
**MIDDLETON CITY COUNCIL
OCTOBER 7, 2020**

The Middleton City Council meeting on October 7, 2020 was called-to-order at 5:38 p.m. by Mayor Rule.

Roll Call: Council Member Carrie Huggins attended via telephone, Council Members Jeff Garner and Tim O'Meara were present. Council President Rob Kiser arrived at 5:45 p.m.

Pledge of Allegiance, Invocation: Mike Crossley

Action Item: Approve Amended Agenda. Motion and approved Unanimously by Council Members Garner, O'Meara and Huggins (on the phone).

Discussion item

1. Water turn off fees and time limits – Jim Gordon

Public Works Water Operator, Jim Gordon presented to Council considering a different approach to water shut off. Currently there is a \$30 charge for the residents who call afterhours if their water is off due to nonpayment.

(President Rob Kiser came into the meeting at 5:45 p.m. Council Member Huggins hung up on the meeting. There is a quorum with Kiser, Garner and O'Meara.)

Action Items

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving minutes for Council's September 2, 2020 regular meeting, September 8, 2020 special meeting.**
 - b. Consider ratifying September 18, 2020 payroll in the amount of \$ \$102,171.93 and accounts payable thru September 30, 2020 in the amount of \$190,885.09.**

Council President called the item. He gave a brief explanation of the accounts payable registers.

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

2. Consider approving West Highlands Subdivision Phase No. 9 Final Plat – Bruce Bayne

Mayor Rule called the item. Planning and Zoning Official Bruce Bayne explained the West Highlands Subdivision Phase No. 9 Final Plat. This has been recommended by the City Engineer and Planning and Zoning to be approved. This plat has a bond attached to it in the amount of \$743,823.00 that is associated with this project for work that still needs to be completed. They are allowed to get the final plat approved and it is also tied to a developmental agreement approval that is conditioned upon payment of \$350,000 for intersection control.

Motion: Motion by Council President Kiser to approve West Highlands Subdivision Phase No. 9 Final Plat provided the applicant meets all recommended changes. Motion seconded by Council Member Garner. Motion approved unanimously.

3. Consider approving Stonehaven Subdivision Phase No. 3 Final Plat – Bruce Bayne

Mayor Rule called the item. Planning and Zoning Official Bruce Bayne explained the Stonehaven Subdivision Phase No. 3 Final Plat. This is a little bit different because the applicant had a phasing plan that didn't agree with the plat. The City required that the applicant revise the layout for this phase because they were over 50 lots and as soon as they hit 51 lots, they are required to have second exit out of their subdivision. It was required to take this up to the north, up to Willis Road for the second access. The applicant will submit to the Planning and Zoning Commission their amended phasing plan for approval and then that will come before City Council as well. That amended phasing plan will be for phase 3 and all phases going forward. The City Engineer and Planning and Zoning recommend approval of this final plat.

Motion: Motion by Council President Kiser to Consider approving Stonehaven Subdivision Phase No. 3 Final Plat provided the applicant meets all City recommendation. Motion seconded by Council Member O'Meara. Motion approved unanimously.

4. Consider confirmation of Mayor's appointment of Jim Taylor to Library Board. – Mayor Rule

Mayor Rule called the item and explained that there is a vacancy that needs to be filled. He has identified three qualified applicants and he is submitting Jim Taylor for confirmation. Jim has consented to serve this appointment.

Motion: Motion by Council President Kiser to confirm Mayor Rules appointment of Jim Taylor to the Library Board. Motion seconded by Council Member O'Meara. Motion approved unanimously.

5. Public Hearing: Consider adopting Resolution 453-20: to amend the City of Middleton's Comprehensive Plan text and maps as necessary to incorporate the city's updated capital improvement plans for city Police Department.

Mayor Rule called the public hearing open at 6:02 p.m.

Police Chief Alan Takeuchi: Thanked the Council for hearing this item.

No Comments from public.

Mayor Rule closed the public hearing comment at 6:04 p.m.

Planning and Zoning Official Bruce Bayne said that the Planning and Zoning Commission recommended the approval of this.

Motion: Motion by Council President Kiser to Consider adopting Resolution 453-20: to amend the City of Middleton's Comprehensive Plan text and maps as necessary to

incorporate the city's updated capital improvement plans for city Police Department. Motion seconded by Council Member Garner. Motion approved unanimously.

The public hearing closed at 6:15 p.m.

- 6. Public Hearing: A request by Joan Endicott to rezone three parcels, totaling 0.70 acres from R-3 (Single Family Residential) to M-U (Mixed Use) from Middleton City Code 5-1-5, along with a Development Agreement, Middleton City Code Title 5, Section 2. The subject properties are located at 424 Boise St., for Parcel No. R18502, 0 Boise Street for Parcel No. R18503 and 0 Boise Street for Parcel No. R18504, Middleton, Idaho. – Bruce Bayne**

Planning and Zoning Official introduced the item and read the staff report. He reviewed the Development Agreement and covered Article 3.1, Conditions of the Development Agreement.

Council President Kiser asked how many townhomes would be allowed on the property. Bruce said it would be 6-7 units, but they would also have to meet the parking requirements. Bruce said the neighbor to the west is looking to be rezoned to Mixed Use.

Mayor Rule called the public hearing open at 6:16 p.m.

Jacalyn Hill: 414 Boise Street. She just moved in and commented that she learned a lot about what is going on around her.

Mayor Rule closed the public hearing at 6:18 p.m.

Discussion: Council Member O'Meara said it is a great loss to lose the Endicott residence, but he can see how the growth in that area is in line for the Mixed Use, so he is in favor of the zone change. Council President Kiser agrees this is a good move to put commercial in where they want it.

Motion: Motion by Council President Kiser to approve a request by Joan Endicott to rezone three parcels, totaling 0.70 acres from R-3 (Single Family Residential) to M-U (Mixed Use) from Middleton City Code 5-1-5, along with a Development Agreement per Middleton City Code Title 5, Section 2. Motion seconded by Council Member O'Meara. Motion approved unanimously by Roll Call Vote.

- 7. 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**

Motion: Motion by Council President Kiser to table the public hearing for application from Peter Harris for a preliminary plat and special use permit of Concord Square Subdivision until November 4, 2020. Motion seconded by Council Member Garner. Motion approved unanimously.

-
- 8. Public Hearing: a proposed exchange of a portion of City owned property located at 0 State Highway 44; parcel R3473701100 with property located 322 E. 1st Street, Middleton, Idaho. The City owned property located at 0 State Highway 44; parcel R3473701100, Canyon County is approximately 18,300 square feet and is zoned C1. It's estimated value is 60,000. The property located at 322 E. 1st Street, Middleton ID is 11,098 square feet, zoned C3 and its estimated value is 84,000.00. The purpose of the exchange is to secure property adjacent to existing city property downtown to allow for future downtown consolidated city services. – Becky Crofts**

Mayor Rule opened the public hearing at 6:16 p.m.

City Administrator Becky Crofts explained the proposed property exchange. The city would keep the easement and there would be an agreement put together so that the owner's septic would be able to encroach into the City easement as he has to have a primary and secondary option for his septic. The reason the City owns this property is for a future regional lift station. Middleton Fire has approved the access. The City is working with ITD and Southwest District Health for approvals.

Mayor Rule is in full support of this trade.

No public comment.

Mayor Rule closed the public hearing at 6:28 p.m.

Council President Kiser said this is a big step in moving forward to get all the City services back together. We might not see it, but those that come behind us will.

Motion: Motion by Council President Kiser to approve the exchange of a portion of City owned property located at 0 State Highway 44; parcel R3473701100 with property located 322 E. 1st Street. Motion seconded by Council Member Garner. Motion approved unanimously by Roll Call Vote.

- 9. Consider purchasing property commonly known as 324 E 1st Street, Middleton, Idaho 83644 in the amount of \$95,000.00 subject to appraisal. – Becky Crofts**

Mayor Rule introduced the item. City Administrator Becky Crofts explained that this purchase is needed in order to consolidate City Services and this property is available for purchase and subject to appraisal. City Staff recommends this purchase. Mayor Rule said there are dollars allocated for FY2020 for this purchase and it is not in the FY2021 budget. Council Member O'Meara thanked the staff for their efforts in acquiring this property.

Motion: Motion by Council President Kiser to purchase property commonly known as 324 E 1st Street, Middleton, Idaho 83644 in the amount of \$95,000.00 subject to the appraisal. Motion seconded by Council Member O'Meara. Motion approved unanimously.

- 10. Public Hearing: Ordinance No. 638 of the City of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating general zoning provisions, , modifying and updating the uses and notes in the land use, setback and area tables, updating preliminary and final plat requirements; updating design and development standards; updating required road and utility improvements;**

updating special developments provisions; making other minor modifications and providing an effective date. - Bruce Bayne

Mayor Rule opened the public hearing at 6:33 p.m.

Planning and Zoning Official Bruce Bayne gave an explanation of the suggested revisions for Title 5.

Clarification: E-1: Any user can stay for 30 days and then they have to move out for at least 90 days. And they can come back for 30 days. Then have to move out for 90 days. E-2 is user can only stay a maximum of up to 90 days total in a 12-month period.

Public comment:

Jill Blue: 23245 Hartley Lane: Opposed. She opposes changes to be made as they are in the midst of constructing an RV Park and negotiations are being made. She wants to know when this would go into effect and how would it effect their project that is already in place? She finds it interesting that nothing has been changed on RV parks pertaining to code until now when their project is taking place.

Jan Arrasmith: 12981 Okie Ridge: Opposed. She would hope this would not affect this project. She doesn't agree with the part that limits the amount of time that someone can stay. In a code for RV Parks 184-3-7-5 Specification standards, recreation vehicles shall be either onsite, fewer than 180 consecutive days as long as they are fully licensed and not a permanent residence and they are registered as a vehicle. She is opposed because she feels that the City is really telling people how to run their business.

Jim Taylor: 1052 Triumph Dr: He agrees completely with the changes except section E. The people who buy an RV will be permanent residents. He has an interest in an RV Park and he says they don't move. They don't have anywhere to go. He was opposed to the RV park in the first place. But now that the RV park has been approved, they should be able to run their business. He believes Council should readdress section E.

Allen Tremble: 952 S Alturas Lake Place: Neutral. He didn't understand what the reason for E was. If he was a business owner, he would be a little perturbed about having to kick people out and then let them back in. Do people camp out and never leave? Are we trying to get rollover in there? Why would we request them leave after 30 days?

Mayor Rule closed the public hearing at 6:47 p.m.

Planning and Zoning Official Bruce Bayne said that code changes are done all the time. It is not unusual to change the code. The reason for the change to leave before 30 days. We do not want this to become a subdivision, which it would if people were allowed to stay year-round. It is an RV park, and an RV park to the City is thought of as where there is flow in and out. Where Events in the City bring different people in for those events. He doesn't think that the City should have RV parks as effacto housing because that is not what the intent is. That is part of the reason for limiting the stay.

City Attorney Chris Yorgason explained that the Ordinance goes into effect immediately upon its passage, approval and publication. When applications are submitted the applicant is entitled to the ordinances that are in effect at that time. Any code changes that go into effect after the application is filed would not be applicable.

Mayor Rule said this is the first RV park that Middleton has had in its city limits so there is a bit of a learning curve. The Okamura's met with the Mayor and brought up a city code that applied to Mobile home parks that allowed for 45 days.

Council President Kiser said he is hung up on the 30 days limit. The other part of that code is the question of who is going to enforce this code? He doesn't think it should be a permanent stay, but he does think it needs to be longer than 30 days. Council Member O'Meara agrees with Council President Kiser in that enforcement would be a nightmare. He does not agree with mandating to a business how they will run their business. Council Member Garner agrees with removing item E.

Motion: Motion by Council President Kiser to approve Ordinance No. 638 with the exclusion of section E. Motion seconded by Council Member O'Meara. Approved unanimously by Roll Call Vote.

11. Consider adopting Ordinance No. 638: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 5, CHAPTER 4, SECTION 3 UPDATING TRAFFIC IMPACT ANALYSIS REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 13, SUBSECTION 3 UPDATING RV PARK APPLICATION STANDARDS, AND PROVIDING AN EFFECTIVE DATE. – Bruce Bayne

Motion: Motion by Council President Kiser to read Ordinance No. 638 by title only. Motion seconded by Council Member Garner. Approved unanimously.

Council President Kiser read Ordinance No. 638 by title only.

Motion: Motion by Council President Kiser to waive the three-reading rule and approve Ordinance No. 638 with the exclusion of section E. Motion seconded by Council Member Garner. Approved unanimously by Roll Call Vote.

12. Consider approving a contract for Professional Services Agreement between City of Middleton, Idaho and SAFEbuilt, LLC for Building Inspector Services. – Becky Crofts

Mayor Rule called the item. City Administrator Becky Crofts explained the contract inspector services. Right now, we have one building official/inspector and he has been sick the last 3 days. The City does not have a backup inspector. We are asking council to approve the contract. It has been reviewed by the City Attorney. We did not budget for an additional building inspector this year based on the numbers, Chris can generally handle it based on the volume, but we do need a good backup.

Motion: Motion by Council President Kiser to approve contract for Professional Services Agreement between City of Middleton, Idaho and SAFEbuilt, LLC for Building Inspector Services. Motion seconded by Council Member O'Meara. Motion approved unanimously.

13. Consider adopting Ordinance No. 640: Coburn 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),

WITH A DEVELOPMENT AGREEMENT; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Mayor Rule called the item.

Motion: Motion by Council President Kiser to read Ordinance No. 640 by title only. Motion seconded by Council Member Garner. Motion approved unanimously by Roll Call Vote.

Council President Kiser read Ordinance No. 640 by title only.

Motion: Motion by Council President Kiser to waive the three-reading rule of Ordinance No. 640 and approve it. Motion seconded by Council Member O'Meara. Motion approved unanimously by Roll Call Vote.

Public Comments, Mayor Comments, Council Comments:

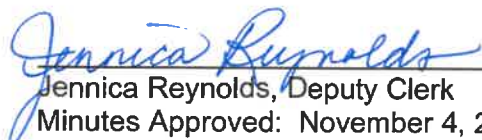
Council comment: Thanks to ITD - Caleb Lakey and his crew/staff for restriping Hwy 44 at the light.

Mayor comment: Work on S. Cemetery is moving forward at this time. The gravel extraction was approved, and the test pits have been certified according to the state. The city will have to excavate about 12 inches of topsoil. We are trying to keep everything in sync and not forget anything. Personnel issues; we are understaffed at the City of Middleton. Planning is still way behind even after we have hired a new planner. It is the plan to pay for a new engineer with the savings.

City Administrator Becky Crofts said one of the goals of the Mayor is to get a surplus in the general fund. We budgeted in the general fund 2.9 million dollars and received about 3.088 million dollars. We were above that by about \$111,000.00. We received more money than we budgeted. What is impressive is that we had anticipated spending about 2.9 million and the city only spent 2.5 million dollars and we saved about \$443,000.00 and add the \$100,000.00 from additional revenues from mainly building. We ended the year with a budget surplus of about \$555,000.00. There are a few items that still need to come through. Those funds that are not earmarked for projects will go into the bank. The goal is to have in the general fund one years' worth of spending so that we always have a safety net. It was a good year for the city. All the funds closed out in the positive. We have a lot of planning and dollars that will be used next year for transportation. Hopefully S. Cemetery phase one will be completed as well as the water crossing. Hartley the 30-inch sewer trunk line and the most important thing is we are finally going to be able to improve some of the water, sewer and roadways in what is refer to as Old Middleton, the most established part of Middleton. We are on the right path forward.

Adjourn: Mayor Rule adjourned the meeting at 7:16 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: November 4, 2020


Steven J Rule, Mayor



5



Resolution 453-20: Police CIP

October 7, 2020 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							

*None
All
10-7-20*

6



Endicott ReZone : Boise Street

October 7, 2020 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Acalyon Hill	414 Boise St	208 275 8181				X
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							

7



Preliminary Plat/SUP - Concord Square - Peter Harris

October 7, 2020 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Tom Ott	481 Birch Ave	208-945-5380	<input checked="" type="checkbox"/>			
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							

8



Property Exchange - 0 State Hwy 44

October 7, 2020 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							



ORD 638: Amending Title 5

October 7, 2020 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Jim Blum	23245 Hartley Lane	208-880-6596			X	X
2	Jan Arnsperg	12881 Olive Ridge	208-989-2425			X	X
3	Jim Taylor	10596 Tatum Dr	208-602-8994				
4	Allens Leavelle	952 S. Atkins Lake Dr	208-220-0234	X			
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							