
**MIDDLETON CITY COUNCIL
MAY 15, 2019**

Mayor Darin Taylor called-to-order the May 15, 2019 Middleton City Council meeting at 6:30 p.m.

Roll Call: Council Members Carrie Huggins, Jeff Garner and Beverlee Furner, and Council President Rob Kiser, were present.

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a) **Consider approving minutes for Council's April 17, 2019 regular meeting.**
 - b) **Consider ratifying May 13, 2019 payroll in an amount of \$73,187.43 and approving accounts payable thru May 14, 2019 in the amount of \$141,608.23.**
 - c) **Consider renewing the annual beer and wine licenses for Chaparral Sports Bar and Grill, Garbonzo's Pizza, Jacksons Food Store #22, and The Vault 21 Club.**
 - d) **Consider approving a permit for Outlet Fireworks LLC to sell fireworks at Middleton Village Center, 206 E. Main Street, Middleton, Idaho.**

Mayor Taylor called and introduced the agenda item.

Motion: Motion by Council President Kiser to approve consent agenda items a - d was seconded by Council Member Huggins and carried unanimously.

2. **Administer oath to Officer Tony Snider.**

Mayor Taylor called the agenda item and Officer Snider introduced himself. Deputy Clerk Dawn Dalton administered the oath of office.

6. **Consider confirming Mayor's appointment of Veronica McGinnis to the Library Board to fill the position vacated by Vicki Preston.**

Mayor Taylor called and introduced the agenda item. Veronica McGinnis then introduced herself. Mayor Taylor appointed Ms. McGinnis to the library board and requested city council confirm the appointment.

Motion: Motion by Council President Kiser to confirm the appointment was seconded by Council Member Furner and carried unanimously.

3. **Consider approving the purchase of Sanitaire replacement parts for the wastewater treatment plant from isiWest in an amount not to exceed \$7,866.56 plus freight and installation, if any.**

Mayor Taylor called and introduced the agenda item. Mayor Taylor called by phone lead wastewater operator Chad Beverage, who answered council's questions about the proprietary nature of the equipment and lack of three quotes for council to consider.

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

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4. **Consider approving the sole source proposal from Water Solve for cleaning the sludge lagoon at the wastewater treatment plant in an amount not to exceed \$100,000.**

Mayor Taylor called, introduced, and explained the agenda item was withdrawn because the quote received was more than double the amount expected. No Council action was taken.

5. **Consider entering into an easement agreement with Gary Brown and Lisa Brown, and separately with Rick Menefee and Crystal Menefee, for extension of city water and sanitary sewer systems between Duff and Lansing lanes.**

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

Motion: Motion by Council President Kiser to approve entering into easement agreements was seconded by Council Member Huggins and carried unanimously by roll call vote.

7. **Consider approving Resolution No. 424-19 declaring certain city equipment and miscellaneous property no longer in use or obsolete and surplus, and authorizing its disposition by according to state law.**

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

Motion: Motion by Council President Kiser to approve Resolution No. 424-19 was seconded by Council Member Furner and carried unanimously.

8. **Consider waiving application fees for Middleton Cemetery District's preliminary plat, construction plan, and final plat applications for Middleton Cemetery Subdivision No. 3, and approving the preliminary plat for Middleton Cemetery Subdivision No. 3 (Third Addition).**

Mayor Taylor called and introduced the agenda item, and explained that the application had been withdrawn on May 15, 2019. No Council action was taken on this item.

9. **Public Hearing. Consider adopting Ordinance No. 619, second reading.**

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLES 1, 4, 7, 8 AND 10 OF THE MIDDLETON CITY CODE, UPDATING THE GENERAL DEFINITIONS; CLARIFYING MEETING TIMES, JOB TITLES AND UNAPPOINTMENTS; UPDATING STANDARDS FOR PHASE DEVELOPMENTS; CLARIFYING EXEMPTIONS TO AND WAIVERS OF STANDARDS; UPDATING SPECIAL USE PERMIT REGULATIONS; UPDATING FLOOD CONTROL STANDARDS; MODIFYING FENCE STANDARDS; UPDATING AND MODIFYING NUISANCES; MAKING OTHER MINOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Taylor called and introduced the agenda item, then read code floodplain amendments recommended by the city's contract floodplain management expert Steve Holt at T-O Engineers, and amendment to the disorderly conduct public nuisance. Council, upon advice from the city attorney, considered this a first reading of the new terms.

Mayor Taylor asked if anyone in the audience would like to speak to this item: **Shawn Maybon, Carlene Thie, and Scott Brock** all cautioned Council to be careful with the wording for the public nuisance section of City Code.

Mayor Taylor declared a recess at 7:40 p.m. for council to sign Middleton High School students' agendas, and resumed the meeting at 7:45 p.m.

Information

City Administrator and City Treasurer - Necessary Expenses in the FY2020 Budget

City Administrator Becky Crofts gave a brief update to the Council regarding direction of the Fiscal Year 2020 budget.

10. **Consider KCRJ LLC's appeal of the Planning and Zoning Commission's denial of KCRJ's application for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.**

Mayor Taylor called the agenda item and declared the public hearing open at 8:10 p.m. Planning and Zoning Official Bruce Bayne presented the Administrative Review and Report.

Joe Roberts from KCRJ, LLC spoke regarding that the development was originally approved by the city in 2006 and soon after approval the infrastructure such as water and sewer lines were built. Due to the previous approval by the city, the development was not designed or constructed to have sidewalks in place. Mr. Roberts also stated that the recently completed traffic impact study shows that most of the traffic from Valhalla and surrounding subdivisions will be using Meadow Park St, making a smaller impact on the subdivision in turn making the need for sidewalks even less.

Residents **Carlene Thie, Robert Peterson, Cory Patoska, Randall Mitchell, Jack Garret, Jim Taylor, Shawn Maybon, Wendy Shockey, Mike Graffe, and Jennica Reynolds** all stated that the city has City Codes for a reason and the codes should be followed the same for all developers, and the Valhalla Subdivision needs to have sidewalks for the safety of all residents.

Will Mason from Mason and Associates stated that the candled walkways were in place due to an email that they had received from former Planning and Zoning Official Randall Falkner dated October 1, 2018. Mr. Mason then presented a copy of the email to the Council.

Joe Roberts and **Chris Maze** during their rebuttal, stated that the elevations and grading are not correct based on the previous infrastructure that was laid in place back in 2006 for sidewalks to be in added. They also stated that when it comes to buses and emergency vehicles, there is plenty of room for them to maneuver safely. Mr. Maze also wanted to clarify that the variance that is being asked is not for the absence of sidewalks but to be able to remove the candles and lined walking paths that are currently in place in accordance with approved preliminary plat from the city.

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

Council President Kiser expressed concern that there was a sidewalk coming out of the Pines Subdivision that just ended abruptly and that for safety and for continuity there should be a sidewalk that continued.

Council Members Huggins, Garner and Furner agreed with Council President Kiser's comments. Council Member Furner added that if buses have to stop to pass each other, then a single emergency vehicle yet alone multiple vehicles that may be needed for a call will not be able to get down the streets as they are now with candles lining them.

Motion: Motion by Council President Kiser to approve the appeal for removal of the candles along the sides of Valhalla St. and Nordic Ave. and denied the request to except Valhalla St. and Nordica Ave. from the standard requiring sidewalks, and approved four rather than five-foot detached sidewalks on both sides of the roads was seconded by Council Member Huggins and carried unanimously.

Mayor Taylor declared the public hearing closed at 10:09 p.m.

- 11. Provide guidance for Valhalla Country Estates Subdivision to: 1) widen Middleton Road with phase 1 now; or 2) widen Middleton Road with phase 2 at the time Meadow Park Street is extended to connect with Middleton Road this summer; or 3) remove Lot 24 Block 3 and Lot 2 Block 5 from phase 1 so dedication of Middleton Road right-of-way is included in phase 2.**

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

Motion: Motion by Council President Kiser to allow Middleton Road be widened along phase one boundaries with phase two construction at the time Meadow Park Street is extended to connect with Middleton Road this summer was seconded by Council Member Huggins and carried unanimously.

- 12. WTW Development LLC's appeal of the Planning and Zoning Commission's denial of WTW's application for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1 Table 2 and reduce side setbacks from 10 feet to five feet. The subject property is located on the west side of Hartley Ln. approximately 2,640 feet south of Willis Road, Middleton, Idaho.**

Mayor Taylor called the agenda item and declared the public hearing open at 10:09 p.m. Planning and Zoning Official Bruce Bayne presented the Administrative Review and Report.

Amy Watson the selling agent and representative for WTW Development addressed Council. She stated that Middleton's buyers want to have a quality semicustom home with a three car garage and they are willing to forego side yards in order to make this happen. Having the five-foot setbacks also allows more off-road parking making the neighborhood safer.

Residents **Carlene Thie, Shawn Maybon and Sandy Sinclair** all voiced opposition to allowing five-foot setbacks. **Mr. Maybon** suggested that the city look at making the minimum width of lots 95-100 feet instead of 75 feet.

Deputy Fire Chief Victor Islas stated that five-foot setbacks not only cause a danger to near by structures but in turn it makes a safety issue for his employees fighting a structure fire with such

narrow spacing between structures. Deputy Chief Islas submitted pictures from a structure fire with ten-foot setbacks between structures showing that even with ten feet between structures damage can still occur to surrounding structures, but the damage is minimal compared to a additional structure that could be engulfed in flames.

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

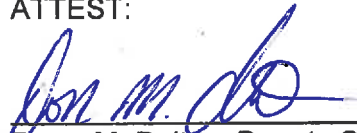
Motion: Motion by Council President Kiser to deny the appeal was seconded by Council Member Furner and carried unanimously.

Mayor Taylor declared the public hearing closed at 10:54 p.m.

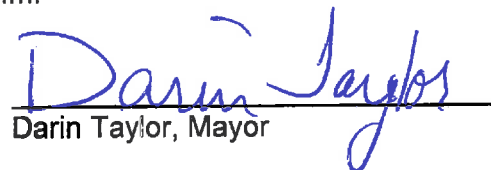
Public Comments, Mayor and Council Comments: Council Member Garner gave a brief update on the Middleton School Board meetings.

Adjourn: Mayor Taylor adjourned the meeting at 11:00 p.m.

ATTEST:



Dawn M. Dalton, Deputy Clerk
Minutes Approved: June 5, 2019


Darin Taylor, Mayor

From: [Randall Falkner](#)
To: [Angie Cuellar](#)
Cc: ["William J Mason"](#); [Amy Woodruff](#); [Becky Crofts](#)
Subject: RE: Valhalla Country Estates- regarding Preliminary Plat approval
Date: Monday, October 01, 2018 9:56:52 AM
Attachments: [SKMBT_C36018092709450.pdf](#)
[SKMBT_C36018100109421.pdf](#)

Angie,

We talked with you, the city engineer, and Joe Roberts this morning to clarify the direction forward. The city is awaiting a preliminary plat that the city can mark approved and attached to a permit.

The attached city engineer list details three items: Joe is planning to do a traffic impact study, please submit proof of property ownership and title report Schedule B showing easements, and add a note describing access for Lots 1-4, Block 1 by private driveway and providing access to Carol Logan's property as requested by the mayor.

The Planning and Zoning Commission required sidewalks along both sides of Valhalla St and Nordic Ave. Please see the attached typical section for a local roadway with attached sidewalk at the exterior of the curb. The existing Ponderosa Dr. was constructed about 11 years ago with swales as the stormwater treatment method; the swales adjacent to ribbon curbing prevent sidewalks on the exterior side of curb. Concrete sidewalks do not need constructed outside of the swales if a Valhalla St/Nordic Ave typical section shown on page 4 of the preliminary plat with the five foot lanes labeled "Pedestrian", rather than "Bike"; please submit a signage and pavement marking detail showing the pedestrian way, including candles if prudent.

Please call if you have questions.

Thank you,

Randall Falkner
Planning & Zoning Official
City of Middleton
1103 W. Main
208-585-3133

From: Randall Falkner
Sent: Thursday, September 27, 2018 5:01 PM
To: 'Angie Cuellar'
Cc: 'William J Mason'
Subject: RE: Valhalla Country Estates- regarding Preliminary Plat approval

Angie,

Thanks for the question and sorry for the confusion. I was there at the Council meeting when Council President Riccio said he wished the P&Z Commission's decision, requiring sidewalks on Valhalla St and Nordic Ave, was appealed because he didn't think sidewalks were needed. Council

President Riccio moved to Meridian and resigned from City Council. Please find attached the P&Z findings, conclusions and decision, as well as City Council's FCOs. The applicant has 14 calendar days from the date of the written decision to file an appeal. Mayor Taylor told Joe to file an appeal if the applicant did not want to construct sidewalks and wanted Council to review P&Z's decision.

Randall Falkner
Planning & Zoning Official
City of Middleton
1103 W. Main
208-585-3133

From: Angie Cuellar [<mailto:acuellar@masonandassociates.us>]
Sent: Wednesday, September 26, 2018 10:28 AM
To: Randall Falkner
Cc: 'William J Mason'
Subject: Valhalla Country Estates- regarding Preliminary Plat approval

Randall,

I am inquiring on the preliminary plat approval for Valhalla Country Estates. There is a small amount of confusion on our end. Our client is insisting that Mayor Taylor is waving the sidewalks. However on the latest redline notes we received, it was written on the Preliminary Plat itself, that there needed to be sidewalks along Valhalla Street and Nordic Ave and the note has both yours and Mayor Taylor's initials.

If indeed sidewalks are now being waved, we will need something in writing from Mayor Taylor as our client Joe Roberts states the Mayor can wave this requirement no matter what Planning and Zoning or the City Council has recommended or what our potentially approved preliminary plat states.

Please advise us on Preliminary Plat status and the sidewalk issue.


Thank you very much.

Angie Cuellar, Planner



Professional Engineers, Land Surveyors and Planners
924 3rd St. So., Suite B, Nampa, ID 83651
Ph (208) 454-0256 Fax(208) 467-4130
e-mail: acuellar@masonandassociates.us



DATE: September 25, 2018
TO: Randall Falkner, Zoning Official
FROM: Civil Dynamics, City Engineer
By: Amy Woodruff, PE 
RE: VALHALLA COUNTRY ESTATES
REVISE PRELIMINARY PLAT REVIEW

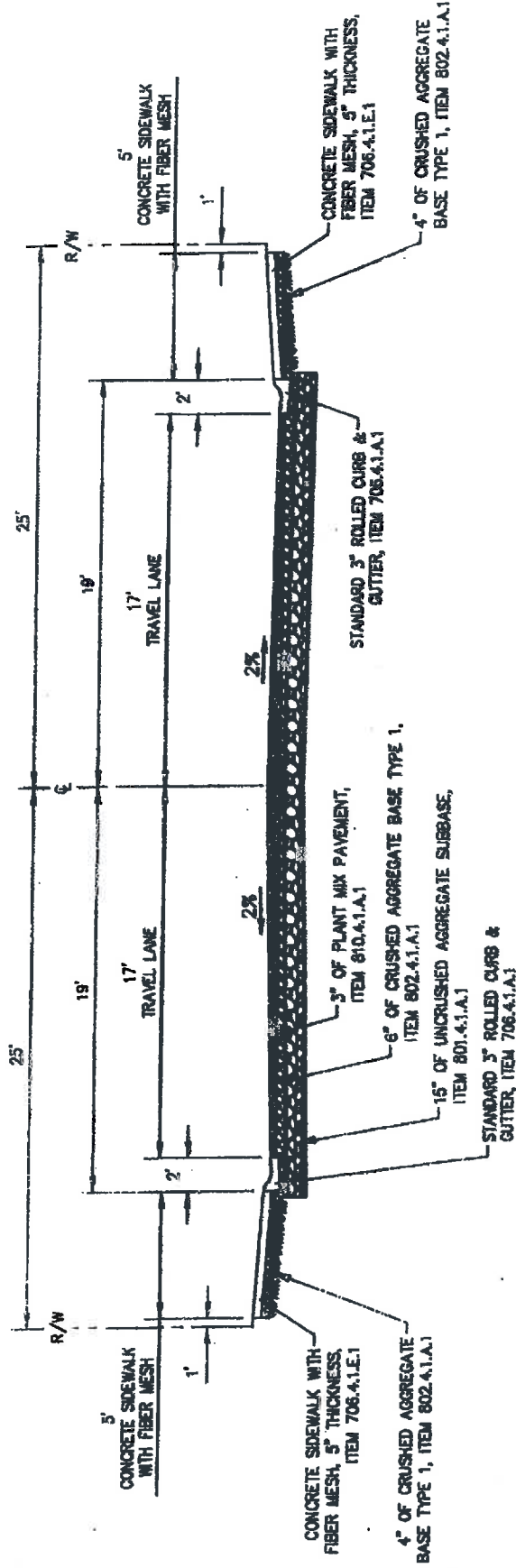
Thank you for the opportunity to review the revised preliminary plat for the above captioned development, said plat bearing the stamp and certification of William Mason, PE, ID 9212 certification dated 09/21/18. The plat consists of four (4) sheets.

Summarized below are preliminary plat review comments with the applicable Middleton City Code citation.

MCC 6-2-1. Traffic Impact Analysis: Please submit an application for variance if a traffic impact analysis will not be submitted. If a variance or waiver is in process, please disregard.

MCC 6-2-2. A.2. Identification and Descriptive Data
I. Submit a deed for the property including Schedule B.

Sheet 1. Please add note detailing access for Lots 1-4, Block 1. A maximum of 3 lots can access a driveway.

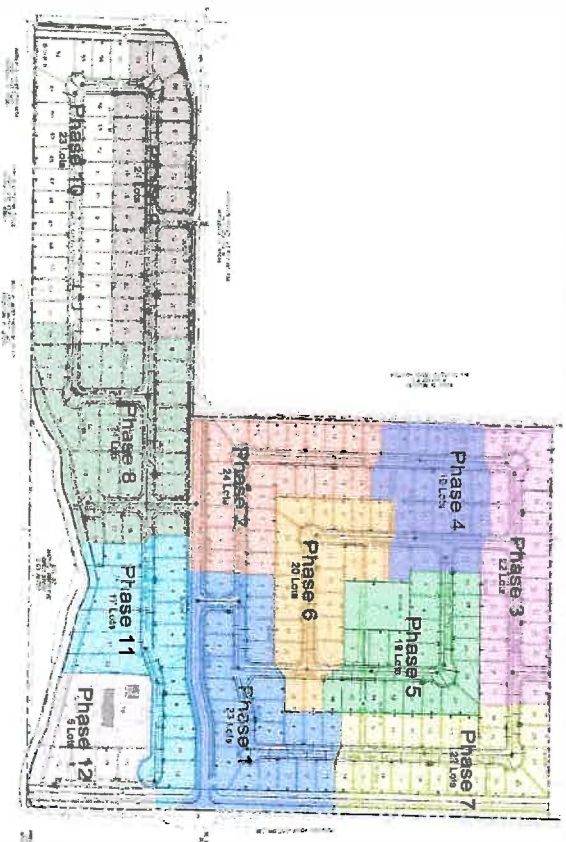


City of Middleton
Local Roadway Typical Section - 25' Half Width ROW
NOT TO SCALE

Stonehaven Subdivision

A WTW Development, LLC Project

Stonehaven Plat



The Middleton Buyer's Market is Seeking a Variety of Quality Product Options



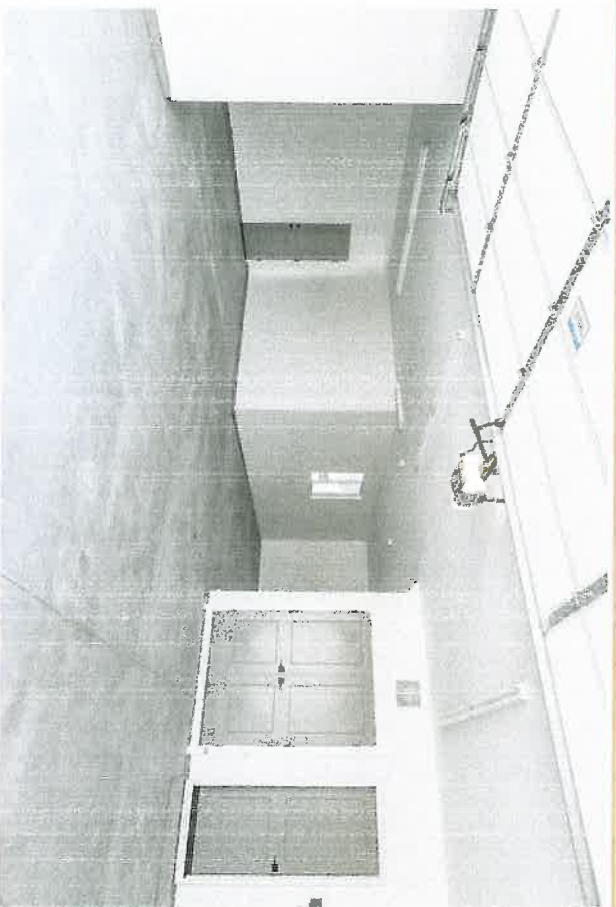
The Middleton Buyer's Market is Seeking a Variety of Quality Product Options



The Middleton Buyer's Market is Seeking a Variety of Quality Product Options



Buyers Prefer Garage Space and/or RV Parking over Side Yard Width



Current Middleton development that was granted
reduced side AND back yard set backs



Key Takeaways

- Keeps cars are the street so residents and guests can safely enjoy the subdivision
- Three car garages allows residents to use more space for parking cars
- Diversification of housing
 - The City of Middleton is made up of mostly tract homes
 - Allows for increased permit fee and tax revenue
 - Increases current home values for current residents
 - Diversifies the population and increases disposable income spent in the city
 - Addresses the retiree migration that is coming for California, Oregon, and Washington
 - Allows for increased variety of home styles which, in turn, beautifies the neighborhood
- Decreasing the side yard setback will not increase the number of homes in the subdivision
- Not all homes will have a three car garages
- Need to employ special use permit will be determined by lot location and market conditions
- We ask that the city council negotiate a fair resolution that benefits all parties involved

**Thank you for your
time and consideration!**

Questions?







