
MIDDLETON CITY COUNCIL
DECEMBER 2, 2020

The Middleton City Council meeting on December 2, 2020 was called-to-order at 5:31 p.m. by Mayor Rule.

The City is following the CDC/COVID-19 Social Distancing guidelines as directed by the Governor. This Meeting will be streamed live via Facebook. To testify on the public hearing item number 2 below, written comments are accepted by email to citmid@middletoncity.com; mailed or dropped off at 1103 W Main Street, Middleton ID 83644 prior to 3:00 p.m. the day of the meeting; to verbally testify contact Jennica Reynolds at 208-585-3133 prior to 5:00 p.m. day of meeting and leave a callback number to be called during the hearing.

Roll Call: Mayor Rule, Council Member Huggins, Garner and O'Meara were all present. Council President Kiser attended via telephone.

Pledge of Allegiance, Invocation: Jed Wyatt

Action Items

A. Approve Amended Agenda

Mayor Rule explained that there was a change from the original agenda posted and asked for a motion to approve the amended agenda.

Motion: Motion by Council Member Huggins to approve the Amended Agenda. Motion seconded by Council Member Garner and approved unanimously.

Information Item

1. Rachel Speer - Introduction Engineer

Mayor Rule introduced the new City Engineer. She is the first full time staff engineer and the City is excited to have her. Rachel gave a brief background of her experience and stated she is excited to be a part of the City.

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for Council's November 18, 2020 regular meeting. Consider ratifying November 20, 2020 payroll in the amount of \$111,050.32 and accounts payable thru November 10, 2020 in the amount of \$120,231.67**
 - b. **Consider approving FCO – Lakes of Telaga Phase 2**
 - c. **Consider approving FCO – Stonehaven Amended Preliminary Plat**

Mayor Rule called the items.

Motion: Motion by Council Member Huggins to approve consent agenda items a, b and c. Seconded by Council Member O'Meara. Approved unanimously.

2. Consider approving Resolution No. 454-20 – A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADDING NEW POLICE IMPACT FEES TO THE CITY’S FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE. – Becky Crofts

Mayor Rule called the item. City Administrator Becky Crofts explained this item is procedural and the Resolution is to attach the already approved Police Impact Fees to the Fee Schedule. The new fee schedule goes into effect December 11, 2020.

Motion: Motion by Council Member Huggins to approve Resolution No. 454-20 – A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADDING NEW POLICE IMPACT FEES TO THE CITY’S FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Garner, approved unanimously.

2. Consider adopting Ordinance No. 627 annexing approximately 23.4 acres of real property to the City of Middleton and zoning the property from Canyon County Agriculture Zone to City of Middleton C-3 (Heavy Commercial) Zone. The property is adjacent to the north side of State Highway 44 approximately one-half mile east of Emmett Road, contiguous to the west side of real property where Tractor Supply Co. is located, in the SW1/4, Section 1, T4N, R3W, Boise Meridian, Middleton, Canyon County, Idaho. – Becky Crofts

Mayor Rule called the item. City Administrator Becky Crofts explained that on December 9, 2019 this Ordinance was approved. However, this ordinance was never published in the Idaho Press Tribune. Publication is a requirement for all Ordinances. This is a procedural item in that it was an error on the part of the City. The action before Council to readopt Ordinance 627, then the City will send it to the paper for publication. Becky has contacted the Idaho State Tax Commission. She read the email from Jeff Servatius, stating that the “commission does not need any resubmitted materials at this time”. This is just some clean up on the Ordinance. This should not affect the Okamura’s application and the annexation going forward.

Motion: Motion by Council Member Huggins to read Ordinance 627 by Title only. Motion seconded by Council Member Garner approved unanimously.

Council Member Huggins read Ordinance 627 by title only. AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO C-3 (HEAVY COMMERCIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Motion: Motion by Council Member Huggins to waive the three-reading rule and adopt Ordinance No. 627. Motion seconded by Council Member O’Meara and approved unanimously by Roll Call Vote.

4. Consider adopting Ordinance No. 645, an ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 1, CHAPTER 14 OF THE MIDDLETON CITY CODE, UPDATING STANDARDS FOR NEIGHBORHOOD MEETINGS; AND PROVIDING AN EFFECTIVE DATE. – Bruce Bayne

Mayor Rule called the item and introduced Planning and Zoning Official Bruce Bayne who explained the reason for bringing this before the Council. In early March of 2020 because of Covid restrictions the City adopted an Ordinance to amend the Neighborhood meeting requirements. However, that ordinance had an expiration date. He is proposing putting this in as a permanent part of the code so that anytime there is declared health emergency, neighborhood meetings can still take place. Bruce read the proposed section to be adopted to City Code.

Mayor Rule said this is our best effort to keep things somewhat moving forward during these times. We will do our best to make sure the process remains fair for those in favor and opposed.

Motion: Motion by Council Member Huggins to read Ordinance 645 by title only. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

Council Member Huggins read Ordinance No. 645 by title only.

Motion: Motion by Council Member Huggins to waive the three-reading rule and adopt Ordinance No. 645. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

5. Consider declaring property located at 0 Purple Sage Road, Middleton ID 83644, Canyon County parcel number R37581012B0 as surplus property and set a minimum price per acre. – Becky Crofts

Mayor Rule called the item and City Administrator Becky Crofts gave background on this parcel. Several years ago the 2.97 acres were donated to the City. The City has been maintaining this piece of property for about 3-4 years, cutting the grass. The intent of the property was for a park. It is a bit small for a park and has a bit of a slope. It is surrounded by sidewalk and is part of a subdivision that has a lot of growth going in and around it. The City has a lot of other priorities for improving parks and is looking at this piece and considering it would be quite some time before it could be developed into a park. The neighbors around it and neighborhood associations have inquired as to an ETA on developing this park. There have been a few interested parties in developing this into homes. There is a lot of interest in this piece. It is located to the north of a future school site. It is being brought before the Council for consideration to auction that property off. It would be a good move for the City. If Council decides to move forward this is the first of a few steps. 1. Declare Surplus to have discussion if this is something council would like to do and set a minimum price per acre. 2. Have a public hearing. 3. Go out for Auction.

Mayor Rule stated it is less than ideal for a ball field. It is not a great site for a park. City Admin feels this would go a lot further to help develop a future campus in downtown Middleton. Right now, the real-estate market is high. He doesn't think that keeping the property and maintaining it for the next 5-6 years is in the interest of the City. He would

rather see it converted to liquid capital to be able to be used to improve things the City currently has.

Council Member Huggins said she thinks the previous park plan is a little ambitious and may need to be readdressed. Becky Crofts said this size of a park is not large and would mostly be considered a sitting park. The size is a bit prohibitive as is the slope, which makes it difficult to do anything with it. She agrees with Mayor Rule that it will better serve the City if it is able to be liquidated now.

Council Member O'Meara agrees it is a wonderful subdivision site. But it is a terrible site for a ball field. He agrees the best use is to sell it and use the funds for the downtown core.

Council Member Garner agrees that it is a small location. He wants to know if there has been a market valuation on it?

Mayor Rule said there was an offer of about \$90,000. He felt that was a bit low.

Bruce Bayne showed where the water and sewer lines are adjacent on two sides.

Council Member Garner also said the additional building permits will generate impact fees which is win for the City.

Council President Kiser said he agrees, he wants to make sure the fair market value is met. He said he doesn't mind auctioning the property if there is a minimum bid.

City Attorney Chris Yorgason said the minimum bid needs to be set and published prior to the public hearing. A market survey and or appraisal is considered appropriate. Then the Council should declare the value or a minimum price.

Mayor said he would like to order a market survey with 3 realtors or more or order an appraisal. Then bring it back to council and set a value.

Consent by Council that Mayor will acquire market survey to bring back at next meeting.

Motion: Motion by Council Member O'Meara to table item 5 until the next regularly scheduled meeting. Motion seconded by Council Member Garner and approved unanimously.

6. Consider approving Change Order #1 from Lurre Construction for S Cemetery Road phase 2 for an additional cost of \$27,300 to remove and replace additional undesirable subgrade material. – Bruce Bayne

Mayor Rule called the item. Public Works Superintendent Bruce Bayne shared that the City went out for bid on the phase one portion on Nov 24, 2020 and we got prices almost \$600,000 below the engineers estimate. He explained this is phase two and the reason for the change order. They need to excavate deeper into the subgrade. They need approximately an additional 12-inch depth plus filter fabric to achieve a firm road base. This amount may increase as this is the best estimate of the additional amount needed to be excavated. We are trying to make sure we are constructing the road base and eventual road correctly the first time instead of needing to correct mistakes in the future.

Mayor Rule explained where the site is: The end of Sawtooth Lake Dr. which is where that crossing will be built, right now there are temporary culverts in place. This is where the new

haul road going to the south where the water amenity/gravel pit is, and that gravel is being extracted right now. Up the haul road to the beginning this road is that part Bruce is talking about. We are really setting this up and that bid is let now for the front portion phase one and it was almost \$600,000 less than what we thought it would be which is very good for the City.

We were going to have to do this anyway, it is coming to Council as a change order. The way that the City is attacking construction of this phase we will be well within budget for this portion of work that was going to be done anyway. Bruce stated we are also saving on the material cost and saving on longer haul. We got advantageous prices because we are creating our own pit and we are hauling across our own land, in addition this is the City's material from City owned land. This is a huge savings for the City doing this, this way.

Motion: Motion by Council Member Huggins to approve Change Order #1 from Lurre Construction for S Cemetery Road phase 2 for an additional cost of \$27,300 to remove and replace additional undesirable subgrade material. Motion seconded by Council Member Garner and approved unanimously.

7. Consider approving changes to the City of Middleton Supplement to the Idaho Standards for Public Works Construction to revise Streets Section; #12 Fiber Optics – conduit shall be (2) PVC 2 inch in diameter and to add Townhome Roadway Typical Section. – Bruce Bayne / Rachel Speer

Mayor Rule called the item and City Engineer Rachel Speer explained the first revision is to reduce the diameter of the fiberoptic conduit from 2.5 inches to 2 inches. This is in accordance with the ACHD to accommodate the infrastructure for future 5G use. The second revision is the addition of the townhome roadway typical section. This new cross section promotes homeownership within the City as opposed to renting, and it also increases pride in the community. The major changes for this is the 13 ft travel way, rolled curb and the 5 foot sidewalk that could also be embedded into the driveway. This promotes higher density, but it is home ownership.

Mayor Rule said as we get more developers coming in there is a lot more interest in townhomes and apartments. City of Middleton ordinance really isn't up do date/speed for a lot of that because we haven't done a lot of it. We are trying to get ahead and position Middleton best possibly for when this stuff does come to the Council so they will have a lot more definition for both parties. We are trying to define what will work for us and what will not.

Bruce Bayne added that with the width of the street there will be no parking on either side of this street as well. It is a narrower section than what we are used to but know there will be no parking. The applicants will have to have additional parking spaces in other areas for visitors and they will have to include the 2.5-3 parking spaces per unit, but there will be no parking on that street, that is one of the reasons we reduced the width down.

Motion: Motion by Council Member Huggins to approve changes to the City of Middleton Supplement to the Idaho Standards for Public Works Construction to revise Streets Section; #12 Fiber Optics – conduit shall be (2) PVC 2 inch in diameter and to add Townhome Roadway Typical Section. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

Public Comments, Mayor Comments, Council Comments:

Becky gave the phone number of 208-585-3888 as a number to call in to give comment. No one called in.

Public comments from Facebook Live:

Tiffanie Garcia: "In regards to the park property, I don't think it would be right to auction it off. You were given it for a PARK. The citizens of Middleton do not need more homes, parks are needed for the citizens. Kids love sloping land, running rolling and sledding down hills. Do not take this land away from the kids."

Council Comments: None

Mayor Comments: The water amenity gravel extraction. There is already a considerably large hole and it is going well. The City doesn't want to be in the gravel extraction business, and we don't want to sell gravel. There are about 40-50 acres that are probably approvable for gravel extraction for a lake or pond for the City of Middleton's Park someday in the future. Right now there is 25 acres approved. Mayor has asked the new City Engineer to develop a Request for Proposal (RFP) in order to bring it to City Council and ask Council to approve this RFP to go out to gravel companies that are interested in managing our gravel resources for a royalty and perhaps lease the rights to mine to create our pond. The reason for the RFP is that the mayor doesn't want to design that. He wants to allow for flexibility for the experts to propose the best way to make Middleton money on the gravel extraction project over the next 5-10 years. He knows of at least 5 companies that would love to have a gravel resource in that particular spot. The City does not want to manage it as it would mean time and resources that we don't have and are not good at. This is a way to bring in revenue with not a lot of cost.

Staff Comment: Becky Crofts the South Cemetery Road project went out to bid from ITD. There were 5 or 6 bids received. The low apparent bidder came in at \$2,697,885. The total federal funding including the City match is \$3,893,000. The 2.7 million is a great bid for the construction piece. We still have to add onto that the construction engineering, inspections, oversight and contingencies. The good news is it looks like even with those add ons we are still below our funded level. That is really good news for the City. In federally funded projects if there is overrun, the city is responsible for those overages. We will be working closely with COMPASS, LTACH, and ITD to manage this project. The City is reviewing consultants now so a consultant will be picked that will do the construction engineering and oversight piece. As soon as the low bid is cleared we should have a notice to proceed. After 15-18 years South Cemetery Road phase one is going to constructed. Phase two, which is a requirement that the City complete that local piece, is well underway and ahead of schedule. Happy to see this move forward probably the first of the year.

Mayor Rule said that COMPASS was a little bit hesitant to move forward with this project, but because Middleton marched forward, got a contractor and started developing that road, and it showed to them that we are serious and they were willing to give 100% commitment to the project.

Adjourn: Mayor Rule adjourned the meeting at 6:38 p.m.

ATTEST:

Jennica Reynolds

Jennica Reynolds, Deputy Clerk

Minutes Approved: December 16, 2020

Steven J. Rule

Steven J. Rule, Mayor

