
Middleton City Council
NOVEMBER 7, 2018

The Middleton City Council meeting on November 7, 2018 was called-to-order at 6:35 p.m. by Mayor Darin Taylor, who then introduced City Engineer Amy Woodruff, City Attorney Chris Yorgason, Deputy Clerk Dawn Dalton and Planning and Zoning Official Randall Falkner.

Roll Call: Council Members Carrie Huggins, Rob Kiser, and Beverly Furner were present.

Action Items:

Consent Agenda

- a) **Consider approving minutes for Council's October 17, 2018 meeting.**
- b) **Consider ratifying October 26, 2018 payroll amount of \$89,024.29, and approving accounts payable thru Nov. 6, 2018 in the amount of \$109,166.70.**
- c) **Consider approving a Special Events Permit and waving of fees for the Middleton Chamber of Commerce for the December 8, 2018 Christmas Parade.**

Motion: Motion by Council Member Kiser to approve consent agenda items a through c was seconded by Council Member Huggins carried unanimously.

- 2. **Consider confirming Mayor's appointment of Jeff Garner to city council to fill Council President Riccio's, remaining term expiring December 31, 2021.**

Mayor Taylor called the agenda item and asked Jeff Garner to introduce himself and explain why he wanted to be on the city council. Mayor Taylor appointed Jeff Garner to the city council and requested council's confirmation.

Motion: Motion by Council Member Kiser to confirm the Mayor's appointment was seconded by Council Member Furner and carried unanimously. Deputy Clerk Dawn Dalton administered the oath-of-office to Jeff Garner, who immediately took his position with the Council and participated in the remainder of the Council meeting.

- 3. **Elect a council president to serve the remainder of Council President Riccio's term that expires December 31, 2018.**

Mayor Taylor called the agenda item. Council Member Huggins nominated Council Member Kiser and no other nominations were made.

Motion: Motion by Council Member Huggins to elect Council Member Kiser was seconded by Council Member Furner and carried unanimously.

- 5. **Consider approving Resolution 415-18 amending the Middleton Supplement to the Idaho Standards for Public Works Construction, adding standards for service line spacing, swales and maintenance, nuisance water, trees allowed within 15 feet of sidewalks, and gravity irrigation box locations.**

Mayor Taylor called the agenda item, introduced it, and asked if there was anyone on the audience that would like to speak to this item: none.

Motion: Motion by Council President Kiser to approve Resolution 415-18 was seconded by Council Member Huggins and carried unanimously.

9. **Consider approving a task order with Precision Engineering to design the Hartley Lane and State Highway 44 roundabout in an amount not to exceed \$130,921.60.**

Mayor Taylor called the agenda item, introduced it, and asked if there was anyone on the audience that would like to speak to this item. Middleton residents **Maryellen Pace** and **Cameron Carol** asked about design and safety for a roundabout on Highway 44, and Mayor Taylor answered their questions.

Motion: Motion by Council President Kiser to approve a task order was seconded by Council Member Huggins and carried unanimously by roll call vote.

10. **Consider approving a task order with Precision Engineering to design 30% of the Middleton Road and State Highway 44 roundabout in an amount not to exceed \$25,470.**

Mayor Taylor called the agenda item, introduced it, and asked if there was anyone in the audience that would like to speak to this item. Middleton resident **Sandy Sinclair** asked about the difference between the cost of a light versus the roundabout, and Mayor Taylor answered that a newly-built roundabout and newly built full intersection, including right-of-way, cost about the same, \$1.1 Million.

Motion: Motion by Council President Kiser to approve a task order was seconded by Council Member Furner and carried unanimously.

11. **Consider approving purchase of an ABS pump for the Hartley Lift Station in an amount not to exceed \$11,065.**

Mayor called the agenda item and City Engineer Amy Woodruff introduced it. Mayor asked if anyone in audience would like to speak to this item. none.

Motion: Motion by Council President Kiser to approve the purchase was seconded by Council Member Huggins and carried unanimously.

12. **Consider ratifying an agreement with Journey's End Reclamation, LLC dba We Rent Goats for weed maintenance on the Riverfront Park property in an amount not to exceed \$12,000.00.**

Mayor Taylor called the agenda item, introduced it, and asked if there was anyone in the audience that would like to speak to this item. Middleton resident **Mike Graefe** wanted council to know that goats eat anything and everything and he wanted to know what kinds of trees where on the property, and Mayor Taylor answered mostly cottonwood, maple, and a few evergreens. **Hank Ashby** wanted to know if dogs were going to be used to keep the goats in control, and Mayor Taylor answered, "No."

Motion: Motion by Council President Kiser to ratifying the agreement was seconded by Council Member Furner carried unanimously by roll call vote.

13. Consider approving a traffic enforcement grant project agreement with Idaho Transportation Department.

Mayor Taylor called the agenda item and Officer Michael Barley introduced it. Mayor Taylor asked if there was anyone in the audience that would like to speak to this item. Middleton resident **Alan Ashby** wanted to know what the grant was paying for and how the agreement would be structured, and Officer Barley answered the questions.

Motion: Motion by Council President Kiser to approve the agreement was seconded by Council Member Huggins and carried unanimously by roll call vote.

Mayor Taylor recessed at 7:34 p.m. to sign students' agendas and reconvened at 7:40 p.m.

5. Public Hearing. Consider approving Resolution 416-18, a request by the City of Middleton to terminate development agreements with Barclay Associates LLC as successor to Riverbend Estates LC relating to the proposed River Run Subdivision., Inst. Nos. 2007068924 and 2010026501, records of Canyon County, Idaho, because the city acquired all of Barclay's interest in the subject properties and is not developing a residential and mixed-use subdivision.

Mayor Taylor opened the hearing at 7:43 p.m., introduced the item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to close the public comment portion of the hearing was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Kiser to approve Resolution 416-18 was seconded by Council Member Garner and carried unanimously. Mayor Taylor closed the hearing at 7:48 p.m.

6. Public Hearing. Consider amending the development agreement with Gary T. and Lisa D. Brown relating to the proposed Saddle Creek Subdivision., Inst. No. 200683378 records of Canyon County, Idaho.

Mayor Taylor opened the hearing at 7:48 p.m., introduced the item, and asked if anyone in the audience would like to speak to this item.

Gary Brown the developer and owner of the property thanked the City for working with he and his wife Lisa to amend the development agreement and allow the subdivision to move forward instead of terminating the development agreement.

Motion: Motion by Council President Kiser to close the public comment portion of the hearing was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Kiser to amend the development agreement was seconded by Council Member Huggins and carried unanimously by roll call vote. Mayor Taylor closed the hearing at 7:50 p.m.

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7. **Continued Public Hearing. Consider a request by the City of Middleton to terminate its development and related agreements with:**

**Part 3 various entities relating to the West Highlands Subdivision
Black Cat Development LLC, Inst. #200628160 and #2007066334;
West Highlands LLC and Coleman Homes LLC, Inst. #2009015525;
West Highlands Sub. Homeowners Assoc. Inc., Inst. #2011049721; and
West Highlands LLC and Coleman Homes LLC, Inst. #2011049722.**

Mayor Taylor opened the hearing at 7:50 p.m., introduced the item, and asked the applicant to speak.

Deborah Nelson from Givens Pursley law firm stated that her firm represented that developer, the developer was agreeable to the City's interpretation of the development agreement that the 2006 city code applies meaning phased final plat applications must be filed at annual intervals, that the Middleton School District would like still to pursue the right to put a school on the property, and that the developer filed a request to extend the deadline to file Phase 12 final plat application.

Tom Coleman said he owns West Highlands, LLC, and gave a brief history of the development and the direction of the development is headed.

Mayor Taylor asked if anyone in the audience would like to speak to this item: none. Mayor Taylor read draft findings of fact and conclusions of law into the record.

Motion: Motion by Council President Kiser to close the public comment portion of the hearing was seconded by Council Member Huggins and carried unanimously.

Motion: Motion by Council President Kiser to accept the findings of fact and conclusions of law, and deny the request was seconded by Council Member Furner and carried unanimously by roll call vote. Mayor Taylor closed the hearing at 8:30 p.m.

8. **Public Hearing. Consider approving Ordinance 616, a request by Ryan McDermott and Wesley McDermott to rezone 12.51 acres from R-3 (three units per acre) to R-2 (two units per acre). The subject property is approximately 130 feet south of Foothill Rd and approximately 1050 feet east of Duff Ln, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R33853010A0.**

Mayor Taylor opened the hearing at 8:30 p.m. and Planning and Zoning Official Randall Falkner presented the administrative report. Mayor Taylor asked if there was anyone in the audience who would like to speak to this item.

Bruce Peterson the father-in-law of the applicant stated that he knows that the proposed small lot is not large enough for a septic system, but there is adequate land to enlarge the lot size as needed depending on Southwest District Health Department analysis of results from a test pit being dug next week. **Jeff Conrad** asked if traffic from CBH Homes Falcon Valley Subdivision will also be using the north-south road, and be accessing onto Foothill Road, in which case he voiced concerns regarding increased traffic on Foothill Road. Mayor Taylor said "No," the private road accessing the applicant's property is not a public road providing access to the subdivision to the south.

Motion: Motion by Council President Kiser to close the public comment portion of the hearing was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Kiser to read Ordinance 616 by title only was seconded by Council Member Furner and carried unanimously. Mayor Taylor asked the City Attorney to read Ordinance 616 by title only.

Motion: Motion by Council President Kiser to waive the read reading rule and approve Ordinance 616 was seconded by Council Member Furner and carried unanimously by roll call vote. Mayor Taylor closed the hearing at 8:38 p.m.

14. Consider approving the preliminary and final plats for Raw Pastures Subdivision.

Mayor Taylor called the agenda item. Planning and Zoning Official Randal Falkner presented an administrative report. City Engineer Amy Woodruff added that city code allows up-to-three residences to access off a private drive, and that well and septic systems will be used for sewer and water needs. Mayor Taylor asked if there was anyone in the audience who would like to speak on the to this item: none.

Motion: Motion by Council President Kiser to approve the preliminary and final plats subject to adjustments of Lot 1 Block 1 boundaries depending on Southwest Districts Health's determination was seconded by Council Member Huggins and carried unanimously.

15. Consider approving the final plat for Sawtooth Lakes Subdivision.

Mayor Taylor called the agenda item, introduced it, and asked if there was anyone on the audience that would like to speak to this item: none.

Motion: Motion by Council President Kiser to approve the final plat was seconded by Council Member Huggins and carried unanimously.

16. Consider approving a request to construct a residence on Lot 14 Block 4 Middleton Lakes Subdivision No. 1, Canyon County, Idaho, commonly referred to as 272 E Rose Lake Dr. that was originally reserved for a possible road to the north.

Mayor Taylor called the agenda item, introduced it, and asked if there was anyone in the audience that would like to speak to this item: none.

Motion: Motion by Council President Kiser approving the request was seconded by Council Member Furner and carried unanimously.

17. Public Hearing. Consider approving Resolution 417-18, a request by the City of Middleton to amend the city's comprehensive plan text and maps, updating maps to show the City of Star's 2018 annexation of about 750 acres in Canyon County; Canyon County proposed future expansion of the impact area north to Galloway and Goodson roads in some areas; updating demographic data, capital improvement plans for transportation and parks; and adding capital improvement plans for water and wastewater; adding an annexation plan and maps, adding a

roads functional classification map and a future acquisitions map; and expanding the planning area north of Purple Sage Road.

Mayor Taylor called the agenda item and opened the public hearing at 9:10 p.m. Planning and Zoning Official Randall Falkner presented proposed text changes and Mayor Taylor presented proposed map changes. Mayor asked if there was anyone in the audience that would like to speak to this item.

Ruth Volkert read a letter requesting the proposed changes to be denied, **Jeffery Pace** voiced that he had no problem with the proposed changes except would like the annexation policy portion to be denied, and **Amber Henderson** voiced that overall the city's comprehensive plan is well put together but the annexation portion needs to be denied.

Mayor Taylor read into record a letter from **Don Volkert** and stated that the **Hendersons, Hughes, Paces, Ramses** and **Suezes** submitted letters like Volkert's, not consenting to annexation. Mayor then read into record a letter from **Paul Adams** stating the he does not consent to annexation of his property by the city. Mayor stated that there is no pending application regarding annexation so he added the letters to this city file since it is the only open public hearing file having anything to do with annexation.

Motion: Motion by Council President Kiser to close the public comment portion of the hearing at 10:38 p.m. was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Kiser to continue this item to the regularly-scheduled council meeting on December 5, 2018 at 6:30 p.m. was seconded by Council Member Furner and carried unanimously.

18. Consider approving an amendment to Appendix Amendment Form, appendices A and B in the Exchange Maintenance of Highways Agreement, a joint exercise of power agreement with Canyon Highway District No. 4.

Mayor Taylor called the agenda item, introduced it, and asked if there was anyone in the audience that would like to speak to this item: none.

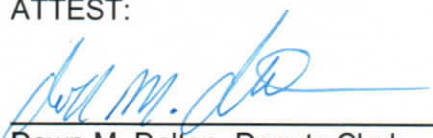
Motion: Motion by Council Member Kiser to approve the amendment was seconded by Council Member Garner and carried unanimously.

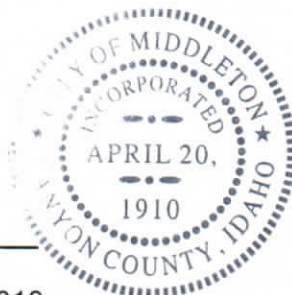
Public Comments: none.

Department and Council Comments: none.

Adjourn: Mayor Taylor declared the meeting adjourned at 10:45 p.m.

ATTEST:


Dawn M. Dalton, Deputy Clerk
Minutes Approved: December 19, 2018




Mayor Darin Taylor