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**MIDDLETON CITY COUNCIL  
JULY 15, 2020**

The Middleton City Council meeting on July 15, 2020 was called-to-order at 5:43 p.m. by Council President Rob Kiser. Mayor Steve Rule was delayed in arriving.

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

Pledge of Allegiance, Invocation: Becky Crofts

**Information Items**

**1. City Farm Re-use project update – Bruce Bayne**

Bruce gave an update of the City Farm Re-Use project.

**2. Murphy Street to Boise Street is now open – Bruce Bayne**

Bruce informed Council that Murphy St to Boise Street is now open following the installation of new signage and restriping.

**3. The Extreme Tour Special Events permit July 31, 2020 at Piccadilly Skate Park – Becky Crofts**

City Administrator Becky Crofts explained the Special Events permit and the event. The Extreme Tour has come into Middleton for the past few years. They do an event, which does not normally draw more than 100 people, the permit application is just so that that City has a way to track it.

There is also another group that is scheduled to come to the park on July 24<sup>th</sup> for a couple hours. Becky just wanted Council to be aware of these two events.

**Action Items**

- 1. Consent Agenda (items of routine administrative business)**
  - a. Consider approving minutes for Council's July 1, 2020 meeting.**
  - b. Consider ratifying July 17, 2020 payroll in the amount of \$104,397.05 and accounts payable thru July 6, 2020 in the amount of \$146,055.34**
  - c. FCO's Annexation and Development Agreement – Davis**
  - d. FCO's Annexation, Rezone and Preliminary Plat – Waterford Subdivision**
  - e. FCO's Rezone – Hundoble**
  - f. FCO's Amended Preliminary Plat – Crescent Lake**

Council President Kiser called and introduced the items and gave a brief overview of the accounts payable.

**Motion:** Motion by Council Member O'Meara to approve consent agenda items a, through f. Seconded by Council Member Garner. Approved unanimously.

**2. Consider approving Sawtooth Lake No. 3 Final Plat – Bruce Bayne**

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Council President Kiser introduced the item and Planning and Zoning Official Bruce Bayne explained the Final Plat. This is for phase 3 the final phase of this development. There are 27 residential and one commercial lot. Council member O'Meara asked why the side setbacks of 5 feet were approved. Bruce said he can't speak to it because that is what was agreed and approved prior to his coming to the City. President Kiser said that originally this development started a long time ago. This fell under the old code and was approved based on that.

**Motion:** Motion by Council Member Garner to approve Sawtooth Lake No. 3 Final Plat. Seconded by Council Member Huggins and approved unanimously.

3. **Consider approving Ordinance 629 – Davis Annexation: 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 M-U (MIXED-USE) AND COMPLETE A DEVELOPMENT AGREEMENT; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

Council President Kiser called and introduced the item and read the ordinance by title only.

**Motion:** Motion by Council President Kiser to waive the 3 reading rule for Ordinance 629. Seconded by Council Member Huggins. Approved unanimously.

**Motion:** Motion by Council President Kiser to approve Ordinance 629 since he already read it by title only. Seconded by Council Member Garner.

**Roll Call Vote:** Kiser-Yes, Huggins-Yes, Garner-Yes, O'Meara-Yes.

4. **Consider approving Ordinance 632-Waterford Annexation: 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 R-3 (SINGLE-FAMILY RESIDENTIAL) AND COMPLETE A DEVELOPMENT AGREEMENT; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**Motion:** Motion by Council President Kiser to read Ordinance 632 by title only. Seconded by Council Member Huggins. Approved unanimously.

Council President Kiser read Ordinance 632 by title only.

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**Motion:** Motion by Council President Kiser to waive the 3 reading rule for Ordinance 632. Seconded by Council Member O'Meara. Approved unanimously.

**Motion:** Motion by Council President Kiser to approve Ordinance 632 since he already read it by title only. Seconded by Council Member Huggins.

**Roll Call Vote:** Kiser-Yes, Huggins-Yes, Garner-Yes, O'Meara-Yes.

**5. Consider approving an application for Reclamation of Land with Idaho Department of Land to extract gravel for a water feature in River Park. – Bruce Bayne**

Council President Kiser called the item. Public Works Superintendent Bruce Bayne explained the application and that the reason the item is coming to City Council is because it will eventually require a bond from the City in the amount of \$101,772.00. There was a fee for the application in the amount of \$600. Bruce explained that the City wants the gravel to be certified so that it can be used on S. Cemetery Road project and other projects the City has planned. This will provide a huge cost savings for the City.

**Motion:** Council Member O'Meara amended his first motion to approve the application for Reclamation of Land with Idaho Department of Land to extract gravel for a water feature in River Park and to include the bond amount not to exceed \$101,772.00. Seconded by Council Member Garner. Approved unanimously.

**6. Consider approving bid from Control Engineers for Middleton Reuse Pilot Study for Electrical and Control Design Proposal in an amount not to exceed \$10,294.00 – Bruce Bayne**

Council President Kiser called the item. Public Works Superintendent Bruce Bayne explained this is for the same re-use project. This is for getting power to the pumps that will feed the irrigation system and the controls that will be out in the field. There are 6 different zones, with each zone working one at a time through electronic clinoid valves. This is for the Engineer to do the engineering and to get power to the pumps. There were two bids submitted. This bid was the lowest.

**Motion:** Motion by Council Member Garner motioned to approve the bid from Control Engineers for Middleton Reuse Pilot Study for Electrical and Control Design Proposal in an amount not to exceed \$10,294.00. Seconded by Council member Huggins. Approved unanimously.

**7. Consider amending Ordinance 628 - Storage Containers: 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.**

Council President Kiser called the item. He explained this had been a discussion about the drop off metal storage containers. There is one directly next to Middleton Heights Elementary. In the past the discussion was these have become very popular for people to place on their property. The intent is to provide boundaries for allowing these containers. City Administrator Becky Crofts read the additional language added to the

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Amended Ordinance. She stated that the amended ordinance calls for a building permit to be issued for such containers to ensure they are being placed in the approved areas.

Council President Kiser opened the discussion to Public Comment: No one chose to comment.

Mayor Rule came into the meeting at 6:20 p.m.

Council discussed the vehicular site triangles and code for fencing along the street. Storage containers would not be allowed to be placed in the vehicular site triangle according to City Code (MCC 4-4 and associate diagram 4-4-2-C Corner Lot). Bruce confirmed that any containers that were placed before the initial ordinance went into effect are grandfathered in. The City Council can make exceptions to the city code (6 ft fence) in an ordinance for this specific use. There can be multiple containers on one lot, but they would require the fencing and a building permit for each storage container.

Council Member O'Meara read by title only Ordinance 628.

**Motion:** Motion by Council President Kiser to waive the three-reading rule for Ordinance 628. Seconded by Council Member Huggins. Approved unanimously.

**Motion:** Motion by Council President Kiser to adopt the amendment of Ordinance 628. Seconded by Council Member Garner.

**Roll Call Vote:** Kiser-Yes, Huggins-Yes, Garner-Yes, O'Meara-Yes.

**8. Consider approving an Intergovernmental Agreement between the Idaho Transportation Department and the City of Middleton. – Mayor Rule**

Mayor Rule apologized for being late. He called and introduced the item. Planning and Zoning Official Bruce Bayne explained how the intersections and traffic improvements are funded. Mayor explained that this agreement is a good tool to fund such projects in the future.

City Attorney Chris Yorgason explained that under the State impact fee statutes ITD doesn't have any authority to collect impact fees, which prevents ITD from going to development and collecting impact fees for State Highway improvements. What the state statute does allow is for ITD to contract with the City to collect fees pursuant to a development agreement with the City. These fees are in addition to and do not change any of the fees the City currently has.

**Motion:** Motion by Council President Kiser to approve an Intergovernmental Agreement between the Idaho Transportation Department and the City of Middleton. Seconded by Council Member Garner, approved unanimously.

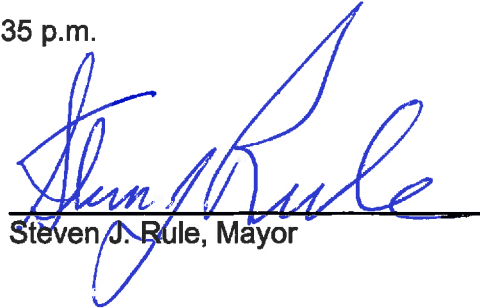
**Public Comments, Mayor Comments, Council Comments:**

Hailey Zimmer: S Dewey Ave: Asked if the City failed to let the people of Middleton know that there has been raw sewage leakage into the Slough? Mayor asked where the sewage came

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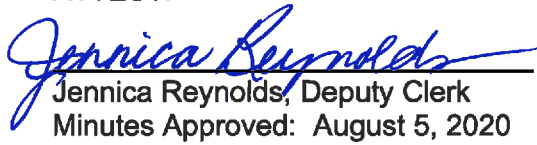
from, Hailey replied, Spartan Management the duplex on S. Dewey. Bruce responded that the City knows about a leak that happened on a private property, but the City does not know about possible leakage that went into the irrigation canal beside it. No one was notified, because the City was not made aware of it.

**Adjourn:** Mayor Rule adjourned the meeting at 6:35 p.m.



Steven J. Rule, Mayor

ATTEST:



Jennica Reynolds, Deputy Clerk  
Minutes Approved: August 5, 2020