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**MIDDLETON CITY COUNCIL  
OCTOBER 20, 2021**

The Middleton City Council meeting on October 20, 2021 was called-to-order at 5:38 p.m. by Mayor Rule.

**Roll Call:** Mayor Rule, Council President Kiser, Council Members Huggins, O'Meara were all present and Garner. City Attorney Doug Waterman was also present.

Pledge of Allegiance, Invocation: Bishop Scott Gull

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by Council President Kiser to approve the Agenda as posted October 18, 2021 at 4:30 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

**Information Items:**

**Kasey Ketterling, P.E. T-O Engineering Exhibit A**

Council/Mayor Questions:

- Kiser: How does the re-use effort impact this and play into the future cost of this system? Answer: land application can help with the phosphorus levels in the discharge, but the city is still required to process the wastewater prior.
- Mayor: Explain how the Industrial Ordinances work. Answer: Industrial developers would purchase a portion of the use of the system. The timeline for doing upgrades to the system depend upon the city's needs—they may make immediate upgrades or place funds in an account to be prepared for future upgrades to maintain capacity. Typical timeline for a wastewater (sewer) project is 2 years to completion.
- Huggins: Do all three of the alternatives presented fit into the current footprint and on the property the city already owns? Answer: Yes, all three options fit on the city's current property—in the existing facilities. There is quite a bit of room for future growth on the city-owned property.
- Comment from City Engineer, Amy Woodruff—Civil Dynamics is working on the discharge and the re-use information. They like the activated sludge solutions for wastewater treatment.

**Action Items**

**1. Consent Agenda (items of routine administrative business) (Action Items)**

- a. Consider approving minutes for City Council October 6, 2021 regular meeting. Approve Special City Council Meeting minutes from October 13, 2021.
- b. Consider ratifying payroll for October 8, 2021 in the amount of \$85,987.82.
- c. Consider approving accounts payable thru October 15, 2021 in the amount of \$360,185.55.

Mayor Rule called the items. Council President Kiser stated he had gone through the accounts payable. There were no concerns. The large amount was due to planned expense for the Hartley sewer line and other pass through expenses.

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**Motion:** Motion by Council President Kiser to approve Consent Agenda Items 1 a-c. Motion seconded by Council Member Huggins and approved unanimously.

**2. Consider awarding contract for 30" Hartley Sewer Trunk Line project. (Action Item) Exhibit B**

Mayor Rule called the item. There were five bidders on this project and all came back qualified. The low bidder was LaRiveria at \$1,478,968.50. All of the bids came back higher than anticipated—the mayor and city staff researched the project and the current costs. Civil Dynamics reviewed the project and the bids—they found that the costs were typical for current trends in the current market. Mayor Rule and city staff contacted Mike Grainer from Lurre Construction to review the bids—the company does this type of work but did not bid this project. Mike went through the bids line by line and found that the bids were in line with the current market. Mayor contacted other agencies that have used the low bidder, LaRiveria, in the past and received positive responses to the work performed by the company as well as having a good reputation. Mayor also commented on the possibility of re-bidding the project at a later date—this may or may not be to the city's advantage the cost and delay to the project may not balance. City Administrator, Becky Crofts, noted that this project will require a budget amendment for completion.

**Motion:** Motion by Council President Kiser to award the contract for 30" Hartley Sewer Trunk Line project to LaRiveria Construction for the bid amount of \$1,478,968.50. Motion seconded by Council Member O'Meara and approved unanimously.

**3. Final reading and consider adopting AMENDED AND RESTATED ORDINANCE NO. 591 OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO RELATED TO MIDDLETON TRANSPORTATION IMPACT FEES; PROVIDING APPLICABLE IMPACT FEES BY USE CATEGORY; PROVIDING FOR THE IMPOSITION, COMPUTATION, AND PAYMENT OF SAID FEE; PROVIDING FOR THE ESTABLISHMENT OF AN IMPACT FEE FUND; PROVIDING FOR EXEMPTIONS, REFUNDS, CREDITS AND WAIVERS OF THE IMPACT FEES; ADOPTING GENERAL PROVISIONS; PROVIDING FOR APPEALS; AND PROVIDING AN EFFECTIVE DATE. THE CITY SHALL MAKE AVAILABLE TO THE PUBLIC, UPON REQUEST, THE FOLLOWING: PROPOSED LAND USE ASSUMPTIONS AND A COPY OF THE PROPOSED AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN AND CITY CODE. (Action Item) Exhibit C**

Mayor Rule called the item.



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**Motion:** Motion by Council President Kiser to read Ordinance No. 519 by title only. Motion seconded by Council Member O'Meara and approved unanimously.

**Motion:** Motion by Council President Kiser moved to approve Amended and Restated Ordinance No. 519 after the third reading by title only. Motion seconded by Council Member O'Meara and approved unanimously by roll call vote.

**4. Consider approving maintenance agreement proposal from RM Mechanical for Middleton City Hall roof repairs in an amount not to exceed \$10,473.00. (Action Item) Exhibit D**

Mayor Rule called the item. Becky explained that the proposal is to repair the trays that hold the city hall HVAC system on the roof. The project cost is high due to the need to use a crane to lift the system to install new trays for them to sit on. Then the roof will be sealed to ensure that it doesn't leak in the future.

**Motion:** Motion by Council President Kiser to approve maintenance agreement proposal from RM Mechanical for Middleton City Hall roof repairs in an amount not to exceed \$10,473.00. Motion seconded by Council Member O'Meara and approved unanimously.

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


*City Attorney, Doug Waterman*—commented that he is researching the history of the City of Middleton and whether it is a “dry city”. The state codified the laws regarding liquor laws in 1947. The ISP doesn't maintain a list of dry cities so Mr. Waterman will be going to the ABC to investigate the archives to determine if the city is a dry city. He will report back to the city administration on his findings.

*Council Member O'Meara*—Middleton Parks & Recreation has moved forward with the plans for Viper Park. They are going to have a contest to rename the park. Becky is working on getting the agreement recorded. Drawings of the plans will be ready soon.

*Mayor Rule*—Reported that Cemetery Road is almost opened. The “official” opening will be coming soon. Mayor also reported that the projections from Knife River will be beneficial for the city. The city has installed a camera to monitor the truck traffic at the site. City staff and the mayor will be touring the operation with Knife River this Friday.

**Adjourn:** Mayor Rule adjourned the city council meeting at 6:48 PM.

ATTEST:

  
Rhonda Carpenter, Deputy Clerk  
Minutes Approved: November 3, 2021



  
Steven J. Rule, Mayor

# **EXHIBIT “A”**

City of  
*Middleton*



**T-O ENGINEERS**

# City of Middleton Wastewater Treatment Plant:

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**COUNCIL MEETING**

OCTOBER 20<sup>TH</sup>, 2021

# Purpose

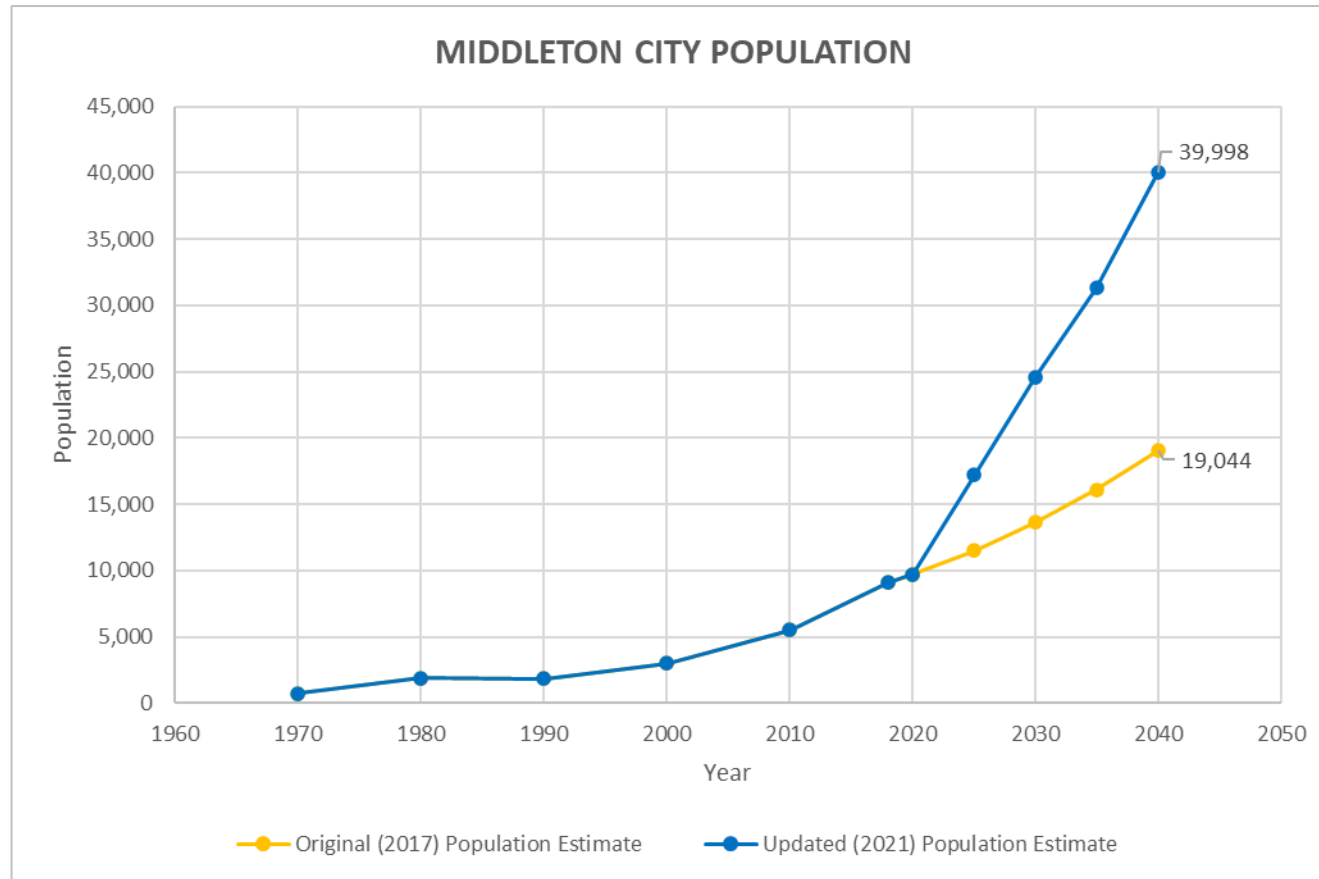
- Summarize key findings
- Define population growth impact to facility
- Outline existing facility conditions
- Propose three treatment alternatives
- Compare associated costs



Figure. 1 Middleton WWTP.



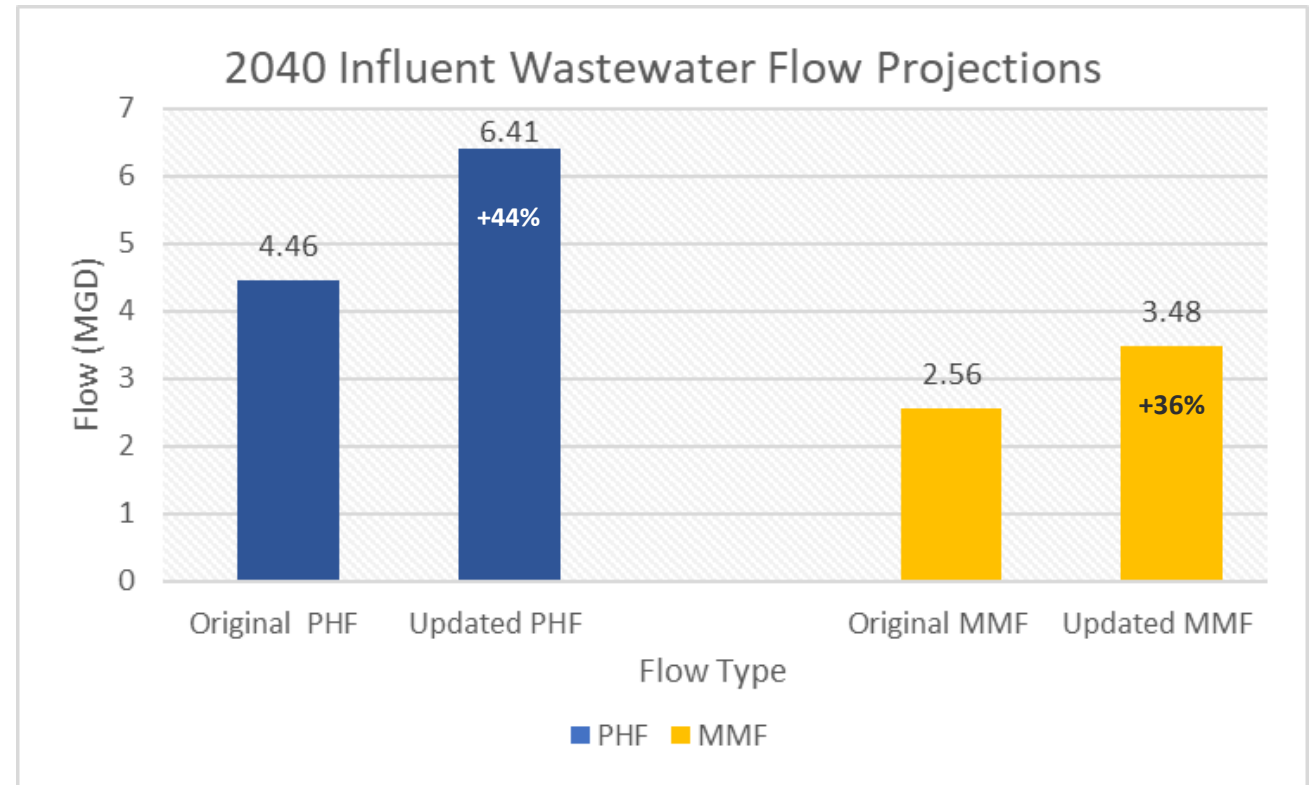
# Updated Population Projections



Year	Population	Average Annual Growth (%)
1970	739	--
1980	1,901	9.9%
1990	1,851	-0.3%
2000	2,978	4.9%
2010	5,524	6.4%
2018	9,100	6.4%
2019	9,683	6.4%
2020	9,732	6.9%
2021	11,461	6.9%
2022	12,946	13.0%
2023	14,431	11.5%
2024	15,916	10.3%
2025	17,190	8.0%
2026	18,565	8.0%
2027	20,050	8.0%
2028	21,654	8.0%
2029	23,386	8.0%
2030	24,555	5.0%
2031	25,783	5.0%
2032	27,072	5.0%
2033	28,426	5.0%
2034	29,847	5.0%
2035	31,340	5.0%
2036	32,907	5.0%
2037	34,552	5.0%
2038	36,280	5.0%
2039	38,094	5.0%
2040	39,998	5.0%

# 2040 Planning Criteria

- Influent Wastewater Flows include domestic and commercial projections.
- Wastewater flow types:
  - Maximum Monthly Flow (MMF)
  - Peak Hourly Flow (PHF)
- Higher overall hydraulic flow is used as planning criteria.



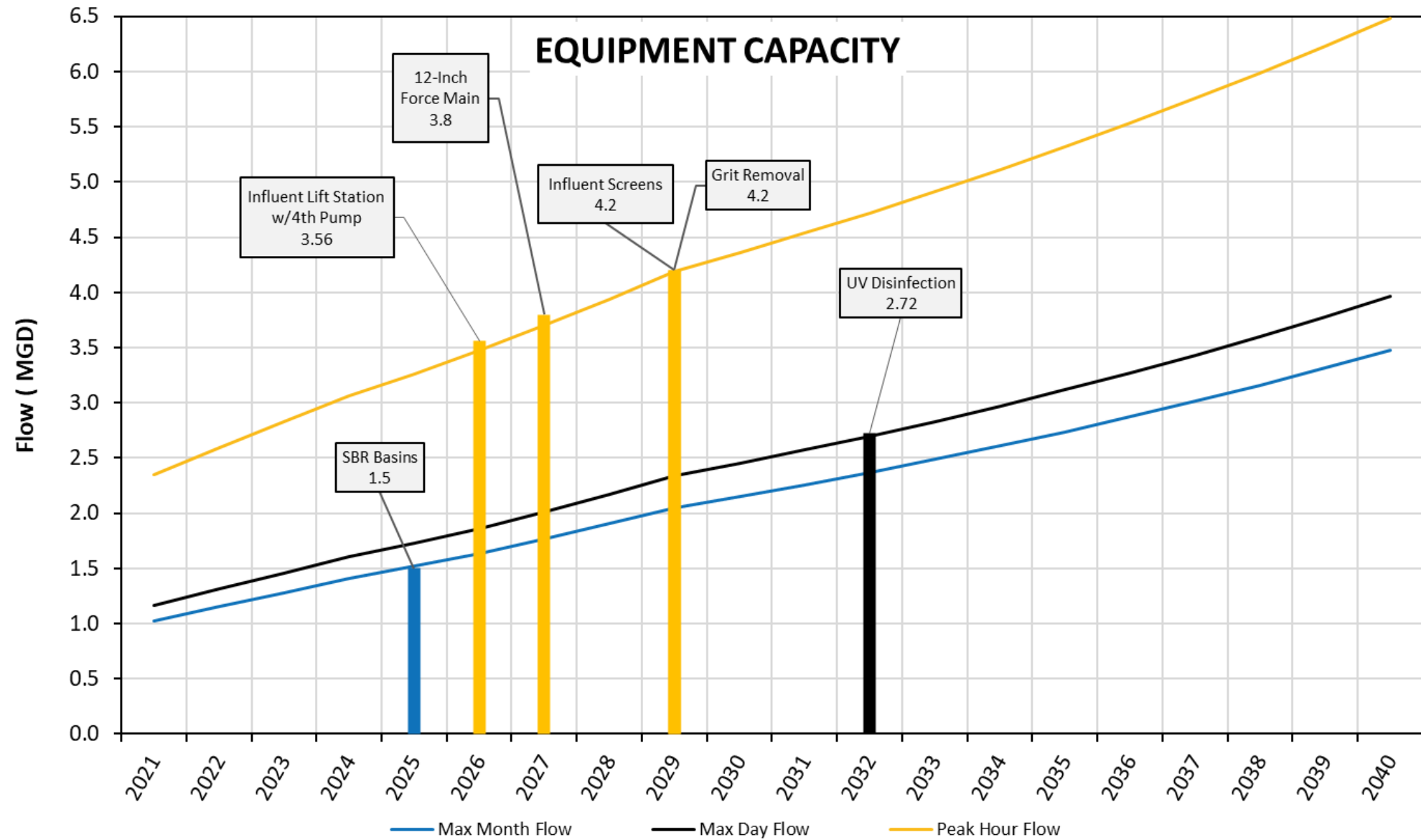


# Existing Equipment

- Major equipment requires capacity upgrade to meet 2040 population estimates

- 1) Screens
- 2) Influent Lift Station Pumps
- 3) Influent Force Main
- 4) Grit Removal
- 5) SBR (biological treatment system)
- 6) UV Disinfection





# Existing Facility Upgrade Plan

- Necessary in addition to proposed treatment alternatives
- 20-year planning term (year 2040)
- Equipment upgrade priorities
  1. Influent Lift Station Pumps
  2. SBR Basins
  3. 12" Force Main
  4. Grit Classifier
  5. Influent Screens
  6. UV Disinfection

# Treatment Objectives

## Current treatment system limitations:

- SBR basins lack capacity for long term growth
- Limited expansion ability
- Increasing costs for additional basin construction

## Alternative treatment criteria:

- Meet 2040 planning criteria
  - Accommodate influent wastewater flows with increasing local population
- Maintain NPDES permit compliance
- Repurpose existing facility components



# Treatment Alternatives

## Sequencing Batch Reactor (SBR)

### Characterization:

- Batch process

### Advantages:

- No clarifier req'd
- Self contained

### Disadvantages:

- Large footprint
- 2 additional basins req'd
- Lower relative capacity compared to all others

## Membrane Bioreactor (MBR)

### Characterization:

- Continuous flow process

### Advantages:

- Much smaller footprint
- Greater relative capacity
- Easily expandable

### Disadvantages:

- Capital Expenses
- Intensive operation
- Higher maintenance

## MLE Process

## (Activated Sludge)

### Characterization:

- Continuous flow process

### Advantages:

- Simple operation
- Low operational costs

### Disadvantages:

- Larger footprint vs MBR
- More difficult to expand

## 4-Stage Bardenpho (Activated Sludge)

### Characterization:

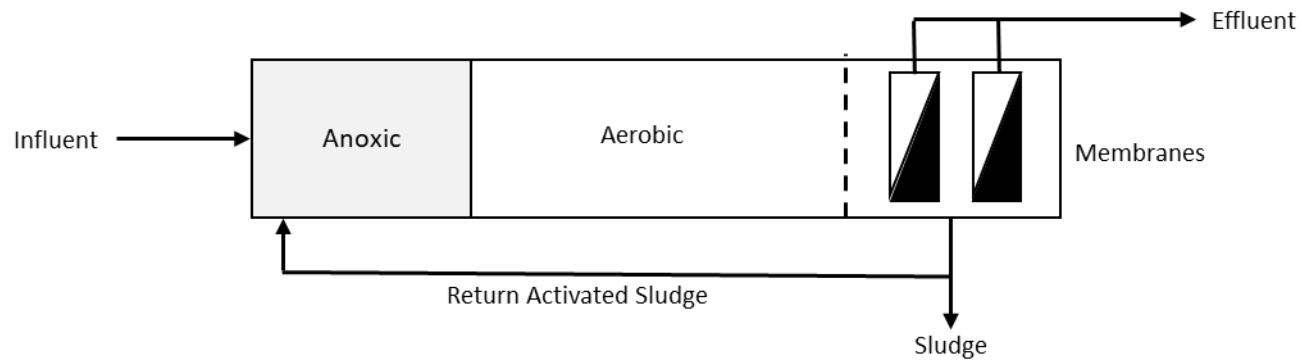
- Continuous flow process

### Advantages:

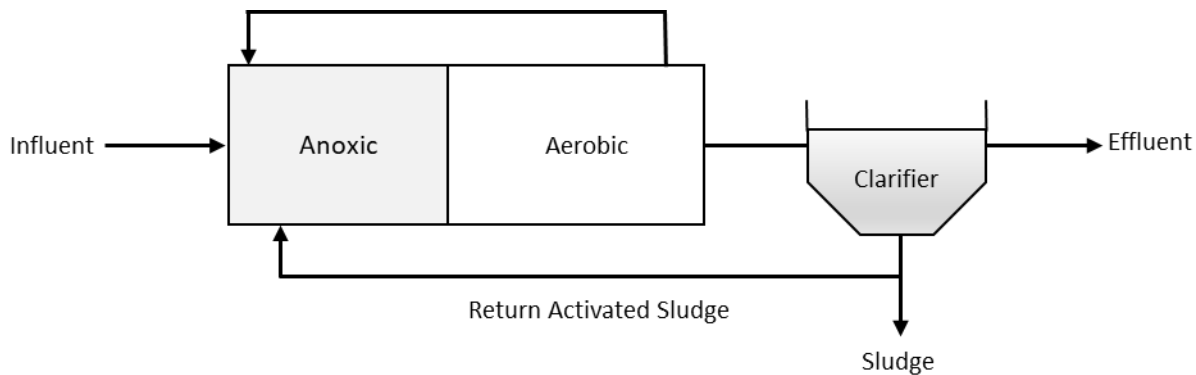
- Simple operation
- Low operational costs

### Disadvantages:

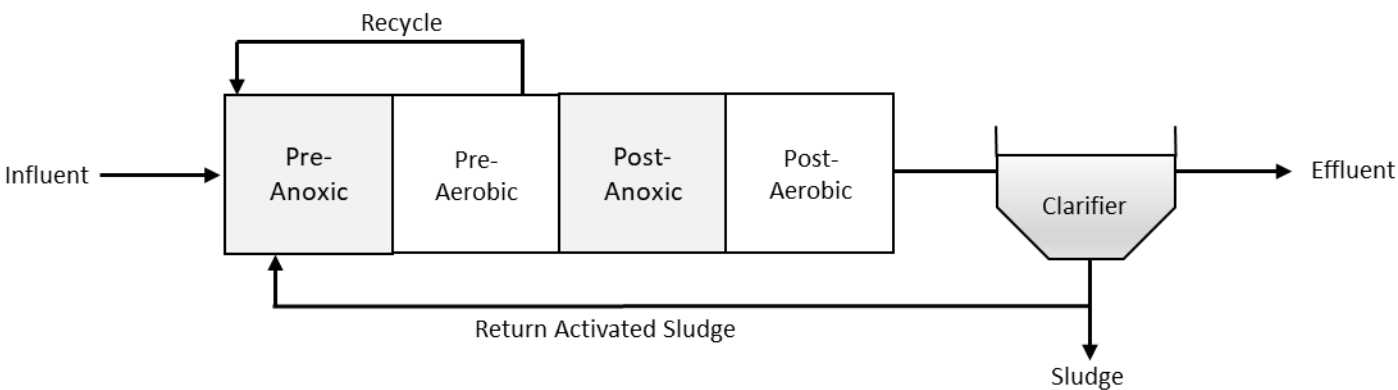
- Larger footprint vs MBR
- More difficult to expand



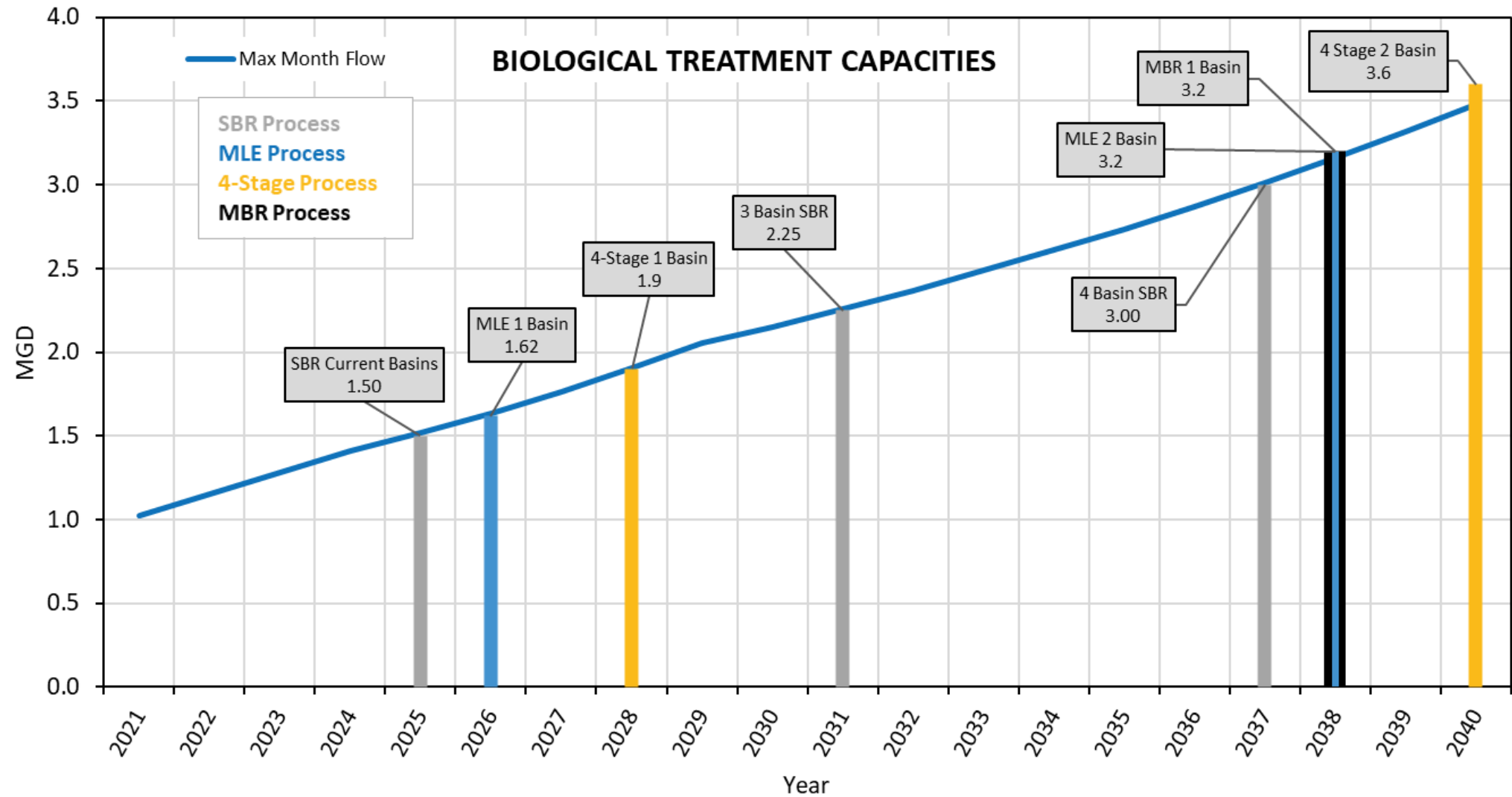
**MEMBRANE BIOREACTOR (MBR)**



**ACTIVATED SLUDGE (MLE)**



**ACTIVATED SLUDGE (4-STAGE BARDENPHO)**



# Alternative Upgrade Plan

- Existing SBR basins will be reused for all proposed alternatives

MBR Process	MLE Process	4- Stage Bardenpho
<b>Common Facility Components</b>		
<ul style="list-style-type: none"> <li>New basin walls and baffles</li> <li>Splitter box</li> <li>Recycle Pumps</li> </ul>	<ul style="list-style-type: none"> <li>New basin walls and baffles</li> <li>Splitter box</li> <li>Recycle Pumps</li> </ul>	<ul style="list-style-type: none"> <li>New basin walls and baffles</li> <li>Splitter box</li> <li>Recycle Pumps</li> </ul>
<b>Different Facility Components</b>		
<ul style="list-style-type: none"> <li>CIP system and chemical storage</li> <li>New Fine screens</li> <li>Permeate pumps</li> <li>Convert 2<sup>nd</sup> SBR basin to EQ tank</li> <li>No clarifier(s) req'd</li> </ul>	<ul style="list-style-type: none"> <li>(2) Secondary clarifiers</li> <li>New EQ tank</li> </ul>	<ul style="list-style-type: none"> <li>(2) Secondary clarifiers</li> <li>New EQ tank</li> </ul>



# Alternative Capital Costs

<b>MBR Alternative</b>	<b>Total Unit Cost</b>
MBR Process Equipment	\$6,448,000
SBR Basin retrofit to EQ Tank	\$502,000
Fine Screens	\$1,217,000
Contingency (30%)	\$2,451,000
Engineering Design (10%)	\$1,062,000
Construction Management (5%)	\$531,000
<b>Total</b>	<b>\$12,211,000</b>

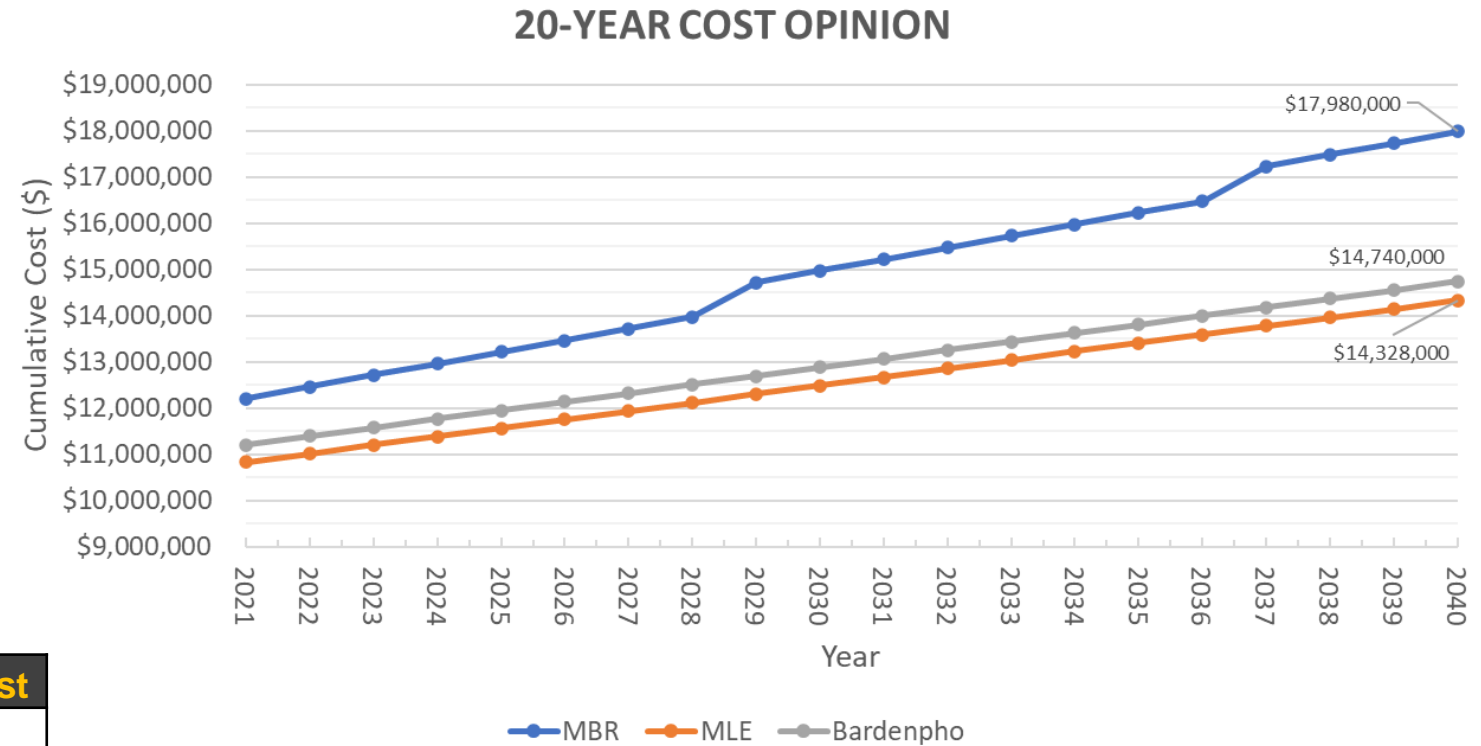
<b>MLE Alternative</b>	<b>Total Unit Cost</b>
MLE Process Equipment	\$2,820,000
New EQ Tank	\$1,795,000
Secondary Clarifiers	\$2,630,000
Contingency (30%)	\$2,174,000
Engineering Design (10%)	\$942,000
Construction Management (5%)	\$471,000
<b>Total</b>	<b>\$10,832,000</b>

<b>Bardenpho Alternative</b>	<b>Total Unit Cost</b>
Bardenpho Process	\$3,069,000
New EQ Tank	\$1,795,000
Secondary Clarifiers	\$2,630,000
Contingency (30%)	\$2,249,000
Engineering Design (10%)	\$975,000
Construction Management (5%)	\$488,000
<b>Total</b>	<b>\$11,206,000</b>

# 20-Year Cost Opinion

- O&M Includes:
  - Electricity usage
  - Chemical dosing
  - Equipment maintenance
  - Critical part replacement

Proposed Alternative	Annualized O&M Cost
Membrane Bioreactor	\$313,000
MLE Process	\$184,000
4 – Stage Bardenpho	\$186,000



# Construction Costs

- Includes:
  - Existing equipment upgrades
  - Existing treatment process renovations
  - New equipment purchases
- Costs to meet 2040 planning population
- Total project costs include:
  - Existing equipment upgrades
  - Alternative construction costs

Facility Process Eqt Upgrades	Construction Cost
<i>Process Upgrades</i>	
Influent Screens	\$1,286,000
Influent LS & Headworks Bldg	\$1,459,000
Grit Removal / Classifier	\$1,581,000
Sludge Storage Tank & Pump Station	\$804,000
Dewatering & Blower Building	\$3,044,000
UV System	\$1,553,000
WWTP Office Sewer Updates	\$112,000
Gravel Roadway	\$472,000
Sludge Removal from Pond	\$715,000
Tertiary Phosphorus Treatment*	\$4,948,000
<i>Construction Markups</i>	
Contingency (30%)	\$4,793,000
Engineering Design (10%)	\$2,077,000
Construction Management (5%)	\$1,039,000
<b>Total</b>	<b>\$23,883,000</b>

Alternative Upgrades	Construction Cost
Facility + MBR	<b>\$36,094,000</b>
Facility + MLE	<b>\$34,715,000</b>
Facility + 4 – Stage Bardenpho	<b>\$35,089,000</b>

# Additional Considerations

## 1. Phosphorus Treatment

- Phosphorus limits part of future discharge permit
- City currently engaged in pilot project
- Different treatment options available

## 2. Temperature Limit

- Effluent temperature limit likely part of future discharge permit
- Varying methods to achieve compliance

## 3. Industrial Users

- Update City ordinances
- Industrial users buy capacity from system



# Next Steps

1. Finalize Updated Master Plan
2. Select Biological Treatment Alternative
3. Discuss Funding Options
4. Begin Design

# **EXHIBIT “B”**

CITY OF MIDDLETON  
HARTLEY SEWER MAIN PROJECT  
OCTOBER 6, 2021

CONTRACTOR	ADDENDUM 1	ADDENDUM 2	PRICE
Knife River Corp.			1,814,491.00
Granite Excavation Inc.			1,568,902.00
LaRiviere Inc.			1,478,968.50
Cougar Excavation LLC			1,900,799.00
Blue Sky Construction LLC			2,336,458.00

# **EXHIBIT “C”**



**AMENDED AND RESTATED ORDINANCE NO. 591**

**AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1 OF THE MIDDLETON CITY CODE BY THE ADDITION OF A NEW CHAPTER, CHAPTER 20, SECTIONS 1-20-1 THROUGH 1-20-12, ADOPTING A TRANSPORTATION IMPACT FEE FOR THE CITY OF MIDDLETON; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALDWELL, COUNTY OF CANYON, STATE OF IDAHO:**

**Section 1.** That Middleton City Code, Title 1, is hereby amended by the addition of a new Chapter, Chapter 1, Sections 1-20-01 through 1-20-12, as follows:

**1-20-1: FINDINGS:**

The City Council of the City of Middleton, Idaho, finds that:

A. Based on the City of Middleton comprehensive plan adopted by the City pursuant to title 67, chapter 65, Idaho Code, including, but not limited to, the capital improvements element of the comprehensive plan, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the City, and its area of City impact, it is necessary that the City's public facilities for City transportation accommodate new growth and development within the City.

B. New residential, commercial, and industrial growth and development imposes and will impose increasing and excessive demands upon the transportation facilities.

C. The revenues generated from new residential, commercial, and industrial growth and development often do not generate sufficient funds to provide the necessary improvements to these transportation facilities to accommodate new growth and development.

D. New growth and development are expected to continue and will place ever increasing demands on the City to provide and expand the transportation facilities to serve new growth and development.

E. The City has planned for the improvement of the transportation facilities in the capital improvements plan, duly made part of the City of Middleton's Comprehensive Plan.

F. The creation of an equitable impact fee system for transportation impact fees would enable the City to impose a proportionate share of the costs of needed improvements to the public transportation facilities to accommodate new growth and development, and would assist the City in implementing the capital improvements element of the comprehensive plan.

G. In order to implement an equitable impact fee system for the public facilities, the City retained Kittelson & Associates, Inc. to prepare an impact fee study for these types of transportation facilities. The resulting document (the "impact fee study") is on file in the Office of the City Clerk of the City of Middleton.

H. The impact fee study is consistent with the City of Middleton comprehensive plan and the levels of service set forth in the impact fee study are hereby adopted.

I. The impact fee study sets forth reasonable methodologies and analyses for determining the impacts of new residential, commercial, and industrial growth and development on the public

transportation facilities and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such public facilities created by new growth and development.

J. The impact fee study uses a calculation methodology that is a net of credits for the present value of revenues that will be generated by new growth and development based on historical funding patterns and that are reasonably anticipated to be available to pay for system improvements including user fees, debt service payments, taxes, assessments, intergovernmental transfers, and all other available sources of funding such system, and included consideration of the following factors:

1. The cost of existing system improvements within the service area or areas;
2. The means by which existing system improvements have been financed;
3. The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;
4. The extent to which the new development is required to contribute to the cost of existing system improvements in the future;
5. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;
6. Extraordinary costs, if any, incurred in serving the new development;
7. The time and price differential inherent in a fair comparison of fees paid at different times; and
8. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation.

K. The impact fees are based on the impact fee study, and do not exceed the costs of system improvements for the public facilities to serve new development that will pay the impact fees.

L. The City transportation infrastructure included in the calculation of impact fees in the impact fee study will benefit all new growth and development throughout the City, and it is therefore appropriate to treat all areas of the City as a single service area for purposes of calculating, collecting and spending the impact fees collected.

M. There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this chapter and the impact fees that such development will be required to pay.

N. This chapter creates a system by which impact fees paid by new growth and development will be used to finance, defray or to provide capital improvements for the public facilities in ways that benefit the development for which impact fees were paid.

O. This chapter creates a system under which impact fees shall not be used to correct existing deficiencies in public facilities, or to replace or rehabilitate existing public facilities, or to pay for routine operation or maintenance of those public facilities.

P. This chapter creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code section 67-8204(19).

Q. This chapter is consistent with all applicable provisions of title 67, chapter 82, Idaho Code, concerning impact fee ordinances.

R. This chapter shall not be deemed invalid because payment of an impact fee may result in an incidental benefit to others within the service area other than the fee payer.

**1-20-2: AUTHORITY, APPLICABILITY, AND EFFECTIVE DATE:**

A. This chapter is enacted pursuant to the City's general police powers pursuant to the authority granted to the City by title 50, Idaho Code, and pursuant to the authority granted to the City by section 67-8201 et seq., Idaho Code.

B. The provisions of this chapter shall apply to all territory within the limits of the City.

**1-20-3: INTENT:**

A. The intent of this chapter is to promote the health, safety and general welfare of the residents of the City and its area of City impact.

B. The intent of this chapter is to be consistent with those principles for allocating a fair and proportionate share of the cost of capital improvements to public facilities to serve new development in compliance with the provisions set forth in section 67-8201 et seq., Idaho Code. The provisions of this chapter shall be interpreted, construed and enforced in accordance with the provisions set forth in section 67-8201 et seq., Idaho Code.

C. The intent of this chapter is that impact fees should be charged, collected, and expended for City transportation capital improvements to increase the service capacity of those public facilities, which capital improvements are included in approved capital improvements plans that list the capital improvements that may be funded with impact fees.

D. The intent of this chapter is to ensure that: public facilities are available to serve new development; new development bears a proportionate share of the cost of City transportation capital improvements to such public facilities; to ensure that such proportionate share does not exceed the cost of the capital improvements to such public facilities required to serve new development; and to ensure that the funds collected from new development are used for capital improvements for public facilities that benefit new development.

E. It is not the intent of this chapter to collect any monies from new development in excess of the actual amount necessary to offset new demands for capital improvements to public facilities created by such new development.

F. It is not the intent of this chapter that the impact fees be used to remedy any deficiency in existing City transportation facilities on the effective date hereof, or ever be used to replace, rehabilitate, maintain and/or operate any public facilities.

G. It is not the intent of this chapter that any monies collected from an impact fee deposited in an Impact Fee Fund ever be commingled with monies from a different fund, or ever be used for capital improvements that are different from those for which the impact fee was paid.

H. It is not the intent of this chapter that impact fees be used for:

1. Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan.

2. Repair, operation or maintenance of existing or new capital improvements.

3. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards.

4. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development to provide better service to existing development.

5. Administrative and operating costs of the City unless such costs are attributable to development of the capital improvements plan used to determine impact fees by a surcharge imposed by ordinance on the collection of an impact fee, which surcharge shall

not exceed a development's proportionate share of the cost of preparing the capital improvements plan.

6. Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the City to finance capital improvements identified in the capital improvements plan.

#### **1-20-4: IMPOSITION AND COMPUTATION OF IMPACT FEES:**

A. The development impact fee reflects the need for capital improvements to public transportation facilities created by new development. Any application for a building permit enabling the construction and, in the case of construction that does not require a building permit, any building that takes place on or after the effective date hereof shall be subject to the imposition of impact fees in the manner and amount set forth in this chapter. The methodology adopted for the purpose of determining City transportation impact fees shall be based upon the assumptions set forth in the impact fee study and pursuant to the following:

1. The development impact fee shall not exceed the proportionate share of the costs incurred or the costs that will be incurred by the City in the provision of system improvements to serve new development.
2. The proportionate share is the cost attributable to the new development after consideration by the City of the following factors:
  - a. Any appropriate credit, offset or contribution of money, dedication of land, or construction of system improvements;
  - b. Payments reasonably anticipated to be made by or as a result of a new development in the form of user fees and debt service payments;
  - c. That portion of general tax and other revenues allocated by the jurisdiction to system improvements; and
  - d. All other available sources of funding such system improvements.
3. In determining the proportionate share of the cost of system improvements to be paid by the developer, the following additional factors shall be considered:
  - a. The cost of existing system improvements within the service area or areas;
  - b. The means by which existing system improvements have been financed;
  - c. The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;
  - d. The extent to which the new development is required to contribute to the cost of existing system improvements in the future;
  - e. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;
  - f. Extraordinary costs, if any, incurred in serving the new development;
  - g. The time and price differential inherent in a fair comparison of fees paid at different times; and
  - h. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental

transfers, and special taxation. The governmental entity shall develop a plan for alternative sources of revenue.

4. The current transportation impact fees for the City of Middleton are set forth in Title 1, Chapter 20, Section 1-16-12, Middleton City Code.

B. Impact fees shall be required as a condition of approval of all residential, commercial, and industrial development in the service area for which a building permit is required and shall be payable prior to the issuance of any building permit (or installation permit in the case of a manufactured home) for a dwelling unit. Except as otherwise provided herein, after the effective date hereof, no building permit shall be issued until the impact fees described in this chapter have been paid, unless the development for which the permit is sought is exempted or approved credits are used to cover the impact fee. The City shall have the authority to withhold a building permit, stop construction, withhold utility services or impose liens as the case may be, until the appropriate impact fee has been collected.

C. After payment of the development impact fees or execution of an agreement for payment of development impact fees, additional development impact fees or increases in fees may not be assessed unless the number of service units increases or the scope or schedule of the development changes. In the event of an increase in the number of service units or schedule of the development changes, the additional development impact fees to be imposed are limited to the amount attributable to the additional service units or change in scope of the development.

D. A fee payer required to pay an impact fee may choose to have the amount of such impact fee determined pursuant to either the fee schedule (whereupon such payment shall be recognized as full and complete payment of the development's proportionate share of system improvement costs, except as provided in Idaho Code section 67-8214(3)) or subsections E through G of this section. If the fee payer chooses to have the amount of such impact fee determined pursuant to subsections E through G of this section, such impact fee shall be subject to the adjustment described in this section, if applicable. If the project is a mix of those uses listed on the fee schedule, then the impact fees shall be determined by adding up the impact fees that would be payable for each use as if it were a freestanding use pursuant to the fee schedule.

E. Individual assessment of impact fees is permitted in situations where the fee payer can demonstrate by clear and convincing evidence that the established impact fee is inappropriate for the project. Written application for individual assessment shall be made to the City at any time prior to receiving building permit(s). Late applications for individual assessment of impact fees may be considered for a period of sixty (60) days after the receipt of a building permit only if the fee payer makes a showing that the facts supporting such application were not known or discoverable prior to receipt of a building permit and that undue hardship would result if said application is not considered. Such independent impact fee calculation study for the fee payer's development shall be prepared at the fee payer's cost by a qualified professional and contain studies, data and other relevant information and be submitted to the City for review. Any such study shall be based on the same methodology and the same level of service standards, improvements and costs used in the impact fee study, and must document the methodologies and assumptions used. The City may hire a professional consultant to review any independent impact fee calculation study on behalf of the City, and may charge the reasonable costs of such review to the fee payer.

F. Any independent impact fee calculation study submitted by a fee payer may be accepted, rejected or accepted with modifications by the City as the basis for calculating impact fees. The City shall not be required to accept any study or documentation the City reasonably deems to be

inaccurate or unreliable, and shall have the authority to request that the fee payer submit additional or different documentation for consideration in connection with review of any independent impact fee calculation. If such additional or different documentation is accepted or accepted with modifications as a more accurate measure of the impact fees due in connection with fee payer's proposed development than the applicable impact fees set forth in the fee schedule, then the impact fee due under this chapter shall be calculated according to such documentation.

G. The City shall render a written decision establishing the impact fees in connection with the individual assessment within thirty (30) days of the date a complete application is submitted. The decision shall include an explanation of the calculation of the impact fees, shall specify the system improvement(s) for which the impact fees are intended to be used, and shall include an explanation of the factors considered pursuant to Idaho Code section 67-8207.

H. Certification of the impact fee for a project may be applied for in the following manner:

1. Written application may be made to the City not later than sixty (60) days after development approval by the City Council. Late applications for certification of the impact fee will not be considered unless the fee payer makes a showing that the facts supporting such application were not known or discoverable until after the time had run and that undue hardship would result if said application is not considered.

2. The City shall provide the fee payer with a written impact fee certification for the project within thirty (30) days of the date a complete application is submitted. The certification provided by the City shall establish the impact fee for the project in question so long as there is no material change to the project as identified in the certification application or the impact fee schedule. The certification shall include an explanation of the calculation of the impact fees, shall specify the system improvement(s) for which the impact fees are intended to be used, and shall include an explanation of the factors considered, which factors are identified in subsection G of this section.

I. Appeals of the City's determination of an individual assessment or certification shall be made to the City as provided further in this chapter.

J. There may be circumstances where the anticipated fiscal impacts of a proposed development are of such magnitude that the City may be unable to accommodate the development without excessive or unscheduled public expenditures that exceed the amount of the anticipated impact fees from such development. If the City determines that a proposed development would create such an extraordinary impact on the City's transportation infrastructure and facilities, the City may refuse to approve the proposed development and/or may recommend to the other affected government agencies that the project not be approved. In the alternative, the City may calculate a pro rata share per dwelling unit, or square feet of nonresidential buildings, of the extraordinary impact and charge a reasonable extraordinary impact fee that is greater than would ordinarily be charged pursuant to the fee schedule.

K. If the City discovers an error in its impact fee formula that results in assessment or payment of more than a proportionate share, City shall, at the time of assessment on a case by case basis, adjust the impact fee to collect no more than a proportionate share or discontinue the collection of any impact fees until the error is corrected by ordinance.

#### **1-20-5: PAYMENT OF IMPACT FEES:**

A. After the effective date hereof all fee payers shall pay the impact fees as provided by this chapter to the City following application for a building permit and prior to the issuance of any building permit for a dwelling unit.



B. All impact fees paid by a fee payer pursuant to this chapter shall be promptly deposited in the Impact Fee Fund.

**1-20-6: IMPACT FEE FUNDS; REFUNDS OF IMPACT FEES PAID:**

A. There is hereby established a City Transportation Impact Fee Fund into which shall be deposited all transportation impact fees for the purpose of ensuring City transportation impact fees collected pursuant hereto are designated for the accommodation of City transportation capital improvements reasonably necessary to serve new development that paid the impact fee.

B. Each fund shall be an interest bearing account which shall be accounted for separately from other impact fee funds and from other City funds. Any interest or other income earned on monies deposited in a fund shall be credited to such fund. Expenditures of impact fees shall be made only for the category of system improvements for which the impact fees were collected and as identified in the capital improvements plan.

C. Except as otherwise provided herein, monies from the fund, including any accrued interest, shall be limited to the financing of acquisition, expansion, and/or improvement of capital improvements, or for principal and interest payments on bonds or other borrowed revenues used to acquire, expand or improve such capital improvements, necessary to serve new development. Impact fees in each fund shall be spent within eight (8) years from the date such impact fees were collected on a first in/first out (FIFO) basis. The City may hold the impact fees longer than the prescribed time period if the City identifies, in writing: 1) a reasonable cause why the impact fees should be held longer; and 2) an anticipated date by which the impact fees will be expended but in no event longer than eleven (11) years from the date the impact fees were collected.

D. The City shall prepare annual reports to be provided to the Advisory Committee and the City Council, which reports shall: 1) describe the amount of all impact fees collected, appropriated or spent for system improvements during the preceding year, as applicable, by category of public facility and service area; and 2) describe the percentage of tax and revenues other than impact fees collected, appropriated or spent for system improvements during the preceding year, as applicable, by category of public facility and service area.

E. Funds shall be deemed expended when payment of such funds has been approved by the City. The fee payer or successor in interest shall be entitled to a refund of the impact fee if:

1. Service is available but never provided;
2. A building permit or permit for installation of a manufactured home is revoked or abandoned;
3. The City, after collecting the impact fee when service is not available, has failed to appropriate and expend the collected impact fees; or
4. The fee payer pays an impact fee under protest and a subsequent review of the impact fee paid or the completion of an individual assessment determines that the impact fee paid exceeded the proportionate share to which the City was entitled to receive.

F. When the right to a refund exists, within ninety (90) days after the City determines that a refund is due, the City shall provide written notice of entitlement to a refund, to the owner of record and the fee payer who paid the impact fees at the address shown on the application for development approval, or to a successor in interest who has notified the City of a transfer of the right or entitlement to a refund and who has provided to the City a mailing address. When the right to a refund exists, the City shall also publish the notice of entitlement to a refund within thirty (30) days after the expiration of the eight (8) year period after the date that the impact fees were collected. Such published notice shall contain the heading "Notice Of Entitlement To Impact Fee Refund".

G. A refund shall include interest at one-half (1/2) the legal rate provided for in section 28-22-104, Idaho Code, from the date on which the impact fee was originally paid.

H. In order to be eligible for a refund, a fee payer, successor in interest or owner of record shall file a written application for a refund with the City within six (6) months of the time such refund becomes payable under subsection C of this section, or within six (6) months of publication of the notice of entitlement to a refund, whichever is later. If a successor in interest claims a refund of impact fees, the City may require written documentation that such rights have been transferred to the claimant prior to issuing the requested refund. Refunds shall be paid within sixty (60) days after the date on which the City determines that a sufficient proof of claim for a refund has been made.

I. Any person entitled to a refund shall have standing to sue for a refund under the provisions of this chapter if there has not been a timely payment of a refund as provided herein.

#### **1-20-7: EXEMPTIONS FROM IMPACT FEES:**

A. The following types of land development shall be exempted from payment of the impact fees imposed by this chapter:

1. Rebuilding the same amount of square feet of a dwelling unit or nonresidential structure that was destroyed by fire or other catastrophe, provided that the structure is rebuilt and ready for occupancy within two (2) years of its destruction.

2. Construction of an unoccupied, detached accessory structure, or addition of uses related to a dwelling unit unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

3. Remodeling or repairing a dwelling unit or a nonresidential structure in a manner that does not increase the number of service units.

4. Replacing a dwelling unit with another dwelling unit on the same lot, provided that the number of service units does not increase.

5. Placing a temporary construction trailer or office on a lot.

6. Constructing an addition on a residential structure which does not increase the number of service units.

7. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

B. An impact fee will be assessed for installation of a modular building, manufactured home or recreational vehicle unless the fee payer can demonstrate by documentation such as utility bills and tax records, either: 1) that a modular building, manufactured home or recreational vehicle was legally in place on the lot or space prior to the effective date hereof; or 2) that an impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space. Lawful storage of a recreational vehicle shall not be deemed installation for purposes of this chapter. (Ord. 541, 8-6-2014; amd. Ord. 609, 7-3-2018)

#### **1-20-8: CREDITS; REIMBURSEMENTS:**

A. No fee payer shall be required to construct, fund or contribute any capital improvement to meet the same need for City transportation for which an impact fee is imposed. All system improvements constructed, funded or contributed over and above the proportionate share of system improvement costs, including such system improvements paid for pursuant to a local improvement district, shall result in either a credit on future impact fees or reimbursement (at the fee payer's

option) for such excess construction, funding or contribution to be paid from impact fees paid by future development that benefits from such system improvements constructed, funded or contributed by the fee payer. However, no credit or reimbursement shall be provided for: 1) project improvements; 2) any construction, funding or contribution not agreed to in writing by the City prior to commencement of such construction, funding or contribution; 3) any construction, funding or contribution of a type of capital improvements not included in the calculation of the applicable impact fee; and 4) any improvement required by an agency other than the City for that agency's development approval.

B. In the calculation of an individual assessment of impact fees for a project, credit shall be given for the present value of all tax and user fee revenue generated by the fee payer within the service area and used by the City for system improvements of the category for which the impact fee is being collected. If the amount of such credit exceeds the impact fee for a project, the fee payer shall receive a credit on future impact fees. The credit may be applied by the fee payer as an offset against future impact fees only in the service area where the credit was generated.

C. In the calculation of impact fees for a project, credit or reimbursement (at the fee payer's option) shall be given for the present value of any construction of system improvements or contribution of land or money required by the City from the developer for system improvements of the category for which the impact fee is being collected, including system improvements paid for through local improvement district assessments. Credit or reimbursement shall not be given for project improvement.

D. If credit or reimbursement is due to the fee payer, the City and fee payer shall enter into a written agreement, negotiated in good faith, prior to the construction, funding or contribution. The written agreement shall include, without limitation: a description of the construction, funding or contribution of system improvements including, in the case of real property, a legal description of the real property; description as to how the system improvements are to be valued; the amount of the credit or the amount, time and form of reimbursement; instructions as to how the capital improvements should be provided to the City to ensure full transfer of ownership; and the circumstances under which the credit or reimbursement is deemed effective. To assist in such reimbursement, the City shall continue to collect impact fees from other developers whose proposed developments will benefit from such construction, funding or contribution, and will promptly transfer such funds to the fee payer. If a successor in interest claims a reimbursement or credit, the City may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested reimbursement or credit.

E. Approved credits may be used to reduce the amount of impact fees in connection with any new development until the amount of the credit is exhausted. Each time a request to use approved credits is presented to the City, the City shall reduce the amount of the applicable impact fee otherwise due from the fee payer and shall note in the City records the amount of credit remaining, if any. Upon request of the fee payer, the City shall issue a letter stating the amount of credit available. If the credit has not been exhausted within eight (8) years of the date of issuance of the first building permit for which an impact fee was due and payable, or within such other time period as may be designated in writing by the City, such credit shall lapse, unless a refund of the remaining credit is applied for.

F. Approved credits or reimbursement shall only be used to reduce the amount of the impact fee of the category for which the impact fee is otherwise due, and shall not be paid to the fee payer in cash or in credits against any other monies due from the fee payer to the City.

G. Credit for land dedications shall, at the fee payer's option, be valued at: 1) one hundred percent (100%) of the most recent assessed value for such land as shown in the records of the Canyon County Assessor; or 2) that fair market value established by a private appraiser reasonably acceptable to the City in an appraisal paid for by the fee payer. Credit for contribution or construction of system improvements shall be valued by the City based on complete engineering drawings, specifications, and construction cost estimates submitted by the fee payer to the City, which estimates shall be revised as actual costs become available. The City shall determine the amount of credit due based on the information submitted, or, if the City determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs reasonably acceptable to the City as a more accurate measure of the value of the offered system improvements to the City.

H. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form reasonably acceptable to the City at no cost to the City, and has been accepted by the City. Approved credits for contribution or construction of system improvements shall generally become effective when: 1) all required construction has been completed and has been accepted by the City; and 2) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the City. Approved credits for the construction of system improvements may become effective at an earlier date if the fee payer posts security in the form of a performance bond, irrevocable letter of credit or escrow agreement in the amount and under terms reasonably acceptable to the City.

I. Credit may only be transferred by a fee payer that has received credit to such fee payer's successor in interest. The credit may be used only to offset impact fees for the same category for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits are being transferred, the dollar amount of the credit being transferred, and the system improvements for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a copy of the document shall be delivered to the City for documentation of the transfer before the transfer shall be deemed effective.

J. In the event that a developer intends to contribute or dedicate an interest in land in lieu of paying impact fees or a portion thereof, the following procedures and criteria shall be applied:

1. The City with the advice of the appropriate department head and the City Attorney will determine whether the land proposed for dedication is acceptable based upon the following considerations:

a. Size: The size of the parcel is expressed as a net amount and is exclusive of road right-of-way, existing and proposed easements, borrow pits, lakes, and other manmade or natural conditions which restrict or impede the intended use of such areas.

b. Unity: The land to be dedicated shall form a single parcel of land except where aforesaid review determines that two (2) or more parcels would be in the best public interest.

c. Shape: The configuration of the parcel of land is such as to be usable for public facilities purposes as determined by the City.

d. Location: The land to be dedicated is so located as to serve the needs of the development, by being within the service area public facilities.

e. Access: Appropriate access to the land to be dedicated is provided by improved public road frontage.

f. Utility: Dedicated land should be usable for public facilities purposes and meet the following criteria prior to its final acceptance by the City:

- 1) The property is platted and ready to be developed.
- 2) All utilities are in place and are at the perimeter of the site and include roads, walks, curbs, water lines, sewer lines, electric service lines, and telephone service lines.
- 3) All utilities are of sufficient quality and quantity to adequately service the site.
- 4) The property is filled and compacted to comply with all appropriate Subdivision Codes, Building and Zoning Codes, and flood insurance laws and regulations. The fill and compaction are of sufficient quality to accept the contemplated improvements.

g. Plans: City, regional, and State plans shall be taken into consideration when evaluating land proposals for dedication.

2. Appeals of the City's determination of land suitability shall be made to the City Council by the filing of an appeal with the City Clerk no later than ten (10) days following the date of the decision of the City.

#### **1-20-9: APPEALS:**

The decisions of the City may be appealed as provided below:

A. Any fee payer who is or may be obligated to pay an impact fee may appeal a decision made by the City in applying this chapter to the City Council's designee. Such decisions that may be appealed include:

1. The applicability of an impact fee to the development.
2. The amount of an impact fee to be paid for the development.
3. The availability, amount or application of any credit.
4. The amount of any refund, reimbursement or credit.
5. Any discretionary action or inaction by or on behalf of the City.

A fee payer may pay an impact fee under protest in order to obtain a development approval or building permit(s) and, by paying such impact fee, shall not be estopped from exercising the right of appeal provided herein, nor shall the fee payer be estopped from receiving a refund of any amount deemed to have been illegally collected. Upon final disposition of an appeal, the impact fee shall be adjusted in accordance with the decision rendered and, if necessary, a refund paid.

B. In order to pursue an appeal, the fee payer shall file a written notice of appeal with the City Council's designee within fifteen (15) days after the date of the decision being appealed, or the date on which the fee payer submitted a payment of impact fees under protest, whichever is later. Such written application shall include a statement describing why the appellant believes that the decision was in error; together with copies of any documents that the appellant believes supports the claim.

C. The City Council's designee shall notify the fee payer of the hearing date on the appeal, which notice shall be given no less than fifteen (15) days prior to the date of the hearing, and shall hear the appeal within thirty (30) days after receipt of a written notice of appeal. The appellant shall have a right to be present and to present evidence in support of the appeal. The City who made the decision under appeal shall likewise have the right to be present and to present evidence in support of the decision. The burden of proof in any such hearing shall be on the fee payer to

demonstrate that the amount of the impact fee, credit, reimbursement or refund was not properly calculated by the City.

D. The criteria to be used by the City Council's designee shall be whether: 1) the decision or interpretation made by the City; or 2) the alternative decision or interpretation offered by the appellant, more accurately reflects the intent of this chapter that new development in the City pay its proportionate share of the costs of system improvements for public facilities necessary to serve new growth and development. The City Council's designee may affirm, reject or revise the decision of the City, providing written findings of fact and conclusions, within fifteen (15) days after hearing the appeal. The City Council's designee shall modify the amount of the impact fee, credit, refund or reimbursement only if there is substantial evidence in the record that the City erred, based upon the methodologies contained in the impact fee study, this chapter and/or the capital improvements plan. The decision of the City Council's designee shall be final.

E. Upon voluntary agreement by the fee payer and the City, the fee payer and the City may enter into mediation with a qualified independent party to address a disagreement related to the impact fee for proposed development. Costs for the independent mediation service shall be shared equally by the fee payer and the City. Mediation may take place at any time during an appeals process and participation in mediation does not preclude the fee payer from pursuing other remedies.

#### **1-20-10: IMPACT FEE ADVISORY COMMITTEE:**

A. The City has established an Advisory Committee. The Advisory Committee shall continue to be composed of not fewer than five (5) members appointed by the City Council. Two (2) or more members of the Advisory Committee shall be active in the business of development, building or real estate. The Advisory Committee shall serve in an advisory capacity to the City Council and is established to:

1. Assist the City in adopting land use assumptions;
2. Review the capital improvements plan, and proposed amendments, and file written comments;
3. Monitor and evaluate implementation of the capital improvements plan;
4. File periodic reports, at least annually, with respect to the capital improvements plan and report to the City any perceived inequities in implementing the capital improvements plan or imposing the impact fees; and
5. Advise the City of the need to update or revise land use assumptions, the capital improvements plan, and impact fees.

B. The City shall make available to the Advisory Committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the capital improvements plan and periodic updates of the capital improvements plan.

#### **1-20-11: MISCELLANEOUS PROVISIONS:**

A. As used in this chapter, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates; the word shall, will or must is always mandatory; the word may is permissive; and the word should indicates that which is recommended, but not required.

B. Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the power of the City in regulating the orderly development of real property.



C. Nothing in this chapter shall limit or modify the rights of any person to complete any development for which a lawful building permit was issued prior to the effective date hereof.

D. Nothing in this chapter shall prevent the City from requiring a developer to construct reasonable project improvements in conjunction with a project.

E. Nothing in this chapter shall limit the ability of the City to enter into intergovernmental agreements as provided in section 67-8204A, Idaho Code.

F. Nothing in this chapter shall obligate the City to approve any development request that may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee study.

G. Nothing in this chapter shall obligate the City to approve development which results in extraordinary impact.

H. Notwithstanding any agreement by the fee payer to pay the proportionate share of system improvement costs documented by the supplemental study, nothing in this chapter shall obligate the City to approve development that results in an extraordinary impact.

I. Nothing in this chapter shall work to limit the use by the City of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.

J. A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.

K. Nothing in this chapter shall be construed to prevent or prohibit private agreements between developers, the City, the Idaho Transportation Department, and/or other governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer or fee payer, including interproject transfers of credits, or providing for reimbursement for project improvements that are used or shared by more than one development project. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of development impact fees collected from the developer or fee payer for the improvement of the public facility by the Idaho Transportation Department.

L. Nothing in this chapter shall restrict or diminish the power of the City: 1) to impose reasonable conditions on the annexation of any property to the City in accordance with Idaho Code, including conditions for recovery of project or system improvement costs required as a result of such voluntary annexation, or 2) to negotiate and execute development agreements that may impose additional conditions on development, including the recovery of project or system improvement costs, either in connection with a proposed annexation or in connection with any other development within the City.

M. The impact fees described in this chapter, and the administrative procedures of this chapter shall be reviewed at least once every five (5) years to ensure that: 1) the demand and cost assumptions and other assumptions underlying such impact fees are still valid; 2) the resulting impact fees do not exceed the actual costs of providing City transportation infrastructure required to serve new development; 3) the monies collected in any Impact Fee Fund have been and are expected to be spent for system improvements of the type for which such impact fees were paid; and 4) such system improvements will benefit those developments for which the impact fees were paid.

N. Violation of this chapter shall be subject to those remedies provided in this Code. Knowingly furnishing false information to any official of the City charged with the administration of this chapter on any matter relating to the administration of this chapter including, without limitation, the furnishing of false information regarding the expected size or use of a proposed development, shall be a violation of this chapter.

O. The captions used in this chapter are for convenience only and shall not affect the interpretation of any portion of the text of this chapter.

#### 1-20-12: IMPACT FEE SCHEDULE:

Land Use Type	ITE Land Use Code	Peak Hour Trip Gen Rate	Trip Gen Unit-Type	Network Adjustment Factor	New Trip Factor (Pass-By)	Average Trip Length (miles) (See Note 2)	VMT Cost (per mile)	Traffic Impact Fee per Unit
Single Family Housing	210	0.495	Per dwelling unit (PDU)	0.317	1.00	11.2	\$2,883	\$5050
Multifamily Housing, Low-Rise	220	0.28	PDU	0.317	1.00	11.2	\$2,883	\$2857
Multifamily Housing, Mid-Rise	221	0.22	PDU	0.317	1.00	11.2	\$2,883	\$2245
Mobile Home	240	0.23	PDU	0.317	1.00	11.2	\$2,883	\$2347
Accessory Dwelling Unit	See Note 1	0.155	PDU	0.317	1.00	11.2	\$2,883	\$1581
Senior Adult Housing-Attached	252	0.13	PDU	0.317	1.00	11.2	\$2,883	\$1326
Senior Adult Housing-Detached	251	0.15	PDU	0.317	1.00	11.2	\$2,883	\$1530
Assisted Living	254	0.13	Per bed	0.317	1.00	11.2	\$2,883	\$1326
Hotel	310	0.3	Per room	0.317	1.00	11.2	\$2,883	\$3061
Motel	320	0.19	Per room	0.317	1.00	11.2	\$2,883	\$1939
Automobile Car Center/Repair	942	1.555	Per 1000 SF	0.317	0.72	2.8	\$2,883	\$2856
Automobile Parts Sales	843	2.455	Per 1000 SF	0.317	0.57	2.8	\$2,883	\$3569
Bank (No Drive-Thru)	911	6.065	Per 1000 SF	0.317	0.65	2.8	\$2,883	\$10056
Bank (With Drive-Thru)	912	10.225	Per 1000 SF	0.317	0.65	2.8	\$2,883	\$16953
Building Materials and Lumber	812	1.03	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$10509
Church	560	0.245	Per 1000 SF	0.317	1.00	5.6	\$2,883	\$1250
Coffee/Donut Shop No Drive-Thru	936	18.155	Per 1000 SF	0.317	0.50	2.8	\$2,883	\$23154
Coffee/Donut Shop with Drive-Thru	937	21.69	Per 1000 SF	0.317	0.50	2.8	\$2,883	\$27663
Coffee shop with Drive-Thru No Indoor Seats	938	41.665	Per 1000 SF	0.317	0.11	2.8	\$2,883	\$11690
Convenience Market (24hrs, No Gas)	851	24.555	Per 1000 SF	0.317	0.49	2.8	\$2,883	\$30690
Day Care	565	5.56	Per 1000 SF	0.317	1.00	2.8	\$2,883	\$14182
Discount Club	857	2.09	Per 1000 SF	0.317	0.63	8.4	\$2,883	\$10076
High-Cube Transload and Short-Term Storage Warehouse	154	0.05	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$510
Drinking Place/Bar	925	5.68	Per 1000 SF	0.317	0.57	2.8	\$2,883	\$8258
Free-standing Discount Store	815	2.415	Per 1000 SF	0.317	0.83	8.4	\$2,883	\$15339
Free Standing Discount Superstore	813	2.165	Per 1000 SF	0.317	0.83	8.4	\$2,883	\$13751
Furniture Store	890	0.26	Per 1000 SF	0.317	0.47	8.4	\$2,883	\$935
Hardware/Paint Store	816	1.34	Per 1000 SF	0.317	0.74	8.4	\$2,883	\$7588
Home Improvement Superstore	862	1.165	Per 1000 SF	0.317	0.58	8.4	\$2,883	\$5171
Hospital	610	0.485	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$3711
Light Industrial	110	0.315	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$3214
Manufacturing	140	0.335	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$3418

Mini-Warehouse (Self Storage)	See Note 1	0.052	Per 1000 SF	0.317	1.00	5.6	\$2,883	\$265
Automobile Sales, New	840	1.215	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$9297
Automobile Sales, Used	841	1.875	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$14348
Pharmacy/Drug Store (No Drive-Thru)	880	4.255	Per 1000 SF	0.317	0.47	2.8	\$2,883	\$5101
Pharmacy/Drug Store (With Drive-Thru)	881	5.145	Per 1000 SF	0.317	0.51	2.8	\$2,883	\$6693
Restaurant-Fast Food (No Drive-Thru)	933	14.17	Per 1000 SF	0.317	0.57	2.8	\$2,883	\$20602
Restaurant - Fast Food (With Drive-Thru)	934	16.335	Per 1000 SF	0.317	0.50	2.8	\$2,883	\$20883
Restaurant- High Turnover	932	4.885	Per 1000 SF	0.317	0.57	2.8	\$2,883	\$7102
Shopping Center	820	1.905	Per 1000 SF	0.317	0.66	5.6	\$2,883	\$6414
Supermarket (Free Standing)	850	4.62	Per 1000 SF	0.317	0.64	2.8	\$2,883	\$7542
Tire Store	848	1.99	Per 1000 SF	0.317	0.72	8.4	\$2,883	\$10964
Variety Store (Dollars Store)	814	3.42	Per 1000 SF	0.317	0.66	8.4	\$2,883	\$17273
Warehousing	150	0.095	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$969
Gas Station with Conv Mkt (Fueling position)	945	6.995	Per fueling position	0.317	0.44	2.8	\$2,883	\$7851
Gas station (fueling Position)	944	7.015	Per fueling position	0.317	0.58	2.8	\$2,883	\$10378
Golf Course (Hole)	430	1.455	Per hole	0.317	1.00	11.2	\$2,883	\$14845
Movie Theater	444	0.045	Per seat	0.317	1.00	8.4	\$2,883	\$344
Public Park	411	0.055	Per acre	0.317	1.00	5.6	\$2,883	\$281
Quick Lubrication	941	2.425	Per servicing positions	0.317	0.58	2.8	\$2,883	\$3588
Self-Service Car Wash	947	2.77	Per stall	0.317	0.58	2.8	\$2,883	\$6098
Sup Conv Mkt/Gas Station >3000 sf and >10 FP	960	11.48	Per fueling position	0.317	0.44	2.8	\$2,883	\$12884
Dental/Vision	See Note 1	1.315	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$10063
General Office	710	0.575	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$4400
Medical	720	1.73	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$13238

\*Trip generation data based on local data. Collected by Ada County Highway District (ACHD) through individual assessment process. 2 Vehicle trips generated by commercial land uses typically have lower lengths than trips generated by residential or office land-uses. The U.S. Department of Transportation's Summary of Travel Trends: 2017 National Household Travel Survey states that the average trip length of shopping trips and other family/personal errands are approximately 32% shorter than the average trip lengths for all trips. The COMPASS 2012 Regional Household Travel Survey states that Home-Based-Shop trips are approximately 59% shorter than Home-Based-Work trips. Trip reduction factors of 75% (correlates with 25% decrease), 50%, and 25% were applied to land uses that are expected to have average trip lengths lower than 11.2 miles. These reduction factors were applied based on the guidance in the travel surveys and expected development patterns in the Mid-Star service area. Commercial and office-related development is expected to be centered on the SH 44 corridor and will result in trip lengths significantly shorter than trips that require travel external to the Mid-Star service area.

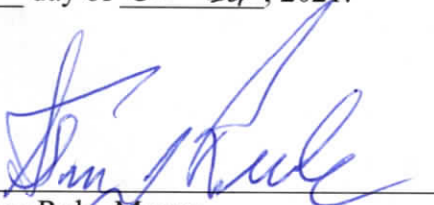
**Section 2.** This ordinance shall be in full force and effect after its passage, approval, and publication, according to applicable law.

**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.

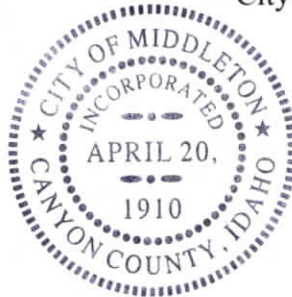
**PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO**, this 20<sup>th</sup>  
day of October, 2021.

**APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO**, this  
20<sup>th</sup> day of October, 2021.

  
\_\_\_\_\_  
Steve Rule, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk (or Deputy)



# **EXHIBIT “D”**

RM Mechanical, INC  
5998 West Gowen Road  
Boise, ID 83709  
(208) 362-0131 - Main Office  
(208) 362-9790 - Main Fax

## PROPOSAL



Date: 10/15/2021  
To: City of Middleton

Attn: Becky Crofts  
Quote # SB313-2021a

Job Name: Middleton City Hall RTU Lift

Addenda Noted: N/A

### Description Of Work:

Provide all labor, equipment, supervision, support systems, delivery and lifts necessary to access work and material to **disconnect the electrical, controls, and gas to the two roof top units on the South side of the building. Connect the units to a crane and lift off the roof. Install a new color matched cap and unit curb to cover both curbs. Then the units will be reset and connections made. Roofing contractor to make corrections to the roof to prevent possible water infiltration and correct existing issues. Test operations.** Work to be done during normal business hours. Quote valid for 30 days.

Proposed Amount

☒ BASE BID

☐ T&M

☐ NTE

**\$10,473**

### Inclusions:

TEST OPERATIONS, 90 DAY WORKMANSHIP WARRANTY, 1 YEAR PARTS WARRANTY,

### Exclusions:

PERMIT, OVERTIME, HOLIDAY OR PREMIUM TIME, ROOFING, ALL CUTTING, PATCHING, & FINISHING OF FLOORS, CEILINGS & WALLS., ANYTHING NOT SPECIFICALLY STATED IN DESCRIPTION OF WORK OR INCLUSIONS,

### AVAILABILITY AND PRICE POLICY

Submitted By: Carl Lohrengel  
Title: ESTIMATOR  
Direct Line: 208.871.1466  
Cell Phone: 208.871.1466  
Email: carl@rmmechanical.net

Accepted By: \_\_\_\_\_

Signature: \_\_\_\_\_