ownership of the City.
- Additional interest above the LGIP average be added to accrue until the Urban Renewal Agency has paid for the property in full.

Motion: Motion by President Kiser to table Resolution 486-23 to the next regularly scheduled meeting. Motion seconded by Council Member O'Meara and approved unanimously.

12. Consider authorizing the Mayor to approve the Professional Planning Service Agreement between Downtown Redevelopment Services, LLC and the City of Middleton in the amount not to exceed \$110,000.

President Kiser called the item and Ms. Crofts explained the contract and a brief timeline of Downtown Redevelopment Services LLC Comprehensive Plan update strategy.

Motion: Motion by President Kiser to authorize the Mayor to approve the Professional Planning Service Agreement between Downtown Redevelopment Services, LLC and the City of Middleton in the amount not to exceed \$110,000. Motion seconded by Council Member O'Meara and approved unanimously.

13. Consider approving Amended and Restated Resolution No. 485-23: AN AMENDED AND RESTATED RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO SETTING FORTH THE FORM OF BALLOT OF THE REFERENDUM OCCURRING AT THE UPCOMING GENERAL ELECTION CONCERNING LIQUOR BY THE DRINK. – Ms. Crofts

President Kiser called the item and Ms. Crofts asked explained the need to amend the resolution for ballot language.

Motion: Motion by President Kiser to approve the Amended and Restated Resolution No. 485-23: AN AMENDED AND RESTATED RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO SETTING FORTH THE FORM OF BALLOT OF THE REFERENDUM OCCURRING AT THE UPCOMING GENERAL ELECTION CONCERNING LIQUOR BY THE DRINK. Motion seconded by Council Member O'Meara and approved unanimously.

Public Comments:

Jim Taylor: Would like city to charge for the RV dump. He also mentioned there are two people on the URD that sit on City Council. He is not sure if this is a good idea.

Mike Graefe: Congratulations on fixing the road at Hartley and Willis, but the sidewalks were left undone. He is also concerned that the sidewalk at 9th Street and Hartley just ends and is unsafe.

Janet Gibson: She is concerned that the road barrier at 9th Street is a traffic hazard. She thanked Council for tabling the Resolution that required more brainstorming. She believes this is a practice that should be followed in the future.

Mayor, Staff and Council Comments:

Council Member O'Meara: Even though he is no longer the Executive Director of the GMPRD, he would still like to remain the liaison for Council and the Rec District.

Council Member Murray: Asked city staff to look into the cost of installing crossing lights for students at Mill Creek and Heights Elementary schools.

Motion: Motion by President Kiser to go into Executive Session pursuant to Idaho Code and possible decision(s) to follow: 74-206(1)(c) Land acquisition. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Kiser – Yes, Huggins – Yes, Murray – Yes, O'Meara – Yes.

Executive Session entered at 7:17 p.m.
Discussion was had, no decisions were made.
Executive Session concluded at 7:45 p.m.

No additional comments by Council or Staff

Adjourn: President Kiser adjourned the meeting at 7:46 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: September 20, 2023



Rob Kiser, Council President





Public Comment Sign In

City Council - September 6, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Jim Taylor	1052 Triumph Drive	208-602-8994	
2	MIKE GRABBE	1889 RIDGE WAY	208-577-6227	
3	Janet Gibson	en file		
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