
**MIDDLETON CITY COUNCIL
AUGUST 19, 2020**

The Middleton City Council meeting on August 19, 2020 was called-to-order at 5:38 p.m. by Mayor Steve Rule.

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

Pledge of Allegiance, Invocation: Rebecca Garner

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for Council's August 5, 2020 regular meeting.**
 - b. **Consider ratifying August 14, 2020 payroll in the amount of \$80,486.64 and accounts payable thru August 10, 2020 in the amount of \$253,108.53**
 - c. **Consider approving FCO's – Estates at West Highlands Preliminary Plat**
 - d. **Consider approving FCO's – Carlton Meadow Preliminary Plat**
 - e. **Consider approving FCO's – Valhalla Amended Preliminary Plat (Amended Preliminary Plat approved by Council Nov. 20, 2019)**

Mayor Rule called and introduced the items Council President Kiser and gave a brief explanation of the accounts payable and FCO for Valhalla Amended Preliminary Plat that was approved by council November 2019. The FCO's were never brought before council to approve. Mayor Rule and Council Member Tim O'Meara recused themselves from the FCO for Valhalla Amended Preliminary Plat because they were not elected officials at that time and did not take office until Jan 2020. Council President Kiser said the FCO for Valhalla Amended Preliminary Plat accounts for everything that was approved at the 2019 Council Meeting, therefore he is comfortable signing the FCO. Bruce Bayne made note that the street names for the FCO's for item c have been revised with the FCO's

Motion: Motion by Council President Kiser to approve consent agenda items a thru e as presented before the Council. Seconded by Council Member Huggins. Approved unanimously by Kiser, Huggins and Garner.

2. **Consider approving HyQual Middleton Water Quality Permitting and Natural Treatment Planning for FY2020: Additional Budget Request in an amount not to exceed \$11,500.00 - Becky Crofts**

Mayor Rule called the item. City Administrator Becky Crofts explained the additional budget request for to complete the project through the end of the current budget year. She feels confident that these funds are a necessary spending. She also said that Jack Harrison from HyQual will give a report to Council in October to give a presentation on where the City is on the IPDES and where we will be at the end of next fiscal year on the Re-Use Farm project.

Motion: Motion by Council President Kiser to approve and request from HyQual Middleton Water Quality Permitting and Natural Treatment Planning for FY2020:

Additional Budget Request in an amount not to exceed \$11,500.00. Motion seconded by Council Member Garner. Approved unanimously.

- 3. Consider adopting Ordinance No. 637: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON, COUNTY, IDAHO, ENTITLED THE "ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, APPROPRIATING \$12,906,757 DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF THE CITY OF MIDDLETON, IDAHO FOR FISCAL YEAR 2021, AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATIONS ARE MADE; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE. – Wendy Miles**

Mayor Rule called the item and introduced City Treasurer Wendy Miles who gave a brief explanation of Ordinance No. 637. She confirmed that the proper publications have taken place and that all the preliminary budget work that is needed has been completed.

Motion: Motion by Council President Kiser to read the Ordinance by title only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Council President Kiser then read the Ordinance No.637 by title only.

Motion: Motion by Council President Kiser to waive the three-reading rule and adopt Ordinance No. 637: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON, COUNTY, IDAHO, ENTITLED THE "ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, APPROPRIATING \$12,906,757 DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF THE CITY OF MIDDLETON, IDAHO FOR FISCAL YEAR 2021, AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATIONS ARE MADE; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

- 4. Public Hearing: Consider removing the 25% local modifier from the building permit fee. Increasing Building Permit Fees more than 5%, effective October 1, 2020. – Becky Crofts**

Mayor Rule called the item and opened the public hearing at 5:50 p.m.

City Administrator Becky Crofts explained that the city and state has been working off of the 2012 Idaho Residential Code and Fee Schedule. In January 2020 the State will adopt the 2018 Idaho Residential Code and Fee Schedule, and the City will adopt it at that time as well. The City cannot adopt the 2018 Building Code until the State does according to Law. The prior mayor, Mayor Taylor had placed a local modifier of 25% which discounted the cost of the building permits the City charged by 25%. Because the City is planning on removing the 25% local modifier, that will increase fees more than 5% effective October 1, 2020, which requires a public hearing. As a matter of note, the City Building Official invited all builders via email to a meeting as well as noticed in the paper regarding the increase.

Mayor Rule said that back in 2008 when the economy crashed this modifier was probably appropriate. In his opinion the modifier should have been removed in 2012, it

was something that slipped through. Under today's economic position, he doesn't think it is appropriate and he believes this is some cleanup work and it is the right thing for Middleton.

Mayor Rule opened the public comment portion at 5:54 p.m. No one from the public chose to speak and Mayor Rule closed the public comment at 5:54 p.m.

Motion: Motion by Council President Kiser to approve removing the 25% local modifier from the building permit fee effective October 1, 2020. Motion seconded by Council Member Huggins and approved unanimously.

Mayor closed the public hearing at 5:55 p.m.

5. Consider approving sale of Tahoe to Sand Hollow Fire in the amount of \$3000.00. – Chief Takeuchi

Mayor Rule called the item and Chief Alan Takeuchi gave a brief history of the vehicle for sale. It is a 2011 Tahoe and is pushing 160,000 miles. The Kelly Blue Book value ranges from \$5,300-\$7,700. The condition that it is, is less than that. It is equipped with emergency lights and sirens and appropriate for use for another agency emergency response vehicle. It will work well for Sand Hollow Fire and their needs. To sell it to a citizen would require removing the lights and sirens which is another \$2000 cost and there are not civilian seats. Working with Sand Hollow Fire he came up with the sale price of \$3000. Mayor Rule stated he thinks it is appropriate for the City to sale the vehicle for \$3000.00, he has seen it and it is in rough shape. It was taken out of commission with the purchase of the 2016 Tahoe's. The Police Department currently has 3 backup vehicles not including this Tahoe.

Motion: Motion by Council President Kiser to approve the sale of Tahoe to Sand Hollow Fire in the amount of \$3000.00. Motion seconded by Council Member O'Meara and approved unanimously.

6. Consider approving a State/Local Agreement (Construction) Project No. A012 (048) S. Cemetery Rd; SH-44 to Willow Creek Canyon County Key No. 12048 in an amount not to exceed \$287,059.00 – Becky Crofts

Mayor Rule called the item. City Administrator Becky Crofts gave a brief summary of this project. The city has acquired the last piece of right of way. This project started in 2008. The State and Local Agreement is the agreement the City signs between the Idaho Transportation Department. There is a resolution that is a part of the document. When the City funds this project it is a federally funded project of 4.3 Million dollars, the City match is \$287,059.00. This is very good for Middleton taxpayers. The final piece of Right of Way should be going forward with a judgement to take possession on Sept 3, 2020. Once that happens, we may be able to pull the federally funding of the project from 2021 to back into 2020. We are waiting for an appropriation through Congress. She anticipates that nothing else will get in the way except the Feds. The project should be completed in the next couple years.

Becky said that to this point the City has spent about \$450,000 for engineering and design of which 93% is reimbursable. However, the City has spent close to \$160,000 in Right of Way acquisition.

Motion: Motion by Council President Kiser to State/Local Agreement (Construction) Project No. A012 (048) S. Cemetery Rd; SH-44 to Willow Creek Canyon County Key No. 12048 in an amount not to exceed \$287,059.00 and include the resolution from ITD. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

(The Resolution number assigned is 447-20)

7. Consider approving Resolution No. 446-20: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, INCREASING FEES, SOME MORE THAN FIVE PERCENT, FOR: BUILDING PERMIT FEES, CONNECTION TO THE CITY'S WATER AND SEWER SYSTEMS, MODIFYING MONTHLY WATER AND SEWER USE AND BASE RATES; AND PROVIDING AN EFFECTIVE DATE. – Becky Crofts

Mayor Rule called the item. City Administrator Becky Crofts explained this resolution includes the fee increase for the building permit of more than 5%. The other fees being increased are less than 5%. The sewer connection fees, water connection fees, water base, water use, sewer base and sewer use fees are the fees discussed increasing 4%. This resolution adopts those fees and instructs the City to change the fee schedule. These increases will go into effect as of October 1, 2020 and will be collected in November 2020. Because the fees are not going up more than 5% it does not require publishing. However, if Council adopts this, the City will send to the newspaper a Notice of Increase as well as an insert in the Utility Bills that are mailed so the residents are aware.

Council Member O'Meara asked when the last time the City increased rates and if they do it every year. Becky said the last time was last fiscal year and then discussed the need to increase due to the rate studies the City conducted accounts for a 3-4% year over year increase in fees in order to provide for the capital the City. The Wastewater Treatment Plant in three years needs to be able to produce about 9 million dollars. The Water rate study will be refreshed, but the Water Master Plan will be coming before Council in the next couple of months. It will show the new Capital that is needed to enhance and keep our water system going. We have a lot of new growth coming into the City. It is important that we have those numbers so that we know how to bring that Pro-Rata share to those developers. It is critical that we sustain these types of year over year increases. When Cities don't do this, residents take a big hit once. This increase is a couple of dollars a month which means a lot to some people, but it is better than a large (\$40 increase – like Parma) increase all at once when a small increase year over year is not applied.

The Mayor said he doesn't like tax increases, but he watched a construction project for 2.8 million dollars within one years' time jump to 4.3 million. 3-5 percent a year increase won't catch us up even at this time. How far behind we are in being prepared to repair the old sewer lines we have in Middleton, let alone updating to our sewer plants or our

water system. He had to Chisel to get into the budget \$50,000 to start working on the older lines in Middleton.

Council Member Huggins added that 8 years ago when the economy wasn't great there was a passed fee schedule in order to get the funding needed. However, the economy wasn't great and the next year the City was able to back off of the increase. The City works hard to make sure that it matches what the economy is doing, but the economy runs faster than the City, so we are always playing catch up. There was a time when the rates stayed flat and there wasn't an increase year over year because money went further. Currently that is not the case or the time we are in.

Council President Kiser agreed with Huggins and said he was a part of the fee decrease, but again times are changing and one of the things he has spoken with Mayor Rule is about the aging water and sewer lines and what it will take to fix those problems. We need to handle the issues, especially for the residents in the older parts of town. He doesn't like raising fees and has spoken against it before, but he understands the need and doesn't want to be in the same position as Parma and do a \$40 increase just to keep systems flowing.

Motion: Motion by Council President Kiser to approve Resolution No. 446-20: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, INCREASING FEES, SOME MORE THAN FIVE PERCENT, FOR: BUILDING PERMIT FEES, CONNECTION TO THE CITY'S WATER AND SEWER SYSTEMS, MODIFYING MONTHLY WATER AND SEWER USE AND BASE RATES; AND PROVIDING AN EFFECTIVE DATE. Motion Seconded by Council Member O'Meara and approved unanimously.

8. Consider Amending Title 1, Chapter 15, Section 8, Design Review Permit, Updating the section and providing and effective date. – Bruce Bayne

Mayor Rule called the item and Planning and Zoning Official Bruce Bayne explained that the Planning and Zoning Commission has met twice and reviewed the code changes they think are relevant and he fully agrees with all the changes being proposed at this time. He then reviewed the proposed code changes.

Council and Mayor discussed the changes proposed to Council. They do not agree with the Design Review proposed changes to 1-15-8-4-D4: Plumbing exposed on roof to match color of roofing material.

Motion: Motion by Council President to amend Title 1, Chapter 15, Section 8, Design Review Permit, Updating the section and providing and effective date with the exclusion at the current time of 1-15-8-4-D4 and to include 1-5-3 updating City Council current location and times. Motion seconded by Council Member O'Meara, approved unanimously.

Public Comments, Mayor Comments, Council Comments:

No public comment

Council President Kiser said in this Covid-19 craziness MHS Football practice has started with multiple regulations and rules, but it is almost normal. They might get to play 5 games this year.

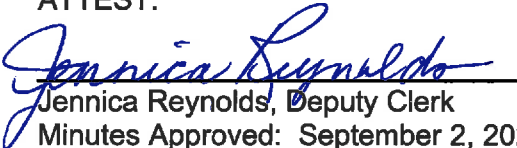
Council Member Garner said that is also contingent on the other schools and what is in their guidelines to play. The codes of opening Green, Yellow and Red will determine what the schools do. As of right now the plan is to start school on September 8th on a block schedule where students are divided into two groups, M/T and W/TH. They will sanitize the schools thoroughly Tuesday and Thursday nights. There are two new board members, Pam Wagoner and Jake Dempsey so we wish them the best.


Council Member O'Meara said that the GMPRD has voted to suspend the Harvest Festival in October due to Covid-19. They are planning on having the pumpkin patch, but not sure how the logistics of that will work yet.

Mayor Rule said there is a lot going on at the City. He just wants to emphasize how much work has gone into getting the S. Cemetery Road project ready to go. All the staff are a part of it. In addition to that we had to get a budget done as well. He hopes S. Cemetery Rd gets funded and in a couple years we will have some good traffic relief. He wants Council to know that as soon as it gets wrapped up, he plans on straightening Middleton Rd and the development that will be required for that. Tom Blanchard has taken some of the heat off Bruce. We have a good staff.

Adjourn: Mayor Rule adjourned the meeting at 6:59 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: September 2, 2020



Steven J. Rule, Mayor
Rob Kiser, Council President





Increasing Building Permit fee more than 5% - Removing 25% local modifier

August 19, 2020 - City Council Public Hearing

Please check

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