



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday April 21, 2021

Time: 5:30 p.m.

Location: **City Hall Council Chambers – 1103 W Main Street**

Call-to-order, roll call, Pledge of Allegiance, Invocation: Cash Palmer

Action Item:

- A. Approve Agenda

Information Item:

- 1. Staff Introduction: Part-Time Police Clerk – Heather Mather.
- 2. Presentation by Don Miller – Idaho Wildlife and Water Quality Group LLC for Mason Creek water quality project.

Action Items:

- 1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for Council's April 7, 2021 regular meeting.
 - b. Consider approving accounts payable thru April 13, 2021 in the amount of \$204,887.72
- 2. Consider approving Proclamation of City of Middleton declaring April 2021 as National Child Abuse Prevention Month. – Kim Duegan (Advocates Against Family Violence)
- 3. Consider approving Proclamation of City of Middleton declaring April 2021 as Sexual Assault Awareness Month. – Kim Duegan (Advocates Against Family Violence)
- 4. Consider approving Special Event Permit for Middleton Chamber of Commerce July 4th Parade and Park events held on Saturday, July 3, 2021. – Tamara Zimmerman
- 5. Consider approving Mayor's appointee Kip Crofts to Planning and Zoning Commission Board. – Mayor Rule

Public Comments, Mayor and Council Comments, Adjourn

Posted by:


Jennica Reynolds, Deputy Clerk

Date: April 16, 2021, 5:00 p.m.

Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.

MIDDLETON CITY COUNCIL
APRIL 7, 2021

The Middleton City Council meeting on April 7, 2021 was called-to-order at 5:35 p.m. by Mayor Rule.

Roll Call: Mayor Rule, Council President Kiser, Council Members Huggins, Garner and O'Meara were all present.

Pledge of Allegiance, Invocation: Spencer Kofoed

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve the Amended Agenda as posted April 5, 2021 at 5:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Items

1. Presentation by Don Miller—Don Miller was not present. No presentation was given regarding the Mason Creek water project. Mayor Rule said this item will be pulled off the agenda until such a time as Mr. Miller will be present.

Action Items

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving minutes for Council's March 17, 2021 regular meeting.**
 - b. Consider ratifying March 26, 2021 payroll in the amount of \$110,667.87 and April 9, 2021 in the \$80,388.29 and accounts payable thru March 29, 2021 in the amount of \$645,362.07.**
 - c. Consider approving FCO with conditions of Valhalla Country Estates Subdivision No. 4.**

Mayor Rule called the items. Council President Kiser said excluding the large payments for Cemetery Rd and the pass through for Latecomer fees for the sewer Trunkline this would be a smaller accounts payable run. Council Member Huggins said for the record her husband is a 3rd or 4th subcontractor on the Bridge contract. Council President Kiser said she has recused herself in the past, and the City has used Jack Huggins in the past for his expertise and ability to work with ITD. The City has every intention of continuing to do business with him. Council Member O'Meara asked for clarification on the items for the Police. Impact Guns is a dealer that supplies the police tasers, shotguns, scopes, etc.

Motion: Motion by Council President Kiser approve Consent Agenda Items a, b and c. Motion seconded by Council Member O'Meara and approved unanimously.

2. Consider approving the City applying asphalt seal coat for FY 2021 in an amount not to exceed \$59,515.00 (weather dependent). – Bruce Bayne

Mayor Rule called the item and Public Works Director Bruce Bayne explained the process of applying the polymer seal coat. The City has budgeted \$65,000 for this project, but by combining efforts and sharing the product with other cities (because Middleton will not use an

entire tanker load) the costs are likely to be less. The areas to be done are Sawtooth Lake Drive, the Middleton Lakes subdivision and some roads north of Middleton Lakes, and south of SH44.

Motion: Motion by Council President Kiser to approve the City applying asphalt seal coat for FY 2021 in an amount not to exceed \$59,515.00 (weather dependent). Motion seconded by Council Member Garner and approved unanimously.

3. Consider approving proposal from SPF Water for due diligence on City Water Well No. 2 in an amount not to exceed \$2,650.00. (Well is located adjacent to existing water tower, on 2nd Street.) – Bruce Bayne

Mayor Rule called the item and Public Works Director Bruce Bayne explained that the City Water Well 2 was abandoned about 1979. There is still a pump at the well, but we do not know if it is functional. This investigation is necessary to determine if this well and water source could be a viable resource for the City.

Motion: Motion by Council President Kiser to approve proposal from SPF Water for due diligence on City Water Well No. 2 in an amount not to exceed \$2,650.00. (Well is located adjacent to existing water tower, on 2nd Street.) Motion seconded by Council Member Garner and approved unanimously.

4. Public Hearing: Consider approving the application of Debbie Hundoble/Hundoble Family Trust for preliminary plat with respect to the Piccadilly Square Subdivision located at 0 Cemetery Road (Tax Parcel No. R1791101). – Roberta Stewart

Council President Kiser recused himself from the public hearing due to past interactions with previous applications submitted by the Hundoble Family Trust. He excused himself from the meeting hall.

Mayor Rule called the item and opened the public hearing at 5:54 p.m.

City Planner Roberta read the Staff Report (See Exhibit 1)

Mayor Rule opened to public comment.

Elwin Butler - Engineer: They appreciate City Staff working to come up with a plan that will accommodate this parcel and will make a nice infill project for the city .

Debbie Hundoble – Applicant: Initially in this space they requested a rezone for higher density at the suggestion of the City. That was ultimately denied so they had to go back to the drawing board. They are staying with the zoning of R-3 and think this will be a nice neighborhood for the City. There are 5 large lots. It will be a nice infill project. And they are eager to get started.

Mayor Rule closed the public comment.

Discussion: Council Member Huggins asked if the conditions previously placed on the application have been met. Roberta said they have met the conditions.

Motion: Motion by Council Member Huggins to approving the application of Debbie Hundoble/Hundoble Family Trust for preliminary plat with respect to the Piccadilly Square Subdivision located at 0 Cemetery Road (Tax Parcel No. R1791101), and approve with

conditions of approval from Planning and Zoning commission. The motion was seconded by Council Member O'meara. Motion was approved unanimously by Roll Call Vote with Council President Kiser recusing himself.

Mayor Rule closed the public hearing at 6:09 p.m.

5. Consider approving Final Plat for The Crossings at Meadow Park No. 2 Phase 1. – Roberta Stewart

Mayor Rule called the item and introduced City Planner Roberta Stewart. Roberta presented the final plat and stated the developer has complied with all of the planning and engineering comments and the final plat is in compliance with all City codes. There is a bond in place that is strictly for landscaping. The bond is for 150% of the bid the developer received from their subcontractor and brings to the City.

Council Discussion: They would like to review the requirements for bonds going forward and perhaps require a bid process so that in the event that a project is not completed the City is not held liable for the project where the bond is not a sufficient amount.

City Administrator Becky Crofts said that the bonding is in place so that it holds the developer responsible to complete the project and the City by policy does not issue a Certificate of Occupancy on any new homes in the development until the project is completed, or the City cashes the bond and completes the project.

Motion: Motion by Council President Kiser to approve Final Plat for The Crossings at Meadow Park No. 2 Phase 1. Motion seconded by Council Member Huggins and approved unanimously.

6. Consider approving Final Plat for The Crossings at Meadow Park No. 2 Phase 2.– Roberta Stewart

Mayor Rule called the item and introduced City Planner Roberta Stewart. Roberta presented the final plat and stated the developer has complied with all of the planning and engineering comments and the final plat is in compliance with all City codes. There is a bond in place that is strictly for landscaping. The bond for phase 1 applies to phase 2 as well.

Motion: Motion by Council President Kiser to approve Consider approving Final Plat for The Crossings at Meadow Park No. 2 Phase 2. Motion seconded by Council Member Huggins and approved unanimously.

7. Consider approving Resolution 456-21: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, AMENDING WATER, SANITARY SEWER, STORMWATER MANAGEMENT, STREETS, PROJECT INSPECTION, POST-CONSTRUCTION CHECKLIST, APPLICATION AND PERMIT TO EXCAVATE IN PUBLIC RIGHTS OF WAY STANDARDS IN THE MIDDLETON SUPPLEMENT TO THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE – Rachel Speer

Mayor Rule called the item and introduced City Staff Engineer Rachel Speer. Rachel reviewed the proposed edits to the supplement.

Motion: Motion by Council President Kiser to approve Resolution 456-21: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, AMENDING WATER, SANITARY SEWER, STORMWATER MANAGEMENT, STREETS, PROJECT INSPECTION, POST-CONSTRUCTION CHECKLIST, APPLICATION AND PERMIT TO EXCAVATE IN PUBLIC RIGHTS OF WAY STANDARDS IN THE MIDDLETON SUPPLEMENT TO THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member O'Meara and approved unanimously.

8. Consider approving a Viper Park (located in Falcon Valley Subdivision) Lease Agreement (Lease of Real Property) between the City of Middleton and the Greater Middleton Area Recreation District. – Tim O'Meara

Mayor Rule called the item. Council Member Tim O'Meara stated that he would not be voting on this item but would be able to answer questions and help with the discussion.

Elizabeth Weaver: GMPRD Board Member formally offered the proposal and lease for City Council. As has been discussed they are seeking a 50-year lease for \$10.00 a year per the Idaho Code Section 31-4316, to create a recreational park for the citizens of Middleton, and hopefully plant a lot of green grass for soccer fields that are in desperate need. She does not know a lot about it and would defer all questions to Tim O'Meara. There are no plans or course of action. They have lots of ideas, but nothing concrete.

Mayor Rule asked if GMPRD has a conceptual/preliminary plan for the park?

Tim said they have had discussions about what they would like to do. The preliminary plan is not on paper because they are still in the discussion stages of coming up with an agreement. They do not want to spend money on engineering until they for sure know they will be able to lease the park. Any improvements to that site would have to have Council approval first before they actually construct anything.

Mayor Rule said it would be good for the public if the City leases out this land for \$10.00 a year for 50 years to be able to see a conceptual plan. He doesn't expect it to be complicated, but he does want to see something.

Council President Kiser read a letter from resident Shawn Maybon (See Exhibit 2) in opposition to the lease with GMPRD.

Council President Kiser responded to the letter by saying that the understands the Reservation policies for GMPRD sports fields. They provide recreational opportunities. REAL Soccer is a Competitive team, not a recreational team like Middleton Soccer Club (MSC). According to the 2 tiers of reservations GMPRD policy caters to recreation. He disagrees with Mr. Maybon.

Tim also said the reservations start the beginning of January on a first come/first served basis. After that it splits off to a percentage group that according to GMPRD policy preference is given to those teams who have the most members that reside in the GMPRD. 500+ residents play on MSC and 90% of those children live inside GMPRD boundaries. REAL Soccer recruits outside of the District and only about 70% of the participants live inside the District. Because of that Middleton Soccer Club gets 1st choice over the soccer fields. Because of the growth of MSC they have requested to reserve Foote Park and

Colman Homes fields. GMPRD did not expect to have the 2nd field in Foote Park ready for older kids, but later in the year the field was stepped away from by MSC, and the Coleman field was offered to REAL, but they had already made other arrangements. That is why Coleman fields are vacant most of the week. GMPRD does not cater to any club. It is on a first come/first serve. Coleman Homes fields go away in November, they are building a subdivision. As far as Futsal reservations of the Community Center, reservations are tentative for anyone trying to reserve the building for more than month at a time. That is due to the lease agreement with the School District allowing only a month-to-month contract with GMPRD. As far as the second field at Foote Park, the grass field that is available is for small children. REAL Soccer needs a large field for their competitive teams so the amount of grass they need is not accessible with that field.

Mayor Rule said he believes the Letter from Mr. Maybon has been addressed.

City Attorney Chris Yorgason added that the City has decades of working with GMPRD.

Discussion by Council: Council is open to the idea of a lease with Viper Park, but she would like to hear from the City Parks Department as to their ideas and plans. Would like to get a better idea of a timeline, how it fits into GMPRD budget as well as a concept plan. She would also like to see a depreciation schedule so that it can be a win/win for each entity involved. They would like the plan to address if there is an “out” needed. They would like to see a review of the lease on a 5 or 10 year plan.

City Administrator Becky Crofts said the property in question is located in the Falcon Valley Subdivision. There is no direct road access to it now other than a dirt road. There is not a specific timeline for the City to develop the park. However, the City does not want a developed subdivision surrounding an undeveloped park site for years to come. She asked what need does this solve for the GMPRD need for fields, how much needed acreage does this supply to address the need? She would like to have a timeline for the City so that it can be developed quickly. She also wants to know what facilities (restrooms, improved parking lots, sidewalks and pathways, access and coordinating with Falcon Valley) How much acreage will be usable space as well as adequate parking. Originally this park was planned in the concept plan as a Disc Golf Course. If the City were to develop this park it could be upwards of \$400,000. She would like to see a timeline and financial contribution and commitment from GMPRD board that identifies the improvements to be made each year. It is likely this park will have some impact on the Park Capital Improvement Plan (CIP) not currently a lot because this park is listed in the unimproved section and when Council adopted the fee that is currently being collected in parks it did not include the unimproved dollars associated with that. The City’s impact fee will not change.

Motion: Motion by Council President Kiser to approve the construction of a Lease Agreement at the administrative level with City of Middleton and GMPRD of Viper Park that includes a review every 5 years, depreciation schedule, timeline of construction, parking, restrooms, greenspace, sidewalks and pathways and connectivity to the surrounding community and other parks. Motion seconded by Council Member Garner approved unanimously with Council Member O’Meara abstaining from voting.

9. Consider approving T-O Engineers Scope of Work for Additional Services Authorization #3 – Additional Topo and Right of Way for Middleton Road Extension in an amount not to exceed \$23,110.00. – Becky Crofts

Mayor Rule called the item and City Administrator Becky Crofts stated that the City is working fast to get multiple projects shovel ready in anticipation of Federal monies to be distributed. The projects cannot move forward until the TOPO and Right of Way have been completed. Having projects ready to receive federal or state funding is a good move for the City and tax payers of Middleton.

Motion: Motion by Council President Kiser to approve T-O Engineers Scope of Work for Additional Services Authorization #3 – Additional Topo and Right of Way for Middleton Road Extension in an amount not to exceed \$23,110.00. Motion seconded by Council Member Huggins and approved unanimously.

10. Consider approving Gravel Extraction Lease Agreement between City of Middleton and Knife River Corporation-Mountain West to create a water feature in River Park. – Mayor Rule

Mayor Rule called the item. He stated that this is the excavation through the Lease agreement will continue to help build the water amenity for River Park. He is estimating 1.3 million viable tons at \$236/a ton, that is about a \$2.4 million value for the City over 2 years. He is excited about this project and believes it will be a great addition for City residents.

Motion: Motion by Council President Kiser to approve a Gravel Extraction Lease Agreement between City of Middleton and Knife River Corporation-Mountain West to create a water feature in River Park. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

11. Consider approving survey contract with Civil Survey Consultants, Inc. of Meridian to secure right of way and legal descriptions for SH44 and Hartley Intersection in an amount not to exceed \$9,925.00. – Becky Crofts

Mayor Rule called the item and introduced City Administrator Becky Crofts. She said that the Forge School is getting ready to build phase 2 of their school campus. Which also will necessitate a traffic light being installed soon. This project will identify the right of way and the legal descriptions so that the intersection at Hartley and SH44 can be shovel ready should additional funding be given to the City.

Motion: Motion by Council President Kiser to approve a survey contract with Civil Survey Consultants, Inc. of Meridian to secure right of way and legal descriptions for SH44 and Hartley Intersection in an amount not to exceed \$9,925.00. Motion seconded by Council Member Garner and approved unanimously.

12. Consider approving Mayor's appointee to Planning and Zoning Commission Board. – Mayor Rule

Mayor Rule called the item and said he is not ready to make a recommendation for appointment yet. He has interviewed two very good candidates but has not made a decision. He asked to continue to the April 21, 2021 meeting.

Motion: Motion by Council President Kiser to table item to April 21, 2021 regularly scheduled meeting. Motion seconded by Council Member O'Meara and approved unanimously.

Public Comment: No Public Comment

Mayor Comments, Council Comments:

Council Member O'Meara: GMPRD is watching bills in the Legislature that would allow Parks and Rec Districts to collect impact fees and enter into intergovernmental agreements with other agencies.

Mayor Rule: The City is making good progress. We are working to get Hartley and SH44 pinned down and have met with Forge School. He believes progress with the intersection will be made in the next month or months.

Adjourn: Mayor Rule adjourned the city council meeting at 7:42 p.m.

ATTEST:

Steven J. Rule, Mayor

Jennica, Deputy Clerk
Minutes Approved: April 7, 2021

National Child Abuse Prevention Month

Proclamation of City of Middleton

WHEREAS, in 2019, 3.5 million reports of abuse were made to child protective services; and,

WHEREAS, the increase in the number of children who are reported as victims of abuse is a major driver for finding solutions within the community; and,

WHEREAS, our children are our most valuable resource; and,

WHEREAS, the life-long effects of child abuse can be devastating to the victim; and,

WHEREAS, protective factors within the community reduce or eliminate risk and work to promote the social, emotional, and developmental well-being of children; and,

WHEREAS, we acknowledge that we must work together as a community to increase child abuse awareness, and continue to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment; and,

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, I, Steven J. Rule, Mayor of the City of Middleton, ID, do hereby proclaim April, 2021 as:

NATIONAL CHILD ABUSE PREVENTION MONTH

In the City of Middleton and urge all citizens to work together to eliminate child abuse in our community.

Steven J. Rule, Mayor
City of Middleton

Sexual Assault Awareness Month
Proclamation of City of Middleton

Whereas, every 73 seconds another American is sexually assaulted; and,

Whereas, Sexual violence is a serious and complex public health problem; and,

Whereas, 94% of sexual assault victims experience symptoms of post-traumatic stress disorder during the two weeks following the rape.

Whereas, only 230 out of every 1,000 sexual assaults are reported to police; and,

Whereas, by promoting social norms that protect against violence, teaching skills to prevent sexual assault, providing opportunities to empower women and girls, we can create protective environments that support survivors and hold offenders accountable.

Now, Therefore, I Steven J. Rule, Mayor of the City of Middleton, do hereby proclaim April, 2021 as:

Sexual Assault Awareness Month

In the City of Middleton and urge all citizens to become a part of community effort to make our community safe.

Steven J. Rule, Mayor
City of Middleton



CITY OF MIDDLETON

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ADMINISTRATION

SPECIAL COMMUNITY EVENTS
APPLICATION/AGREEMENT/PERMIT
REV 8/17



Date: 4-13-2021

Middleton City Code Section 3-2 Special Events.

I. General Information:
Event Name: 4th July parade and park events
Event Dates(s) / Time(s): 07-03-2021
Event Location: Middleton Place Park
II. Applicant / Sponsoring Organization Information:
Applicant Name: Middleton Chamber of Commerce
Sponsoring organization Name: Middleton Chamber
Are you a non-profit corporation? Yes [checked] no
Address: PO Box 434
City: Middleton State ID Zip: 83644
Phone: 208-N/A; Cell Phone: 208-899-2407
Email: info@middletonchamber.org
On-Site/Emergency Contact Name: Tamara Zimmerman
Address: 3 W Main
City: Middleton State ID Zip: 83644
Cell Phone: 208-899-2407; Email:
III. Brief Description and Purpose of Event:
4th July celebration



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Number of stages: 1 Size of stage(s): trailer

Number of Tents: Size of tent(s)

Inspection of temporary structures may be required and applicant is obligated to pay any inspection fee. Inspection / permit may be required for a tent by the Middleton Rural Fire District.

VII. Does the event involve use of fireworks, rockets, pyrotechnics? Yes No [checked]
Where and when?

Inspection / permit by Middleton Rural Fire District may be required.

VIII. Will portable toilets for the public be provided? Yes [checked] No

IX. Will electrical hookup for the event be required? Yes No [checked]

Electrical inspection / permit may be required.

X. Will a generator(s) be used? Yes [checked] No

XI. Will access to water be required for the event? Yes [checked] No dunk

XII. Will signs and/or banners be displayed as part of the event? Yes [checked] No

A sign permit may be needed from the City of Middleton.

XIII. Will this event be marketed, promoted, or advertised? Yes [checked] No

XIV. Will there be live media coverage of the event? Yes No [checked]

XV. PARKING:

How will parking be accommodated for this event for all patrons, vendors, service providers, and event staff?

XVI. REFUSE / GARBAGE:

How will garbage be contained and removed during and after the event?

Have Republic Service boxes and will dispose in big garbage

Applicant will be responsible for the costs (time and material) any any rubbish or garbage removal by Public Works or City staff.

XVII. NOTIFICATION. Applicant may be required to notify property owners affected by the event before a special events permit will be issued.

XVIII. SECURITY. Applicant may be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the City for costs of providing on-duty law enforcement officers, for necessary policing.



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IV. Street Closure Request:

List any street(s) or lanes of streets requiring temporary street closure for the event. Include street name(s) indicating beginning and end points of the closing, date and time of closing and reopening:

1. Main, Dewey, Triumph Dr, Middleton Rd, Concord
2. _____
3. _____

No permanent alteration to the street will be permitted.

Note: Permit from Idaho Transportation Department or Canyon County Highway District #4 may be required, depending on location.

V. Site Plan. A Site Plan must be attached that identifies the following, if applicable:

1. An outline of the entire event venue including the names of streets or areas that are part of the venue. If the event involves a moving route such as a parade, indicate the direction of travel and all streets or lane closures.
2. Location of any fencing, barriers and/or barricades. Must be removable for emergency access.
3. Location and identification of all temporary structures, portable toilets, booths, trash containers/dumpsters, cooking areas, identification of location of all vendor cooking with flammable gases or barbeque grills, waste grease containers, gray water containers, hand washing stations, etc.
4. Location of first aid facilities and ambulances.
5. Parking, placement of vehicles and/or trailers.
6. Location of generators and/or sources of electricity.
7. Exit locations for OUTDOOR events within fencing, tents, other temporary structures.
8. Firework launch location.

Information:

- I. Does the event involve the sale or use of alcoholic beverages? Yes No .
If yes, an Alcohol Beverage Permit may be required.
- II. Does the event involve the sale or distribution of food? Yes No .
If yes, a Temporary Food Establishment Permit (South West District Health Department (208) 455-5300) and a vendor permit (City of Middleton) may be required, with copy to the City.
- III. Does the event involve the sale of non-food items? Yes No .
- IV. Will there be entertainment at the event? Yes No .

If yes, please provide the following information:

Dance component/open floor: flatbed trailer

Live or recorded music: _____

Amplification: _____

Start and end time of entertainment: 11-3pm

Refer to Middleton City Code Section Noise.

- V. ADDRESS: If the event is located within a building, name of building, address, owner name:

VI. TEMPORARY STRUCTURES.

- Will there be any temporary structures on the event site? Yes No



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XIX. INSURANCE, FEE.

Pursuant to Middleton City Code Section 3-2-2 (E), all applicants shall submit, with the application, and maintain, at least until the conclusion of the special event, a comprehensive general liability insurance policy in the amount of one million dollars (\$1,000,000.00), with the city of Middleton names as an additional insured, and written by a company authorized to write insurance policies within the state of Idaho, and filed with the Middleton city clerk's office. Applicants must also execute indemnification and hold harmless provisions contained within the application to address potential liabilities and damages to persons and/or property.

FEE: \$160.00 Pursuant to Resolution No. 334-13 Fee Schedule, except as otherwise provided in this chapter, special event applicants, promoters and sponsors whose special events require the use of municipal resources as a result of their anticipated attendance or heightened security concerns shall be required to reimburse the city for expended resources at the hourly rate or salary of city of other personnel involved in the permit processing, event traffic control, or other facility or event support and for the use of city equipment and other non-personnel expense. The city clerk shall require payment of fees and services or a reasonable estimate thereof at the time the completed application is approved, unless the city clerk for good cause extends time for payment. In any event, full cost recovery for resources shall be required no later than ten (10) days following the conclusion of the special event. Any extraordinary resources for which there are additional costs shall be solely dedicated to the special event.

XX. INDEMNIFICATION / HOLD HARMLESS AGREEMENT / AGREEMENT FOR LIABILITY AND COSTS.

Middleton Chamber (Applicant / Organization / Permittee) shall indemnify, defend and hold the City of Middleton, its officers, agents and employees harmless from any and all claims, suits, actions, damages and causes of action which the City of Middleton may incur arising out of any personal injury, bodily injury, loss of life or damage to any property, or violation of any relevant federal, state or local law or ordinance, or other cause resulting from the following services, operations, event or use of City property authorized pursuant to this Special Event Permit.

Acceptance of insurance certificates required under this application / permit does not relieve Middleton Chamber (Applicant / Organization / Permittee) from liability under this application / permit. This application / permit shall apply whether or not such insurance policies have been determined to be applicable to any of such damages or claims for damages.

Middleton Chamber (Applicant / Organization / Permittee) shall reimburse the City of Middleton for all costs and expenses that may be incurred by or on behalf of the Special Event (including but not limited to fees and charges of attorneys and other professionals and court costs incurred by the City of Middleton in enforcing the provisions of this permit.



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ADMINISTRATION
SPECIAL COMMUNITY EVENTS
APPLICATION/AGREEMENT/PERMIT
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Further, as to such damages or claims for damages which arise during the scope of the activities or the use of property covered under this Agreement, Middleton Chamber (Applicant / Organization / Permittee), at its sole cost and expense, shall defend any and all suits, actions or other legal proceedings that may be brought or instituted by third parties against the City of Middleton, its officers, agents or employees, or any such claim or demand, and shall pay and satisfy any judgment or decree that may be rendered against the City of Middleton, its officers, agents or employees in any such suit, action or other legal proceeding.

All insurance companies shall be required to add the City of Middleton, its officers, agents and employees as additional insured by endorsement under the insurance policy and shall stipulate that this insurance policy will operate as primary insurance under this Agreement and that no other insurance affected by the City of Middleton or other named insured will be called upon to contribute to a loss covered there under. The policy shall contain no special limitations on the scope of protection afforded to the City, its officers, employees or agents unless approved in writing by the City of Middleton.

IN WITNESS WHEREOF, Middleton Chamber (Applicant / Organization Representative/ Permittee) has made and entered into this Agreement with the City of Middleton as of this 14 day of April, 2021.

APPLICANT / ORGANIZATION REPRESENTATIVE

[Handwritten Signature]

Date: 4-14-21

Tamara Ammenman Chamber President

Print name / Organization Name and Representative Title

OFFICE USE ONLY
Application Received:
Fee Received:
Insurance Certificate Received:
Application Approved by City Council:
Application Denied:
Permit is hereby issued this ___ day of ___, 20__.