



AMENDED AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday, June 5, 2019
Location: 6 N. Dewey Ave., Middleton, Idaho

Time: 6:30 p.m.

Call-to-order, roll call, Pledge of Allegiance, Invocation

Action Items

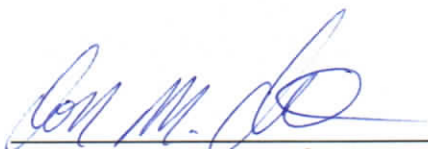
1. Consent Agenda (items of routine administrative business)
 - a) Consider approving minutes for Council's May 15 and 23, 2019 meetings.
 - b) Consider ratifying May 24, 2019 payroll amount of \$95,903.54 and ratify accounts payable thru June 4, 2019 in the amount of \$384,763.21.
 - c) Consider ratifying the annual beer and wine license for Ridley's Family Market.
 - d) Consider approving an application by Middleton Chamber of Commerce for a Special Events permit for: 4th of July a parade, public-road closures, carnival at Foote Park; car show, activities, beer garden at Middleton Place Park; and a request to waive the \$160.00 Special Events Permit fee.
2. Consider accepting quotes and hiring AA Sealcoat Inc. to sealcoat pathways in town, and sealcoat and stripe the parking lot and basketball courts in Middleton Place Park in an amount not to exceed \$17,258
3. Consider accepting the lowest responsive, responsible bidder to provide four pumps for the Falcon Valley Booster Station to be constructed this summer in an amount not to exceed \$65,000.
4. **Public Hearing.** Consider adopting Ordinance No. 619 (amended flood provisions must be adopted before June 7, 2019, other amendments may wait until third reading).
5. **Public Hearing.** Consider keeping or selling Davis Park real property.

Information Items

Jordan Zwygart, financial audit report for fiscal year 2018
Kate Dahl, Canon County Comprehensive Planning Process and Working Groups

Public Comments, Mayor and Council Comments, Adjourn

Posted by:


Dawn Dalton, Deputy Clerk



Date: June 5, 2019 at 12:15 p.m.
Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.

**MIDDLETON CITY COUNCIL
MAY 15, 2019**

Mayor Darin Taylor called-to-order the May 15, 2019 Middleton City Council meeting at 6:30 p.m.

Roll Call: Council Members Carrie Huggins, Jeff Garner and Beverlee Furner, and Council President Rob Kiser, were present.

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a) **Consider approving minutes for Council's April 17, 2019 regular meeting.**
 - b) **Consider ratifying May 13, 2019 payroll in an amount of \$73,187.43 and approving accounts payable thru May 14, 2019 in the amount of \$141,608.23.**
 - c) **Consider renewing the annual beer and wine licenses for Chaparral Sports Bar and Grill, Garbonzo's Pizza, Jacksons Food Store #22, and The Vault 21 Club.**
 - d) **Consider approving a permit for Outlet Fireworks LLC to sell fireworks at Middleton Village Center, 206 E. Main Street, Middleton, Idaho.**

Mayor Taylor called and introduced the agenda item.

Motion: Motion by Council President Kiser to approve consent agenda items a - d was seconded by Council Member Huggins and carried unanimously.

2. **Administer oath to Officer Tony Snider.**

Mayor Taylor called the agenda item and Officer Snider introduced himself. Deputy Clerk Dawn Dalton administered the oath of office.

6. **Consider confirming Mayor's appointment of Veronica McGinnis to the Library Board to fill the position vacated by Vicki Preston.**

Mayor Taylor called and introduced the agenda item. Veronica McGinnis then introduced herself. Mayor Taylor appointed Ms. McGinnis to the library board and requested city council confirm the appointment.

Motion: Motion by Council President Kiser to confirm the appointment was seconded by Council Member Furner and carried unanimously.

3. **Consider approving the purchase of Sanitaire replacement parts for the wastewater treatment plant from isiWest in an amount not to exceed \$7,866.56 plus freight and installation, if any.**

Mayor Taylor called and introduced the agenda item. Mayor Taylor called by phone lead wastewater operator Chad Beverage, who answered council's questions about the proprietary nature of the equipment and lack of three quotes for council to consider.

Motion: Motion by Council President Kiser to approve the purchase was seconded by Council Member Garner and carried unanimously.

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4. **Consider approving the sole source proposal from Water Solve for cleaning the sludge lagoon at the wastewater treatment plant in an amount not to exceed \$100,000.**

Mayor Taylor called, introduced, and explained the agenda item was withdrawn because the quote received was more than double the amount expected. No Council action was taken.

5. **Consider entering into an easement agreement with Gary Brown and Lisa Brown, and separately with Rick Menefee and Crystel Menefee, for extension of city water and sanitary sewer systems between Duff and Lansing lanes.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to approve entering into easement agreements was seconded by Council Member Huggins and carried unanimously by roll call vote.

7. **Consider approving Resolution No. 424-19 declaring certain city equipment and miscellaneous property no longer in use or obsolete and surplus, and authorizing its disposition by according to state law.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to approve Resolution No. 424-19 was seconded by Council Member Furner and carried unanimously.

8. **Consider waiving application fees for Middleton Cemetery District's preliminary plat, construction plan, and final plat applications for Middleton Cemetery Subdivision No. 3, and approving the preliminary plat for Middleton Cemetery Subdivision No. 3 (Third Addition).**

Mayor Taylor called and introduced the agenda item, and explained that the application had been withdrawn on May 15, 2019. No Council action was taken on this item.

9. **Public Hearing. Consider adopting Ordinance No. 619, second reading.**

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLES 1, 4, 7, 8 AND 10 OF THE MIDDLETON CITY CODE, UPDATING THE GENERAL DEFINITIONS; CLARIFYING MEETING TIMES, JOB TITLES AND UNAPPOINTMENTS; UPDATING STANDARDS FOR PHASE DEVELOPMENTS; CLARIFYING EXEMPTIONS TO AND WAIVERS OF STANDARDS; UPDATING SPECIAL USE PERMIT REGULATIONS; UPDATING FLOOD CONTROL STANDARDS; MODIFYING FENCE STANDARDS; UPDATING AND MODIFYING NUISANCES; MAKING OTHER MINOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Taylor called and introduced the agenda item, then read code floodplain amendments recommended by the city's contract floodplain management expert Steve Holt at T-O Engineers, and amendment to the disorderly conduct public nuisance. Council, upon advice from the city attorney, considered this a first reading of the new terms.

Mayor Taylor asked if anyone in the audience would like to speak to this item: **Shawn Maybon, Carlene Thie, and Scott Brock** all cautioned Council to be careful with the wording for the public nuisance section of City Code.

Mayor Taylor declared a recess at 7:40 p.m. for council to sign Middleton High School students' agendas, and resumed the meeting at 7:45 p.m.

Information

City Administrator and City Treasurer - Necessary Expenses in the FY2020 Budget

City Administrator Becky Crofts gave a brief update to the Council regarding direction of the Fiscal Year 2020 budget.

10. **Consider KCRJ LLC's appeal of the Planning and Zoning Commission's denial of KCRJ's application for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.**

Mayor Taylor called the agenda item and declared the public hearing open at 8:10 p.m. Planning and Zoning Official Bruce Bayne presented the Administrative Review and Report.

Joe Roberts from KCRJ, LLC spoke regarding that the development was originally approved by the city in 2006 and soon after approval the infrastructure such as water and sewer lines were built. Due to the previous approval by the city, the development was not designed or constructed to have sidewalks in place. Mr. Roberts also stated that the recently completed traffic impact study shows that most of the traffic from Valhalla and surrounding subdivisions will be using Meadow Park St, making a smaller impact on the subdivision in turn making the need for sidewalks even less.

Residents **Carlene Thie, Robert Peterson, Cory Patoska, Randall Mitchell, Jack Garret, Jim Taylor, Shawn Maybon, Wendy Shockey, Mike Graffe, and Jennica Reynolds** all stated that the city has City Codes for a reason and the codes should be followed the same for all developers, and the Valhalla Subdivision needs to have sidewalks for the safety of all residents.

Will Mason from Mason and Associates stated that the candled walkways were in place due to an email that they had received from former Planning and Zoning Official Randall Falkner dated October 1, 2018. Mr. Mason then presented a copy of the email to the Council.

Joe Roberts and **Chris Maze** during their rebuttal, stated that the elevations and grading are not correct based on the previous infrastructure that was laid in place back in 2006 for sidewalks to be in added. They also stated that when it comes to buses and emergency vehicles, there is plenty of room for them to maneuver safely. Mr. Maze also wanted to clarify that the variance that is being asked is not for the absence of sidewalks but to be able to remove the candles and lined walking paths that are currently in place in accordance with approved preliminary plat from the city.

Motion: Motion by Council President Kiser to close the public comment portion of the meeting was seconded by Council Member Furner and carried unanimously.

Council President Kiser expressed concern that there was a sidewalk coming out of the Pines Subdivision that just ended abruptly and that for safety and for continuity there should be a sidewalk that continued.

Council Members Huggins, Garner and Furner agreed with Council President Kiser's comments. Council Member Furner added that if buses have to stop to pass each other, then a single emergency vehicle yet alone multiple vehicles that may be needed for a call will not be able to get down the streets as they are now with candles lining them.

Motion: Motion by Council President Kiser to approve the appeal for removal of the candles along the sides of Valhalla St. and Nordic Ave. and denied the request to except Valhalla St. and Nordica Ave. from the standard requiring sidewalks, and approved four rather than five-foot detached sidewalks on both sides of the roads was seconded by Council Member Huggins and carried unanimously.

Mayor Taylor declared the public hearing closed at 10:09 p.m.

- 11. Provide guidance for Valhalla Country Estates Subdivision to: 1) widen Middleton Road with phase 1 now; or 2) widen Middleton Road with phase 2 at the time Meadow Park Street is extended to connect with Middleton Road this summer; or 3) remove Lot 24 Block 3 and Lot 2 Block 5 from phase 1 so dedication of Middleton Road right-of-way is included in phase 2.**

Mayor Taylor called and introduced the agenda item, and asked if anyone in the audience would like to speak to this item: none.

Motion: Motion by Council President Kiser to allow Middleton Road be widened along phase one boundaries with phase two construction at the time Meadow Park Street is extended to connect with Middleton Road this summer was seconded by Council Member Huggins and carried unanimously.

- 12. WTW Development LLC's appeal of the Planning and Zoning Commission's denial of WTW's application for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-4-1 Table 2 and reduce side setbacks from 10 feet to five feet. The subject property is located on the west side of Hartley Ln. approximately 2,640 feet south of Willis Road, Middleton, Idaho.**

Mayor Taylor called the agenda item and declared the public hearing open at 10:09 p.m. Planning and Zoning Official Bruce Bayne presented the Administrative Review and Report.

Amy Watson the selling agent and representative for WTW Development addressed Council. She stated that Middleton's buyers want to have a quality semicustom home with a three car garage and they are willing to forego side yards in order to make this happen. Having the five-foot setbacks also allows more off-road parking making the neighborhood safer.

Residents **Carlene Thie, Shawn Maybon and Sandy Sinclair** all voiced opposition to allowing five-foot setbacks. **Mr. Maybon** suggested that the city look at making the minimum width of lots 95-100 feet instead of 75 feet.

Deputy Fire Chief Victor Islas stated that five-foot setbacks not only cause a danger to near by structures but in turn it makes a safety issue for his employees fighting a structure fire with such

narrow spacing between structures. Deputy Chief Islas submitted pictures from a structure fire with ten-foot setbacks between structures showing that even with ten feet between structures damage can still occur to surrounding structures, but the damage is minimal compared to a additional structure that could be engulfed in flames.

Motion: Motion by Council President Kiser to close the public comment portion of the meeting was seconded by Council Member Furner and carried unanimously.

Motion: Motion by Council President Kiser to deny the appeal was seconded by Council Member Furner and carried unanimously.

Mayor Taylor declared the public hearing closed at 10:54 p.m.

Public Comments, Mayor and Council Comments: Council Member Garner gave a brief update on the Middleton School Board meetings.

Adjourn: Mayor Taylor adjourned the meeting at 11:00 p.m.

ATTEST:

Darin Taylor, Mayor

Dawn M. Dalton, Deputy Clerk
Minutes Approved: June 5, 2019

**MIDDLETON CITY COUNCIL
MAY 23, 2019 (SPECIAL MEETING)**

Mayor Darin Taylor called-to-order the May 23, 2019 special Middleton City Council meeting at 6:47 p.m.

Roll Call: Council Members Carrie Huggins, Jeff Garner and Council President Rob Kiser were present.

Action Items

Executive session 74-206(f) to discuss the legal ramifications of and legal options for a controversy not yet being litigated but imminently likely to be litigated, and possible decision to follow in open session.

Motion by Council President Kiser to open executive session was seconded by Council Member Huggins and carried unanimously by roll-call vote.

Mayor Taylor closed the executive session at 7:09 p.m.

Motion by Council President Kiser to clarify the intent of council's May 15, 2019 decision and allow flexibility in alignment of sidewalks around existing water meter cans, fire hydrants, etc., and allow sidewalks to be constructed before the city issues the first certificate of occupancy in the first phase of Valhalla Country Estates Subdivision was seconded by Council Member Garner and carried unanimously.

Adjourn: Mayor Taylor adjourned the meeting at 7:12 p.m.

ATTEST:

Darin Taylor, Mayor

Dawn M. Dalton, Deputy Clerk
Minutes Approved: June 5, 2019



CITY OF MIDDLETON

PO Box 487, 1103 W. MAIN ST.,
MIDDLETON, ID 83644
208-585-3133, 208-585-9601 FAX
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ADMINISTRATION

BEER WINE
APPLICATION/LICENSE

YEAR **June 1, 2019 – May 31, 2020**

- ☐ New License
☒ Renewal

SALE FOR ON-PREMISE CONSUMPTION

- () BEER (\$200.00)
() WINE (\$200.00)

SALE FOR OFF-PREMISE CONSUMPTION

- (✓) BEER (\$50.00)
(✓) WINE (\$200.00)



OFFICE USE ONLY:

RECEIPT
3.093147
\$ 250.00

LICENSE
2019-08

Applicant Name: Mark Ridley

Business Name: Ridleys Family Markets

Business Address (Street/P O.Box/City/Zip): 430 East main st middleton ID

Mailing Address (Street/P.O.Box/City/Zip): 621 Washington St.S. Twin Falls, ID 83301

Business phone: 208-585-3043 Other Phone: 208-324-4633

Email address: accounts payable@shopridleys.com

● Attach copy of application for State license, including a copy of site and floor plans submitted with state application.

● Attach a copy of your State and County Alcohol Beverage Licenses before a City license will be issued.

Date: 2-28-19

Applicant Signature: [Signature]

Print Name: Mark Ridley

LICENSE

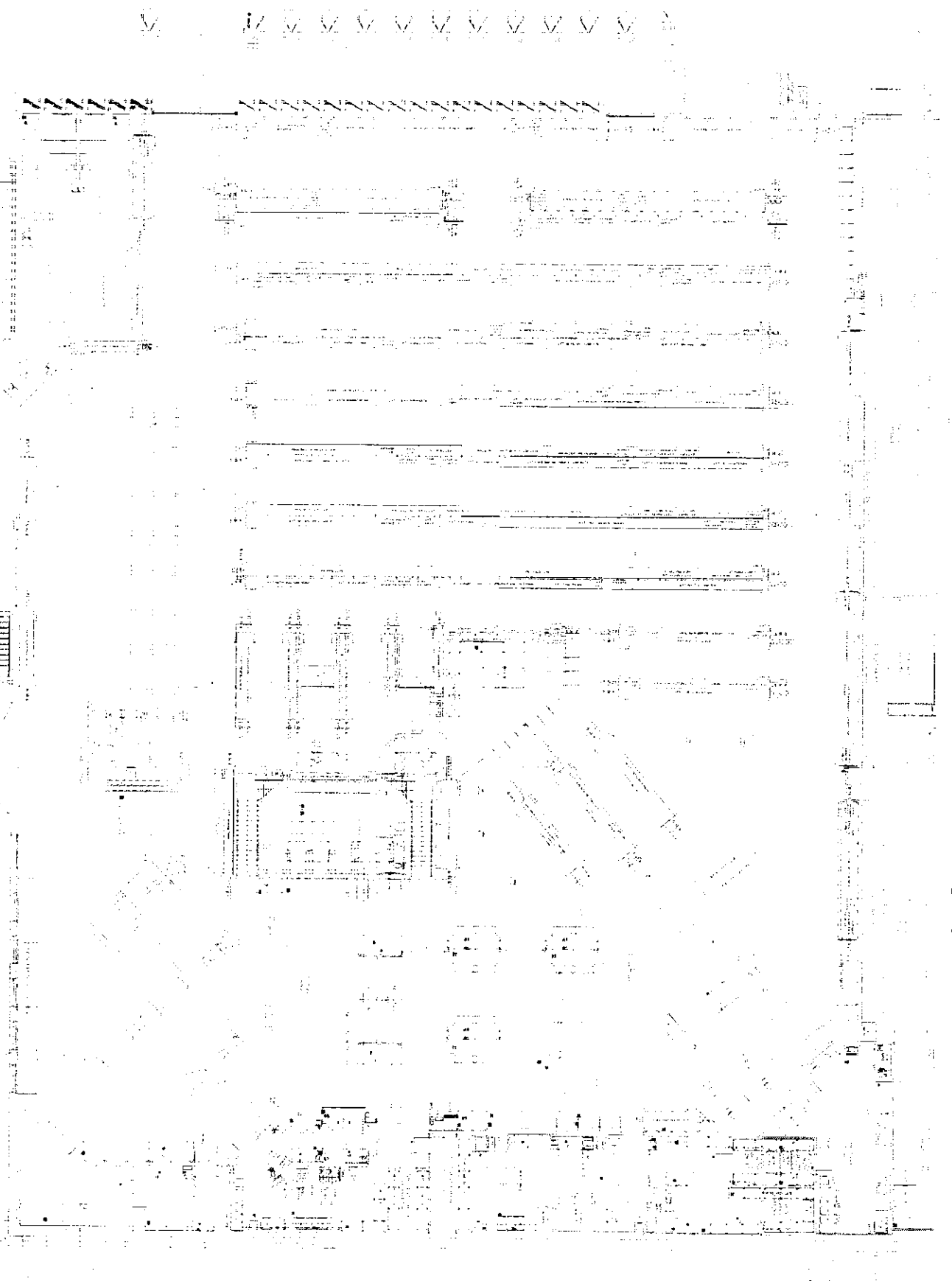
Application ^{Ratified and} Approved by City Council on (date): June 5, 2019

Application Denied: _____

License is hereby issued this 24th day of May, 20 19.

[Signature]
City Clerk

Notes: _____



State of Idaho

Idaho State Police

Retail Alcohol Beverage License

Cycle Tracking Number: 110605

License Year: 2020

License Number: 1965

Premise Number: 2C-145

This is to certify, that **Ridley's Family Markets Inc**
 doing business as: **Ridley's Family Markets**
 is licensed to sell alcoholic beverages as stated below at:
430 E Main, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.
 County and city licenses are also required in order to operate.



Signature of Licensee, Corporate Officer, LLC Member or Partner

Liquor	No
Beer	Yes <u>\$50.00</u>
On-premises consumption	No
Kegs to go	Yes <u>\$20.00</u>
Restaurant	No
Wine by the bottle	Yes <u>\$100.00</u>
Wine by the glass	No
Multipurpose arena	No
Growlers	No

TOTAL FEE: \$170.00


Director of Idaho State Police

RIDLEY'S FAMILY MARKETS INC
 RIDLEY'S FAMILY MARKETS
 621 WASHINGTON STREET SOUTH

TWIN FALLS, ID 83301

Mailing Address

License Valid: 06/01/2019 - 05/31/2020

Expires: 05/31/2020



RETAIL ALCOHOL BEVERAGE LICENSE

CANYON COUNTY, ID
STATE OF IDAHO

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 430 E MAIN, MIDDLETON, ID 83644

Beer	Bottled or canned, consumed OFF premises	\$25.00
Wine	WINE Retail: (This is for OFF premises consumption only)	\$100.00

Constantine
Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 9 day of May, 2019

Mail To: 621 WASHINGTON STREET SOUTH, TWIN

Chris Gammon

Clerk

Paula White
Chairman

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)



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ADMINISTRATION

SPECIAL COMMUNITY EVENTS
APPLICATION/AGREEMENT/PERMIT
REVISED 8_15-2016



Date: 5/28/19

Middleton City Code Section 3-2 Special Events.

I. General Information:

Event Name: Middleton 4th of JULY Events

Event Dates(s) / Time(s): July 4, 2019

Event Location: Middleton Place Park/Downtown

II. Applicant / Sponsoring Organization Information:

Applicant Name: Jeremy Fielding

Sponsoring organization Name: Middleton Chamber of Commerce

Are you a non-profit corporation? Yes ☒ no ☐, if yes, 501c(3) ☐ or 501c(6) ☐.

Address: PO Box 434

City: Middleton State ID Zip: 83644

Phone: 208-861-7513 ; Cell Phone: 208-713-5662

Fax: _____; Email: info@middletonchamber.org

On-Site/Emergency Contact Name: Jeremy Fielding

Address: 106 W Main St Unit D

City: Middleton State ID Zip: 83644

Cell Phone: 208-861-7513 ; Email: pls12220@yahoo.com

III. Brief Description and Purpose of Event: Request to waive fees. Parade road closure for

S. Dewey on July 3rd and July 4th. Road Closure along the parade route 15 minutes prior to start of parade.

(Same route as last year). Car Show and events will be in Middleton Place Park with Craft and Food Vendors. There will also be a beer garden by the Car Show along the South side of the parking lot.

Expected Number of Attendees: 3K+



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IV. Street Closure Request:

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

1. Parade Route 11:45-1:15 pm

2. S. Dewey St. July 3rd and July 4th all day

3. _____

No permanent alteration to the street will be permitted.

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

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

1. An outline of the entire event venue including the names of streets or areas that are part of the venue. If the event involves a moving route such as a parade, indicate the direction of travel and all streets or lane closures.

2. Location of any fencing, barriers and/or barricades. Must be removable for emergency access.

3. Location and identification of all temporary structures, portable toilets, booths, trash containers/dumpsters, cooking areas, identification of location of all vendor cooking with flammable gases or barbecue grills, waste grease containers, gray water containers, hand washing stations, etc.

4. Location of first aid facilities and ambulances.

5. Parking, placement of vehicles and/or trailers.

6. Location of generators and/or sources of electricity.

7. Exit locations for OUTDOOR events within fencing, tents, other temporary structures.

8. Firework launch location.

Information:

I. Does the event involve the sale or use of alcoholic beverages? Yes ☒ No ____.

If yes, an Alcohol Beverage Permit may be required.

II. Does the event involve the sale or distribution of food? Yes ☒ No ____.

If yes, a Temporary Food Establishment Permit (South West District Health Department (208) 455-5300) and a vendor permit (City of Middleton) may be required, with copy to the City.

III. Does the event involve the sale of non-food items? Yes ☒ No ____.

IV. Will there be entertainment at the event? Yes ☒ No ____.

If yes, please provide the following information:

Dance component/open floor: Open floor. Using Basketball Courts.

Live or recorded music: Live music will have a stage.

Amplification: Sound system will be there.

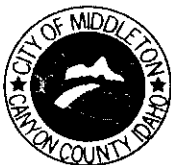
Start and end time of entertainment: 8am-4pm

Refer to Middleton City Code Section Noise.

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

VI. TEMPORARY STRUCTURES.

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



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Number of stages: 1 Size of stage(s): 10x20

Number of Tents: _____ Size of tent(s) _____

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

- VII. Does the event involve use of fireworks, rockets, pyrotechnics? Yes _____ No X
Where and when?

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

- VIII. Will portable toilets for the public be provided? Yes X No _____.

- IX. Will electrical hookup for the event be required? Yes _____ No X.

Electrical inspection / permit may be required.

- X. Will a generator(s) be used? Yes X No _____.

- XI. Will access to water be required for the event? Yes X No _____.

- XII. Will signs and/or banners be displayed as part of the event? Yes X No _____.

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

- XIII. Will this event be marketed, promoted, or advertised? Yes X No _____.

- XIV. Will there be live media coverage of the event? Yes X No _____.

XV. PARKING:

How will parking be accommodated for this event for all patrons, vendors, service providers, and event staff? Parking will be on side streets and within the parking lot at the park.

XVI. REFUSE / GARBAGE:

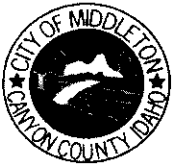
How will garbage be contained and removed during and after the event?

Additional garbage cans and dumpsters will be needed. In the past the City has helped to provide these. We are asking again for help.

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

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

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



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XIX. INSURANCE, FEE.

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

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

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

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

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

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



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ADMINISTRATION
SPECIAL COMMUNITY EVENTS
APPLICATION/AGREEMENT/PERMIT
REVISED 8_15-2016

Further, as to such damages or claims for damages which arise during the scope of the activities or the use of property covered under this Agreement, MCC

(Applicant / Organization / Permittee), at its sole cost and expense, shall defend any and all suits, actions or other legal proceedings that may be brought or instituted by third parties against the City of Middleton, its officers, agents or employees, or any such claim or demand, and shall pay and satisfy any judgment or decree that may be rendered against the City of Middleton, its officers, agents or employees in any such suit, action or other legal proceeding.

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

IN WITNESS WHEREOF, Middleton Chamber of Commerce (Applicant / Organization Representative/ Permittee) has made and entered into this Agreement with the City of Middleton as of this 28 day of May, 2019.

APPLICANT / ORGANIZATION REPRESENTATIVE

Jeremiah B Fielding
Signature

Date: 5-28-19

Jeremiah B Fielding, Board Member

Print name / Organization Name and Representative Title

OFFICE USE ONLY

Application Received: _____

Fee Received: _____

Insurance Certificate Received: _____

Application Approved by Middleton Police _____ Conditions Y _____ N _____

Application Denied by Middleton Police _____

Application Approved by City Council : _____

Application Denied: _____

Permit is hereby issued this _____ day of _____, 20____.

City Clerk



CITY OF MIDDLETON
6 NORTH DEWEY AVENUE, MIDDLETON, ID 83644
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ADMINISTRATION
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Middleton Police Department Notes:



CITY OF MIDDLETON
1103 W MAIN STREET * MIDDLETON

Administrative Office: 208-585-3133

Fax: 208-585-9601

Emergency After Hours: 208-921-0029

PURCHASE ORDER

BUDGETED ITEM? ☐ Yes ☐ No

FOR INTERNAL USE ONLY - NOT TO BE SENT TO VENDORS

PURCHASE ORDER - NUMBER: 2019050

To: 2064 AA SEALCOAT, INC 22931 S 21ST AVE W MIDDLETON ID 83644	Ship to: CITY OF MIDDLETON 1103 W MAIN STREET PO BOX 487 MIDDLETON ID 83644
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P. O. Date	Delivery Date	Created By	Department	Req Number	Terms
05/07/2019		ekarass	TRANSPORTATION	0	

Quantity	Description	Unit Price	Total
1.00	SEALCOAT - QUOTE 1897 02-431-351	9,966.00	9,966.00
1.00	SEALCOAT - QUOTE 1896 02-431-351	7,292.00	7,292.00
Freight on Board: SHIPPING & HANDLING			0.00
TOTAL PO AMOUNT			17,258.00

Authorized Signature

**AA SEALCOAT INC.**

22931 S. 21st Ave. W.

Middleton, ID 83644

(208) 454-1178

shane@aasealcoat.com

www.aasealcoat.com

ESTIMATE**ADDRESS**

Darrell Gehring
City of Middleton
1103 W Main St
Middleton, ID 83644

SHIP TO

Middleton Place Park
Pathways
and
Multiple Locations

ESTIMATE # 1897**DATE** 01/23/2019**EXPIRATION DATE** 04/22/2019

ACTIVITY	QTY	RATE	AMOUNT
SEALCOAT Clean & sealcoat pathways w/ Resurfacer Includes pathway along HWY 44 from Marjorie to Roadside Park, Bike path around Ridley's, Path on Minot, Path on Hawthorne, and Path on Willow Dr from Concord to 9th	1	9,966.00	9,966.00

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workman's Compensation Ins.

TOTAL**\$9,966.00****Notes:**

- 1.) Owner is responsible for having all sprinklers off 12 hours prior to work be done and keeping them off for 12 hours after work is completed
- 2.) Owner is responsible for notifying all tenants and the general public
- 3.) Crack repairs does not include alligatored areas or areas against concrete.

Accepted By

Accepted Date

Acceptance of proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made upon completion. This proposal may be withdrawn if not accepted within 30 days.



AA SEALCOAT INC.
22931 S. 21st Ave. W.
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ESTIMATE

ADDRESS

Darrell Gehring
City of Middleton
1103 W Main St
Middleton, ID 83644

SHIP TO

Middleton Place Park
75 Marjorie Ave
Middleton, ID 83644

ESTIMATE # 1896

DATE 01/23/2019

EXPIRATION DATE 04/22/2019

ACTIVITY	QTY	RATE	AMOUNT
SEALCOAT (Parking Lot) Clean & sealcoat w/ 2 coats of Resurfacer 1st coat squeegee machine applied, 2nd coat sprayed.	1	4,320.00	4,320.00
CRACK FILL Clean & fill cracks 3/8" and wider w/ rubberized hot pour. (If not done by city cost will be \$1,728 + \$225 for the Basketball court cracks)	1	0.00	0.00
STRIPING Layout and re-stripe lines as existing including 3 ADA	1	572.00	572.00
SEALCOAT (Basketball Courts) Clean & sealcoat w/ 2 coats of Resurfacer 1st coat squeegee machine applied, 2nd coat sprayed.	1	1,500.00	1,500.00
STRIPING Layout and stripe 2 full court basketball courts	1	900.00	900.00

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Our workers are fully covered by Workman's Compensation Ins.

TOTAL

\$7,292.00

Notes:

- 1.) Owner is responsible for having all sprinklers off 12 hours prior to work be done and keeping them off for 12 hours after work is completed
- 2.) Owner is responsible for notifying all tenants and the general public
- 3.) Crack repairs does not include alligatored areas or areas against concrete.

Acceptance of proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made upon completion. This proposal may be withdrawn if not accepted within 30 days.

SECTION 11430
HORIZONTAL END SUCTION PUMPS

PART 1 -- GENERAL

1.1. THE REQUIREMENT: The SUPPLIER shall furnish and deliver horizontal end suction pumps, with horizontal electric motors, complete and operable, in accordance with the requirements of the Contract Documents.

A. Number of Pumping Units

- | | |
|-----------------------------|--------|
| 1. Large Pumps (40 hp nom.) | 2 each |
| 2. Medium Pump (15 hp nom.) | 1 each |
| 3. Jockey Pump (5 hp nom.) | 1 each |

PART 2 -- PRODUCTS

2.1. Large Pumps

A. General: Horizontal end suction pumps shall conform to the following requirements:

- | | |
|-----------------------------|--------------------------|
| 1. Number of Pumping Units | 2 |
| 2. Service | Potable Water (PW) |
| 3. Drive | Variable Frequency Drive |
| 4. Pump/Motor Configuration | Close Coupled |

B. Operating Points: Flow and TDH Requirements with Variable Frequency Drive

- 1300 gpm @ 75 ft TDH
- 900 gpm @ 90 ft TDH (design point)
- 400 gpm @ 100 ft TDH

C. Operating Conditions:

- | | |
|---|-----------------------------|
| 1. NPSH Required, max (ft) | 20 |
| 2. Liquid to Be Pumped | Clear Water (Potable Water) |
| 3. Specific Gravity of Liquid | 1.0 |
| 4. Liquid Temperature (degrees F) | 35 to 70 |
| 5. Min. Pump Efficiency at Design Point | 80 percent |
| 6. Maximum Pump Speed (rpm) | 1800 |
| 7. Minimum Motor Size (HP) | 40 |

D. Pump Dimensions:

- | | |
|--------------------------------|----|
| 1. Impeller Diameter, min (in) | 10 |
| 2. Suction Flange, min (in) | 6 |
| 3. Discharge Flange, min (in) | 4 |

E. Manufacturer: Cornell, Goulds, Grundfos, Peerless, or approved equal.

2.2. Medium Pump

A. General: Horizontal end suction pumps shall conform to the following requirements:

- | | |
|-----------------------------|--------------------------|
| 1. Number of Pumping Units | 1 |
| 2. Service | Potable Water (PW) |
| 3. Drive | Variable Frequency Drive |
| 4. Pump/Motor Configuration | Close Coupled |

B. Flow and TDH Requirements with Variable Frequency Drive

- | | |
|----------------------|------------------------------------|
| 1. Operating Point 1 | 500 gpm @ 75 ft TDH |
| 2. Operating Point 2 | 300 gpm @ 90 ft TDH (design point) |
| 3. Operating Point 3 | 100 gpm @ 100 ft TDH |

C. Operating Conditions:

- | | |
|---|-----------------------------|
| 1. NPSH Required, max (ft) | 20 |
| 2. Liquid to Be Pumped | Clear Water (Potable Water) |
| 3. Specific Gravity of Liquid | 1.0 |
| 4. Liquid Temperature (degrees F) | 35 to 70 |
| 5. Min. Pump Efficiency at Design Point | 70 percent |
| 6. Maximum Pump Speed (rpm) | 1800 |
| 7. Minimum Motor Size (HP) | 15 |

D. Pump Dimensions:

- | | |
|--------------------------------|---|
| 1. Impeller Diameter, min (in) | 8 |
| 2. Suction Flange, min (in) | 4 |
| 3. Discharge Flange, min (in) | 3 |

E. Manufacturer: Cornell, Goulds, Grundfos, Peerless, or approved equal.

2.3. Jockey Pump

A. General: Horizontal end suction pumps shall conform to the following requirements:

- | | |
|-----------------------------|--------------------------|
| 1. Number of Pumping Units | 1 |
| 2. Service | Potable Water (PW) |
| 3. Drive | Variable Frequency Drive |
| 4. Pump/Motor Configuration | Close Coupled |

B. Flow and TDH Requirements with Variable Frequency Drive

- | | |
|----------------------|-----------------------------------|
| 1. Operating Point 1 | 150 gpm @ 75 ft TDH |
| 2. Operating Point 2 | 80 gpm @ 90 ft TDH (design point) |
| 3. Operating Point 3 | 10 gpm @ 100 ft TDH |

C. Operating Conditions:

- | | |
|---|-----------------------------|
| 1. NPSH Required, max (ft) | 20 |
| 2. Liquid to Be Pumped | Clear Water (Potable Water) |
| 3. Specific Gravity of Liquid | 1.0 |
| 4. Liquid Temperature (degrees F) | 35 to 70 |
| 5. Min. Pump Efficiency at Design Point | 65 percent |
| 6. Maximum Pump Speed (rpm) | 3600 |
| 7. Minimum Motor Size (HP) | 5 |

D. Pump Dimensions:

- | | |
|-----------------------------------|-----|
| 1. Impeller Diameter, min (in) | 5 |
| 2. Suction Connection, min (in) | 2 |
| 3. Discharge Connection, min (in) | 1.5 |

E. Manufacturer: Cornell, Goulds, Grundfos, Peerless, or approved equal.

2.4. PUMP REQUIREMENTS

- A. Construction: Construction of horizontal end-suction pumps shall conform to the following requirements:

- | | |
|--------------------|---|
| 1. Volute | - Cast Iron ASTM A48 CL30 |
| 2. Back Plate | - Cast Iron ASTM A48 CL30 |
| 3. Impeller | - Bronze SAE 40 |
| 4. Wear rings | - Bronze SAE 660 |
| 5. Shaft | - SAE 1144 Stressproof Steel |
| 6. Shaft sleeve | - Bronze SAE 660 |
| 7. Mechanical Seal | - Type 1, Buna, Carbon/Ceramic |
| 8. Bearings | - B-10 Bearing Life 20,000 hr min |
| 9. Lubrication | - Grease |
| 10. Motor | - Premium Efficiency, TEFC, Inverter Duty |
| 11. Drive | - Variable Frequency |

- B. Drive: Variable Frequency Drive in accordance with Electrical Specifications provided by others.

PART 3 -- EXECUTION

3.1. DELIVERY

- A. Pumping equipment shall be delivered to the project site in Middleton, Idaho.
- B. Shop Drawings to be submitted for review within 5 working days of purchase order.
- C. Pumps to be delivered within 10 weeks of shop drawing approval.
- D. After installation by others, equipment shall be field tested to verify proper alignment, operation as specified, and freedom from binding, scraping, vibration, shaft runout, or other defects. Equipment shall be secure in position and neat in appearance.
- E. Furnish necessary oil and grease for initial operation.

- END OF SECTION -

ORDINANCE NO. 619

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLES 1, 4, 7, 8 AND 10 OF THE MIDDLETON CITY CODE, UPDATING THE GENERAL DEFINITIONS; CLARIFYING MEETING TIMES, JOB TITLES AND UNAPPOINTMENTS; UPDATING STANDARDS FOR PHASE DEVELOPMENTS; CLARIFYING EXEMPTIONS TO AND WAIVERS OF STANDARDS; UPDATING SPECIAL USE PERMIT REGULATIONS; UPDATING FLOOD CONTROL STANDARDS; MODIFYING FENCE STANDARDS; UPDATING AND MODIFYING NUISANCES AND DISORDERLY CONDUCT; MAKING OTHER MINOR MODIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Middleton, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, and

WHEREAS, the City of Middleton, Idaho, seeks to streamline its administrative code;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

Section 1: Certain definitions found in Middleton City Code Title 1, Chapter 3 DEFINITIONS shall be amended as follows:

FLOOD TERMS:

Lowest Finished Floor: delete.

Lowest Floor: ~~The lowest floor of the lowest enclosed area (including basements and crawl spaces) of a structure.~~ The lowest floor of the lowest enclosed area (including basement or crawl space). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access, or storage in an area other than a basement or crawl space, is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the application non-elevation design requirements of this chapter.

New Construction: ~~Structures for which the "start of construction" commenced on or after May 24, 2011.~~ For the purposes of determining insurance rates, new construction means structures for which the start of construction commenced on or after the effective date of September 3, 1980 of the initial Flood Insurance Rate Map and includes any subsequent improvements or additions to such structures but does not include maintenance or repairs.

For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City of Middleton and includes any subsequent improvements or additions to such structures but does not include maintenance and repairs.

HOME OCCUPATION: Any business, profession, occupation or trade conducted for gain or support within a residential building, or upon a lot if agriculturally related, which is incidental and secondary to the use of such a building for dwelling purposes and which does not change the residential character of the dwelling.

GRAFFITI: Graffiti is not public art. Graffiti is any unauthorized inscription, word, painting, sign, figure, design, or other drawings which are written, scrawled, printed, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of a building, wall, sidewalk, road, sign, phone pole, any permanent or temporary structure, or any other exterior surface on public or private property by any graffiti implement or other device, ~~to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise considered a public nuisance.~~

MANUFACTURED HOMES:

Manufactured Home: A structure constructed according to HUD/FHA mobile home construction and safety standards which is designed to be used as a ~~permanent~~ residential dwelling.

RECREATIONAL VEHICLE: A self-contained vehicle, designed for human habitation, with its own motor power, and with a passageway from the body of the home to the driver's and front passenger's seat.

SIGNS: Mobile Sign: A sign able to move or be moved freely or easily on a vehicle/trailer with wheels, being displayed with on- or off-site messages.

Section 2: Section 3 of Middleton City Code Title 1, Chapter 5 ELECTED AND APPOINTED OFFICERS; BOARDS AND COMMISSIONS shall be amended as follows:

1-5-3 The Council shall hold regular meetings on the first and third Wednesday of each month. Each meeting shall be held in the building located at 6 North Dewey Avenue and commence at six thirty o'clock (6:30) P.M., unless otherwise approved by the Council. If the first or third Wednesday shall fall on a holiday, the meeting shall be held the evening following at the same time. The Mayor or one-half (1/2) plus one of the membership of the Council may call special meetings as provided in Idaho Code section 74-204(2). All regular and special meetings shall comply with Idaho Code section 74-201 et seq., regarding open meetings.

Section 3: Section 4 of Middleton City Code Title 1, Chapter 5 ELECTED AND APPOINTED OFFICERS; BOARDS AND COMMISSIONS shall be amended as follows:

I. ~~Office~~ City Administrator: The mayor, with the consent of city council, may appoint an ~~office~~ city administrator, who shall perform such general oversight, supervisory, human resource and other duties as assigned by the mayor.

J. Terms Of Office, Unappointment: The above referenced appointive officials, and any other officials duly appointed by the mayor and city council, shall serve until removed from appointment by the procedures identified in Idaho Code 50-206.

Section 4: Section 5 of Middleton City Code Title 1, Chapter 14 ADMINISTRATIVE PROCEDURES shall be amended as follows:

E. Phase Developments: Application for final plat approvals shall be submitted in consecutive order following the phases on the approved preliminary plat, if any, and in intervals of not more than two (2) years. The City shall not accept an application for a final plat until after the City has issued a notice of completion to the subdivider that infrastructure has been constructed for that phase. The subdivider shall follow the "Idaho Standards for Public Works Construction" and the Middleton supplement to the "Idaho Standards for Public Works Construction" in effect at the time the final plat application is accepted by the City. If phase lines, numbers and/or development data change during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.

Section 5: Middleton City Code Title 1, Chapter 15, Section 2 EXCEPTIONS OR WAIVERS OF STANDARDS shall be amended as follows:

A. Exceptions or waivers of standards, other than land uses according to Title 5, Chapter 4, Table 1 of this code, may be approved through one of the following public hearing processes:

1. Special use permit,
2. Development agreement accompanying a rezone application,
3. Variance,
4. Condition of approval as part of a land use application, or
5. ~~Condition of approval on~~ Approval of a preliminary plat, with or without conditions.

Section 6: Middleton City Code Title 1, Chapter 15, Section 7 SPECIAL USE PERMITS shall be amended as follows:

A. ~~Description And Purpose~~:

~~1.~~ 2. Certain types of uses possess unique and special characteristics which require special consideration prior to their being permitted in a particular district. A special use permit may be granted to an applicant if the proposed use is allowed by a special use permit under the land use schedule in section 5-4-1, Table table 1 of this Code.

~~2. The reason for special consideration involves, among other things, the size of the area required for the full development of such use, the nature of traffic incidental to operation of the use, the~~

~~effect such use has on any adjoining land uses and the effect such use has on the growth and development of the community as a whole.~~

~~31.~~ The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in the area. Nothing construed herein shall be deemed to require the commission to grant a special use permit.

~~43.~~ No building permit shall be issued when a special use permit is required by the terms of this chapter, unless a special use permit has been previously granted by the City and then only in accordance with the terms and conditions of the special use permit.

~~54.~~ No special use permit shall be transferable from one property to another. In the event the property changes hands, the new owner, if he or she desires to continue the special use, shall appear before the commission for review. Said continuance use shall be subject to the same terms and conditions of the permit.

~~65.~~ Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use.

~~76.~~ The granting of a special use permit shall not be considered as establishing a binding precedent to grant other special use permits.

B. Procedures: The commission shall conduct at least one public hearing on the application.

C. Action By Commission: After notice and hearing, the commission may approve, conditionally approve or deny a special use permit application. Whenever the commission approves or denies a permit, it shall specify in writing: 1) the ordinance and standards used in evaluating the application (city code, Idaho Standards for Public Works Construction and Middleton Supplement to the Idaho Standards for Public Works Construction); 2) the reasons for approval or denial; and 3) if denied, the actions, if any, that the applicant can take to obtain approval. The commission shall make a decision within thirty (30) days of the conclusion of the public hearing.

D. Conditions: Upon granting a special use permit, conditions may be attached to:

1. Minimize adverse impact on other development (~~special yards or spaces, fences, parking, traffic flow, etc. and walls~~).

2. Control the sequence and timing.

3. Control duration of the use.

4. Assure that development is maintained properly.

5. Designate the location and nature of development, including signs.

6. Require the provision for on site or off site public facilities or services.
7. Require more restrictive standards than those generally required in an ordinance (surfacing of parking areas to City specifications, regulation of points of vehicular ingress and egress, landscaping and maintenance, regulation of noise, vibration, odors or other similar nuisances).
8. Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the special use permit.
9. Require mitigation of effects of the proposed use upon service delivery by any political subdivision, including school districts, providing services within the planning area of Middleton.

Section 7: Middleton City Code Title 4, Chapter 3 FLOOD CONTROL REGULATIONS is hereby amended to read as follows:

4-3-6 The special flood hazard areas identified by the Federal Emergency Management Agency in its "Flood Insurance Study (FIS) for Canyon County, Idaho and Incorporated Areas", dated ~~May 24, 2011~~ June 7, 2019, with accompanying flood insurance rate maps (FIRM) or digital flood insurance rate maps (DFIRM), and other supporting data, including any letters of map change (LOMC), are adopted by reference and declared a part of this chapter. The FIS, DFIRM, LOMC and the FIRM are on file at ~~the Office of the~~ Middleton City Hall, 1103 W Main Street 6 North Dewey Avenue, Middleton, Idaho.

4-3-7-2 A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes must ~~likewise be anchored~~ be elevated on a permanent foundation or be securely anchored to an adequately anchored foundation system to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

4-3-7-3 A. All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and/or discharge from the systems into floodwaters. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. All sewer and water systems shall be approved by the District Health Department or the Idaho Department of Environmental Quality.

4-3-7-5 In all ~~eases of~~ special flood hazards areas where base flood elevation data is established, the provisions of this section shall be required:

A. Residential Construction

1. Connection to a central sewage treatment system shall be required. Residential development within the regulatory floodplain may be clustered (through approval of the City) to facilitate the economics of the sewage infrastructure.

2. New construction, including installed manufactured homes, and substantial improvement of any residential structure shall have:

a. The lowest finished floor elevation ~~elevated to~~ a minimum of one foot (1') above the base flood elevation;

b. The lowest floor elevation at least one foot (1') above the base flood elevation;

c. All building utility systems, including electrical, heating, ventilation, plumbing, air conditioning, ductwork and other facilities elevated at least one foot (1') above the base flood elevation.

~~3. All new and substantially improved structures with fully enclosed areas below the lowest finished floor that are usable solely for parking vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

~~a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~b. The bottom of all openings shall be no higher than one foot (1') above grade.~~

~~e. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.~~

B. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the ~~finish floor elevation of the lowest floor, including basement, elevated to~~ elevation at least two feet (2') above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

~~4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection A of this section.~~

C. Manufactured Homes: ~~All manufactured homes to be placed or substantially improved within Zones A and AE shall be elevated and be securely anchored to an adequately anchored foundation system in accordance with~~ according to the provisions of this chapter.

For new and substantially improved structures, fully enclosed areas below the lowest floor that are usable solely for parking vehicles, building access, or storage in an area other than a

basement or crawl space and that are subject to flooding shall be elevated according to the requirements of this chapter or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings, having a total net area of at least one square inch for every square foot of enclosed area subject to flooding, shall be provided.

b. The bottom of all openings shall be no higher than one foot (1') above adjacent grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

D. Elevation Certificates: Elevation certificates shall be required for all structures in the SFHA, special flood hazard area, or on land formerly in the SFHA, regardless of any LOMR-F, letter of map revision based on fill, issued by FEMA, the Federal Emergency Management Agency and shall comply with all standards set forth in this chapter. When completing elevation certificates on properties removed from SFHA, use base flood elevation ~~insurance~~ data prior to removal from SFHA.

E. Setback: All buildings shall be set back a minimum of fifty feet (50') from the floodway line except that when the area of special flood hazard boundary is fifty feet (50') or less from the floodway line, the boundary line shall be the setback line.

F. Floodways: Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. No Rise: Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood. If this section is satisfied, development within the floodway shall comply with all applicable flood hazard reduction provisions of this chapter.
2. Mitigation To Achieve No Rise: Compensating excavation in accordance with an engineered plan for orderly conveyance of floodwater, or equivalent mitigating measures may be performed in the floodway when certified by a registered professional engineer or architect. Mitigation design shall include provisions to prevent relocation or diversion of flow paths from causing increased jeopardy to any off site property at any level of flooding from the 1-year flood up to the base flood. Provisions shall be made in a recorded development agreement between the City and the applicant to maintain excavated areas prone to fill from sediment and other debris as follows:

- a. A plan and schedule for the future maintenance of the floodway for the period of the expected lifetime thereof and a cost estimate therefor prepared by a licensed

professional engineer in the State, together with a proposed method for funding the same including, but not limited to, the creation and maintenance of a reserve fund for that purpose, shall be submitted to the City Council for review and approval prior to the execution of the final plat by the City. The location of the floodway to be maintained shall be clearly depicted on the face of the final plat.

- b. A restrictive covenant for maintenance of the floodway shall be recorded at the time of recording the plat which said covenant shall create a homeowners'/property owners' association or substantially similar entity and make provision for the perpetual maintenance of the floodway. Said restrictive covenant shall also provide that the covenant shall run with the land and that said covenant cannot be modified or the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the City.
 - c. The Council may, in the reasonable exercise of its discretion, order the owners or the entity responsible for the maintenance of the floodway to undertake such maintenance activities as it may determine are necessary to protect the public health, safety and welfare and make such expenditures from the funds reserved therefor as may be required thereby; and the owner or responsible entity shall, as a condition of approval of floodway excavation, be deemed to have agreed to comply with any such order and to reimburse the City all its costs, including attorney fees, incurred in obtaining or enforcing any such order. Any order entered by the Council pursuant to this subsection may be enforced by a court of competent jurisdiction and the City shall be entitled to recover its costs and attorney fees incurred in connection therewith.
- 3. Emergency Access: Where setback from the floodway line is less than one hundred feet (100') but more than fifty feet (50'), compensating measures shall be designed to protect a fifty foot (50') wide access strip for emergency construction equipment. Compensating measures shall be constructed as designed and certified by a professional engineer.
 - 4. Parks And Open Spaces: In the design of public and private parks and open space areas, fixed structures or equipment that would impede floodwaters shall not be permitted within the floodway.
 - 5. Access: Any nonfloodway area surrounded by floodway shall be accessed by at least one road with suitable structures or culverts to pass floodwaters. If a bridge is required, it shall be elevated one foot (1') above the base flood elevation, have scour resistant footings extending to five feet (5') below the bottom of the channel and be capable of supporting an H-15 load as defined by the American Association of State Highway and Transportation Officials (AASHTO).

G. Map And Narrative Required: All subdivision proposals and development permit applications shall provide a map and detailed narrative describing any abutting or on site manmade topographic features, current or proposed, that increase flood damage potential above the natural level, including road fills and other manmade embankments, prior stream channelization,

existing and/or proposed landscaping features, and evident agricultural land leveling that has altered the floodplain from its original topography.

H. Fill Requirements: For fill placed in the regulatory special flood hazard area:

1. The slope of fill adjacent to the floodway line, hereinafter called the floodway boundary slope, shall not be steeper than five horizontal to one vertical (5:1). Where a five to one (5:1) slope is not feasible due to lot dimensions, compensating measures to protect against floodway encroachment through erosion shall be constructed as designed and certified by a professional engineer, architect, or landscape architect.
2. The floodway boundary slope shall be maintained with adequate ground cover to prevent erosion.

I. Roadways And Manholes: Roadways and manholes within the regulatory floodplain shall be a minimum of one-half foot (0.5') above base flood elevation at centerline and manhole ring respectively.

J. Flow Paths Maintained: New roads built above the base flood elevation shall not block or restrict conveyance of floodwater into sections of the floodplain that may be cut off by the proposed road and shall have culverts or bridges for flood conveyance paths.

K. Open Areas: Except for required berms, open areas such as parks, golf courses, greenbelt areas, parking lots, etc., within the area of special flood hazard shall be designed and operated so that they may flood and maintain existing natural flood paths for waters during the base flood event.

L. Flood Study: When a new flood study is provided by the developer:

1. The study shall be performed using the U.S. Army Corps of Engineers Hydrologic Engineering Center's HEC-2, HEC-RAS (river analysis system), or equivalent FEMA-approved programs to calculate water surface elevations.
2. Describe methods to detain drainage contribution to the base flood event discharge.
3. The study report shall include field survey data and relevant bench marks used as bases of calculations as cross sections, stream profile and plan showing cross section locations.
4. The study report shall attach HEC-2, HEC-RAS, or equivalent input and output reports as an appendix.
5. Any modification of a FEMA-established base flood elevation, floodway or regulatory floodplain ~~modification~~ shall not be effective until approved by FEMA.
6. The study shall include a reach of stream extending beyond the property boundaries of the development upstream and downstream as required to comply with FEMA guidelines.
7. Demonstrate that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot (1') at any point.

M. Critical Facilities: Critical facilities shall not be allowed within any special flood hazard area, including areas designated as subject to inundation by the 0.2 percent annual chance flood event, also known as the 500-year flood and shown as shaded Zone X areas on FIRM maps.

N. Recreational vehicles shall be either on-site fewer than 180 consecutive days and be fully licensed and ready for highway use or in compliance with the elevation and anchoring requirements for manufactures homes. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

Section 8: Middleton City Code Title 4, Chapter 4 FENCES is hereby amended to read as follows:

4-4-1: FENCES, WALLS, BERMS, HEDGES:

A. Residential: Fences, walls, berms, and hedges are allowed and shall not exceed a height of six feet (6') and shall not obstruct the vision triangle. Front setbacks for a six foot (6') fence shall be the same as the setbacks for buildings. The side-street setback for a six foot (6') fence shall be ten feet (10'). A three foot (3') high privacy fence or four foot (4') high chainlink or other see through type fence shall be allowed in the front and side street setback.

B. Prohibited: Electric fences and barbed wire fences are prohibited within the corporate limits of the City, except when containing animals or in an industrial zone.

C. Commercial And Industrial Zones:

1. Fences, walls, berms and hedges, shall not exceed eight feet (8') in height and shall not obstruct the vision triangle.
2. Security fences in industrial zones: When a barbed wire top section is desired, the eight foot (8') maximum height limitation may be extended by up to thirty inches (30") solely and exclusively by the barbed wire security top section. Barbed wire, six (6) horizontal strands maximum, is permitted in industrial zones when used as the top section for security fences and shall be a minimum of seventy two inches (72") above grade. Concertina wire may be permitted in industrial zones when used as the top section for security fences subject to approval of the City and shall be a minimum of eighty four inches (84") above grade.
3. No fence or wall shall be constructed or installed in a commercial or industrial zone without a fence permit. A nonrefundable fee as established by resolution of the City Council shall be paid at the time the permit is requested, after the City has issued a design review permit for the fence.
4. Commercial, industrial, mixed use and multi-family parking, outdoor storage, loading and unloading zones and garbage/recycling areas shall be effectively screened on any side adjoining property in a residential zone by a wall, fence or hedge to a height of six

feet (6') except for the front yard setback area of the adjoining residential property, in which case the maximum height shall be three feet (3').

D. Sidewalk Areas: No fence shall be permitted in the sidewalk area or in a location that will impair the construction or use of sidewalks.

E. ~~Residential Subdivisions: Developers of residential subdivisions shall install a six foot (6') fence along the perimeter of each phase of the subdivision by the time the City signs the final plat for that phase.~~

4-4-2: ~~YARD~~ FENCING:

All fences constructed within the City shall comply with the specifications set forth on the following diagrams:

[DIAGRAMS REMAIN UNCHANGED]

Section 9: Middleton City Code Title 7, Chapter 2, Sections 10 and 11 are hereby amended as follows and relocated to Title 8, Chapter 1 and renumbered as Sections 19 & 20.

7-2-108-1-19: ~~ILLICIT PROHIBITED~~ DISCHARGES:

A. Drain Water Prohibited: It shall be unlawful for any person to discharge irrigation water or roof or surface drain water or ground drainage into the sanitary sewer system.

B. Objectionable Waste Prohibited: It shall be unlawful for any person to place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any wastewater, human or animal excrement, garbage or other objectionable waste.

C. Discharge Of Sewage To Natural Outlet: It shall be unlawful to discharge to any natural outlet or drop inlet within the City, or in any area under the jurisdiction of the City, any wastewater sewage or other polluted waters.

7-2-118-1-20: IMPROPER USE OF SYSTEM:

A. Entrance to the manhole or opening the same for any purpose whatsoever, except by the City or other persons duly authorized, is strictly prohibited. No one shall throw or deposit or cause to be thrown or deposited in any vessel or receptacle connected with the public sewer, garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, sticks, cinders or any other matter or thing whatever, except human excrement, urine, the necessary paper products, household sewage and drainage of such character.

B. It shall be unlawful for unauthorized persons to loiter, trespass, swim, trap, hunt, fish, boat, ice skate or skip rocks in, on or around the City sewer lagoon.

Section 10: Middleton City Code Title 8 Chapter 1 NUISANCES is hereby amended to read as follows:

8-1-6: Graffiti

A. Prohibited Acts:

1. Defacement: It is unlawful for any person to deface or place or put, by any means, graffiti on any exterior surface. ~~without the permission of the owner of the premises on which the surface is located.~~ Design review approval is required prior to display of any public art. The City does not deem graffiti to be public art.

2. Possession Of Graffiti Implements: It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility or while in or within fifty feet (50') of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the City.

8-1-9: VAGRANCY: It shall be unlawful for any person to be a vagrant. Residents shall reside in a house, duplex, triplex, apartment, condominium, townhouse, ~~or mobile~~ or manufactured home certified by the United States Department of Housing and Urban Development (HUD) or International Residential Code adopted in section 4-1-2 of this Code. Residents shall not reside in a storage unit, accessory structure, camper, trailer, RV, bus or other vehicle, tent, tepee, igloo, box, sleeping bag, or other shelter.

8-1-21 Public Swales: It shall be unlawful for anyone to fill or alter city-approved swales for stormwater natural treatment purposes.

8-1-1923: PENALTIES:

A. Criminal Penalties: Nuisances are infractions and shall be punished in accordance with section 1-4-2 of this Code; however, graffiti offenses shall be punished as a misdemeanor on the second and subsequent infractions.

B. Civil Remedies: All nuisances identified in this chapter are abatable. In addition to any other penalties described herein, the City may also take civil action to obtain an order mandating the abatement of such nuisances and ongoing maintenance of such property free from nuisance and/or to recover any and all costs of enforcement, collection, litigation and/or prosecution including, but not limited to, attorney fees and court costs. (Ord. 587, 1-18-2017)

Section 11: Middleton City Code Title 10 Chapter 2 Section 1 DISORDERLY CONDUCT is hereby relocated to Title 8, Chapter 1, renumbered as Section 22, and amended to read as follows:

B. Acts of Disorderly Conduct: Every person shall be guilty of disorderly conduct when he or she:

1. After being verbally warned once by the presiding member of the governing body, engages in or solicits anyone to engage in disorderly, disruptive, chaotic, lewd or dissolute speech or conduct, ~~speech or behavior~~ in any public meeting, public place or in any place open to the public or exposed to public view or viewing. For example: continued or repetitious speaking without being recognized by the individual conducting a meeting; talking or directing comments to the audience instead of the governing body; blurting; yelling; interrupting or talking over the individual conducting; talking while someone recognized to speak is speaking; without first being recognized, engaging in dialogue with someone recognized to speak; talking louder than the person recognized to speak, or arguing with someone recognized to speak.

Section 12: This ordinance, or a summary thereof as provided by Idaho Code section 50-901A, shall be published in one (1) issue of the official newspaper of the City of Middleton, Idaho, and shall take effect immediately upon its passage, approval and publication.

Dated this ____ day of June, 2019.

CITY OF MIDDLETON
Canyon County, Idaho

Darin Taylor, Mayor

ATTEST:

Dawn A Dalton
Deputy City Clerk