
MIDDLETON CITY COUNCIL
MAY 6, 2020

The Middleton City Council meeting on May 6, 2020 was called-to-order at 6:30 p.m. by Mayor Steve Rule. The meeting was streamed live via the City Facebook page due to CDC/COVID-19 restrictions.

Roll Call: Council President Rob Kiser, Council Members Carrie Huggins, Jeff Garner and Tim O'Meara were present.

Pledge of Allegiance, Invocation: Council President Rob Kiser

Mayor explained that according to CDC guidelines due to COVID-19 (Coronavirus) to not gather in groups of more than 10 people, City Council was being streamed live via the City Facebook page.

Information Items

1. ITD Restriping – Mayor Rule

Mayor Rule called the item and gave a description of the restriping ITD has plans to do on State Highway 44 to the west of the intersection of South Middleton Road and State Highway 44.

2. Republic Services Spring Clean-up moving to Fall – Becky Crofts

Mayor Rule called the item. City Administrator Becky Crofts explained that due to COVID-19 the Republic Services Spring Clean-up is moving to September. The City has posted the flyer on the City Facebook page and the City website so people are aware if they are doing spring cleaning, it will be "fall cleaning" this year.

Discussion Item

1. Ridley's and Murphy pedestrian crossing – Mayor Rule

Mayor Rule called the item. He explained that he received a call from a resident and the Police Chief also had told him about another call relating to this. Down from the intersection of Highway 44 and South Middleton Rd the next street is Idaho. The gentleman that lives in that proximity said more than once he has observed people coming out of Ridley's, turning south and literally hitting the pedestrians. Drivers are looking for other cars or motorcycles, but not paying attention to the pedestrians who are darting out trying to beat the cars crossing right there. Mayor doesn't have a great solution, He said the orange pedestrian crossing flags are not solving the problem. And if it continues to be a problem (if he gets many more calls) he suggested the City may have to remove the barrier at Murphy Street. He asked Council to watch it as they drive by in that area. He asked for questions.

Council Member Garner asked if the City has considered flashing crossing lights? Mayor Rule said that was brought up as a possible solution. We are looking at doing that on another intersection on Harley as well, so costs are coming and we are trying to learn

about some options. It is a great possibility and possible option, however it might not be as effective for pedestrian traffic as they are for cars and vehicles. Public Works Superintendent Bruce Bayne said the crossing flashing light wouldn't be effective for the people coming out of Ridley's because it wouldn't face that side of the street. The lights face north or south along the road. Council Member O'Meara suggested that some of the traffic problem might be solved by opening Boise St.

Mayor Rule said there are some developments that are happening that might facilitate straightening Middleton Road. ITD will not change/slow the speed limits coming in or out of Middleton at this time. Councilman O'Meara said that he brought that up because cars are already starting to cut through the O'Reilly's parking lot. Mayor said he has heard that, and if Council has direction he suggested that it be put on the next agenda as a discussion and possible action item for the next Council meeting. Council Member Huggins said this could be problematic because we tried to change the crosswalk before, but then it was the right hand travelers that weren't seen by the pedestrians. There is really no good solution. Mayor said we are suffering growing pains in Middleton. Council President Kiser said he would suggest moving the crosswalk up towards light to alleviate that in/out area. Mayor asked Chief Takeuchi if there were pedestrian laws in place at any intersection? Chief responded the law says you have to cross at a crosswalk. There are laws for J-walking. He said he agrees with Council President Kiser in that he would like to see the crosswalk gone and have the pedestrians go to a controlled intersection that tells them when cars will be stopped and when it is safe for them to cross. It is hard with the increase in population, and increase in traffic and being that intersection is one of the busiest intersections in Middleton and that intersection at Idaho and Middleton is so close to the light that there is a lot going on to have people cross safely.

Council Member O'Meara asked if the crosswalk could be moved to the other side of the street so the left turn out is not intersecting the crosswalk? Council President Kiser said we tried that and it still creates the same problem with the right turning cars. He said that the City closed the street across from Ridley's entrance on Highway 44 because of traffic and pushed everyone down to the light for the crosswalks. If this is becoming an issue in the public safety he suggests we scrub it out and push everyone to the light. Becky Crofts said she thinks quite a few people cross there. At this point at least they have some indicator with a flag that they are crossing. She doesn't think moving or scrubbing it will prevent them from crossing, and they would then lose the ability to have some kind of identification that they are in the road. There is no good answer to solving this except that people need to be responsible and watch where they are driving. Maybe we could put a small sign there that says watch for pedestrians, but then you are going to be dealing with the vision triangle. There is just no good solution, it is just an unfortunate placement on all sides. Mayor said we will talk to traffic experts at some engineering firms and will have a discussion again at a future time and date.

2. ITD Intergovernmental Agency Agreement – Chris Yorgason

Mayor Rule called the item and asked if City Attorney Chris Yorgason was in attendance. Chris was on speakerphone. Mayor Rule asked him to discuss the Item. Chris gave a some background of the item. He said that City of Middleton is like the City of Star in that we have a difficult time getting ITD to get projects done in the city. The State Highway 44 runs through the middle of town. The Impact area goes to State Highway 20/26. The impact fee code allows for City's and ITD to enter into an agreement where they would collect fees from a development agreement with applicants for improvements on State

Highway 44. The agreement is set up so that as applications come through the City would work with ITD to figure out the traffic impact studies, what the impact is on a State Highway, what that applicants proportionate share would be of those impacts or improvements that need to be made to the state highway, and then using a development agreement allow the city to collect those funds and either hold them in a trust for the highway district or they can then be given to the highway district to hold. The agreement also has it set in place that ITD is required to use the money they collect in the city or the city's area of impact. It is a straight forward agreement, and does not require a public hearing.

Council President Kiser asked City Attorney Chris Yorgason if ITD has approached any of the counties, like Canyon County since they have developments that are affecting their intersections as well. Chris said he didn't know the answer to that, and that initially this was a conversation between Star and ITD as ITD is looking at a \$450,000,000 short fall this year due to COVID-19.

Mayor Rule commented that he did talk to Mayor Trevor Chadwick of Star and Mayor Rule thinks it is another tool that might help protect the City's other assets from being poured into something we have to do at a particular intersection. He thinks it is worth discussing and looking at and he will contact Canyon County to find out if there has been any discussion there.

Council Member O'Meara asked Mayor Rule how the City's own Transportation Impact Fee would affect this? Public Works Superintendent Bruce Bayne stated the City's Fee is for all the area outside of Highway 44. This would be strictly for Highway 44, and it is the piece that is missing. The other piece will be covered between the Canyon Highway District 4, Middleton, Star agreement that Kittleson is doing, but as it currently stands the City has no say and pays for everything that has to be done on Highway 44. Councilman O'Meara confirmed that the agreement would be for developments in the City that impact Highway 44, but are not necessarily on Highway 44. He asked if the current planned intersection improvements on Harlley and Highway 44 and again at Cemetery and Highway 44 would be eligible to collect fees from ITD? Bruce said that the City already has development agreements for those intersections.

3. Consider amending Ordinance 2020-628; AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ADDING A NEW SUBSECTION TO TITLE 8, CHAPTER 1, SECTION 2(B) TO PROHIBIT OUTDOOR STORAGE CONTAINERS WITH EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE – Tim O'Meara

Mayor called the item and asked Council Member Tim O'Meara to cover the item. Councilman O'Meara said that he has had several people have come to him with concerns about not being able to use storage containers on their properties. He proposed amending the language to allow owners to use a storage container if they desire, but keep it out of the public view. He recognizes that most subdivisions have Home Owners Associations and agreements that won't allow these containers so a good portion of the city is covered according to those rules. Council President Kiser clarified that Councilman O'Meara is talking about the metal shipping containers. Council Member Huggins said would relook at this ordinance; before the concern was or the size of and location of containers on front and side yards, and how they would be permitted through the building permit process. Planning and Zoning Official Bruce Bayne added that the size that is currently allowed for an accessory structure that does not have to be permitted is 200 square feet. If it is 201

square feet or larger it needs to have a permit. He said that the reason the ordinance was added last year was because he received multiple phone calls and complaints last year about these containers being in front or side yards, and he did not get one call about anyone wanting one until this year. The only time last year when there was a request was for people who were moving, so it was only in the yard for a couple of days. He also asked that the language is crystal clear so that people are not allowed to skirt around it, just as Council Member Huggins mentioned and so that what is adopted is code enforceable. Bruce at the request of City Administrator, Becky Crofts talked about the City requirements of setbacks. Any accessory structure under 200 square feet if it is totally moveable can be up to 5 feet from a side yard setback and 10 feet from the rear as opposed to an actual structure that has a foundation. The setback on a structure with a foundation is 10 feet from the side yard and 20 feet from the rear. We always talk about the side and rear setbacks, because we do not see them in the front. Without any code someone could have them in the front yard.

Mayor asked if little work sheds require the same setbacks and Bruce confirmed that those are also governed by the 200 square foot rule, anything that is not the home is an accessory structure and they all fall under that same code. Mayor stated he wasn't in office when this ordinance was put in place and asked if it is the visual effect that was the reason for concern, and that they are 8 feet tall? Councilman O'Meara confirmed they are 8 feet tall. Mayor Rule suggested that council might want to consider an 8 foot privacy fence instead of a 6 feet. Bruce stated that in the residential code the maximum height for a privacy fence is 6 feet maximum, so if this ordinance is amended it would require an amendment to the city code. Council President Kiser said the six foot fence is on the property line, so as long as the setback distance requirements were met there could be an 8 foot enclosure or it could be painted like the house, just as long as it is not orange like the ones currently on Cemetery Road. Bruce said if the accessory structure is greater than 200 square feet the City does require that it is painted and look the same as the home.

Mayor Rule and Council decided no action should be taken until it can go before the public at a public hearing.

Action Items

- 1. Consent Agenda (items of routine administrative business)**
 - a) Consider approving minutes for Council's April 15, 2020 meeting.**
 - b) Consider ratifying April 24, 2020 payroll in the amount of \$97,519.94 and accounts payable thru April 27, 2020 in the amount of \$104,166.19.**

Mayor Rule called and introduced the item. Council President Kiser explained that this accounts payable is small because a lot of the City bills have not been processed yet. Please drive by Piccadilly Park as the latest playground structure has been put in. Council Member Huggins asked what the payment to Garret & Company is for. City Administrator Becky Crofts said the payment for about \$40,000 is for the playground structure and there will likely be another invoice for the installation.

Motion: Motion by Council President Kiser to approve consent agenda items a and b, seconded by Council Member Huggins and approved unanimously.

2. Consider approving City Beer and Wine Licenses for Jackson's Extra Mile #177, Jackson's #22 and Tsai's Kitchen. – Becky Crofts

Mayor Rule called and introduced the item. City Administrator Becky Crofts stated these are the annual renewal of the City Beer and Wine licenses.

Motion: Motion by Council President Kiser to approve City Beer and Wine Licenses for Jackson's Extra Mile #177, Jackson's #22 and Tsai's Kitchen. Motion seconded by Council Member Garner and approved unanimously.

3. Consider approving quote from Garret & Company, Inc for rubber surfacing for Piccadilly Park in the amount of \$31,950.00. – Becky Crofts

Mayor called and introduced the item. City Administrator Becky Crofts explained that this quote was the lowest of 2 received and where the surfacing has gone in other parks in the City and where it will go in Piccadilly Park. Council is approving the rubber surfacing as well as the adhesive and the Public Works department does the installation. If the city were to have some other company do the installation the cost would come out to about another \$20,000 or \$30,000.

Becky said something else she wanted the Council to consider is the Splash Pad, should the City turn it on Memorial Day? Some Cities are not allowing use of Splash parks or swimming pools due to COVID-19. She is not suggesting any direction and understands the water of a splash pad versus a pool is very different. She asked Council to have it on their minds as Memorial Day is a couple weeks away.

Council Member Huggins asked how long the rubber surfacing has lasted at Roadside Park? Becky said she thinks it was installed in 2015, and to her knowledge it hasn't had any problems. It is also installed at the skate park and there is a little more wear there. However, the nice thing about this product is that it can be resealed and it does a great job. It can be patched very easily by cutting out the damaged area and filling it back in. Compared to the bark which is what is at Middleton Place Park, this is clean whereas the bark scatters everywhere. Most cities are moving to a rubber surfacing of some type. Mayor Rule asked if there is a projected life expectancy for the product? Becky said she thinks it is a new enough product that they really don't have a life expectancy yet. Mayor told Councilwoman Huggins we will try to get a life expectancy on the product.

Motion: Motion by Council President Kiser to approve quote from Garret & Company, Inc for rubber surfacing for Piccadilly Park in the amount of \$31,950.00. Motion seconded by Council Member Garner and approved unanimously.

4. Consider approving quote from Asphalt Systems Inc in the amount of \$33,859.00 for approximately 3.11 miles of asphalt sealing; Northwest Traffic Surface bid in the amount of \$8,640.00 for traffic flagging; Curtis Clean Sweep quote in the amount of \$16,566.00 for restriping. – Bruce Bayne

Mayor Rule called and introduced the item. Public Works Superintendent Bruce Bayne gave a summary of the maintenance the City is planning on doing for the streets. In the past the City has done chip sealing to maintain the roads. The cost last year to even less

mileage than 3.11 miles was over \$200,000. This new product is a heated product that goes down into the cracks. It is a good product as the bigger cities are using it. We would like to use this and hopefully we can do each year more roads at less cost. At the current cost we are anticipating to be able to do all of the work in the City over the next 5 years, and then at the 6 year mark start over again. At about \$50,000 each year for 5 years instead of the \$200,000 per year with the previous product that is a significant savings for the City. Council President Kiser asked about the life span on this product compared to a chip seal, and Bruce said he was told it is about a 10 year lifespan, but it really depends on the road surface it is being put on. A road that is in really poor shape will require more product. The chip-seal product has about the same 10 year lifespan. Bruce said with this product there is no cleanup of the chips, and windshield damage and the chips going down the storm drains. He said the company does have another product that is similar to the chip seal, but they told the City Middleton does not need the next step up, even for the worst roads. Councilman O'Meara asked if all of the roads would be done? Bruce responded that this year would cover the 3.11 miles, and hopefully get to the older parts of town. He also stated that the amount for Curtis Clean Sweep is high for the thermoplastics and the City has looked into applying the thermoplastics ourselves. We will have Curtis Clean Sweep set the lines in the roads, but the City will try to apply them themselves. The hope is to pare that number down.

Motion: Motion by Council President Kiser to approve quote from Asphalt Systems Inc in the amount of \$33,859.00 for approximately 3.11 miles of asphalt sealing; Northwest Traffic Surface bid in the amount of \$8,640.00 for traffic flagging; Curtis Clean Sweep quote in the amount of \$16,566.00 for restriping. Motion seconded by Council Member O'Meara and approved unanimously.

5. Consider approving Mayor Rule's appointment of Jennifer Barr as Interim Library Director as recommended by the Library Board. – Mayor Rule

Mayor Rule introduced the item. Explained the changes and restructuring that have taken place at the library and need to appoint an interim library director.

Motion: Motion by Council President Kiser to approve Mayor Rule's appointment of Jennifer Barr as Interim Library Director as recommended by the Library Board. Motion seconded by Council Member Huggins and approved unanimously.

6. Consider approving estimate from 360 Home Improvements LLC to remodel LAB for police building in the amount of \$23,167.96. – Chief Takeuchi

Mayor Rule introduced the item. Police Chief Alan Takeuchi gave a summary of what the police have done to get bids for the remodel of the LAB into the police building. The owner of 360 Home Improvements LLC is a local man and retired police force. He said the reason for the drywall being a bit more expensive is to put some sound proofing in for the interview rooms and supervisor office. They are looking at cutting cost on the transaction window and not using ballistic material. They might fabricate their own windows. Some of the costs may go down. If we have left over money, the contractor gives it back to the City. Mayor confirmed the price is a not to exceed price. Councilwoman Huggins asked how much of the project this covers. Police Chief said this covers the construction of the walls. Next year they might be looking at the need for some sort of cabinetry type of work. Council President Kiser confirmed this price

will 100% move the Police Department into the building and get them functioning at a high capacity. Chief Takeuchi said correct. Mayor Rule said the Chief has been very responsible using the funds from his own budget for this move and remodel. Councilman O'Meara asked if the skilled craftsmen in Public Works department would be helping do the job? Mayor Rule said that was considered but their time is taken up now that the weather has warmed up, so the police have to hire a contractor.

Motion: Motion by Council President Kiser to approve estimate from 360 Home Improvements LLC to remodel LAB for police building in the amount not to exceed \$23,167.96. Motion seconded by Council Member O'Meara, and approved unanimously.

7. Consider approving quote from Axon Enterprise, Inc for Police body camera equipment and tech assurance plan in the amount of \$10,248.90 – Chief Takeuchi

Mayor Rule called the item. Police Chief Alan Takeuchi gave a summary on the current body cam equipment. He stated the trend for police officers is to have a body cam is such because if the action didn't get recorded on a body cam it is almost as if it didn't happen. It is a key piece of evidence that police departments all over the country are using. The company Axon makes equipment specifically designed for police departments. The tech assurance plan ensures that the virtual storage is uploaded to the cloud, and every two years the cameras will be replaced. Mayor Rule asked Chief to explain the timeline and costs over the next 5 years for council. Year one is purchase of all equipment, year 2 is the annual user licensing, and the ability to maintain the program over the years for security. Years 2,3,4 and 5 Chief believes are all the same. Those amounts will be included in the budgets. This will allow for the newest equipment for the police department. Council President Kiser asked what year 6 looks like. Chief said he has not spoken with them so he does not know, he has a meeting with a rep and will ask about how that contract will work? Council Member Garner asked if the Chief has communicated with other police departments? Chief listed the departments he has spoken to and said that this program allows for the secure storage of the evidence. City Administrator Becky Crofts stated that when it comes time for the record destruction that it must be approved by Council and the City Attorney in a records destruction Resolution.

Motion: Motion by Council President Kiser to approve quote from Axon Enterprise, Inc for Police body camera equipment and tech assurance plan in the amount not to exceed \$10,248.90. Motion seconded by Council Member Garner and approved unanimously.

8. Consider approving Resolution 441-20 (Clerical Correction 442-20) AUTHORIZING AND DIRECTING SALE OF SURPLUS PROPERTY. See attached list. – Becky Crofts

Mayor called the item and gave a brief description of the surplus property that is located in the shed behind City Hall and said these items will be sent to auction or disposed of and the money returned to the City and deposited into the general fund.

Motion: Motion by Council President Kiser to approve Resolution 441-20 (Clerical Correction 442-20) AUTHORIZING AND DIRECTING SALE OF SURPLUS PROPERTY. Motion seconded by Council Member Huggins and approved unanimously.

9. Consider approving a Licensing Agreement between Drainage District No. 2 and the City of Middleton for Sawtooth Lake Drive Crossing – across Mill Slough. – Bruce Bayne

Mayor called the item. Public Works Superintendent Bruce Bayne presented the licensing agreement between Drainage District No. 2 and the City of Middleton for the Sawtooth Lake Drive Crossing concrete box culvert that needs to be put in as part of the 2nd phase of the South Cemetery Road construction project. City Administrator Becky Crofts explained that the cost for the licensing agreement cost is \$450.00.

Motion: Motion by Council President Kiser to approve a Licensing Agreement between Drainage District No. 2 and the City of Middleton for Sawtooth Lake Drive Crossing – across Mill Slough and approve the amount of \$450.00 for the licensing agreement. Motion seconded by Council Member Garner and approved unanimously.

10. Consider awarding bid for the Falcon Valley Booster Station Pipe Connection Project to Irminger Construction, Inc for the contract bid amount of \$40,656.00. – Bruce Bayne

Mayor call the item. Public Works Superintendent presented the bids the City received for the Falcon Valley Booster Station Pipe Connection project. City Administrator Becky Crofts explained that this project is necessary and is in the budget but is likely to require a budget amendment in September due to the slowing of the economy and the lack of monies projected received from building permits.

Motion: Motion by Council President Kiser to approve bid for the Falcon Valley Booster Station Pipe Connection Project to Irminger Construction, Inc for the contract bid amount not to exceed \$40,656.00. Motion seconded by Council Member O'Meara and approved unanimously.

11. Public Hearing: Consider an application from Jed Wyatt to rezone 1.06 acres from R-3 (Single Family Residential) to M-U (Mixed-Use) and acquire a special use from Middleton City Code 5-4-1, Table 1 (Land Use Schedule). The subject property is located at 1121 W Main St., South of Main Street (State Highway 44), Middleton, Idaho, commonly referred to as Canyon County Parcel No. 1760920. – Bruce Bayne

Mayor Rule called the item and stated that the public hearing will be tabled due to COVID-19 to a date certain of June 3, 2020.

Motion: Motion by Council President Kiser to table the public hearing of Jed Wyatt to a date certain of June 3, 2020. Motion seconded by Council Member Garner and approved unanimously.

12. Budget Workshop FY2021 – Becky Crofts and Wendy Miles

Mayor called the item and the meeting broke off into the budget workshop where capital projects for the city were discussed as items to think about for the next budget year.

Public Comments, Mayor Comments, Council Comments:

No public comment due to CDC/COVID-19 restrictions.

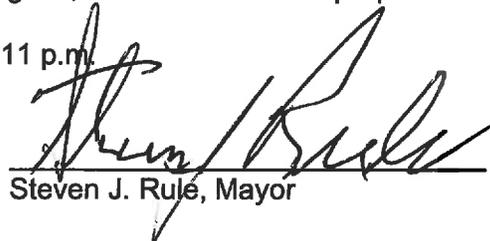
Mayor Rule said that developments are coming at and around the City quickly. He thanked the residents for handling the COVID-19 crisis in a responsible way. The last acquisitions for Cemetery Road are just about complete. The first story from Hayden Homes has been postponed due to COVID-19.

Council Member O'Meara stated that he would like to the Impact Fee ordinance brought back before the council. Mayor responded that he and Becky would work to get that ordinance back to council.

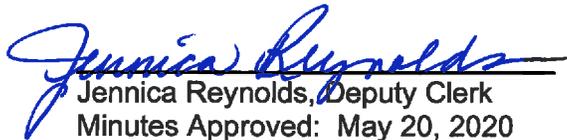
Bruce Bayne thanked the Mayor for his vision and said that we had 6 new subdivisions apply to coming into the city, and so the city is continuing to grow, and we need to be prepared for that.

Adjourn: Mayor Rule adjourned the meeting at 9:11 p.m.

ATTEST:



Steven J. Rule, Mayor



Jennica Reynolds, Deputy Clerk
Minutes Approved: May 20, 2020