

REGULAR COUNCIL  
September 19, 2016

Mayor Henry called the meeting to order at 6:30 p.m.

Clerk made note that Councilmembers Skaug, Haverfield, Levi, White, Bruner, and Raymond were present.

Mayor Henry amended the agenda by postponing item #45 under new business - Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1) (f) To Communicate With Legal Counsel for the Public Agency to Discuss the Legal Ramifications of and Legal Options for Pending Litigation, or Controversies not yet Being Litigated but Imminently Likely to be Litigated. The Mere Presence of Legal Counsel at an Executive Session Does not Satisfy This Requirement until the next regular council meeting of October 3, 2016.

**MOVED** by Haverfield and **SECONDED** by Raymond to **approve the Consent Agenda with the above mentioned amendments; Regular Council Minutes of September 6, 2016 and Special Council Minutes of September 7, 2016; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes of August 8, 2016; Planning & Zoning Commission Minutes; Library Commission Minutes; IT Steering Committee Minutes; department reports, bills paid;** The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals:** 1) None; and **authorize the following public hearings:** 1) None; **Approve the following agreements:** 1) None; **Authorization to Proceed with the Bidding Process:** 1) Nampa Civic Center – Kitchen Refresh Project; Monthly Cash Report; **Resolutions – Disposal of Property with Value Under \$1,000.00:** 1) None; and **2015-2016 Licenses:** (all licenses subject to police approval): None; **approval of the agenda.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

**MOTION CARRIED**

No one from Steven Henager Scholarships was in attendance of the meeting.

Public Works Director Michael Fuss presented a staff report to update the council on current projects as follows:

**Special City Council Meeting – Local Improvement Districts -** A Special City Council meeting is scheduled for Thursday, September 22, from 9:00 a.m. to 11:00 a.m., in Nampa City Hall Council Chambers to discuss the future of the voluntary Local Improvement District (LID) funding program in Nampa. Staff has received a number of inquiries with respect to LIDs that are in need of direction:

- 1) *Should all costs be included in LID assessments?*
  - a. The voluntary LIDs have typically not included costs such as staff time, publishing, interim financing, etc. *Should this change?*
- 2) *Should individuals with poor or degraded sidewalks be forced to be involved in an LID, as opposed to being on a volunteer basis?*
  - a. Poor or degraded sidewalks have been treated on a complaint basis. Once a complaint is received, individuals are offered to volunteer in the LID, or

- turned to Code Enforcement for abatement. *Should sidewalks be proactively evaluated, or maintain the complaint basis approach?*
- 3) Developers have expressed a desire for LID financing for infrastructure investment.
    - a. *Should staff begin to evaluate a policy where development infrastructure is funded through LIDs?*
    - b. *Should development risk be bore more by the public for economic development incentive reasons?*
  - 4) In the past the City has been unwilling to foreclose on LID debt for nonpayment.
    - a. Canyon County has notified the City that it is unwilling to demand payment on LIDs for Nampa. *Is the City willing to foreclose on LID debt?*
    - b. The historical sidewalk LIDs are small considering the amount of debt necessary to effectively solicit public bonds. *Is the City willing to take on larger projects to facilitate public bond debt?*
    - c. *Is the City willing to go to the extra expense to create an issuance of tax exempt bonds, and should this cost be bore by those being assessed?*
    - d. *Does Council wish to continue to fund LIDs with City funds, essentially taking the debt and non-payment risk on itself?*
  - 5) *In general is it the City's desire to continue with the various LID programs and/or should the programs be expanded or contracted?*

The above and other questions will be explored at the Special City Council meeting on September 22. LID historical background information will also be presented. Staff looks forward to the discussion and direction from Council.

**Public Hearing – Increase in Domestic Water Utility Rates** - In follow-up to Council's direction at the September 7, 2016, Special City Council meeting, staff has scheduled a public hearing on Monday, October 3, for the proposed increase in domestic water utility rates. If Council chooses to approve rate increases following the public hearing, utility billing notifications can reach all Nampa customers by mid-December. Rate changes would be proposed for the first of the year 2017.

A PowerPoint presentation is being prepared for the public hearing. Please notify staff if there is specific information and/or questions Council or the public may want addressed and incorporated in the October 3 public hearing presentation.

**Industrial Facility Expansion Benefits from Wastewater Capacity Loan** - In the spring of 2016, Environmental Compliance Division staff informed Materne North America that wastewater discharge loadings were reaching permit capacity. Staff was informed the facility was developing a pretreatment work plan to identify wastewater capacity needs for current

production and future expansion. Staff worked with Materne to utilize the Industrial Wastewater Incentive Policy to secure a wastewater capacity loan. The loan allowed Materne time to complete a pretreatment work plan. The time allowed Materne to evaluate its options and make facility improvements to lower its wastewater discharge loadings. On September 1, 2016, Materne's wastewater capacity loan expired with discharge in compliance and the wastewater permit capacity returned to previous limits.

**Nampa Wastewater Facility Plan – Critical Success Factors** - The Wastewater Program Management Team (WPMT) has begun working on the 2017 Facility Plan for the Nampa Wastewater Treatment Plant. This plan will define the investments at the facility for the next 30 years. Within this task the WPMT revisited the critical success factors (CSFs) that had been used in the past for guiding decision making related to the wastewater program. Drawing from information in the 2011 City of Nampa Strategic Plan, the WPMT has developed the following CSFs to guide the 2017 Facility Plan:

1. Provide a healthy, professional environment that empowers our employees to succeed.
2. Preserve our natural resources and environment to promote a caring community where people live, work, play, worship, and raise their families.
3. Anticipate future regulatory requirements by considering economic ramifications to environmental action.
4. Stimulate economic development by efficient utilization of resources and providing sufficient utility capacity.
5. Maintain affordable wastewater service for rate payers through long-term, fiscally sound decision making.

The planning decisions in the 2017 Facility Plan will need to weigh these five CSFs to develop solutions. For example; while providing dependable and affordable wastewater service is a priority, the other CSFs must also be met to make the plan sustainable for the City. Please contact Nate Runyan, P.E., Deputy Public Works Director, with any comments or concerns regarding this facility planning process. Council feedback is always appreciated.

Parks Superintendent Cody Swander presented a staff report update on the Tree Maintenance Program. The City of Nampa Forestry Division is a small staff consisting of the Forester, one arborist and assistant seasonal staff. In order to work as efficiently as possible and ensure the City's trees are well cared for, we wanted to upgrade our system of knowing what condition our trees are in, how many we have and what work has been, or needs to be, accomplished. Our solution was found with Tree Plotter, a web-based database that allows cities to document and inventory their urban forest. Data collected allows the public and city staff to quickly see information about the makeup and health of Nampa's publicly owned trees. It also provides reporting features that assist with maintenance needs and the economic impacts of Nampa's forest.

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As the population of the City of Nampa increases we also see an increase in the number of trees growing in our community. Nampa Parks and Recreation maintains over 400 acres of land and we currently maintain more than 5,000 trees.

The Department of Lands has recently allowed cities in Idaho to use their software program which is a web-based mapping, analysis and planning tool called Tree Plotter. The State of Idaho has an agreement with the software company and the arrangement allows Tree Plotter be used by the City of Nampa at zero cost. The benefit to the State Lands Department is the information serves their interest by getting data about trees statewide. Other cities in Idaho that use Tree Plotter include Blackfoot, Shelley, Coeur d' Alene, Payette, and Eagle, among others. Other tree inventory software systems exist and are used in other cities. Boise, for example, uses a software system called iTree. However they work in much the same way.

In March of 2016 the Nampa Parks and Recreation Department started using Tree Plotter and began the process of collecting data for all trees located on City property. An intern was hired from Northwest Nazarene University and he spent the summer collecting and inputting tree data. Data was collected on all trees located in the downtown area, City Parks, City Hall, Kohlerlawn Cemetery, the Idaho Center and other properties owned by the City. At this time, no data was collected for trees located in the right-of-way or at the City operated golf courses.

The Tree Plotter program displays data and statistics in an easy to use format. The data displays information such as tree species, imagery, new tree planting, pruning, tree health, safety issues, pesticide applications, and tree removal. This information can be entered using an Ipad for onsite data entry.

It is recognized that better processes and systems need to be established in the coming years to help manage the growing urban forest within our City. With this data we can have better information that will allow us to provide a more efficient maintenance approach. Having the data will help Nampa Parks and Recreation with the following:

- Improve pruning schedules and zones
- Track and analyze tree health issues and pesticide application schedules
- Identify and monitor safety concerns
- Measure staff needs and productivity

We are excited to have this tool to help care for our urban forest.

The following Ordinance was read by title:

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**AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO CHANGING THE NAME FOR A PORTION OF *NORTH MIDLAND BOULEVARD* TO *NORTH MERCHANT WAY*.**

The Mayor declared this the second reading.

The following items were postponed due to lack of supporting documents: 22) Resolution for Comprehensive Plan Future Land Use Map Amendment from General Commercial to High Density Residential at 347 W. Orchard Avenue for Dean and Daren Anderson; 23) First Reading of Ordinance for a Rezone from RML and RS 6 to RMH at 347 W. Orchard Avenue for Dean and Daren Anderson; 24) First Reading of Ordinance Modifying the Zoning Development Agreement Between Dan R Turner and City of Nampa Amending the Recitals, Conditions, and Conceptual Plan to Provide for Revised Multiple Family Residential Site Development Plan and Building Design for Property Located at 921 E. Colorado Avenue for Shannon Robnett Representing Scott Thompson, Crane Creek Investments LLC; 25) First Reading of Ordinance Modifying the Annexation/Zoning Development Agreement Between Northwest Development Company, LLC and City of Nampa to Allow for a Rezone From RMH to RS 6; and Rezone from RMH to RS 6 for Glen Rimbey; 26) First Reading of Ordinance Amending Zoning Map from RS 8.5 to RA at 17155, 17175, 17225, 0 Star Road and 0 Cherry Lane approximately 27.069 Acres for John Low; 27) First Reading of Ordinance Amending Zoning Map from GB 1 to GBE at 16200 Idaho Center Blvd A 55.24 Acre Portion for the City of Nampa.

The following Ordinance was read by title:

**AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, AMENDING TITLE 10, CHAPTER 3 SECTION 10-3-1 AND 10-3-2, RELATING TO LAND USES IN THE GATEWAY BUSINESS ENTERTAINMENT ZONE; AMENDING TITLE 10, CHAPTER 4, SECTIONS 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9, AND 10-4-10 RELATING TO THE GATEWAY BUSINESS ENTERTAINMENT ZONE; AMENDING TITLE 10 CHAPTER 22, SECTIONS 10-22-1, 10-22-4, AND 10-22-6 PERTAINING TO PARKING IN THE GATEWAY BUSINESS ENTERTAINMENT ZONE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant City of Nampa)**

The Mayor declared this the first reading.

Mayor Henry presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Skaug and **SECONDED** by Haverfield to **pass** the preceding ordinance under suspension of rules and approve the Summary of Publication. The Mayor asked for a roll call

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vote with all councilmembers present voting **YES** The Mayor declared the ordinance duly passed, numbered it **4281** and directed the clerk to record it as required.

The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, **AMENDING TITLE 5**, CHAPTER 2, SECTION 5-2-25, PERTAINING TO THE OBLIGATION TO PLANT TREES IN CONNECTION WITH ONE- OR TWO-FAMILY RESIDENTIAL BUILDING PERMITS; **AMENDING TITLE 10**, CHAPTER 1, SECTIONS 10-1-2, 10-1-3, AND 10-1-18, RESPECTING DEFINITIONS AND FIGURES PROVIDED IN THE NAMPA COMPREHENSIVE ZONING ORDINANCE; AMENDING TITLE 10, CHAPTER 1, SECTION 10-2-8, PROVIDING PROCEDURES FOR PUBLIC HEARINGS UNDER THE ZONING ORDINANCE; DELETING AND REPLACING TITLE 10, CHAPTER 3, SECTION 10-3-9, RELATING TO NON-CONFORMING USES; DELETING AND REPEALING TITLE 10, CHAPTER 7, SECTION 10-7-10, PERTAINING TO THE CONTINUATION OF AGRICULTURAL USES AFTER RECLASSIFICATION OF AN RA (SUBURBAN RESIDENTIAL) DISTRICT; AMENDING TITLE 10, CHAPTER 8, SECTION 10-8-6, RELATING TO REQUIREMENTS FOR CERTAIN SIDE YARD SETBACKS; AMENDING TITLE 10, CHAPTER 10, SECTION 10-10-6, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RD (TWO-FAMILY [DUPLEX] RESIDENTIAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 11, SECTION 10-11-5 PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RML (LIMITED MULTI-FAMILY RESIDENTIAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 12, SECTION 10-12-5, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RMH (MULTI-FAMILY RESIDENTIAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 13, SECTION 10-13-5, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RP (RESIDENTIAL PROFESSIONAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 16, SECTION 10-16-5, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN BC (COMMUNITY BUSINESS) DISTRICTS; DELETING AND REPEALING TITLE 10, CHAPTER 21, SECTIONS 10-21-6 AND 10-21-7, PERTAINING TO NON-CONFORMING USES, VIOLATIONS AND PENALTIES IN THE CONTEXT OF ANIMAL ZONING REGULATIONS; AMENDING TITLE 10, CHAPTER 22, SECTION 10-22-5, RELATING TO PARKING AREA IMPROVEMENTS AND PLANTS; AMENDING TITLE 10, CHAPTER 23, SECTION 10-23-20, RELATING TO PERMANENT SIGNS PERMITTED IN THE BC/BF, GB1/GB2, AND THE IL/IH ZONES; AMENDING TITLE 10, CHAPTER 25, SECTIONS 10-25-6, 10-25-7, AND 10-25-13, RELATING TO CONDITIONAL USE PERMIT PROCEDURES BEFORE THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant City of Nampa)

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The Mayor declared this the first reading.

Mayor Henry presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Bruner and **SECONDED** by Raymond to **pass** the preceding ordinance under suspension of rules and approve the Summary of Publication. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4282** and directed the clerk to record it as required.

The following Resolution was presented:

Michael Fuss presented a staff report explaining that he needed to clear up the record from statements at the last special council meeting regarding hookup fees, I stated that we had not received feedback from the builders we have indeed received a letter dated July 22, 2016 and they are in opposition to the hookup fees as presented.

What you have before you is an action that we had an action from Council on the hookup fees but I was corrected by the City Attorney that we need to have a resolution to actually complete the action. So what you have before you is a number of resolutions.

First under item #31 is a resolution for the wastewater hookup fee to be implemented on November 15, 2016.

Councilmembers asked questions of staff concerning the builders opposition, which of the collection sheet amount is a three bedroom house (SE2) and when do they get to talk about the timing.

Karla Nelson is preparing a letter to go out to all of the building community, we are looking at all people that have pulled a building permit in the last year for a new resident and all commercial is who we are going to notify.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, IMPLEMENTING CHANGES IN THE RATES AND FEES CHARGED BY THE CITY OF NAMPA FOR WASTEWATER HOOKUP FEES.**

**MOVED** by Raymond and **SECONDED** by Skaug to pass the **resolution** as presented. The Mayor asked for a roll call vote with Councilmembers Haverfield, White, Skaug, Raymond voting **YES**. Councilmembers Levi and Bruner voting **NO**. The Mayor declared the resolution passed, numbered it **35-2016**, and directed the clerk to record it as required

**MOTION CARRIED**

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The following Resolution was presented:

Michael Fuss presented a staff report explaining that we are following the direction that we received at the last special council meeting an increase for irrigation hookup fees from \$329.00 per connection and then they do go up by size to \$520.00 on November 15, 2016.

Mayor explained that this is just the formal motion that was already approved at a previous meeting.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, **IMPLEMENTING A CHANGE IN THE RATE AND FEE CHARGED BY THE CITY OF NAMPA FOR AN IRRIGATION WATER HOOKUP FEE.**

Councilmembers had a discussion on having the timing of the hookup fees be the same.

**MOVED** by Skaug and **SECONDED** by Raymond to pass the **resolution** as presented. The Mayor asked for a roll call vote with Councilmembers White and Raymond voting **YES**. Councilmembers Haverfield, Levi, Bruner, Skaug voting **NO**.

MOTION DENIED

Councilmember's wanted to have consistent dates on all of the fees so there is adequate time for disclosure to the building community of what the changes are going to be and how they can share that with their potential clients. The council wanted all the dates to be January 15, 2017.

**MOVED** by Skaug and **SECONDED** by Haverfield to **pass the resolution for irrigation hookup fees** with an amended date of January 15, 2017. The Mayor asked for a roll call vote with Councilmembers Bruner, Raymond, Haverfield, Skaug voting **YES**. Councilmembers Levi and White voting **NO**. The Mayor declared the resolution passed, numbered it **36-2016**, and directed the clerk to record it as required

MOTION CARRIED

Mayor Henry presented a request to **continue discussion of domestic water hookup fees**.

Mayor Henry presented a staff report explaining that he has asked staff to prepare two different resolutions one with the full increase of \$2,950 effective November 15 and another to with doing half on November 2016 and the other half November 2017. If it is important to Council we can change those January 15, 2017 and January 15, 2018.

The following Resolution was presented:

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, **IMPLEMENTING CHANGES IN THE RATES AND FEES CHARGED BY THE CITY OF NAMPA FOR DOMESTIC WATER HOOKUP FEES.**

Councilmembers made comments on the fees and the dates.

**MOVED** by Haverfield and **SECONDED** by Skaug to pass the **resolution** with the date changes to January 15, 2017 and January 15, 2018 for a 50% increase on both. The Mayor asked for a roll call vote with Councilmembers Raymond, Skaug, Haverfield voting **YES** and Councilmembers Levi, White, Bruner voting **NO** the Mayor voted **YES** to break the tie. The Mayor declared the resolution passed, numbered it **37-2016**, and directed the clerk to record it as required

MOTION CARRIED

Mayor Henry opened a **public hearing** for **variance** of rear deck setbacks and vacation of rear property line easements located at **814 W Trine Loop** for **Donald & Kendra Taylor**.

Donald and Kendra Taylor presented the request.

Planning and Zoning Director Norm Holm presented a staff report explaining that the request is for a variance of the required 5' deck setback from easterly property line, and for a vacation of the 12' utility, drainage and irrigation easement along a portion of the rear property line, and vacation of the 10' utility, drainage and irrigation easement along the remainder of the rear property line located at 814 West Trine Loop for Donald and Kendra Taylor.

The applicants have previously constructed a deck at least 1' within the required 5' setback and within the 10' & 12' easements and are requesting the setback variance and easement vacation in order to retain the deck at the existing location.

**Applicable Regulations:**

**10-24-1: [Variance] Purpose:**

The City Council is empowered to grant variances in order to prevent or to lessen practical development difficulties, unique site circumstances and unnecessary physical, geographical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain bulk or quantifiable regulations prescribed by zoning ordinance.

A variance shall-not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or

vicinity, and b) the variance is not in conflict with the public interest. Hardships must result from special site characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street locations or traffic conditions or other unique circumstances.

Variations are not intended to allow something that others do not have a permitted right to do. The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control. (Ord. 2140; and. Ord. 2978)

**10-24-2: Actions:**

- A. Granting Of Variance Permit: The council may grant a variance permit with respect to requirements for fences and walls, site, area, width, frontage, depth, coverage, front yard, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the variance was applied for or in modified form if, on the basis of application, investigation and evidence submitted, the council concludes the following:
1. Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
  2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
  3. Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
  4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
  5. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- Section 10-8-6 D. for the RS District: "Minimum Property Structure and Parking Interior (Side/Rear) Yards: Shall be five feet (5') wide/deep, except where a utility easement is recorded adjacent to a side property line, there shall be provided a side yard (setback) at least the width of the easement on the development site or five feet (5'), whichever is greater. Where a utility easement is recorded adjacent to a rear lot line, the rear interior yard (setback) shall be the width of the easement on the development site or five feet (5'), whichever is greater."
  - State law does not require the consent of adjoining property owners to vacate easements.

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### **Special Information**

**Planning & Zoning History:** The applicant built the deck as a property improvement in 2012 without having realized the need to apply for and obtain approval via a building permit. They are selling the property and are moving to another location and need the matters resolved to complete the property sale.

**Transportation:** The property is accessed from S Midland Blvd via S Skyview Way to S Skyview D to W Trine Loop.

**Environmental, Aesthetics/Landscaping:** The dwelling and property is comparable with that of the other dwellings and properties existing in the neighborhood. Approval of the Variance and easement Vacation will have little effect on the immediate neighborhood, other than allowing the deck to remain as constructed 4 years ago.

**Correspondence:** At the time of the preparation of this Staff Report no letters or personal expressions of opposition to or support for the granting of the variance or the easement vacation have been received from any neighboring property owners, residents or utility companies. Fire, Building, and Engineering departments do not oppose the easement vacation.

### **Narrative/Comments**

To justify a Variance request, an applicant must argue successfully to the Council that there is some aspect of their property that physically, topographically, or, otherwise based on code requirements, puts them at a disadvantage in trying to accomplish what they wish (e.g., develop their land) in comparison to like properties. And where a site is clear of obstructions, easily or already flat graded (i.e., not adversely, topographically affected by a river, a highway or a mountain in the way, etc.), and, is of minimal dimensions per zoning code to be "buildable", then it is difficult to argue that a hardship is present that is not brought on by the applicant's request.

If the City Council believes that there is no real topographical hardship associated with a variance application, then the applicant must argue that there is a "unique site circumstance" sufficient to justify their request. In times past, Variance Permits have been issued on a case by case basis where a unique situation could be determined to exist.

The applicant argues:

"We built the deck as a property improvement in 2012. The back parcel has a variance in elevation and there was a portion that was unusable. The original builder placed large Sandstone rocks to create a border to compensate the variance in elevation and then covered with black ground cover rock beyond the concrete patio. (SEE PICTURE - A) Due to the variance in

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elevation this also left a large "trough" along the back S, SE portion of rear parcel with a distance of 3 to 4 feet wide and roughly 45 feet long. (SEE PICTURE - B) Beyond this the land sloped down towards the SW, W side of parcel. This slope did not allow for the grass to grow on the top portion and left a swamp of collected water near the bottom.

We wanted to create an area on this side of the house that not only used the space but also increased the overall property value of our home. This project detailed to add a floating deck over the existing elevated land with the sandstone and black rock ground cover that then had two stairways down to a leveled portion of the land, create a retaining wall with brick, and a paver patio with fire pit. (SEE PICTURES - Ca (2012) & Cb (2016). We submitted the proper paper work with the ACC of Trinity Hills and approved. As first time homeowners we did not think beyond the bylaws of our Home Owners Association. We knew that no power ran to these areas, no sewer lines or other irrigation lines; we knew they were not a common area, nor an area of driveways, pedestrian walk ways or off street loading facilities, ONLY unusable landscaped land inside our property line."

It will be up to the City Council to determine whether or not the applicant's rationale qualifies as a unique site circumstance providing the required justification for approval. The City Council is at liberty to either approve or deny. And, the vote should not be construed as setting precedent, but consistency in the community/neighborhood and between applications is a desirable goal when dealing with case by case variance requests.

The proposed variance, if approved, would allow the applicant's deck to remain as presently located along the southeast side of the property situated within 5' of the southeasterly property line.

Planning staff sees possible justification for granting of the Variance on the basis of irregular topography, irregular rear property line position, and the location in which the dwelling was originally constructed on the lot.

Planning staff sees basis for denying the requested easement Vacation and recommends approval. The easements proposed for vacation are not needed for any public purposes and will resolve the existing easement encroachment.

### **Recommended Conditions of Approval**

Should the City Council vote to approve this requested setback variance staff recommends establishment of the following conditions:

- 1) The applicant shall comply with all applicable requirements as may be imposed by City divisions/departments appropriately involved in the review of this request, e.g. Nampa Fire, Building, Planning & Zoning and Engineering, etc., as the Variance or easement Vacation

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approval shall not have the affect of abrogating requirements from those City divisions/departments.

- 2) The applicant/owner will be required to submit plans and obtain a building permit for the deck. This shall include the required inspection approvals.

No one appeared in favor of or in opposition to the request.

**MOVED** by Haverfield and **SECONDED** by Bruner to **close the public hearing**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the MOTION CARRIED

**MOVED** by Raymond and **SECONDED** by Haverfield to **approve the variance** of rear deck setbacks and **vacation** of rear property line easements located at **814 W Trine Loop** for **Donald & Kendra Taylor** and authorize the City attorney to draw the appropriate Ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **authorize the Mayor to sign a MOU for Assessment of Fair Housing Collaborative Agreement** with the City of Boise, City of Meridian, City of Caldwell, Nampa Housing Authority and Boise City/Ada County Housing Authority

Community Development Program Manager, Jenifer Yost presented a staff report explaining that the as part of the CDBG the City of Nampa is required to assess barriers to Fair Housing Choice and develop a plan to address the barriers identified. The City completed the last Fair Housing assessment and plan in 2012. Under CDBG regulations the City is required to use a new process to assess Fair Housing challenges in the community as it relates to the region and neighboring communities. The region under the new process is the Boise-Nampa MSA which includes the counties of: Ada, Canyon, Owyhee, Gem and Boise Counties. Under the old process the City was required to review the City only. The City of Nampa would be the first submitter in the region under the new process with a submission in 2017.

HUD is encouraging regionalization efforts and to collaborate with other entities that need to also use the new process. The City of Boise has agreed to take the lead for the plan development and contractual relationship. As such HUD allows for the City of Nampa to postpone the implementation of the new process until the lead agencies, City of Boise, next Consolidated Plan with a due date of January 2021.

The attached MOU is a document of the intent for the entities to collaborate in a regional analysis and submission of the developed plan. There will be a cost-sharing for the plan development, including the regional analysis and goals as well as the individual jurisdictional

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analysis and goals. The exact break-out of the cost sharing will need to be decided and may have to wait for an amendment to the MOU in 2018/2019 and the CDBG allocation process. The MOU includes a termination clause in the event that the City determines that the agreement is no longer beneficial.

Councilmembers asked questions of staff

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize** the **Mayor** to **sign** a **MOU** for **Assessment of Fair Housing Collaborative Agreement** with the City of Boise, City of Meridian, City of Caldwell, and Nampa Housing Authority. The Mayor asked for a roll call vote with Councilmember White, Bruner, Haverfield voting **YES** Councilmembers Skaug, Levi and Raymond voting **NO** and the Mayor voting **YES** to break the tie. The Mayor declared the **MOTION CARRIED**

Mayor Henry presented a request to **amend** the **PY2012 CDBG Action Plan** to **increase funding** for the **Bike & Walk to Downtown Project**.

Jenifer Yost presented the following staff report explaining:

Project Name	Current Allocation	Proposed Allocation	Difference
2012 Bike & Ped Downtown Connection	\$115,959	\$147,488.43	+\$31,529.43
Total	\$115,959	\$147,488.43	\$31,529.43

**BACKGROUND INFORMATION:**

**1.) Increase funding for the following project to CDBG Action Plan, PY 2012**

**City of Nampa** **\$147,488.43**  
**2012 Bike & Pedestrian Downtown Connection**

**Description:** To provide design & construction to connect two LMI neighborhood to Downtown; resulting in connection to city services and public transit corridors.

**National Objective:** LMI – Area

**Staff Report:** The City of Nampa was awarded Federal Transit Administration (FTA) Section 5316 grant and a Community Development Block Grant (CDBG) to improve multimodal accessibility in the downtown area by constructing a multi-use pathway adjacent to Front Street

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from 13th Avenue South to 15th Avenue South and a safety railing on the 16th Avenue Overpass. The bid for the project came in over the amount of funds made available for Phase 1 of the project.

On December 21, 2015 staff requested direction from City Council regarding the reuse of some unobligated funds from prior years and Council identified the 2012 Bike & Pedestrian Downtown Connection project for reuse of these funds. Staff awaited all costs to be itemized prior to coming to council for this amendment. These funds will result in the completion of the project.

**MOVED** by White and **SECONDED** by Haverfield to **amend** the **City of Nampa's Community Development Block Grant Program Year 2012 Action Plan** to reflect the following amendment: 1) 2012 Bike & Pedestrian Downtown Connection. The Mayor asked for a roll call vote with all Councilmember presented voting **YES**. The Mayor declared the  
MOTION CARRIED

Mayor Henry presented a request to **authorize** the **Mayor** to **sign** an **encroachment agreement** with **M3 Development Company** for signage along **West Red Drive**.

Michael Fuss presented a staff report explaining that M3 Development Company has requested they be allowed to place permanent trellis sign monuments over public sidewalks (see Exhibit A) within the public right of way and within the 10 foot general utilities and irrigation easement along West Red Drive (see Exhibit B).

The general utility easement is typically used by Idaho Power, Intermountain Gas, Century Link, and Cable One. These utilities do not appear to be in conflict with the proposed sign locations.

The proposed sign locations are not within the vision triangle and will not obstruct vision for traffic turning onto Middleton Road from West Red Hawk Drive.

Engineering does not oppose granting the requested encroachment agreement.

**MOVED** by Bruner and **SECONDED** by Haverfield to **authorize** the **Mayor** to **sign** the **encroachment agreement** with **M3 Development Company**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

Mayor Henry presented a request to **award bid** and **authorize** the **Mayor** to **sign** a **contract** with **Dahle Construction** for **Western Regional LS Parallel Force Main Project Construction**.

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Michael Fuss presented a staff report explaining that the Western Regional (see Exhibit A) is the largest lift station (LS) in the City in terms of number of pumps, total capacity, total horsepower and force main diameter (18-inch). The LS currently pumps into a single force main which is projected to reach full capacity by 2040. In addition, no viable pump-around solutions are available for most of the alignment during a failure.

This project is the first phase in a multi-phase project to install a parallel force main from the Western Regional LS to the waste water treatment plant. After the leak last winter, the remaining phases of the parallel force main were included and approved in the FY17 budget.

The City solicited formal bids for the project in accordance with I.C. § 67-2805(3) and four (4) contractors responded with the following bids:

- |   |              |
|---|--------------|
| 1) Anderson & Wood Construction Co., Inc. | \$275,123.74 |
| 2) Dahle Construction, LLC                | \$189,490.50 |
| 3) Knife River Corporation - Northwest    | \$199,993.00 |
| 4) Titan Technologies, Inc.               | \$310,282.00 |

The Western Regional LS project has an approved FY16 Wastewater budget of \$700,000.

Engineering	\$ 78,540
<i>Observation Estimate (10%)</i>	<i>\$ 18,949</i>
Construction Bid	\$ 189,491
<b>Total</b>	<b>\$ 286,980</b>

T-O Engineers have provided a recommendation to award and the Engineering Division recommends awarding the bid to Dahle Construction, LLC.

**MOVED** by White and **SECONDED** by Haverfield to **authorize** the **Mayor** and **Public Works Director** to **sign a contract** with **Dahle Construction LLC** to construct the **Western Regional LS Parallel Force Main project**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **authorize** the **Mayor** and **Public Works Director** to **sign task order amendment** with **T-O Engineers** for **Western Regional LS Force Main Project**.

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Michael Fuss presented a staff report explaining that the Western Regional is the largest lift station (LS) in the City in terms of number of pumps, total capacity, total horsepower and force main diameter (18-inch). The LS currently pumps into a single force main which is projected to reach full capacity by 2040. In addition, no viable pump-around solutions are available for most of the alignment during a failure. The project will allow for economic growth of the City of Nampa.

The project will install a parallel force main (24-inch) from Old Karcher Road to the waste water treatment plant (see Exhibit A). The additional force main will provide near term redundancy and long term capacity. When the area around the LS is fully developed, both force mains will be needed to handle the inflows.

T-O Engineers (T-O) designed phase one of the project and has been retained to complete the remainder of the project. Initially the project was to be designed and constructed over a five-year period starting in FY16. A leak in the existing force main has necessitated the remainder of the project be completed in FY17.

The Western Regional LS project has a proposed FY17 Wastewater budget of \$2,500,000.

Bid savings of \$300,000 from the FY16 project budget of \$700,000 will be used to fund the design of FY17 project. Coordination with the Union Pacific Railroad (UPRR) was identified as the critical task during the project charter process. In order to design and construction the project by the end of FY17, permitting with UPRR should begin immediately.

<i>Engineering</i>	\$ 248,498
<i>Observation Estimate (6%)</i>	\$ 124,980
<i>Construction Estimate</i>	\$ 2,083,000
<i>UPRR License Agreement Est.</i>	\$ 175,000
<b>Total</b>	<b>\$ 2,631,478</b>

T-O Engineers has provided an initial Scope of Work and Labor Estimate to provide design, bidding assistance and construction support services for \$248,498.00 (see Exhibit B).

Councilmembers asked questions of staff.

**MOVED** by Skaug and **SECONDED** by Raymond to **authorize** the **Mayor** and **Public Works Director** to **sign Task Order Amendment** with **T-O Engineers** to provide design and construction support services for the Western Regional LS Parallel Force Main project in the

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amount of **\$248,498.00** (T&M N.T.E.). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

Mayor Henry presented a request to **authorize** the **Mayor** to **sign supplemental engineering agreement No. 1, Phase 1 Environmental** for the Purchase of Land in the Runway 11 Runway Protection Zone, Airport Improvement Program 27 with **J-U-B Engineers, Inc.**, for Nampa Municipal Airport.

Michael Fuss presented a staff report explaining that the On March 21, 2016, City Council authorized Nampa Municipal Airport staff to submit grant applications and certifications to the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant funding in order to negotiate the purchase of private in land in the Runway Protection Zone at the Airport

In May 2016, FAA awarded the City a grant for AIP-27.

- The total project cost was \$62,926.22.

A Professional Services Agreement was put in place, as required by FAA, with City Consultant J-U-B Engineers, Inc., in order to assist with the grant funding process.

- The project began in May 2016.

The project stalled in August 2016 when the land owner notified the City through his attorney that he is no longer willing to allow access to his property.

City staff met with J-U-B, the FAA, and State Aeronautics to determine how to proceed.

- The decision was made to update the scope of work for the project.
- The updated scope eliminates topo and boundary survey, cultural resource survey, and site assessments that cannot be performed without access to the property.

Updates to the original scope of work will reduce the project cost by \$16,308.83, bringing the total cost to \$46,617.39.

On September 12, 2016, the Nampa Airport Commission met to review the Supplemental Engineering Agreement No. 1 with J-U-B (see Exhibit A).

The Commission moved to recommend City Council authorize the Mayor to sign the Supplemental Engineering Agreement No. 1 with J-U-B Engineers, Inc.

**MOVED** by Haverfield and **SECONDED** by Skaug to **authorize** the **Mayor** to **sign** a **Supplemental Engineering Agreement No. 1, Phase 1 Environmental** for the Purchase of Land in the Runway 11 Runway Protection Zone, Airport Improvement Program 27 with J-U-B



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- 50' x 60' hangar      FY16 \$762.00  
                                  FY17 \$771.00  
                                  Increase of \$9.00/year
- 60' x 60' hangar      FY16 \$914.00  
                                  FY17 \$925.00  
                                  Increase of \$11.00/year

A RESOLUTION OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AUTHORIZING A **FEE INCREASE FOR LAND LEASES** FOR THE NAMPA MUNICIPAL AIRPORT EFFECTIVE OCTOBER 1, 2016.

**MOVED** by Haverfield and **SECONDED** by Bruner to pass the **resolution** as presented. The Mayor asked for a roll call vote with Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **39-2016**, and directed the clerk to record it as required  
MOTION CARRIED

Mayor Henry presented a request to **authorize** the **Mayor** to **sign** the **Airport Café Lease Agreement** with **Treasure Valley Road Runners, LLC** dba: The Tower Grill (Nathan Lindskoog) for Nampa Municipal Airport.

Michael Fuss presented a staff report explaining that on June 30, 2016, the previous café business, TNT Dynamite Grill, vacated the Nampa Municipal Airport.

Advertisement in the local newspaper began in June 2016 for a new café operator.

In August 2016 Airport staff received a proposal from Mr. Nathan Lindskoog to operate his business, Treasure Valley Road Runners, LLC dba: The Tower Grill, at the Airport.

- Nampa Airport Commissioners met on August 8, 2016, and reviewed the café proposal.
- Airport staff was given direction to negotiate a new café lease agreement with Mr. Lindskoog (Lessee).

A new lease was successfully negotiated between the City and Lessee.

- The lease is for five, one year terms.
- The monthly lease amount for the first four months is \$1,300.00.
- The monthly lease amount for the next eight months is \$1,600.00.

The café lease includes the expense for professional services for daily restroom cleaning at the terminal. The cost for this monthly service is \$600.00.

Mr. Lindskoog offered to clean the Airport restrooms on a daily basis.

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The lease will credit Mr. Lindskoog \$600.00 each month for terminal restroom cleaning.

Therefore, monthly net lease payments would be \$700.00 for the first four months and \$1,000.00 per month thereafter.

On September 12, 2016, the Nampa Airport Commission moved to recommend City Council authorize the Mayor to sign the one-year term Airport Café Lease Agreement for café services (see Attachment 1) with Lessee.

**MOVED** by Bruner and **SECONDED** by Haverfield to **authorize** the **Mayor** to **sign** a **one-year term Airport Café Lease Agreement** with **Treasure Valley Road Runners, LLC** dba: *The Tower Grill* (Nathan Lindskoog) for café services at Nampa Municipal Airport. he Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

Mayor Henry presented a request to **authorize** the **Mayor** to **Sign a Land Lease** with **Federal Aviation Administration** for **Non-Directional Beacon at Nampa Municipal Airport**.

Michael Fuss presented a staff report explaining that on July 1, 1996, the City signed a sublease with the Federal Aviation Administration (FAA) for a Non-Directional Beacon (NDB) located on the Centennial Golf Course.

- The land in question is leased from the State of Idaho Health and Welfare Department.

A NDB is an aviation navigation aid.

- NDB navigation is becoming an obsolete technology. The FAA has begun transitioning away from NDB use.

The term of the sublease was from July 1, 1996, through September 30, 1996, with renewal on an annual basis until September 30, 2016, as long as the City continued to occupy the land (see Attachment A).

- The sublease agreement specified there would be no monetary consideration in the form of rental.

On March 11, 2016, the Airport Superintendent received a request from Raul Ramos, Real Estate Specialist with the FAA, for a new lease for the NDB location.

The new sublease would be from October 1, 2016, through December 31, 2019.

- The Idaho Health and Welfare Department approved of the sublease through December 31, 2019 (see Attachment B).
- The agreement has been reviewed and agreed to by City legal counsel.

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The sublease agreement specifies no monetary consideration for the rental.

On September 12, 2016, the Nampa Airport Commission moved to recommend that City Council authorize the Mayor to sign the NDB Land Lease (see Attachment C) dated October 1, 2016.

- o The Commission also directed staff to work with the FAA to create a plan to decommission the NDB by December 31, 2019.

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize** the **Mayor** to **sign** the **Land Lease agreement** with the **Federal Aviation Administration** for Non-Directional Beacon at the Nampa Municipal Airport. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

The following Resolution was presented:

Fire Chief Karl Malott presented a staff report explaining that the this an extension of June 15, 2016 presentation of the Master Plan study. Two of the items that were the outstanding, more futuristic were looking at a change in how we do dispatching and working on a more cooperative effort along the county lines as well with the other fire departments in this county and a fire district that the city would be annexed into.

In the meeting a week ago the Nampa Fire Protection District passed a resolution which essentially is the same as is being presented here tonight to look at a ADHOC committee that would look at the feasibility of the formation of the fire district. Without all of the pieces put together it is really a hard to make a informed decision so that is what the purpose of this committee would be.

Some of the reason that we looked at is complete transparency to the taxpayer for the cost of the fire and EMS services provided. The staple predictable model for future service needs, the commissioners would be more focused on running a fire district without the distractions of running many different departments, higher probability of securing regional grants for equipment and training, border to border continuity with other fire districts and then set boundaries to create a more stable fire district without the threat of annexation.

The decision to move forward with this study does not force the City to do anything, it does allow us to take an educated fact base analysis and make a decision based on whether it would be to the benefit of the taxpayers that we serve to move forward with this recommendation.

The makeup of the ADHOC committee would be one fire commissioner, two electors of the fire district, one city councilmember, two electors of the city, and non-voting members would be the Fire Chief, Deputy Fire Chief of operations, the Finance Director for the City, and the bookkeeper of the fire district.

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Councilmembers asked questions of staff.

A CONCURRENT RESOLUTION OF THE CITY COUNCIL OF NAMPA, CANYON COUNTY, IDAHO, IN **AGREEMENT WITH THE BOARD OF COMMISSIONERS OF NAMPA FIRE PROTECTION DISTRICT.**

**MOVED** by Levi and **SECONDED** by Haverfield to pass the **resolution** as presented. The Mayor asked for a roll call vote with Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **40-2016**, and directed the clerk to record it as required  
MOTION CARRIED

This item was postponed until the next Council meeting of October 3, 2016 - to **adjourn into Executive Session** at Pursuant to Idaho Code 74-206(1) (f) To Communicate with Legal Counsel for the Public Agency to Discuss the Legal Ramifications of and Legal Options for Pending Litigation, or Controversies not yet Being Litigated but Imminently Likely to be Litigated. The Mere Presence of Legal Counsel at an Executive Session Does not Satisfy this Requirement as provided in [chapter 1, title 74](#), Idaho Code. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

The Mayor adjourned the meeting at 7:57 p.m.

Passed this 3<sup>rd</sup> day of October, 2016.

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MAYOR

ATTEST:

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CITY CLERK