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**MIDDLETON CITY COUNCIL  
NOVEMBER 4, 2020**

The Middleton City Council meeting on November 4, 2020 was called-to-order at 5:30 p.m. by Mayor Rule.

**Roll Call:** Council President Kiser and Council Member Huggins, Garner and O'Meara were all present.

Pledge of Allegiance, Invocation: Emmalee Child

**Information Items**

**1. Presentation on Canyon 4 Highway District, Middleton, Canyon County, Star Impact Fee Agreement – Chris Hopper**

Mayor Rule called the item and introduced Chris Hopper. Chris gave a power point presentation detailing the impact fee program that would cover Canyon 4 Highway District, Middleton, Canyon County and Star areas of impact.

City Attorney Chris Yorgason clarified that the City already has Transportation Impact Fees that it is currently collecting. These would not be in addition to those fees, these would be replacing them.

**2. Budget Summary overview FY 2020 – Wendy Miles**

Mayor Rule called the Item. City Treasurer Wendy Miles presented the Budget Summary overview for FY 2020. We underspent the budget, so that 1.3 million dollars is going into savings for future spending.

Information Items:

Mayor Rule: Rake Up Middleton is happening this Saturday. There will be a Christmas Parade this year. There will not be a Christmas Tree Lighting.

Mayor Rule introduced the newest City Planner – Roberta Stewart. The City has also hired a new City Engineer – Rachel Spear. We are excited to have her come on board.

**Action Items**

- 1. Consent Agenda (items of routine administrative business)**
  - a. Consider approving minutes for Council's October 7, 2020 and October 21, 2020 regular meetings.**
  - b. Consider ratifying October 23, 2020 payroll in the amount of \$106,598.15 and accounts payable thru October 29, 2020 in the amount of \$124,923.66.**

Council President Kiser asked if there were any questions? Council Member Huggins asked what the Vendor payment for \$77,000 was for? It is for the road improvements to Meadow Park Blvd.

**Motion:** Motion by Council President Kiser to approve consent agenda items a and b. Seconded by Council Member Garner. Approved unanimously.

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**2. Consider approving the engagement letter for the 2020 audit from Zwygart John and Associates, PLLC. – Wendy Miles**

Mayor Rule called the item. City Treasurer explained this is the yearly engagement letter for the audit.

**Motion:** Motion by Council President Kiser to approve the engagement letter for the 2020 audit from Zwygart John and Associates, PLLC. Motion seconded by Council Member O'Meara. Motion approved unanimously.

**3. Public Hearing: An application from Peter Harris for a preliminary plat and special use permit of Concord Square Subdivision. The proposed preliminary plat zoned R-3, consists of 9 single family lots, accessing Birch Avenue. Site area is approximately 2.69 acres located near the southeast corner of Birch Ave. and Concord St, address of 0 Concord St, Canyon County parcel no. R1869601. – Bruce Bayne**

Mayor Rule called the item and opened the public hearing at 6:04 p.m.

Planning and Zoning Official Bruce Bayne read the staff report.

Council Member O'Meara asked if this application has been reviewed by the Fire Department. Bruce said yes it has.

Applicant Representative: Stephanie Leonard – KM Engineering. She presented the plans for Concord Square Subdivision. They have worked with the City and had to get creative to make this project work because there is a lot that is encumbered by the irrigation canal. They have discussed in depth with the Fire Department and City Engineer the design of these driveways to make sure that they will be serviceable and accessible by emergency services. They will be improving Birch Ave and extending water and sewer up Birch Ave. The plat that is being proposed is consistent with the surrounding area. They will be adding fill to lots to make sure they are outside of the floodplain.

Bruce Bayne: The City requires that any new subdivision be built out of the floodplain. They will not be allowed to build anything that is out of the floodplain.

Applicant: Peter Harris – Eagle, Id: He has done these type of infill projects before, but this is his first time working in Middleton. He plans to do 1700-1800 sq. ft. single story homes except for lot 5. That one is going to require being creative. He is the builder for his projects.

Mayor Rule closed the public comment portion at 6:21 p.m.

Council President Kiser said he loves the idea of the infill project. The only hang-up for this is changing the setback. Council Member Huggins said initially agreed, except that this is an infill project and if we are not ever going to take anything into consideration, than we need to stop allowing people to ask for a Special Use Permit. She didn't feel that the 5 ft they are asking for didn't feel huge for the property. Council Member Garner agrees with Ms.

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Huggins, they are making the best of the narrow strip of land. Council Member O'Meara thinks they are putting too many homes there. He would like to see a different design. Mayor Rule commented and said he agrees with Council President Kiser, he doesn't like changing setbacks. However, he does think there are times and places for variances. Bruce said that these lots meet all the dimensional standards for R-3 zoning. The reductions of the setbacks came about because of the dimensions of the lots to make it fit in the width of that lot. This is for a specific reason, on this specific lot, at this specific time and on this specific project. We have a code for a reason, this has been a vacant lot, and if we are not going to step outside of code at all he doesn't see these infill lots being ever developed.

**Motion:** Motion by Council President Kiser to approve an application from Peter Harris for a preliminary plat and special use permit of Concord Square Subdivision. The proposed preliminary plat zoned R-3, consists of 9 single family lots, accessing Birch Avenue. Site area is approximately 2.69 acres located near the southeast corner of Birch Ave. and Concord St, address of 0 Concord St, Canyon County parcel no. R1869601. Motion seconded by Council Member Garner.

**Roll Call Vote:**

Kiser – No

Huggins – Yes

Garner – Yes

O'Meara – No

Mayor Rule – Yes

Motion Passed 3:2

Mayor Rule closed the public hearing at 6:31 p.m.

**4. Consider approving T-O Engineers Cemetery Road Phase 2 Scope of Work in an amount not to exceed \$24,913.00. – Bruce Bayne**

Mayor Rule introduced the item. Planning and Zoning Official Bruce Bayne stated: Phase 1 of S. Cemetery Rd is coming into bid on November 24, 2020. This is the continuation of the southern end of this road which will take it down to Mill Slough. We have already bid out the Mill Slough project so this will fill out the piece in the middle. The estimate is for \$24,913.00.

**Motion:** Motion by Council President Kiser to approve T-O Engineers Cemetery Road Phase 2 Scope of Work in an amount not to exceed \$24,913.00. Motion seconded by Council Member O'Meara. Motion approved unanimously.

**5. Consider approving T-O Engineers Scope of Services of Design and Construction. 2020 Middleton Wastewater Upgrade – Preliminary Engineering Report and Influent Wet Well Repair in an amount not to exceed \$202,768.00 - Bruce Bayne**

Mayor Rule called the item and Planning and Zoning Official Bruce Bayne explained this is for the wastewater treatment plant. This is for new construction to add a dewatering element to the plan. This element was brought in with Keller's Master Plan that they did for the City just over a year ago. Now we are getting into implementing the upgrades to the

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plant in order to keep up with the growth. The plant currently has about 3100 homes on it and we anticipate needing this upgrade in another thousand homes in order to remain compliance with our federal regulations. There were four firms that the city received designs from and T-O Engineers was chosen. This is for the first phase of the work to get the preliminary engineering report done. There will be a larger fee that will come in to design the actual building and dewatering elements and new blowers that will go inside that building. Currently the City is warming up the ground, which is not efficient.

**Motion:** Motion by Council President Kiser approve T-O Engineers Scope of Services of Design and Construction 2020 Middleton Wastewater Upgrade – Preliminary Engineering Report and Influent Wet Well Repair in an amount not to exceed \$202,768.00. Motion seconded by Council Member O'Meara. Motion approved unanimously by Roll Call Vote.

**6. Consider approving Change Order No. 2 from Irminger Construction for Mill Slough Irrigation water intake to the Re-Use Pilot Project area in an amount not to exceed \$65,000.00. – Bruce Bayne**

Mayor Rule called the item. Public Works Superintendent Bruce Bayne explained the item. This is part of the Re-Use Pilot Project. The City is well underway to have the Re-Use area ready for use in the spring. We are putting in the pumps and wet-well. We have the lines diverted already to be able to feed the Re-Use field. This part of the project is to take irrigation water from Mill Slough and be able to feed that into the same wet-well in addition to Mill Slough as a drain. One field in particular with the Re-Use that we are doing that can only use irrigated water. We are doing that so we have a comparison of the same drip tape used in the same location so that we can take samples that will show the difference of the uptake of the nutrients in order to prove to DEQ that the Re-Use portion is having the different uptake than the irrigation side is. In addition, anytime we have to flush the lines in the site that we do on the Re-Use water we can use irrigation water out of Mill Slough. We originally were going to do this by pulling water from Canyon Water, but talked with Irrigation companies and can do a swap in water and pull the water from the south instead of having to pipe the water from Canyon on the north side of the school. It saves the City by only having to pipe 500 ft instead of 2500 ft. Good thing about this project is Irminger is about done with the first phase and this is the last work of that phase to get it done.

Mayor Rule said we did get another bid that was several thousand dollars less than this, but they did not include the fencing portion so to put it in perspective, we have the contractor onsite now.

**Motion:** Motion by Council President Kiser to approving Change Order No. 2 from Irminger Construction for Mill Slough Irrigation water intake to the Re-Use Pilot Project area in an amount not to exceed \$65,000.00. Motion seconded by Council Member Garner and approved unanimously.

**7. Public Hearing: Consider adopting Adopt Ordinance No. 643 of the City of Middleton, Canyon County, Idaho adopting Middleton Police Department Impact Fee; providing for the imposition, computation and payment of said fee; providing for the establishment of an Impact Fee fund; providing for exemptions, refunds, credits and**

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**waivers of the Impact Fee; Adopting general provisions; providing for appeals; and providing an effective date.**

**Proposed Impact Fee:**

<b>New Residential (per EDU)</b>	<b>\$304.00</b>
<b>New Commercial (per square foot)</b>	<b>\$0.15</b>
<b>New Industrial (per square foot)</b>	<b>\$0.15</b>

Mayor Rule called the item and opened the public hearing at 6:43 p.m.

City Attorney Chris Yorgason said that they have been working for a while to create impact fees for the Police. The Capital Improvement Plan was adopted in a recent meeting. The impact fee was presented to the City's Impact Fee Advisory Committee and the Advisory Committee recommends approval of the fee and the amount of the fee.

Middleton Police Chief Alan Takeuchi: He feels they are a bit late bringing this forward. 8000 new homes will impact the Police department immensely. We all have seen with additional growth come additional calls for service. We are going to be looking at a call for service base versus at population base. We want to be a proactive police department to investigate our own crimes scenes etc. These impact fees will help us start those tremendously.

Council Member O'Meara asked if the fee is large enough to begin with. Will this be adequate for your department?

Chief Takeuchi: People way smarter than he is put those together so if that is the formula that was used and they are comfortable testifying in court, then he thinks that is an accurate number to work with.

City Attorney Chris Yorgason: In the CIP this is the maximum fee that was set by the consultant and the maximum fee that the city is allowed to collect. This fee can be assessed on an annual basis, but it always has to tie into the consulting document – the Capital Improvement Plan.

Mayor Rule closed the public comment at 6:51 p.m.

**Motion:** Motion by Council President Kiser to read Ordinance No. 643 by title only. Motion seconded by Council Member Garner. Approved unanimously by Roll Call Vote.

Council President Kiser read Ordinance No. 643 by title only. He said that this is a very time sensitive issue and he would like to hold a special meeting on Friday, November 6, 2020 for the 2<sup>nd</sup> reading and then Tuesday, November 10, 2020 to allow for the notice for the 3<sup>rd</sup> reading about 3:00 p.m. for a phone call meeting.

Mayor Rule closed the public hearing at 6:55 p.m.

**Public Comments, Mayor Comments, Council Comments:**

No public comments



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Council Member O'Meara: He walked through the pilot project and wants to commend all on a job well done.

Mayor Rule agreed and said it looks great. But more importantly it will save the City money.


We have a contractor nearly ready to start moving dirt on the middle portion of S. Cemetery Rd extension and scrubbing out/grubbing out the top of the area, we are going to move gravel for that road. The plan is to get that farm area grubbed out where the road goes so that when the first section is done by LTACH we will compact it double which will hopefully generate an extra buck a yard

**Adjourn:** Mayor Rule adjourned the meeting at 6:57 p.m.



Rob Kiser, Council President

ATTEST:

  
Jennica Reynolds, Deputy Clerk

Minutes Approved: November 18, 2020



Item 7



# Ordinance 643-Police Impact fees

NOVEMBER 4, 2020 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Alan Tokewich	[REDACTED]	208-697-7593	X			
2		6 N. Dewey Ave					
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Item 3



### Concord Square - Preliminary Plat

NOVEMBER 4, 2020 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Stephanie Leonard	9733 W Stake Boise	94639 6939				
2	Peter Harris	1205 Willow <del>Way</del>	941-5787				
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