



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday, January 17, 2024

Time: 5:30 p.m.

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

Call-to-order, Roll Call, Pledge of Allegiance, and Invocation.

Action Item:

- A. Approve Agenda

Action Items:

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for City Council January 3, 2024, Regular meeting.
 - b. Consider ratifying payroll for January 12, 2024, in the amount of \$124,802.08.
 - c. Consider approving accounts payable through January 5, 2024, in the amount of \$313,979.13.
 - d. Consider approving FCO for Pheasant Heights Subdivision Applications.
2. Consider authorizing the Mayor, or her designee, to approve the purchase of truck mounted fall restraint system from Pollardwater in the amount not to exceed \$11,249 as approved in the 2024 budget. – Mr. Van Gilder
3. Consider authorizing the Mayor, or her designee, to execute a contract with MetroQuip, Inc. for diagnostic, repair, and maintenance of the City's 1995 Elgin P1874s Street Sweeper (Veh #122) in the amount not to exceed \$39,884.43.
4. Consider approving the Mayor's recommendation of Steven Wiesner as the Middleton Building Official beginning February 5, 2024.
5. Consider adopting Ordinance No. 687: AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL REPEALING AND REPLACING TITLE 1, CHAPTER 15, SECTION 1-15-17 OF THE MIDDLETON CITY CODE, PERTAINING TO THE LIQUOR, BEER AND WINE REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH AND PUBLISH BY SUMMARY.

Public Comments on agenda or non-agenda items of city business:

Mayor, and Council Comments:

Adjourn:

Posted by:


Jennica Reynolds, Deputy Clerk

Date: January 12, 2024 4:30 p.m.

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

1a

**MIDDLETON CITY COUNCIL
JANUARY 3, 2024**

The Middleton City Council Meeting was called to order on January 3, 2024, at 5:33 p.m. by Council President Rob Kiser.

Roll Call:

City Council: Council President Kiser and Council Members Huggins, Murray and O'Meara were all present.

Mayor-Elect Jackie Hutchison, City Attorney Mr. Waterman, City Administrator Ms. Crofts, Public Works Director Mr. Van Gilder and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Pastor David Ax, Calvary Chapel.

Recognition of Council Member Carrie Huggins – Ms. Crofts

Action Items

A. Approve Second Amended Agenda

Motion: Motion by President Kiser to approve the Second Amended Agenda posted January 2, 2024, 5:09 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

President Kiser called the Consent Agenda Items for consideration.

Action Item:

3. Consent Agenda (items of routine administrative business)

- a. Consider approving minutes for City Council December 20, 2023, Regular meeting.
- b. Consider ratifying payroll for December 29, 2023, in the amount of \$122,890.06.
- c. Consider approving accounts payable through December 22, 2023, in the amount of \$306,895.81.

Council President Kiser called the items and stated that he had reviewed the accounts payable. Nothing was out of the ordinary.

Motion: Motion by President Kiser to approve Consent Agenda Items 1 a-c. Motion seconded by Councilman O'Meara and approved unanimously.

Action Item:

1. Swearing in of Jackie Hutchison as Mayor, and Tim O'Meara and Mark Christiansen as City Council members – Ms. Crofts

City Administrator/Clerk conducted the swearing in of Ms. Jackie Hutchison as the new Mayor of the City of Middleton after which Mayor Hutchison gave a brief statement. (Exhibit 1).

Ms. Crofts conducted the swearing in of Tim O'Meara and Mark Christiansen as new City Council Members.

Mayor Hutchison took control of the meeting can called the information item.

Information Item:

1. Discuss draft school ordinance – Council Member Murray

Mayor Hutchison asked Councilman Murray to discuss his proposal for the school ordinance. After discussion by Council, Mayor Hutchison asked that Councilman Christiansen and Murray get two additional outside attorney opinions. She wanted the visits with the additional attorneys capped at \$1,000 each.

No final decision was made, and the ordinance will be brought before Council at a future meeting.

Discussion Item:

1. Consider unappointing Hamilton Michaelson & Hilty, LLP, and appointing Yorgason Law as the City Attorney. – Mayor Hutchison

Mayor Hutchison presented her concerns about the cost of the city attorney. She believes that Yorgason Law would be less expensive. Discussion ensued. President Kiser stated he had contacted Mr. Yorgason, and he indicated he was not looking for a job, and he may have potential conflicts with Wednesday night council meeting. Additional Council discussion. More information is needed for an actual cost comparison. No decisions were made. No action taken.

Action Item:

2. Swearing in of Officer Noah Palmer – Mayor Hutchison

Mayor Hutchison conducted the swearing in of Officer Noah Palmer as Middleton's newest police officer.

Public Comments:

Marty Denahm: Congratulations to Mayor. They love Middleton after moving here 4 years ago. He supports the by pass and looks forward for increased transparency.

Tyson Sparrow: Congratulations to Mayor. A word of caution about appointing Yorgason as the attorney. It could look like quid pro quo as he was advising her on her campaign.

Theresa Denham: Moved from Bend, Oregon to Middleton. Excited to have a mayor who looks at the overall culture of the community.

Mike Graefe: Concerned with Yorgason law and a potential conflict of interest as Mr. Yorgason is the attorney for Star. Star is encroaching on Middleton's Area of Impact. He supports the current city attorneys. He wants density of R-3 revisited.

Patty Crawford: Congratulate Mayor and new Council Members. Stated that "you" represent "us." Wants public comments taken before decisions are made. Concerned about schools.

Jennifer Rasmussen: Welcome to Mayor Hutchison. She looks forward for her vision, persistence and eagerness.

Carlene Thie: Congratulations to Mayor Hutchison. She gave her opinion of history and of what she considers corruption in city politics with "the Good'ol Boys Club". She raised

concerns and accusations against Council President Kiser and stated things have to change, or recalls will begin.

Mike McDougal: Welcome to Mayor Hutchison. He believes this is a group of people who have the best interest of Middleton in mind.

Jeremy Rudolph: Congratulations to those who won. He is happy that Liquor by the Drink passed and asked that people drink responsibly. Thanked Councilman Murray for his work on the school ordinance and asked that Councilman Christiansen move quickly on the additional legal opinions.

Councilman Murray clarified this ordinance is not intended to slow growth, the goal is protect the education for the kids.

Todd Ognibene: Thinks city needs a better way to get information out. There is a collective group of people to make voices heard on social media.

Greg Baker: Welcome Mayor Hutchison and Councilman Christiansen. Purple Sage school needs to be excluded from the ordinance.

Theresa Klinger: Congratulations to Mayor Hutchison

Janet Gibson: Congratulations to Mayor Hutchison, and Councilman Christiansen. She likes the out of the box thinking from Councilman Murray.

Mayor, Staff and Council Comments:

Mayor Hutchison: Reminded everyone about the ITD meeting January 11, 2024 at 5:00 p.m. at the Middleton Middle School. This will be where people can ask questions and receive information and understand timelines.

Ms. Reynolds, Deputy Clerk stated this will be posted as a special meeting because there will likely be members of P&Z and City Council present.

Adjourn: Mayor Hutchison adjourned the meeting at 6:50 p.m.

ATTEST:

J. L. Hutchison, Mayor

Jennica Reynolds, Deputy Clerk
Minutes Approved: January 17, 2024

Exhibit 1

I want to thank my family that happens to be with me here tonight .I want to thank all of the wonderful families that invited me into their homes and hundreds of passionate, caring new friends I made along the way.

I am requesting my statement to become part of the meeting minutes tonight, word for word. During the last five months the voters and I narrowed down to the must haves for my first year in office.

1. Raises for Middleton Police Officers.
2. Make changes to our building codes to slow down growth to a manageable pace.
3. Install a signal at Highway 44 and Lansing and Highway 44 and Duff. I will work very hard on completing these items, safety is all important to me and the citizens.
4. I promised to deliver the opportunity to the citizens of Middleton to hear from Idaho Department of transportation for the opportunity to bring back the bypass, also known as the alternative route? We as citizens and voters must decide Bypass Alternative route or widening of Highway 44. A meeting will be held January 11, 2024 at the Middle School at 5:00, I encourage everyone to attend and let your voices be heard.

I received 68% of the vote, the people spoke in a landslide, I invite City Council to work with me to achieve what the people want. I invite the City Council to understand that my loyalty is to the voters of this city, not to get reelected.

I ask the voters of Middleton, if I don't do the peoples work, recall me. If the City Council

doesn't do the peoples work, recall them. The city of Middleton doesn't have five or 10 years to get it right, the time is now.

I want to thank each and every person who attended tonight, my heart is so full.

Jackie Hutchison, Mayor of Middleton



Public Comment Sign In

City Council - January 3, 2024

	Name	Address	Phone or Email	Topic/Agenda Item #
1	MARTY DENHAM	25381 Rington Dr. Middleton	541.410.2624	General Comments
2	TYSON SPARROW	211 N CAMPBELL AVE. Middleton IP	208-515-4221	General About Attorney
3	Theresa Denham	25381 Rington Dr Middleton	208 505 7675	General
4	MIKE BRACFE	1889 RIDGE WAY MIDDLETON	208-529-6227	MISC.
5	Irene Ayres	8541 Telaga Way Middleton	510.299.7070	"
6	DOMINIK BRANDON	2995? MINT LN MIDDLETON ID 83601		
7	Patty Crawford	8259 Spring Creek way	206 276 6779	GENERAL
8	Mike Galloway	8425 SPRING CREEK way	208-891-5018	GENERAL
9	Marc & Jennifer Rasmussen	1032 N. Buffalo Way		
10	Carlene	1030 Overland Trail	9518183694	general



Public Comment Sign In

City Council - January 3, 2024

	Name	Address	Phone or Email	Topic/Agenda Item #
11	Mimi McDermott	13037 GREENWIL	209 606 2273	GENERAL
12	JEREMY RUDOLPH	507 TRIUMPH		GEN
13	TODD OGNIBENE	1973 SCOTCH PINE	916 549 0342	GEN
14	Greg Baker	9863 ^{Park} Meadow	512 992-7295	Gen
15	Theresa King	24547 Blackbird	916-548-4000	Congrat
16	Janet Gibson	945 Harnes +		General
17				
18				
19				
20				

Deliver To:
From: Gene Dahle
Comments:

13:46:28 JAN 03 2024

FERGUSON ENTERPRISES LLC #3325
Price Quotation
Phone: 800-437-1146
Fax: 516-746-0852

Bid No: B137551
Bid Date: 01/03/24
Quoted By: GMD

Cust Phone: 208-585-6611
Terms: NET 10TH PROX

Customer: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Ship To: CITY OF MIDDLETON
1103 W. MAIN STREET
MIDDLETON, ID 83644

Cust PO#: BID - BUDGET 2024-2

Job Name: EMAIL

Item	Description	Quantity	Net Price	UM	Total
	** 3M FALL PROTECTION **				
SP-3400923	3M FALL SRL W/BRKT 50FT GALV	1	4345.000	EA	4345.00
SP-8510140	3M FALL VEH HITCH MOUNT SLV	1	1560.000	EA	1560.00
SP-8518002	3M FALL LWR MAST EXTENSION 33IN	2	1072.000	EA	2144.00
SP-8518006	3M FALL ADJ OFST UPR MAST	1	3200.000	EA	3200.00
	DELIVERED FREIGHT				

Net Total: \$11249.00
Tax: \$0.00
Freight: \$0.00
Total: \$11249.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE/VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENTATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=3325&on=57070>



1953 E Commercial St
 Meridian, ID 83642
 (208) 344-3318
 www.metroquip.net

Ship To: CITY OF MIDDLETON
 DAVE 208.586.2020

Invoice To: CITY OF MIDDLETON
 P.O. BOX 487
 MIDDLETON ID 83644

Branch 01 - MERIDIAN		
Date 01/12/2024	Time 8:36:55 (O)	Page 1
Account No MIDDL001	Phone No 2085853133	Est No 01 004201
Ship Via WILL CALL	Purchase Order ESTIMATE ONLY	
Tax ID No 82-6000226		
		Salesperson 005

ESTIMATE EXPIRY DATE: 02/11/2024

SERVICE ESTIMATE - NOT AN INVOICE

***** Segment 01 *****

Stock #: E000415 ELGIN MS #: P1874S
 Make: EL Model: P1874S
 Is to have the following work done by 04/30/2024 (Estimated)

VERIFY CUSTOMER CONCERN

COMPLAINT:

- * CUSTOMER WOULD LIKE BASIC INSPECTION WITH ESTIMATE
- REQ TO CHECK THE FOLLOWING
- BRAKES
- HVAC
- GREASE
- SERVICE
- ~ WILL HAVE PANCHERI HAUL 208.760.5158
- EMAIL ESTIMATE TO DCHENEY@MIDDLETONCITY.COM

9/15

- CUSTOMER WILL CALL TO CONFIRM WHAT TYPE OF INSPECTION AND REPAIRS ARE NEEDED.
- WILL AMEND THE SCOPE OF WORK.
- CUSTOMER WOULD LIKE FULL INSPECTION WITH REPORT
- * OPERATION CHECK OF ALL FUNCTIONS
- * VISIAUL INSPECTION OR DEFECTS
- * OK TO REMOVE BELT, BROOM & CLEAN TO INSPECT COMPONENTS
- * WOULD LIKE HVAC SYSTEM OPERATIONAL
- * NEED BRAKES REPLACED
- * REPLACE MAIN BROOM (THEY HAVE NEW BROOM THEY WILL BRING US)
- * CHANGE ALL FLUIDS AND FILTERS INCLUDING COOLANT IF NEEDED
- * GREASE ALL ZERKS
- !! PLEASE LIST ALL ISSUES IN CAUSE SECTION OF WORK ORDER
- ~~ CUSTOMER REQUIRES PARTS AND LABOR ESTIAMTE

CAUSE:

- * DUE FOR 1000 HOUR SERVICE
- * REPAIR/REPLACE BRAKES

Please be advised, all quotes are valid for 30 days.

Thank You For Your Business!



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		Salesperson 005

ESTIMATE EXPIRY DATE: 02/11/2024

SERVICE ESTIMATE - NOT AN INVOICE

* HVAC FAN & MOTOR BAD
ADDITIONAL DESCRIPTION:
 MILES
 HOURS

MISCELLANEOUS CHARGES:	<u>Description</u>	<u>Price</u>	<u>Amount</u>
	SHOP SUPPLIES	241.46	241.46

Labor: 1885.00
 Miscellaneous: 241.46
 Subtotal: 2126.46

Authorization: _____

***** Segment 02 *****

REPAIR & TEST
COMPLAINT:

- * ADDRESS THE FOLLOWING *
- ~ TEST AND ADJUST AFTER REPAIRS ARE COMPLETED
- !! LISTED BRAKE DRUMS AS OPTION. NO MAJOR DEFECTS OR CRACKS FOUND, JUST WEAR AND WAVES. CAN CLEANUP AND RESUE IF CUSTOMER CHOOSES.
- *AC LOW NEED TO EMPTY PULL VAC AND THEN REFILL AS DONT SEE ANY LEAKS
- *BLOWER MOTOR FOR HVAC IS BAD MUST SLAP TO MAKE IT WORK
- *THE REAR STEERING NEED NEW WHEEL BERAINGS & SEALS
- *THE FRONT BREAKS NEED NEW SHOES AND DRUMS HAVE A WAVE IN THEM
- * RECOMMEND 1000 HR SERVICE; SWEEPER & ENGINE
- *ALL NEW BEARING ON THE CONVEYOR AND LOWER ROLLER
- *BELT AND ROLLER SCRAPPER ARE WORN OUT
- *BOTH DIRT SHOES ARE BENT AND ALL RUBBERS ARE GONE
- *BOTH CONVEYOR LIFT CYLINDER ARE LEAKING
- *SIDE BROOM MOTOR LEAKING
- *NEED SENSOR FOR THE SIDE BROOM
- *HORN BAD RELAY

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		Salesperson 005

ESTIMATE EXPIRY DATE: 02/11/2024

SERVICE ESTIMATE - NOT AN INVOICE

- *JOHN DEERE FUEL INJECTION PUMP LEAK AT BASE GASKET
- *ALL V BELT CRACKED
- *NEEDS NEW MAIN BROOM THEY ARE BRINGING
- *MAINBROOM BEARINGS WORN
- *CONVEYOR DRIVE CHAIN AND SPROKETS NEED REPLACED
- *SHOCKS ON THE DIRT SHOES ARE WORN OUT HAVE LOT OF MOVEMENT
- *NEED TO ADJUST THE SIDE BROOM ARM
- *TOP MOUNTED WATER GAGE FULL ONLY READ EMPTY
- *WORK LIGHT ON RIGHT BROOM

 ! MAY REQUIRE ADDITIONAL PARTS AND LABOR TO COMPLETE REPAIRS

<u>Part#</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>	<u>Amount</u>
7175550	BRAKE DRUM	2	2346.00	4692.00
7175558	BRAKE SHOE KIT	1	1043.21	1043.21
7175557	BRAKE SHOE KIT	1	1152.23	1152.23
1133884	FSO-WORK LIGHT	1	109.26	109.26
7175951	O-RING SEAL-WAT	1	26.32	26.32
1025992	FILTER CARTRIDG	1	75.71	75.71
T16318	PUMP SEAL	1	4.95	4.95
7175467	DUAL BLOWER, 12	1	576.55	576.55
7172355	A/C FILTER W/GA	1	160.90	160.90
1048134	V-BELT 71.00"	1	30.99	30.99
5009687	V-BELT	1	49.22	49.22
1048741	BEARING-TAKE UP	1	185.40	185.40
1021051	FLANGE BEARING	1	117.64	117.64
1071879	MOT-HYDR,17.1 C	1	896.97	896.97
1020875	SPRING	1	92.08	92.08
1113694	BELT-CONVEYOR	1	1923.49	1923.49
1006435	SCRAPER & BELT	1	350.28	350.28
1078123	BRG-LWR ROLL	2	111.00	222.00
1075388	CAP-LWR CONVYR	2	23.09	46.18
1007461	UPPER ROLL BEAR	2	176.10	352.20
1128905	SHOCK ABSORBER	2	131.55	263.10

Please be advised, all quotes are valid for 30 days.

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SERVICE ESTIMATE - NOT AN INVOICE

<u>Part#</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>	<u>Amount</u>
1022881	DRIVE CHAIN	1	15.20	15.20
1010370	CONV DRIVEN SPR	1	30.57	30.57
5004810	3/8-16 X 3/8 AL	1	.42	.42
1010472	CONV DRIVEN SPR	1	4.97	4.97
1010371	CONV DRIVE SPRO	1	26.32	26.32
5010598	3/8-16 X 1/2 HD	1	19.35	19.35
1071493	FSO-TOW BRKT LH	1	405.69	405.69
1071494	FSO-TOW BRKT RH	1	356.70	356.70
1026757	TOW BAR ASSY -	2	432.40	864.80
1016942	DIRT SHOE ASSY	1	394.27	394.27
1016943	DIRT SHOE ASSY	1	463.77	463.77
1042289	WLDT-LOW CONV R	1	927.38	927.38
1036378	RUBBER DIRT DEF	1	21.56	21.56
1053918	POSITION SENDER	1	279.70	279.70
7176405	BRASS LINKAGE B	1	16.45	16.45
7970287	WATER TANK GAUG	1	381.18	381.18
1057214	FSO-CONV CYL-S	2	353.92	707.84
1020630	SEAL	2	33.79	67.58
5009559	ROLLER BEARING	4	12.17	48.68
1028973	MOUNTING PLATE	1	10.85	10.85
1044156	V-BELT,1/2 X 58	1	31.77	31.77
FRT IN	FREIGHT IN	1	355.00	355.00

<u>MISCELLANEOUS CHARGES:</u>	<u>Description</u>	<u>Price</u>	<u>Amount</u>
	SHOP SUPPLIES	2128.00	2128.00

Parts: 17800.73
 Labor: 15200.00
 Miscellaneous: 2128.00
 Subtotal: 35128.73

Authorization: _____

Please be advised, all quotes are valid for 30 days.

Thank You For Your Business!



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SERVICE ESTIMATE - NOT AN INVOICE

***** Segment 03 *****

1000 HOUR SERVICE

COMPLAINT:

- * CHANGE ENGINE OIL, AND ALL FILTERS
- * CHANGE HYDRAULIC FLUID AND FILTER
- * REPLACE HVAC FILTER
- * CHANGE HUB OIL
- * GREASE ALL ZERKS
- * CHANGE COOLANT

<u>Part#</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>	<u>Amount</u>
1032085	FILT ELEM CART	1	39.82	39.82
1551	HYD FILTER	1	21.10	21.10
55TELLU68	TELLUS S2 V68	35	8.60	301.00
7079711	OIL FILTER-AUX	1	22.34	22.34
3531	FUEL FILTER	1	28.98	28.98
7172355	A/C FILTER W/GA	1	160.90	160.90
15/40	15W40 RIMULA SU	24	6.50	156.00
7072916	PRI ELEMENT	1	122.18	122.18
7072938	INNER ELEMENT	1	44.12	44.12

MISCELLANEOUS CHARGES:	<u>Description</u>	<u>Price</u>	<u>Amount</u>
	SHOP SUPPLIES	212.80	212.80

Parts:	896.44
Labor:	1520.00
Miscellaneous:	212.80
Subtotal:	2629.24

Authorization: _____

Parts:	18697.17
Labor:	18605.00
Miscellaneous:	2582.26
TOTAL:	39884.43

Please be advised, all quotes are valid for 30 days.

Thank You For Your Business!

STEVEN WIESNER | CBO CFM



Certified Building Official, Certified Fire Marshal, Building Code Specialist, Building Plans Examiner, Building Inspector

PO BOX 388 Eagle, ID 83616
limesunset@hotmail.com | 986.218.0079

OBJECTIVE

To apply ten years of progressive experience in building plan review, field inspection, building dept administration and leadership to an essential role as Building Official. Bringing a vast knowledgebase of building code expertise, firsthand engagement in all aspects of Building Dept services with implementation of efficient processes and procedures, all while having a passion for continual education and professional development as a Code Official. I believe the building department exists to preserve the city's quality of life, unique character and culture, and supports safe and sustainable growth by contributing foremost to building and life safety, resilience, and supporting its economic development. My vision for the Building Department is to ultimately be an enhancement to building and development, not a hinderance or burden to the process, resulting in a positive and consistent experience and reputation when serving residents, business owners, developers, and design professionals alike through education, partnership, and clear direction into code compliance. I am especially proud to have been immersed in a vast variety of commercial, residential, mixed-use, multi-family and existing building projects, while serving 10 years in a high-growth and emerging City that has doubled in both land area and population. I have prepared extensively for opportunity and advancement and I am excited to bring my industry-leading experience and credentials to a new level.

SKILL

Project Management, Technical aptitude, code interpretation, Professional interpersonal, written, and verbal communications. Displayed leadership, strategic forward thinking and preparedness, application of critical thinking and effective decision-making authority, efficient and highly organized work methods, Management of time and volume during high residential, multi-family and commercial growth and development. Experienced in the application of national Accessibility standards, Existing Building and Energy Code. Applies diplomatic and tactful code enforcement including stop-work orders and conflict management resolutions. Applies technical aptitude, acuity and clear communications when engaging and assisting the public and design professionals of all levels. Implementation of effective procedures and processes, standardizing of inspections, plan approval and retention methods. Participant in code development processes and written interpretation

contributing to internal consistencies. Training, management and supervision of staff in the application of the building code, inspections and plan review.

EXPERIENCE

CITY OF EAGLE, IDAHO

660 E Civic Ln. Eagle, ID 83616

- 2015- Present 2023

Sr. Plans Examiner | Commercial / Residential Building Inspector

- 2013-2015

Residential Inspector | Plans Examiner

RECREATIONAL EQUIPMENT INC.

REI Corporate Headquarters - 6750 S 228th St, Kent, WA 98032

- 2005-20012

Corporate Services / Building Services Specialist/ Courier

- 2002-2005

REI Distribution Center - 1700 45th St E, Sumner, WA 98352

Merchandise handler, Shipping and Receiving

PASQUIRE PANEL PRODUCTS

- 99-2002

Wood working, warehouse maintenance, courier services, receiving of inventory and shipment preparation

EDUCATION

GREEN RIVER College

- 2007-2008

Auburn Main Campus

12401 SE 320th Street

Auburn, WA 98092

Technical Graphics Communications, College Business Writing, Essentials of Entrepreneurship and Principals of Small Business Management, Technical and Architectural Drafting and AutoCAD Design Applications. Mechanical and Machine Drafting-CADD

WHITE RIVER High School

- Graduated 2001

26928 120th St

Buckley, WA 98321

HarvardX Online

- Fall 2020

Exercising Leadership – Verified Certificate of Achievement, Kennedy School of Government, Center for Public Leadership

International Code Council – ICC Conferences, Courses and Certifications. Annual Edu-code Conference in-person and virtual attendance.

Idaho Association of Building Officials

Building Safety Professionals SW Idaho - Member since 2013 – Bi-Annual Education Institute

PROFFESIONAL MEMBERSHIPS

CERTIFICATIONS

- Certified Building Official*
- Certified Fire Marshal*
- Building Code Specialist
- Commercial Building Inspector
- Commercial Mechanical Inspector
- Residential Building Inspector
- Building Plans Examiner
- Commercial Plumbing Inspector
- Building Inspector



* I am 1 of only 4 individuals with CBO/CFM in the state.

LEADERSHIP

I have led the Building Department in many ways by becoming the foremost ICC certified individual in the department and have taken self-initiative in acquiring certifications that are above and beyond as well as acquiring relevant and critical code knowledge and expertise to remain current and successful in our rapidly growing city as well as maintaining a national standard. This culmination of 10 years of experience, acquired accreditation and applied knowledge base is what will guarantee my success in this position. I am passionate about leading others into success by having the heart of an instructor as building codes and our industry is ever changing. Serving 10 years directly under the current Building Official, I have had considerable involvement in many of the management aspects required to support and lead a team of individuals including training, coordinating and prioritizing the tasks of others, creating and implementing efficient dept. procedures, all while applying Deputy Building Official authority during absences and extended leave time. I am responsible for the training and scheduling of individuals with instruction and observing of tasks such as plan review and site inspection. Providing guidance, feedback, instruction, and code interpretation while showcasing exemplary service and leadership both internally and publicly. I provide added value by combining directly applied experience and continual education to bring fresh ideas, taking self-initiative

in exploring new technologies, implementing effective procedures, and bringing relevant, practical, and vast experience applying key foundational principles of successful leadership and building dept structure. I've proven dedication over the years and applied forward-thinking preparedness for future growth and opportunities as I would lead and manage others into this same goal while encouraging individual advancement and certification. Understanding and applying legal aspects as well as human resources management through Building Official certification, conducting pre-application and pre-construction meetings, frequent communications with Mayor, directors and council inquiries and requests, assisting and engaging with the citizens and other public agencies including local fire protection districts are all examples of my applied leadership involvement and experiences.

TECH. BLUEBEAM REVU, MICROSOFT OUTLOOK, WORD, TEAMS, AND EXCEL, IWORQ, AUTOCAD, ZOOM / GOTO MEETING. REMOTE VIRTUAL INSPECTION

**PROFESSIONAL
REFERENCES**

WALTER LINDGREN
LINDGREN:LABRIE ARCHITECTURE
EAGLE, IDAHO
208.484.2293

MIKE WILLIAMS, PLANNER III, CFM
CITY OF EAGLE
EAGLE, ID
208.489.8774

DAVID SANSOTTA, P.E., S.E.
STRUCTURAL EDGE
BOISE, ID 83714
208.501.2289

IAN HOFFMAN,
PRINCIPAL ARCHITECT
COLE Architects
BOISE, ID
208.345.1800

SHANE SYNDERGAARD
Mark Guho Const.
Superintendent
208. 991.8887

TOM WALSH
Fire Code Consultants
NW Inc. Meridian, ID
208-985-5965

JEFF FITZLOFF/ SHANE VIGIL
ECI Electrical Inspectors
Nampa ID
208.870.5933
208 8611008

JIM LARKIN
PARADIGM HOMES
EAGLE, ID
208.867.7284

THANK YOU!

Steven Wiesner, CBO CFM

Steven Wiesner | ICC 9567043

10 Year - Work Experience/Project Examples.

Certified Plans-Examined and Inspected, Project Managed and Consulted. Documented and completed over 5,000 Inspections.

National Brands

Albertsons
Arby's
AT&T
Blaze Pizza
Café Rio
Carl's Jr
Chase
Commercial Tire
Costa Vida
Crunch Fitness
Dickey's
Dollar Tree
Dutch Bros
Epic Shine Car Wash
Fred Meyer
Great Harvest Bread
Hayden Homes
Hilton Garden Inn
Hilton Homewood Suites
Intuit
Jacksons, Chevron fuel and C-Stores
Lamb Weston
Luxe Reel Theatre
Marriott Residents Inn
McDonalds
O'Reilly's
Orange Theory
Pet IQ
Petco
Primary Health
Sherwin Williams
Sotheby's
St. Alphonsus Clinics
St. Lukes Hospital
Starbucks
Taco Bell
Toll Brothers

TSheets
UPS Store
US Bank
Walgreens
Wendy's
WinCo

Occupancy/Use Classifications

Apartment houses/Clubhouses/Private Pools
Assisted Living/Memory Care
Assembly Venues
Auto Body and Repair
Banks
Breweries
Business Offices, Corporate Headquarters
Churches
City Hall
Communications Towers
Custom, Luxury Homes, Basement Homes - (Up to 12,000SF), Boise Hunter, Toll Brothers, CBH, Hayden, Lennar, Zack Evans, Hubble etc.
Existing Building Remodel
Fitness Clubs/Public Pools
Gas Stations and C-Stores
Hospitals
Manufactured Home Placement
Mixed-Use Residential/Commercial
Podium-Buildings
Parking Garages
Pole Barns
Precious Metals Depository
Print Shops
Public/Charter Schools
Public Storage Facilities
Restaurants
Self-Storage/ Storage Condos
Senior Living
Sewer Lift stations/Pump Houses
Urgent Care

Local

Extensive and numerous projects working with local Businesses, Business owners, Design Professionals and Builder/contractors.

ORDINANCE NO. 687

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL REPEALING AND REPLACING TITLE 1, CHAPTER 15, SECTION 1-15-17 OF THE MIDDLETON CITY CODE, PERTAINING TO THE LIQUOR, BEER AND WINE REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH AND PUBLISH BY SUMMARY.

BE IT ORDAINED by the Mayor and Council of the City of Middleton, County of Canyon, State of Idaho:

Section 1. That Title 1, Chapter 15, Section 1-15-17 of the Middleton City Code is hereby repealed and replaced, as follows:

1-15-17: LIQUOR, BEER AND WINE REGULATIONS:

1-15-17-1: PURPOSE AND INTENT:

This article establishes minimum requirements for the licensing of the sale of alcoholic beverages for the protection of public health, welfare, and safety; and for the orderly, moral and responsible conduct of the business of selling and distributing alcoholic beverages, and for the general welfare, all within the boundaries of the City.

1-15-17-2: APPLICABILITY:

The provisions of this Article shall govern the issuance, renewal, transfer and/or revocation of licenses and other matters pertaining to licenses for the sale of liquor by the drink at retail, wine by the drink and retail wine license, the sale of beer, including bottled and canned beer, none of which is to be consumed on the premises where sold, and including the selling of beer for consumption on the premises, draft and bottled or canned beer, or draft only, and liquor catering permits, as the same are defined in this Article.

1-15-17-3: DEFINITIONS:

For the purposes of this Article, the words set out in this section are defined as follows:

APPLICANT: Includes any individual, firm, co-partnership, association, corporation or any group or combination, acting as a unit, and the plural as well as the singular number unless the intent to give a more limited meaning is disclosed by the context.

BAR/TAVERN/LOUNGE: A building where alcoholic beverages are sold for consumption on the premises, not including restaurants as defined herein.

BEER: Any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and/or ingredients in drinkable water.

BEER RETAILER, OFF-PREMISES LICENSE: A license issued by the City Clerk authorizing a person to sell only bottled or canned beer, none of which is consumed on the premises where sold.

BEER RETAILER, ON-PREMISES LICENSE: A license issued by the City Clerk authorizing a person to sell, for consumption on the premises, draft beer and bottled or canned beer, or draft beer only.

INTERDICTED PERSON: A person to whom the sale of liquor, beer and/or wine is prohibited under the laws of the State of Idaho.

LICENSE: A license issued by the City Clerk to a qualified person, under which it shall be lawful for the licensee to engage in activities concerning the sale and/or distribution of liquor, beer and/or wine, as the case may be, as provided in this article.

LICENSEE: The person to whom a license is issued under the provisions of this article.

LIQUOR: An alcoholic beverage made by distillation rather than by fermentation.

LIQUOR BY THE DRINK AT RETAIL LICENSE: A license issued by the City Clerk authorizing a person to serve and sell liquor retail by the drink at a party or convention which is off the site of the licensed premises.

PREMISES: The place of building in which the sale of beer at retail, sale of liquor by the drink at retail, and/or wine by the drink at retail for consumption on the premises as is authorized under the provisions of this article.

RESTAURANT: A premises where the principal business conducted on the premises is the selling of food prepared on the premises for consumption on or off the premises. The premises shall also, as a minimum, be equipped with operational equipment hereinafter listed in group 1 and/or group 2; and which equipment must be operational during business hours:

(1) Group 1: A type one grease exhaust hood as defined in the current adopted edition of the international mechanical code and international fire code, a utensil and equipment sink and a hand wash sink.

(2) Group 2: A three (3) compartment dishwashing sink or commercial dishwashing equipment, a hand wash sink, and multiuse (not single service) dishware and utensils to serve a minimum of thirty (30) people.

RETAIL WINE LICENSE: A license issued by the City Clerk authorizing a person to sell wine at retail for consumption off the licensed premises.

RETAILER: Any person engaged in the distribution of beer or wine to the customer for consumption by the customer upon licensed premises, or for sale for consumption not on the premises.

WINE: An alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar.

WINE BY THE DRINK LICENSE: A license issued by the City Clerk authorizing a person to sell wine by the individual glass or opened bottle at retail for consumption on the premises only.

1-15-17-4: LICENSE REQUIRED:

It is unlawful for any person without first having obtained a license under the provisions of this article to:

- (1) Sell liquor by the drink at retail for consumption on the licensed premises.
- (2) Serve and sell liquor at retail by the drink at a party or convention which is off the site of the licensed premises.
- (3) Sell only bottled or canned beer, none of which is consumed on the premises where sold.
- (4) Sell for consumption on the premises draft beer, bottled beer, and/or canned beer, and/or draft beer only.
- (5) Sell wine at retail for consumption off the premises.
- (6) Sell wine by the individual glass or opened bottle at retail for consumption on the premises only.
- (7) Otherwise manufacture, bottle, possess for resale, or distribute or sell wine and/or beer.

1-15-17-5: APPLICATION FOR LICENSES:

Prior to the issuance of a license, as required in section 1-15-17-4 of this article, the applicant shall file with the City Clerk an application, in writing, which application shall be on the official application form approved by the City Council, which shall be in writing, signed by the applicant, and containing such information and statements relative to the applicant and the premises where either liquor, beer and/or wine is to be sold.

1-15-17-6: APPLICATION FORMS:

All applications for a license shall require the applicant to set forth the following information:

(1) A detailed description of the premises for which a license is sought for a bar, tavern or lounge, its location, and a plot and floor plan depicting the following:

A. Floor Plan: The floor plan shall be drawn to a scale of one-eighth of an inch representing one foot ($1/8" = 1'$). The floor plan will include game machine areas, seating areas, exit paths, counters, bars, restrooms, offices, storage rooms and or space, kitchens, windows and doors and the direction of swing of the door and shall indicate (not to scale) the location of emergency lights, and exit signs. The floor plan shall include all floors occupied by the applicant and any basement or floor levels located below.

B. Plot Plan: Drawn to a scale of not less than one-sixteenth of an inch representing one foot ($1/16" = 1'$). The plot plan shall include the structure being used, parking, fencing, storage or trash enclosures, lighting locations, street entrances, and walkways.

(2) The names and addresses of all persons who will have any financial interest in any business to be carried on, in or upon the licensed premises, whether such interest results from open loans, mortgages, conditional sales contracts, silent partnerships, trusts, or any other basis than upon trade account incurred in the ordinary course of business and the amounts and nature of such interests including the shareholders with names and addresses provided.

(3) If the premises to be licensed are not owned by the applicant, then it shall be incumbent upon the applicant to furnish a certified copy of the lease by which applicant will occupy the premises and that the lessor has consented to the sale of liquor, beer or wine on the premises, and the applicant shall furnish evidence of the lease by which the applicant is entitled to possession of the property.

(4) The name and address of the applicant shall include, if the applicant is a partnership, whether a general or limited partnership and if the applicant is a corporation, the officers, directors and principal stockholders of the corporation.

(5) All venues functioning as an event center must provide a final copy of their submitted and approved security plan through the Idaho State Police.

1-15-17-7: QUALIFICATIONS OF LICENSEE:

No license shall be issued to any applicant for a new, renewed or transferred license who:

(1) Is not a bona fide owner of such business.

(2) Proposes a premises for the sale of liquor, beer or wine on the premises that does not conform to the laws and regulations of the state of Idaho and to the ordinances of the county of Canyon, the City of Middleton, which are applicable thereto and which relate to public health, safety, and planning and zoning.

(3) Is prohibited from being issued a license because of the occurrence of one or more convictions, events or activities, as set forth below. If one of the following subsections applies to the applicant, or any partner, manager or officer of said applicant (referred to sometimes

hereinafter collectively as "applicant"), then a license shall not be issued to said applicant for a period of three (3) years following the occurrence of the event, conviction or activity described. If two (2) of the following apply to the applicant, then a license shall not be issued to said applicant for a period of three (3) to ten (10) years following the occurrence of the most recent event, conviction or activity described, depending upon the severity of the situation and as determined within the sound discretion of the City Clerk. If three (3) or more of the following apply to the applicant, the City Clerk shall deny the issuance of the license to said applicant for a period of time deemed appropriate in the City Clerk's discretion, but in no event less than five (5) years following the most recent occurrence of any event, conviction or activity described in the following subsections. The City Clerk shall have the authority and discretion, should the situation be deemed sufficiently severe, to permanently deny the issuance of a license to any applicant to whom three (3) or more of the following subsections are found to apply:

A. The applicant has been convicted and/or been granted a withheld judgment for any crime that is defined as a felony in the jurisdiction in which the judgment was entered and/or has paid any fine and/or completed any sentence whether by confinement, probation and/or parole for any said felony; or

B. The applicant has been convicted of the violation of any law or regulation of the state, or of the United States, governing or prohibiting the sale of alcoholic beverages or intoxicating liquor, or who forfeited or suffered the forfeiture of a bond for their appearance to answer charges to any such violation; or

C. The applicant has been convicted of driving a motor vehicle under the influence of alcohol, drugs or any other intoxicating substances as defined in the jurisdiction in which the judgment was entered; or

D. The applicant has engaged in the operation, or has interest therein, of any house or place for the purpose of prostitution, or has engaged in the operation of any house or premises within the City limits of Middleton which has been declared and found to have been a moral nuisance as defined by this code or state law; or

E. The applicant has, subsequent to the effective date of this article, been convicted in any jurisdiction or received a withheld judgment for any crime concerning the possession of any controlled substances; or

F. The applicant has, for violation of any law or regulation, had a similar license revoked by any jurisdiction granting the license and/or had their license revoked by the state of Idaho or Canyon County; or

G. The applicant fails to report the occurrence of any of the foregoing events, convictions or activities either when they occur or when making application for a new, renewed or transferred license.

(4) Who is under the age of nineteen (19) years.

(5) Proposes to license a premises for the sale of liquor by the drink at retail, for consumption on the licensed premises, to serve and sell liquor at retail by the drink at a party or convention which is off the site of the licensed premises, to sell for consumption on the premises draft beer and bottled or canned beer or draft beer only and/or to sell wine by the individual glass or open bottle at retail for consumption on the premises that is conducted for pleasure or profit that is within three hundred feet (300') of any public school, church or other place of worship, or college, measured in a straight line from the nearest corner of said building to the nearest entrance of the licensed premises, except on/in premises in the city center zoning district that have received

approval of the City Council. This provision does not apply to licensed premises which preexisted the public school, church or other places of worship or college.

(6) Has a bar/tavern/lounge where parking lot lighting levels have not been designed, installed and maintained at a level of at least "one foot-candle" which is defined as a unit measurement of illuminance on a surface at ground level equal to one lumen per square foot.

(7) Proposes a licensed premises that is a dangerous building as defined in the current adopted edition of the uniform code for the abatement of dangerous buildings, as adopted by the City.

(8) Submits an application which shall contain a false material statement knowingly made.

(9) Allows conduct to occur on the licensed premises which is a moral nuisance as defined by the laws of the state of Idaho and/or the ordinances of the City.

(10) Allows the licensed premises to be frequented by intoxicated and/or disorderly persons, or if the licensed premises is frequented by persons convicted of crimes of violence and/or controlled substances, and/or lewd or lascivious conduct.

(11) Manages and/or operates the licensed premises in such a way as to be a nuisance to surrounding businesses by reason of the conduct of employees or clientele of the licensed premises, where said employees or clientele engage in lewd and/or violent and/or disorderly behavior.

(12) Proposes a licensed premises for which a license has already been issued. No premises may have more than one license issued.

1-15-17-8: INVESTIGATION OF APPLICANT:

(1) Upon receiving an application for a new license, or an application for license renewal or an application for license transfer, the office of the City Clerk, city building official, police chief and fire marshal of the City of Middleton shall investigate the statements and representation contained in the application, shall inspect the premises where the applicant proposes to do business, and make such other further investigations as may be deemed proper to ascertain whether the applicant conforms to all of the requirements of this article. All of such reports and findings shall be submitted to the City Clerk, who shall then decide whether or not to grant or deny the request for a license.

(2) In the event the City Clerk shall deny an application, the City Clerk must specify the following in writing:

A. The statute, ordinances and/or standards used to evaluate.

B. Specify the reasons for the denial.

C. The actions, if any, the applicant could take to obtain the license, transfer, or renewal.

D. Decisions of the City Clerk may be appealed to the city council, this appeal must be filed within fifteen (15) days of the date of mailing which shall be made by return receipt requested and/or by registered mail and/or by delivery of the decision of the City Clerk to the applicant.

E. The City Council shall, within thirty (30) days of the final decision of the City Clerk, make a decision of the appeal. In the event the City Council should deny any application, the City Council shall specify in writing those matters set forth in subsections (2)A, (2)B and (2)C of this section.

1-15-17-9: LICENSEE TO REPORT CHANGES:

If, during the period of any license issued under this article, any change takes place in licensee's circumstances relating to the licensee's qualifications to hold a license and/or in relationship to the floor and/or plot plan, the licensee shall forthwith make a verified report of such change including a new floor plan or plot plan if applicable to the change in circumstances.

1-15-17-10: RENEWAL OF LICENSE:

Request for license renewal shall be submitted to the City Clerk on a renewal application form provided by that office. The renewal application shall be filed with the City Clerk by June 1 of each and every year. The renewal application shall include any changes, modifications or alterations to the nature or operational characteristics of the business. Failure to provide a complete and accurate application in advance of the June 1 deadline shall cause delay in processing the application and shall result in a fine of fifty dollars (\$50.00) for each day after April 1 the request for license renewal is filed. The City Clerk will not issue a license until all fines and fees are paid in full.

1-15-17-11: PERIOD FOR WHICH LICENSE IS ISSUED:

All licenses issued under the provisions of this article shall run from June 1 through May 31. All such licenses shall expire at twelve o'clock (12:00) midnight, May 31 of the year in which they shall be issued, notwithstanding the fact that such license may have been issued after June 1.

1-15-17-12: LICENSE FEES:

An applicant shall be charged by the City Clerk the following application and license fees to be payable at the time the license is issued. All license fees shall be paid to the general fund of the city.

(1) Liquor By The Drink At Retail License: The maximum fee allowed by the state of Idaho per annum for the license year; provided, however, that if the license be issued for less than a full calendar year, the license fee shall be prorated as of the actual months of issuance, but in no event for less than six (6) months.

(2) Liquor Catering Permit: The maximum fee allowed by the state of Idaho for each day the permit is to be effective.

(3) Beer Retailer, On Premises Consumption License: The maximum fee allowed by the state of Idaho per annum for the license year; provided, however, that if the license be issued for less than a full calendar year, the license fee shall be prorated as of the actual months of issuance, but in no event for less than six (6) months.

(4) Beer Retailer, Packaged Beer License – Not To Be Consumed On The Premises: The maximum fee allowed by the state of Idaho per annum for the license year; provided, however, that if the license be issued for less than a full calendar year, the license fee shall be prorated as of the actual months of issuance, but in no event for less than six (6) months.

(5) Wine By The Drink License: The maximum fee allowed by the state of Idaho per annum for the license year; provided, however, should the license be issued for less than a full calendar year, the license fee shall be prorated in accordance with the actual months of issuance, but in no event for less than six (6) months.

(6) Wine Retailer License: The maximum fee allowed by the state of Idaho per annum for the license year; provided, however, should the license be issued for less than a full calendar year, the license fee shall be prorated in accordance with the actual months of issuance, but in no event for less than six (6) months.

(7) Transfer Fee: An amount established by resolution of the City Council.

(8) Refund: In the event the city clerk should reject any application for license renewal or transfer and there is no appeal of the decision of the clerk, the City Clerk, following the time for

the period for which an appeal may be filed, shall refund the amount of the license fee to the applicant which was submitted with the application.

1-15-17-13: REVOCATION OF LICENSE:

When the city clerk suspends, revokes or refuses to renew a license issued pursuant to the provisions of this article for a violation or failure to comply with the provisions of this article, the city clerk shall notify the licensee of the city clerk's intent to suspend, revoke or refuse to renew, which notice shall be in writing and shall contain the reasons for such action and shall set forth those matters specified in subsections 1-15-17-8(2)A through (2)C of this article.

1-15-17-14: DENIAL OF APPLICATION, SUSPENSION AND/OR REVOCATION OF LICENSE:

The City Clerk shall:

(1) Deny an application of any applicant who does not meet the qualifications of section 1-15-17-7 of this article, unless the applicant has a license that is subject to a term of suspension and the term of the suspension has not been completed, in which case a license may be issued subject to the suspension and the applicant complying with the qualifications of section 1-15-17-7 of this article within the same period of the suspension.

(2) Revoke the license of any licensee who does not meet the qualifications to hold a license as set forth in subsections 1-15-17-7 (1), (3), and/or (8) of this article, and/or denies access for inspection conducted pursuant to section 1-15-17-17 of this article.

(3) Suspend the license at any time, during the period for which a license is issued, wherein the licensee is unable to meet the qualifications to hold a license as set forth in subsections 1-15-17-7 (2), (5), (6) and/or (7) of this article. In the event the licensee is able to come into compliance with the requirements of said subsections, then the suspension shall be terminated. No suspension can be for a period greater than one hundred eighty (180) days. In the event the licensee does not come into compliance into the period of the suspension, the license shall be immediately revoked by the terms of the suspension.

(4) Suspend the license, for a period of up to one week per event, of any licensee in the event of circumstances occurring upon the licensed premises which are disqualifications from holding a license as defined in subsections 1-15-17-7 (10) and (11) of this article, or in the event a licensee violates the provisions of section 1-15-17-16 of this article and/or interferes and/or impedes an inspection conducted under section 1-15-17-17 of this article, and/or fails to comply with section 1-15-17-9 of this article. In the event the licensee does not come into compliance within the period of the suspension, the license shall be immediately revoked by the terms of the suspension. In the event the licensee has received three (3) previous suspensions within a license year, the clerk shall revoke the license.

(5) When the City Clerk determines to suspend a license pursuant to subsection (4) of this section, the affected licensee may petition the Clerk once per license year prior to the effective date of the suspension requesting that a monetary payment be allowed in lieu of the license suspension. If the Clerk determines such payment to be consistent with the purpose of the laws for the state of Idaho and the ordinances of the city of Middleton and in the public interest, the Clerk shall establish a monetary payment in an amount not to exceed five thousand dollars (\$5,000.00). The licensee may reflect the payment amount determined by the Clerk, and instead be subject to the suspension provision of this subsection. Upon payment of the amount established, the Clerk

shall cancel the suspension period. The Clerk shall cause any payment to be paid to the general fund of the City.

1-15-17-15: NOTICE OF HEARING:

Whenever information is submitted to, or shall come to the attention of any official, department head or employee of the City, that a licensee has committed any act rendering the licensee's license subject to suspension and/or revocation, the official, department head or employee, as the case may be, shall report such information to the City Clerk in writing. In the event it appears to the City Clerk, after having received such report, that there are grounds for the suspension and/or revocation of a license, after having conducted a reasonable investigation into the matter, the City Clerk shall propose to suspend, or terminate the license. The Clerk shall send to the licensee a notice containing the findings required by section 1-15-17-8 of this article. The licensee shall have the right to appeal the decision of the clerk to the City Council.

1-15-17-16: HOURS OF SALE:

(1) Liquor: No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not sealed in bottles must be located in a separate room or cabinet during the following hours:

A. Memorial Day, Thanksgiving Day, and Christmas Day from one o'clock (1:00) A.M. to ten o'clock (10:00) A.M. the following day.

B. On any other day between one o'clock (1:00) A.M. and ten o'clock (10:00) A.M.

C. Any patron present on the licensed premises after the sale of liquor has stopped as provided in subsection (1)B of this section, shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.

D. Any person who consumes or intentionally permits the consumption of any liquor upon a licensed premises after the time provided for in subsection (1)C of this section shall be guilty of a misdemeanor.

(2) Beer/Wine: It shall be unlawful and a misdemeanor for any person in any place licensed to sell beer and/or wine, or where beer and/or wine is sold to be consumed on the premises, to sell or permit to be consumed on the premises, beer and/or wine as the same is defined by law, between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. and during the following times:

A. Any patron present on the licensed premises after the sale of beer has stopped as provided in this subsection shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverage already served.

B. Any person who consumes or intentionally permits consumption of beer and/or wines upon a licensed premises after the time provided for in this subsection shall be guilty of a misdemeanor.

1-15-17-17: RIGHT OF INSPECTION:

The City Clerk, the City Fire Marshal, City building official, City police and any other peace officer or designee of said officials, or officers, shall have the right at any time to conduct an inspection of the premises of any licensee for the purpose of investigating whether or not the licensee is in compliance with this article.

1-15-17-18: ALCOHOL BEVERAGE CATERING PERMIT:

(1) An alcohol beverage catering permit is a permit issued pursuant to this section which authorizes the permit holder to dispense, serve or sell liquor, beer or wine by the drink at a party,

special event, or convention, but said license shall not exceed five (5) consecutive days upon obtaining an alcohol beverage catering permit, with an option to request one permit extension on the same terms and conditions as the original permit, which extension may be issued or denied at the sole and absolute discretion of the original issuing entity. An alcohol beverage catering permit shall be limited to authorization to sell or dispense liquor or beer or wine, or any combination thereof, based upon the type of license which the applicant possesses. In addition:

A. A permit shall not be issued/obtained to a person, or for the benefit of another person, attempting to circumvent established alcohol licensing procedures, i.e., operating two (2) separate establishments under one license or for the benefit of a person whose alcohol license has been revoked or canceled; and

B. No location may have more than twenty-four (24) days in any calendar year where alcohol is served pursuant to a catering permit or permits.

(2) Applications for a catering permit under this section shall be made to the City Clerk upon the form prescribed by the Chief of Police, which shall contain the following information:

A. The name and address of the applicant and the number of the applicant's State liquor, beer or wine license and the applicant's County and City liquor, beer, or wine license number. An alcohol beverage catering permit shall be limited to authorization to sell liquor or beer or wine, or any combination thereof, based upon the type of license which the applicant possesses.

B. The dates and hours during which the permit is to be effective, not to exceed five (5) consecutive days.

C. The names of the organizations, groups, or persons sponsoring the event.

D. The address at which the liquor, beer, or wine is to be served with a detailed description or diagram of the location where the alcoholic beverages are to be served and sold.

(3) The application shall be verified by the applicant and filed with the City Clerk at least five (5) business days prior to the day on which the event for which the permit is requested will occur. A filing fee in the maximum amount allowed by the State of Idaho for each day the permit is to be effective shall be paid to the City Clerk which shall not be refunded in any event.

(4) Upon the filing of an application, the City Clerk shall, upon receiving approval or denial from the Chief of Police and Fire Marshal, approve or disapprove the application and indicate the determination on the face of the application by endorsement signed by the Clerk of the City. Copies of the application, permit, and endorsements shall be retained by the Clerk. The Clerk shall forward copies of said document to the Alcohol Beverage Control Department of the Idaho State Police.

A. The Chief of Police and Fire Marshal may recommend the catering permit be issued with conditions. The City may consider factors such as: the anticipated number of participants, the location of the venue described for the catering permit, pedestrian and vehicular traffic, the occurrence of other events in the area at the same time, ingress or egress of customers to the venue and surrounding businesses, the presence of minors, and other related and relevant factors.

B. Conditions imposed may include, but are not limited to:

1. Posting signs;
2. Hiring additional security personnel at the applicant's expense;
3. Hiring trained alcohol servers;
4. Reducing the number of dates or times for which the permit is issued;
5. Ensuring compliance with Fire Code and access of emergency vehicles and personnel;
6. Or maintenance of the venue in a specified manner, including restricted area and access points.

(5) In the event the Clerk shall deny an application, the Clerk must specify the following in writing:

- A. The statute, ordinance and/or standards used to evaluate.
- B. Specify the reasons for the denial.
- C. The actions, if any, the applicant could take to obtain the license, transfer or renewal.

(6) Decisions of the City Clerk may be appealed to the City Council, that appeal must be filed within fifteen (15) days of the date of mailing and/or delivery of the decision of the City Clerk to the applicant.

(7) The City Council shall, within thirty (30) days of the final decision of the City Clerk, make a decision on the appeal. In the event the Council should deny any application, the Council shall specify, in writing, the reasons as set forth in subsections (5)A through (5)C of this section.

(8) The City Council, by the enactment of this article, does hereby designate the City Clerk as its duly authorized agent to act on behalf of the Council, except on appeal, in the granting of these permits.

1-15-17-19: REPEAL AND SAVING CLAUSE:

Previous provisions of this Code pertaining to beer regulations, liquor and sale of wine shall, after this article is in full force and effect, be repealed; except, that said provisions shall apply, govern and regulate all licenses issued thereunder and shall govern the revocation of any license issued thereunder; but said provisions shall not apply, govern and/or regulate any license required under this article to be issued.

1-15-17-20: SEVERABILITY:

Should any section, clause, sentence or provision of this article be held invalid for any reason, such holding or decree shall not be construed as affecting the validity of any of the remaining portions hereof, it being declared that the City Council would have adopted the remainder of this article, notwithstanding the invalidity of any such section, clause, sentence or provisions.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2024.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2024.

ATTEST:

Mayor

City Clerk (or Deputy)