
**MIDDLETON CITY COUNCIL
MARCH 20, 2024**

The Middleton City Council Meeting was called to order on March 20, 2024, at 5:31 p.m. by Mayor Jackie Hutchison.

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

Mayor Jackie Hutchison, City Attorney Douglas Waterman, City Administrator Ms. Hobbs, Public Works Director Mr. Van Gilder, Planning & Zoning Official Ms. Stewart, and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Monty Sears – Christian Faith Center

Action Items

A. Approve Agenda

Motion: Motion by President Kiser approving the Agenda posted March 15, 2024, 4:00 p.m. with correction of amount in Action Item 8 to \$6,432.72. Motion seconded by Councilman O'Meara and approved unanimously.

Public comment on Non-Agenda Items of City Business (3 min each)

No public comment

Information Item:

1. Chief Timinsky – Fire Levy

Chief Timinsky gave an update to Council regarding the current status of the Fire District and the intent to run a levy increase.

Action Item:

1. Consent Agenda (items of routine administrative business)

- a. Consider approving minutes for City Council March 6, 2024, Regular meeting.
- b. Consider approving minutes for City Council March 13, 2024, Special Meeting.
- c. Consider ratifying payroll for March 8, 2024, in the amount of \$130,703.67.
- d. Consider approving accounts payable through March 8, 2024, in the amount of \$388,470.90.
- e. Consider approving FCO for River Walk Crossing Subdivision Development Agreement Modification application. – Ms. Stewart

Council President Kiser called the items and stated that he had reviewed the accounts payable. Nothing was out of the ordinary.

Motion: Motion by President Kiser approving Consent Agenda Items 1 a-e. Motion seconded by Councilman Christiansen and approved unanimously.

- 2. Consider Adopting Ordinance 694: AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1, CHAPTER 4, SECTION 01-04-02, MIDDLETON CITY CODE, PERTAINING TO THE GENERAL PENALTY FOR VIOLATIONS OF THE CITY CODE; AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, MIDDLETON CITY CODE, PERTAINING TO PERMITS**

FOR VENDORS, SOLICITORS, AND TEMPORARY MERCHANTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. – Ms. Stewart

Mayor Hutchison called the item. Planning and Zoning Official Ms. Stewart presented a PowerPoint of the suggested changes. (Exhibit 1)

Discussion by Council regarding city process of code enforcement.

Motion: Motion by Council President Kiser to read Ordinance No. 694 by title only. Motion seconded by Councilman O'Meara and approved unanimously by Roll Call Vote. Kiser – Yes, O'Meara – Yes, Christiansen – Yes, Murray – Yes.

President Kiser read the Ordinance by Title Only: Ordinance 694: AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1, CHAPTER 4, SECTION 01-04-02, MIDDLETON CITY CODE, PERTAINING TO THE GENERAL PENALTY FOR VIOLATIONS OF THE CITY CODE; AMENDING TITLE 1, CHAPTER 15, SECTION 1-15-12, MIDDLETON CITY CODE, PERTAINING TO PERMITS FOR VENDORS, SOLICITORS, AND TEMPORARY MERCHANTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

Motion: Motion by President Kiser to waive the 3-reading rule and adopt Ordinance No.694. Motion seconded by Councilman O'Meara and approved unanimously by Roll Call Vote. Kiser – Yes, O'Meara – Yes, Christiansen – Yes, Murray – Yes.

3. Consider Adopting Ordinance 695: AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1, CHAPTER 15, SECTION 01-15-11-04, MIDDLETON CITY CODE, PERTAINING TO THE REQUIREMENTS AND CRITERIA FOR SIGN PERMIT APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. – Ms. Stewart

Mayor Hutchison called the item. Planning and Zoning Official Ms. Stewart presented a PowerPoint of the suggested changes. (Exhibit 2)

Discussion by Council regarding current sign ordinance. Concerns over height restrictions. Council also wants to compare the new sign ordinance against other cities in the Treasure Valley. They also discussed designating a corridor with specific sign requirements. Council is concerned about possibly chasing commercial businesses away.

Council would like City Staff to research more and bring the ordinance back at a later unspecified date.

No motion.

4. Consider authorizing the Mayor to either purchase a new copier from Konica Minolta in the amount not to exceed \$9,959.00 with an unlimited maintenance service contract of \$150.00 per month for 60 months (\$9,000.00) or execute a lease agreement for same copier in the amount of \$385.00 per month for 60 months (\$23,100.00). The outright purchase would save the city \$4,505.00. – Ms. Miles

Mayor Hutchison called the item and Ms. Miles explained the difference between the two options. One option is to lease a new copier, the other to purchase outright.

Discussion by Council.

Motion: Motion by President Kiser authorizing the Mayor to purchase a new copier from Konica Minolta in the amount not to exceed \$9,959.00 with an unlimited maintenance service contract of \$150.00 per month for 60 months (\$9,000.00). Motion seconded by Councilman O'Meara and approved unanimously.

10. Consider approving Resolution 506-24: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING A REVISED POLICY IN THE EMPLOYEE HANDBOOK REGARDING POLICE COMPENSATION IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT; AND PROVIDING AN EFFECTIVE DATE. – Ms. Miles

Mayor Hutchison called the item out of order so that Ms. Miles could present and then go home. Ms. Miles presented the City's desire to revise the overtime accrual of the police officers in the employee handbook, to better align with 14 day pay period.

Motion: Motion by President Kiser Consider approving Resolution 506-24: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING A REVISED POLICY IN THE EMPLOYEE HANDBOOK REGARDING POLICE COMPENSATION IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Councilman O'Meara and approved unanimously.

Mayor Hutchison called a brief recess at 6:46 p.m. and the meeting resumed at 6:56 p.m.

5. Consider authorizing the Mayor to enter into a contract with Syman Erosion & Sediment Control for the installation of jute mat western slopes adjacent to the Roundabout in an amount not to exceed \$5,640,000. – Mr. Van Gilder

Mayor Hutchison called the item and Public Works Director explained the item.

Motion: Motion by President Kiser authorizing the Mayor to enter into a contract with Syman Erosion & Sediment Control for the installation of jute mat western slopes adjacent to the Roundabout in an amount not to exceed \$5,640,000. Motion seconded by Councilman Christiansen and approved unanimously.

6. Consider authorizing the Mayor to purchase 150 cubic yards of wood fiber surfacing from Garrett Parks & Play in an amount not to exceed \$6,184.50. – Mr. Van Gilder

Mayor Hutchison called the item and Public Works Director explained the item.

Council Discussion about ADA accessibility and compliance.

Motion: Motion by President Kiser authorizing the Mayor to purchase 150 cubic yards of wood fiber surfacing from Garrett Parks & Play in an amount not to exceed \$6,184.50 pending code review to make sure City is in compliance. Motion seconded by Councilman O'Meara and approved unanimously.

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- 7. Consider authorizing the Mayor to enter into contract with Cutting Edge Leaders in Landscape Service to crack fill, sealcoat, and restripe Roadside Park not to exceed \$8,256.36. (This is paid for using Mayor Hutchison's salary wages ORD No. 690) – Mr. Van Gilder**

Mayor Hutchison called the item and Mr. Van Gilder presented the item.

Motion: Motion by President Kiser authorizing the Mayor to enter into contract with Cutting Edge Leaders in Landscape Service to crack fill, sealcoat, and restripe Roadside Park not to exceed \$8,256.36. Motion seconded by Councilman O'Meara and approved unanimously.

- 8. Consider authorizing the Mayor to allow Butte Fence Inc. to install Rail Vista fencing at Roadside Park in the amount not to exceed \$6,432.72. (This is paid for using Mayor Hutchison's salary wages ORD No. 690) – Mr. Van Gilder**

Mayor Hutchison called the item and Mr. Van Gilder presented the item.

Discussion by Council, regarding height of fence adjacent to the tank and along the parking lot allowing for the specific topography. Understanding that the bid will change, Council approves Mayor moving forward with new bid without bringing it back to Council for approval.

Motion: Motion by President Kiser to authorizing the Mayor to allow Butte Fence Inc. to install Rail Vista fencing at Roadside Park. Motion seconded by Councilman O'Meara and approved unanimously.

- 9. Consider authorizing the Mayor to purchase replacement bulbs and parts for the WWTP UV system from Xylem Water Solutions USA, Inc. in the amount not to exceed \$15,927.40. - Mr. Van Gilder**

Mayor Hutchison called the item and Mr. Van Gilder presented the item. This is a normal purchase to replace the necessary UV bulbs at the Waste Water Treatment Plant.

Motion: Motion by President Kiser authorizing the Mayor to purchase replacement bulbs and parts for the WWTP UV system from Xylem Water Solutions USA, Inc. in the amount not to exceed \$15,927.40. Motion seconded by Councilman Christiansen and approved unanimously.

- 11. Consider approving Mayor's recommendation to appoint Janet Gibson to the Middleton Planning & Zoning Commission to serve a 3-year term (April 21, 2024 – April 21, 2027). Janet is replacing Kip Crofts whose term expires April 21, 2024. – Mayor Hutchison**

Mayor Hutchison called the item and explained that since Kip Crofts term is expiring, she would like to appoint Janet Gibson to serve on the Planning and Zoning Commission.

Questions from Council regarding expanding the commission board to a body of 7 commissioners. Mayor Hutchison said she wants 7 so that if someone is ill or on vacation, a quorum can always be present.

Motion: Motion by President Kiser approving Mayor's recommendation to appoint Janet

Gibson to the Middleton Planning & Zoning Commission to serve a 3-year term (April 21, 2024 – April 21, 2027). Janet is replacing Kip Crofts whose term expires April 21, 2024. Motion seconded by Councilman O'Meara. Roll Call Vote.

Kiser – Yes, O'Meara – Yes, Christiansen – No, Murray – No. Mayor Hutchison– Yes.
Motion passes 3:2.

12. Consider approving Mayor's recommendation to appoint David Luiz to the Middleton Library Board to serve a 5-year term (May 14, 2024 – May 14, 2029) David is replacing Marie Knapp whose term expires May 14, 2024. – Mayor Hutchison

Mayor Hutchison called the item and explained that Marie Knapp's term is expiring and she would like to appoint David Luiz to serve on the Library Board.

Motion: Motion by President Kiser approving Mayor's recommendation to appoint David Luiz to the Middleton Library Board to serve a 5-year term (May 14, 2024 – May 14, 2029) David is replacing Marie Knapp whose term expires May 14, 2024. Motion seconded by Councilman O'Meara. Roll Call Vote.

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

Public Comments on non-agenda items of city business:

David Luiz: As a resident in the City of Middleton, he pays taxes to about 12 different taxing districts. He would like to see a monthly statistical report from the police again.

Janet Gibson: Suggests we figure out a way to provide EMR (Emergency Medical Response) training so that neighbors can help aid in the event of a medical emergency. She has a subdivision meeting frequently where Chief Islas does provide training classes to the public, and the app Pulse Point is helpful as well, just brainstorming ideas.

City Staff – Most if not all of the City employees are EMR certified.

Mikell Galloway: Asked if the City went out for competitive bids for the new copy machine? She agrees with putting up a fence at Roadside Park.

Mayor Hutchison: The City has in the past reviewed other companies and products. The City is pleased with this product and the company.

Tyson Sparrow: Thanked Mayor for the fence around the park. As a resident he doesn't want large signs. As a business owner, signage is important. As a business owner, he isn't spending millions of dollars on a building if he can't put up a large sign.

Allen Tremble: Wants to know if all existing signage that would need to be upgraded if they would be grandfathered over. FLSA policy is written so bad, suggested the city spend the money to understand if we are in compliance.

Mayor, Staff and Council Comments:

None

Adjourn: Mayor Hutchison adjourned the meeting at 7:46 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: April 3, 2024



J. L. Hutchison, Mayor





Proposed Amendment to Middleton City Code Sections MCC 1-4-2 & 1-15-12

Ordinance 694



1


Infractions & Penalties

Application Request:
Request from City of Middleton for amendment to Middleton City Code sections 1-4-2 and 1-15-12 regarding an increase in penalties and fines for any violation of City code.

Currently, if a person violates the City Code, City can fine the individual \$50 for the first offense. The fine will increase to \$100 for the second offense and \$200 for the third offense. The fourth and subsequent offenses will be elevated to a misdemeanor charge, which can result in a fine of \$1000 and/or up to six months in jail.


In the recent past, City staff has encountered individuals who have refused to comply with code enforcement notices. The individuals have indicated that they would rather continue what they are doing and simply incur the fines as they "slightly" increase.

City administration has determined that if the fines for violating code are more significant on the first offense, then individuals would be dissuaded from willingly accepting a fine so they can continue their activity in violation of the code.



2

Proposed Code Revisions - MCC 1-4-2 & 1-15-12



1-4-1: MISDEMEANORS:
A violation of any provision of this code or any other city ordinance specifically declared to be a misdemeanor may be fined in a sum not to exceed one thousand dollars (\$1,000.00) for any offense and such person may be confined in jail for a period of not more than six (6) months. Either or both such fine and imprisonment may be imposed, and in addition thereto, any person so convicted shall pay such restitution, damages, collection or other costs as the court may assess.

1-4-2: INFRACTIONS:
Unless otherwise provided, any person found in violation of any provision of this code or any other ordinance of the city is guilty of an infraction and may be fined one hundred and fifty dollars (\$150.00) for the first offense, and two hundred and fifty dollars (\$250) for the second offense one hundred dollars (\$100.00) for the second offense and two hundred dollars (\$200.00) for the third offense. Fourth and subsequent offenses are misdemeanors and punishable as provided in section 1-4-1 of this chapter. These fines may be in addition to any other penalties prescribed by this code.

1-15-12: VENDORS, SOLICITORS AND TEMPORARY MERCHANTS PERMIT:
In addition to all other regulations in this chapter, vendors, solicitors and temporary merchants shall be subject to the following:
...
D. A violation of this section shall be punishable as provided for in Middleton City Code 01-04-02.

3

Exhibit 2




Proposed Amendment to Middleton City Code Sections MCC 1-15-11-4

Ordinance 695



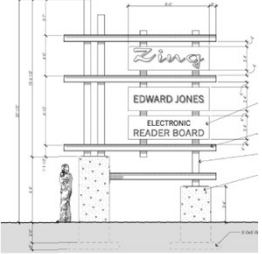
1



Application Request:

Request from City of Middleton for amendment to the sign ordinance (MCC 1-15-11-04). City is requesting that freestanding signs (also known as pylon signs or monument signs) should be limited in height based upon the size of the commercial or industrial buildings.

Currently, any commercial or industrial business can install a freestanding sign, and the sign can be as high as 30'.



2



3

Proposed Code Revision - MCC 1-15-11-4

	Permanent	Semipermanent	Temporary	Special Event	Mobile	Off Site
Sign permit required	Yes	Yes	No	No - copy of sign to be included as part of special event permit application	No	Yes
Height	≤ 40.10'	8'	8'	8'	8'	8'
Location	On site, at least 5' from the property line.	On site, at least 5' from the property line.	On site, at least 5' from the property line.	On site, at least 5' from the property line.	On site, at least 5' from the property line.	Off site with written permission from landowner.
Number	1 per street side, 1 per wall, 1 per window	1 per street side, 1 per wall, 1 per window	1 per street side, 1 per wall, 1 per window	1 per street side, 1 per wall, 1 per window	1 per street side	Off site with written permission from landowner.

9. The maximum height for a freestanding sign for a single parcel and for commercial, business, industrial and/or retail subdivisions involving building space totaling less than 40,000 s.f., is 8'. The maximum height for a freestanding sign for a single parcel and for a commercial, business, industrial and/or retail subdivision involving building space totaling 40,000 s.f., or more is 15'.

4

Proposed Code Revision - MCC 1-15-11-4


A. Permanent Signs:

- Ability To Withstand Natural Forces: Permanent signs shall be designed and installed to withstand natural forces occurring in the area.
- ...
- Freestanding Signs: Signs and structures supporting freestanding signs shall be made of a combination of at least two of the following materials: vinyl, plastic, stucco, wood or faux wood, metal, masonry, stone or cultured stone or other similar material of a more permanent nature.

5

Proposed Code Revision - MCC 1-15-11-4

Property Name	Area
Ridleys	55,000 s.f.
Middleton Village	45,000 s.f.
Tractor Supply	21,000 s.f.



6



Before

City Council Public Comment

March 20, 2024

	Name	Address	Phone or Email	Topic/Agenda Item #
1	DAVID LUIZ <i>-Spoke After Council.</i>	ON FILE	2.BEGRATEFUL@ PROTONMAIL.COM	POLICE REPORTS + TAX DISTRICTS
2	Tyson Sparron			
3				
4				
5				
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7				
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9				
10				



After

City Council Public Comment

March 20, 2024

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Janet Gibson	on file	on file	Fire Dept
2	Mikell Lalloway	8425 Spring Creek Way	202-8915218	Complex
3	Tyson Sparrow	211 N CAMPBELL	208-515-4221	Signs
4	Allen Tremble	2 West Main	203 880 0327	Signs FLSA
5				
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7				
8				
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10				