
**MIDDLETON CITY COUNCIL
OCTOBER 17, 2018**

The meeting of the Middleton City Council on October 17, 2018 was called to order by Mayor Darin Taylor at 6:42 p.m.

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

Mayor Taylor introduced Deputy Clerk Dawn Dalton and Planning and Zoning Official Randall Falkner.

Action Items:

Consent Agenda

- a) **Consider approving minutes for Council's October 3, 2018 meeting.**
- b) **Consider ratifying accounts payable thru October 2, 2018 for \$166,514.60 (not \$150,000).**
- c) **Consider ratifying October 12, 2018 payroll amount of \$65,518.20, and approving accounts payable through October 16, 2018 in the amount of \$98,696.75.**

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

2. **Consider approving an Addendum to the State/Local Agreement for the S. Cemetery Rd, Key No. 12048, substituting the Local Highway Technical Assistance Council for Idaho Transportation Department as the administrator.**

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

Motion: Motion by Council Member Kiser to approve an Addendum was seconded by Council Member Huggins and carried unanimously by roll call vote.

3. **Consider approving tasks orders with T-O Engineers: for 100% construction drawings to align south with north Middleton Road in an amount not to exceed \$78,610, and to prepare grant-required right-of-way plans for S. Cemetery Rd. Project Key No. 12048.**

Mayor Taylor called the agenda item and introduced the tasks. Mayor asked if anyone in audience would like to speak to this item: none.

Motion: Motion by Council Member Kiser approve task orders was seconded by Council Member Huggins carried unanimously by roll call vote.

5. **Consider approving a task order with Hyqual P.C. to provide technical support to prepare for and negotiate terms of a Pollutant Discharge Elimination System permit in an amount not to exceed \$43,300.**

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

Motion: Motion by Council Member Kiser to approve the task order with Hyqual P.C. was seconded by Council Member Huggins and carried unanimously by roll call vote.

6. Consider approving preliminary and final plats for Raw Pastures Subdivision.

Motion: Motion by Council Member Kiser to table this item to the next regularly scheduled meeting was seconded by Council Member Furner and carried unanimously.

7. Consider approving the final plat for Falcon Valley No. 4 Subdivision.

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

Motion: Motion by Council Member Kiser to approve the final plat for Falcon Valley No. 4 after verifying changes were made based on the City Engineer's memorandum was seconded by Council Member Huggins and carried unanimously.

4. Consider 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 called the agenda item and introduced it. Mayor asked if anyone in audience would like to speak to this item. **Mike Graefe** stated he was opposed to the 15-foot from sidewalk requirement for tree placement and resident **Whitney Springston** asked the city to consider different types of trees that have a smaller root system and could be planted within 15-feet of sidewalks. Mayor Taylor said the proposed changes to standards include trees that could be planted within 15 feet of a sidewalk.

Motion: Motion by Council Member Kiser to amend the Middleton Supplement was seconded by Council Member Huggins and carried unanimously.

Mayor Taylor declared a recess at 7:20 p.m. to accommodate Council Member Furner's schedule and reconvened at 7:25 p.m.

8. Continued Public Hearing. Consider approving Resolution 415-18, 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 declared the public hearing portion of the agenda item opened at 7:26 p.m. and gave a brief explanation regarding the continuation of the item.

Deborah Nelson from Givens Pursley law firm stated that her firm represents the developer, made it know that the firm and the developer felt that the application to terminate the development agreement should be withdrawn or denied so that the development of the project can continue to move forward. Mrs. Nelson stated the development agreement provision applying to procedures is Paragraph 3.1 and to standards that the developer would like to work with the City to resolve any remaining issues that the City feels are still present regarding the Development Agreement.

Mayor Taylor asked if there is a written agreement between the developer and school district regarding a future elementary school site on developer's property or if developer is presently in negotiations with school district for an elementary school site between Phases 9 and 10. Ms. Nelson answered there is not a written agreement, no pending negotiations and, to her understanding, the developer contacts the district monthly to check-in.

Mayor Taylor asked if the elementary school site between Phases 9 and 10 was for sale, and Ms. Nelson said all of the developer's land north of Willis Road is for sale.

Mayor Taylor asked if the developer thought current code applies to filing an application for Phase 12 final plat within two years of Phase 11 application, December 27, 2017, and Ms. Nelson said yes, but if the city says it needs to be filed within one year based on the code at the time the preliminary plat was approved, then it will be within one year.

Mike Graefe said the developer and City need to come together face-to-face and get this worked out so that in the end the residents of West Highlands are not paying the ultimate price.

Council Members Kiser, Huggins and Furner separately commented they did not want to see this project stop but that they wanted to make sure that the agreement was being followed as written.

Motion: Motion by Council Member Kiser to continue this item to the next regularly-scheduled meeting was seconded by Council Member Furner carried unanimously.

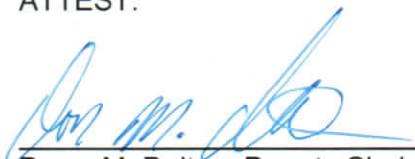
Public Comments: none.

Department and Council Comments: none.

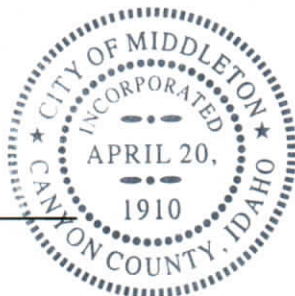
Adjourn:

Mayor Taylor declared the meeting adjourned at 8:15 p.m.

ATTEST:



Dawn M. Dalton, Deputy Clerk
Approved: November 7, 2018




Mayor Darin Taylor