

REGULAR COUNCIL
March 16, 2020

Mayor Kling called the meeting to order at 6:00 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Mutchie, Levi, Bower were present. Councilmember Haverfield was absent.

Mayor Kling amended the agenda by adding the following:

Amendment Discussion and possible action on restricting mass gatherings and public events, and possible actions to educate the public, all to minimize the risk of COVID-19 exposure.

Amendment Authorize Family Justice Center to apply for a \$20,000 grant to temporarily house victims of domestic violence.

Amendment Request for consent of the City Council of the City of Nampa to affirm and continue the Mayor's declaration of a Local Disaster Emergency until such date as the Council may deem prudent

❖ **(1) Consent Agenda (Action Items)** ❖

MOVED by Bruner and **SECONDED** by Rodriguez to **approve the Consent Agenda as presented with the above-mentioned amendments; Item #1-1.** - Regular Council Minutes of **March 2, 2020**; Special Council Minutes of **February 28, 2020** and **March 2, 2020**; Airport Commission Minutes of **February 10, 2020**; Arts & Historic Preservation Commission; Bicycle and Pedestrian Advisory Committee; Board of Appraisers; Building and Site Design Standards Committee; Building and Fire Code Advisory and Appeals Board; Council on Aging; Crow Management; Golf Commission; Housing Authority; Impact Fee Advisory Committee; Library Board of Trustees; Nampa Planning and Zoning Commission Minutes of **February 11, 2020**; Venue Management Advisory Commission; Wastewater Design Review Commission; **Item #1-2.** - The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **Item #1-3. - Final and Preliminary Plat Approvals: 1) Final Plat** - Subdivision Plat Final Approval for Meriwether Park Subdivision #4 on the east side of Meriwether Park #2 and approximately 2,500 feet east of Franklin Blvd. on Toussand Dr. in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district (42 single family residential lots on 10.85 acres, 3.87 dwelling units per gross acre - A portion of the SE 1/4 of the NW 1/4 of Section 2, T3N, R2W, BM) for Kent Brown representing Corey Barton, DBA Challenger Development, Inc. (SPF-00125-2020); **2) Final Plat** - Request for a Second 1-Year Extension of Subdivision Plat Final Approval for Modena Subdivision at 17590 N. Franklin Blvd. (A portion of the South 1/2 of the Northwest 1/4, Section 2, T3N, R2W, BM located on the east side of N. Franklin Blvd. 1/2 mile south of Ustick Rd. - 32 Single Family Residential lots on 11.74 acres or 2.73 lots/gross acre) for 1099 LLC (SPF-00046-2018). Request to extend 3/13/19 approval which expires 3/13/20 to 3/13/21; **Item #1-4. - Authorize Public Hearings: 1)** Annexation and Zoning to IL (Light Industrial) at 16658 Northside Blvd. for future industrial use (A 1.52 acre parcel situated in the SW ¼ of the NW ¼ of Section 10 T3N, R2W, BM, Nampa, Canyon County Idaho) for Kent Brown representing Adler Revocable Family Trust (ANN-00166-2020); **2)** Annexation and Zoning to RMH (Multiple-Family Residential) at 1002 N. Happy Valley Rd. and 4719 Stamm Lane for multiple family residential use (A 3.53-acre portion of the SW ¼ of Section 18, T3N, R1W, BM, Nampa, Canyon

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County, Idaho also recognized as Tax 7 and Tax 16272 in Lots 1 and 2 of Orchalara Heights) for Blake Wolf – Wolf Building Co. (ANN-00167-2020); **3)** Annexation and Zoning to RS18 (Single Family Residential - 18,000 sq. ft.) at the southwest corner of the intersection of W. Dooley Lane and S. Stanford St., adjacent and north of 3125 S. Stanford St. (A 1.08-acre portion of the E ¼ of the SW ¼ of Section 4, T2N, R2W, BM, Canyon County, ID) for single-family residential lots for Blake Wolf, Wolf Building Co. (ANN-00168-2020); **4)** Annexation and Zoning to RML (Limited Multiple-Family Residential) at 1165 S. Powerline Road (A 2.02-acre portion of Block 169, Kurtz Addition, also known as Tax 04696 in the NE¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, ID) for multiple-family residential zero lot line buildings and multiple-family residential 4-plex buildings for Zenith Homes (ANN-00169-2020). **Item #1-5. - Authorize to Proceed with Bidding Process: 1)** Authorization to Advertise and Proceed with RFQ Process in Order to Create a New Qualified Professional Hiring Roster for City Projects for Fiscal Years 2021 and 2022, with Option to Renew One Additional Fiscal Year, 2023; **Item #1-6. - Authorization for execution of Contracts and Agreements: 1)** Authorize Mayor to Sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Gary Bartlow dated April 19, 2016, and (2) Nampa Municipal Airport Land Lease Agreement, and (3) Memorandum of Lease for Recording with John Newland effective April 1, 2020, for Lot 2006 (approved by legal); **2)** 1) Authorize Mayor to Sign Nampa Municipal Airport Land Lease Agreement (see Attachment A) and Memorandum of Lease for Recording (see Attachment A.1) with Mad River, LLC Effective March 16, 2020, for Lot 2030, and 2) Authorize Mayor to Sign Nampa Municipal Airport Land Lease Agreement (see Attachment B) and Memorandum of Lease for Recording (see Attachment B.1) with Mad River, LLC Effective March 16, 2020, for Lot 2032, and 3) Authorize Mayor to Sign Nampa Municipal Airport Land Lease Agreement (see Attachment C) and Memorandum of Lease for Recording (see Attachment C.1) with Mad River, LLC Effective March 16, 2020, for Lot 2034, and 4) Authorize Mayor to Sign Nampa Municipal Airport Land Lease Agreement (see Attachment D) and Memorandum of Lease for Recording (see Attachment D.1) with Mad River, LLC Effective March 16, 2020, for Lot 2036; **Item #1-7. - Monthly Cash Report: 1)** February 2020; **Item #1-8. - Resolutions: 1)** None; **Item #1-9. - License for 2020: a) Renewal Alcohol: 1)** None; b) *New Alcohol: 1)* None; **Item #1-10. - Miscellaneous Items: 1)** Correct Irrigation Assessments Pursuant to Idaho Code 50-1807; Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the

MOTION CARRIED

❖ (2) Proclamation ❖

Item #2-1 – Idaho Women’s Day in Nampa

Whereas, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of the State of Idaho in countless recorded and unrecorded ways; and

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Whereas, American women have played and continue to play critical economic, cultural, and social role in every sphere of life in the State of Idaho by constituting a significant portion of the labor force working inside and outside of the home; and

Whereas, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State; and

Whereas, American women of every race, class, and ethnic background served as early leaders in the forefront of major social change movements; and

Whereas, American women have served our country courageously in the military; and

Whereas, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all;

Whereas, the role of women should be represented accurately in literature, research, teaching, and in the study of American history and in the history of the State of Idaho.

Now Therefore, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim March 8, 2020, as

“IDAHO WOMEN’S DAY IN NAMPA”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 8th day of March in the year of our Lord two thousand twenty.

❖ **Mayor Kling asked if Community Members Wishing to Speak on an Agenda (5 persons limit) or Non-Agenda Item (5 persons limit) (3-minute limit). Comments Related to Zoning and Land Use Matters May only be Made During Properly Noticed Public Hearings:** ❖

- None

❖ **Mayor Kling’s and Council Comments** ❖

- **Councilmember Levi**
 - The commission did a great job of making the lunches and handing them out at the Senior Center after the closure

❖ (3) Agency/External Communications ❖

Item #3-1. - None

❖ (4) Staff Communications ❖

Item #4-1. – Public Works Director Tom Points presented a staff report to update the council on current projects as follows:

Update to Fiscal Year 2018 Workforce Plan for Engineering/Capital Projects Plan –

- In fiscal year 2018, Engineering Division presented a workforce plan for the engineering/capital projects that identified organizational strategies that will save the City professional service costs over the next five-years. A combination of in-house and outsourced services is proposed to deliver the following goals:
 - Improve level of service and lower consulting costs by adding in-house construction inspection, civil engineering design, planning and public involvement capacity. Hire additional staff to complete approximately 20-30% of civil engineering design/public involvement and 60% of construction engineering inspection services in-house within five years
 - Deliver 100% of capital projects in the designated funding year
- Key elements of the Engineering Division Fiscal Year 2018 Capital Projects Plan are summarized as follows:
 - **Hire additional staff to reduce outsourced consulting costs:** Engineering will hire one (1) engineer in training (EIT) and one (1) inspector in fiscal year 2020. According to the five-year work force plan, a total of nine in-house staff will be added. To date, three (3) positions have been added: one (1) contract administrator; one (1) halftime public involvement professional, and one (1) staff engineer. Generally, an in-house employee can save the City up to 40% in consultant costs
 - **Current Staffing Summary:** Engineering Division will hire a new staff engineer, inspector and EIT this year. The staff engineer, EIT and inspector positions will assist with design and inspection of capital projects. To date, after difficulty finding qualified engineering candidates, a staff engineer II has recently been hired
 - **Utilize increased in-house staff to design, inspect and conduct public involvement services for some projects:** By fiscal year 2023, Engineering Division's goal is to provide approximately 20-30% of civil engineering design/public involvement and 60% of construction engineering inspection services in-house. For the second year of the plan, our goal is for in-house staff to complete approximately 11% of the civil engineering design/public involvement and 43% of

inspection services. The percentage of work in-house will increase annually as the number of staff grows and experience/efficiency increases

- **List of fiscal year 2020 Street, Wastewater, Water (Domestic and Pressure Irrigation) Divisions' Projects and Schedules:** Engineering Division will strive to deliver 100% of the 62 total design and construction projects within the fiscal year 2020 funding year
- To meet the goal of 100% delivery of capital projects in the designated funding year, Engineering Division staff has begun to obtain scope of work for projects that cannot be completed with internal staffing
- By utilizing in-house resources, staff have provided an estimated \$246,437 in project savings; the fiscal year 2020 goal is to save \$400,000

Phase II Upgrades Construction Update - An update to the Nampa Wastewater Program Phase II Upgrades, Nampa Wastewater Treatment Plant, dated March 16, 2020, is attached for Council's review (see Attachment A).

2020 Nampa Irrigation Season – You Can Make a Difference - Water conservation is becoming a viable alternative for communities to meet growth with limited water resources. The City has provided customers with educational pamphlets on water conservation in the past. This year's pamphlet, which will be enclosed in customer's 2020 irrigation assessment billing, has been updated with informational items on the effects of overwatering and how to set watering schedules around new and established lawns. Community members are encouraged to participate in water conservation for lawns and gardens this upcoming irrigation season (see Attachment B).

Canyon County Proposed \$25 Vehicle Registration Fee – Nampa's transportation system is at a critical juncture with an estimated \$14 million annual deficit in transportation funding. Recent community surveys and political campaigns reveal the top priorities for citizens are transportation and public safety. Public Works Department staff prepared the Fiscal Year 2019 Transportation Funding Plan to address transportation needs. Phase I of the three phase plan is underway successfully decreasing Nampa's funding deficit from \$17 million per year to \$14 million per year. It included a six-fold increase in development impact fees and a 1% property tax increase.

Phase II was started in January 2020. Its key component is a proposal to add a \$25 vehicle registration fee for all Canyon County vehicles. This plan requires approval by a county-wide majority vote and Memorandum of Understanding (MOU) agreement between Canyon County highway districts and cities. On the day of this report, staff will present an update to Council on the MOU including why the fee covers only non-commercial vehicles.

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Item #4-2. – Police Chief Joe Huff presented a staff report to update the council on current projects as follows:

Police Grant Update – The Nampa Police Department did finish and submit the COPS grant. In the grant the Police Department asked for 4 additional police officers.

❖ **(5) New Business** ❖

Mayor Kling presented a request for discussion and possible action on restricting mass gatherings and public events, and possible actions to educate the public, all to minimize the risk of COVID-19 exposure.

Mayor Kling gave the following update: As stated in the joint press release sent earlier today, “The decision to approve disaster emergency declarations is not a result of a dire or immediate need for resources. It is being done now – ahead of any crisis – so communities can proactively pursue additional resources that might be needed to help prevent the community spread of COVID-19 in the weeks and months to come.”

Nampa City Hall will be closed to the public effective March 17, 2020; however, staff will be on site to respond to email and phone communication.

Building: Will close its public counter until April 1, 2020 but will be available to service clients by phone (208-468-5435) and email (buildingpermits@cityofnampa.us).

- Hard copy permit submittals and pickups will still be available in the City Hall lobby. Please call ahead to coordinate the drop off and pick up of hard copy permits that are ready to submit or issue.
- Processing of online residential, mechanical, plumbing and electrical permits will continue.
- Same day service for residential and commercial final inspections will be suspended to give priority to critical path inspections. We will call you to schedule your final inspection.
- Residential water heater and HVAC retrofit permits will continue but we will not schedule final inspections for these permits until after April 1, 2020. Please take photos and video of your installation to submit to our inspection staff.
- All other inspection requests will be performed same day and staff will practice social distancing.

Clerk’s Office / Passports: Will be closed to the public and suspend passport service, but continue to process online permits and licenses (<https://cityofnampa.us/143/City-Clerk>). Staff is available to respond to phone (208-468-5426) and email (clerks@cityofnampa.us) communication. To ensure an online application was received, and to confirm any required payment, please call. The clerk’s office is still processing the following applications: alarm installers, alcohol (beer, wine and liquor), amusement, catering, concessions, peddlers, private

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investigators, special event permit, and tree removal and pruning. The clerk's office is also processing public records requests online.

Planning & Zoning: Will be accessible via phone (208-468-4430) and email (pzall@cityofnampa.us) and will continue to perform inspections as deemed necessary.

Utility Billing: Will close to the public March 17-31, but staff will continue to provide essential customer service during the closure. Live, person to person payments will not be processed, however billing staff will process payments via website, phone (208-468-5711) or drive-thru drop box located outside utility billing. Questions can be emailed to utility@cityofnampa.us. No accounts will be shut off due to lack of payment for the foreseeable future. Payment plans can be arranged for customers financially impacted by the coronavirus outbreak.

The Nampa Recreation Center will close to the public effective at 10:00 p.m. March 16, 2020. We hope to reopen April 1, 2020, but is subject to change based on the public health status. Nampa Parks & Recreation is also canceling or postponing all department programs, events, classes, camps, and activities. Nampa's parks and pathways will remain accessible and social distancing recommended by public health agencies is encouraged.

The City of Nampa Golf Courses, including Ridgecrest Golf Club and Centennial Golf Course have announced the following updates:

- The Centennial Senior Golf Association, held each Wednesday, will be suspended beginning March 18, 2020. Play is expected to commence April 8, but is subject to change.
- Due to the outdoor nature and limited interaction of golf, Ridgecrest and Centennial Golf Courses will remain **open for golf play** with limited services.
- The club houses will be **closed** except for tee time check ins and concession operations. Only prepackaged items and beverages will be available for takeout.
- Extra sanitation precautions have been implemented including sanitizing the golf carts at every use, removing ball washing stations and drink coolers.

Dedicated Communication Channels:

The City of Nampa has also established the following communication channels to share information and updates with the public:

- Email questions or concerns specific to COVID-19 in our community to nampaready@cityofnampa.us.
- Listen to a recorded message and/or leave a voice message for city staff by calling **(208) 565-5132**. The message will be updated as quickly as possible.
- A new website dedicated to information related to COVID-19 is available at cityofnampa.us/coronavirus.
- The City of Nampa will continue to post updates primarily through our website, Nextdoor and Facebook, as well as Instagram and Twitter.

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The safety and well-being of our residents, first responders, health care workers, employees, partners, performers, athletes and guests is a top priority. We will continue to follow recommendations from the Centers for Disease Control and Prevention (CDC) and local authorities as the situation develops. We appreciate the community's patience during this time.

Councilmembers asked questions and made comments.

Mayor Kling presented a request for the City Council to **affirm** and continue the Mayor's declaration of a **Local Disaster Emergency** until such date as the Council may deem prudent.

City Attorney Doug Waterman presented a staff report.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, IDAHO, PURSUANT TO IDAHO CODE§ 46-1011(1), CONSENTING TO THE **EXTENSION OF MAYOR DEBBIE KLING'S DECLARATION OF EMERGENCY** DATED MARCH 16, 2020 CONCERNING THE NOVEL CORONA VIRUS KNOWN AS COVID-19.

MOVED by Bruner and **SECONDED** by Rodriguez to pass the **resolution** as presented and extending the declaration of Emergency until April 66, 2020. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **15-2020** and directed the clerk to record it as required.

MOTION CARRIED

❖ (6) Public Hearings ❖

Item #6-1. - Mayor Kling opened a **public hearing** for variance of Section 10-8-6 (C) requiring a 20' front yard setback in the RS6 (Single Family Residential – 6,000 sq. ft.) Zoning District. The applicant requests a 10' front yard setback to the living area or a side or a side loaded garage and 20' to the front of a garage for Parcel R3207200000 on the west side of S. Middleton Rd. north of W. Greenhurst Rd. in Red Hawk Ridge No. 6 Subdivision (15 single family detached lots on 4.18 acres situated in a portion of the south half of the southeast quarter of Section 31, T3N, R2W, BM) for JUB Engineers representing MD ID RHR Middleton LLC (VAR 081-19) **AND**

Item #6-2. - Mayor Kling opened a **public hearing** for modification of annexation and zoning development agreement between Hunter's Point Golf Community LLC and the City of Nampa recorded 5/19/2006 as Inst. No. 200638438 amending Exhibit "B" Conceptual Plan changing the use of a previously designated Apartment area to Single Family Residential use; Zoning Map Amendment from RMH (Multiple-Family Residential) and RP (Residential Professional) to RS6 (Single Family Residential – 6,000 sq. ft.) for Red Hawk Ridge Subdivision No. 6 for Parcel R 3207200000 on the west side of S. Middleton Rd. north of W. Greenhurst Rd. (15 single family detached lots on 4.18 acres for 3.59 dwelling units per gross acre – A portion of the south half of

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the southeast quarter of Section 31, T3N, R2W, BM) for JUB Engineers representing MD ID RHR Middleton LLC. The Planning and Zoning Commission recommended approval. (DAMO 034-19, ZMA 114-19)

The applicant chose not to show up and was having staff represent them.

Planner II Kristi Watkins presented the following staff report:



Requested Action Item:

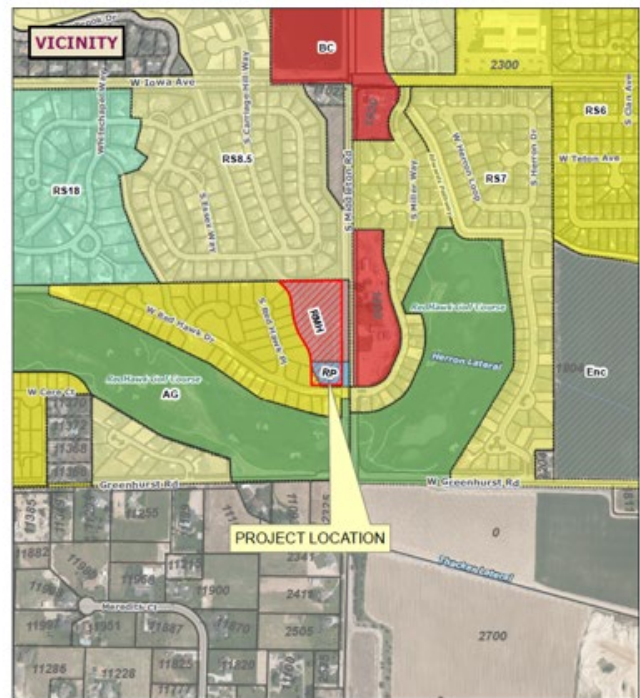
- **Variance of Section 10-8-6** requiring a 20' front yard setback in the RS6 (Single-Family Residential – 6,000 s. f.) Zoning District. The applicant requests a 10' front yard setback to the living area or a side or a side loaded garage and 20' to the front of the garage.
- **Modification of Annexation and Zoning Development Agreement** between Hunter's Point Golf Community LLC and the City of Nampa recorded 5/19/2006 as Inst. No. 200638438 amending Exhibit "B" Conceptual Plan changing the use of a previously designated Apartment area to Single Family Residential use; and,
- **Zoning Map Amendment** from RMH (Multiple-Family Residential) and RP (Residential Professional) to RS6 (Single Family Residential – 6,000 sq. ft.); and,

Applicant Stated Purpose:

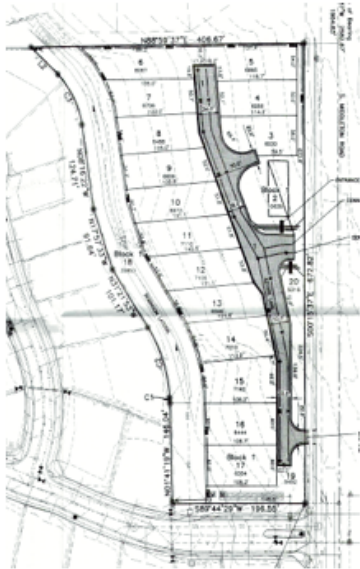
- *The unusual configuration of the subject property presents design challenges that necessitate our request for this Variance. We are requesting 5' side yard setbacks (typical), 15' rear yard setbacks (exceed standard), and 10' front yard setbacks (variance required) to the living area or side loaded garage, while maintaining the 20' setback to the front of the garage (typical). The requested setbacks will allow for the developer to construct a traditional single-family detached housing product designed for empty nesters who would like to live in the Red Hawk Ridge Golf Community.*
- *The Development Agreement was approved when the subject property was originally annexed into the City of Nampa by the previous developer of Hunter's Pointe Subdivision. Multi-family residential development was originally planned for the Red Hawk #6 property and the DA restriction was compatible with the original concept plans for the development that were included in the DA when the property was annexed. A DA Modification is being requested to remove this restriction from the existing Development Agreement.*

General Information:

- In City Limits: Zoned RMH & RP
 - Requesting RS 6
- Land Use: Farmland
 - North: City RS 8.5 (Carriage Hill)
 - South: City RS 6 (Red Hawk Ridge)
 - East: BC (across Middleton Rd)
 - West: City RS 6 (Red Hawk Ridge)



Specific Information:



- **History:**
- **2005** – Annexation and Zoning to RMH & RP, Ordinance # 3488 (including a development agreement for Hunter’s Point Golf Community, LLC) - Approved and Effective September 12, 2005.

Preliminary Plat info:

- Overall Site Area- 4.18 acres
- Total Proposed Lot Count - 20
- Total Proposed Buildable Lots - 16
- Total Common Lot Count- 4

Variance

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, based on application, investigation and evidence submitted, the council concludes the following:

- Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
- There are extraordinary or unique 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.
- 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.
- 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.
- 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.

10-8-6: PROPERTY AREA, WIDTH, DEPTH, FRONTAGE AND SETBACK REQUIREMENTS: (RS Zone)

- D. Minimum Property Structure and Parking Front Yard (Setback): Shall be twenty feet (20') wide/deep...

Modify the DA

1. Applicant is to provide a new legal description of the portion to be modified.
2. In the written document, change the use of the 4.18-acre portion from multi-family residential to single-family residential.
3. Replace the approved concept site plan with the preliminary plat for the proposed Red Hawk #6 area.

Findings of Fact for the REZONE

1. Within City Limits Zoned RMH & RP, Requesting RS 6
2. Property appears to be clear of structures
3. All immediately surrounding uses are single-family residential except for the property to east which is commercial across the ROW.
4. Request is reasonable and property is eligible for rezone
5. It is within the public interest to rezone to RS 6 and matches the Comprehensive plan for the area.
6. A Traffic Impact Study is not required for the 20 lots proposed.
7. Emergency services and Utilities are available to the property

Conditions of
Approval

- Record a new development agreement, with legal description, new described use and new concept plan.
- Provide top of foundation wall or finished floor elevations
- Comply with Engineering Dept comments as listed in the staff report
- Provide confirmation from the Boise Project Board of Control for a license agreement
- On the final plat, show blanket easements for public utilities and private streets
- Any other conditions as the Commissions sees fit to add

Requested Action:

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- **Approval of the Variance of Section 10-8-6** requiring a 20' front yard setback in the RS6 (Single-Family Residential – 6,000 s. f.) Zoning District. The applicant requests a 10' front yard setback to the living area or a side or a side loaded garage and 20' to the front of the garage; and,
- **Approval of the Modification of Annexation and Zoning Development Agreement** between Hunter's Point Golf Community LLC and the City of Nampa recorded 5/19/2006 as Inst. No. 200638438 amending Exhibit "B" Conceptual Plan changing the use of a previously designated Apartment area to Single Family Residential use; file #DAMO-034-2019; and,
- **Approval of the Zoning Map Amendment** from RMH (Multiple-Family Residential) and RP (Residential Professional) to RS6 (Single Family Residential – 6,000 sq. ft.); file #ZMA-114-2019.

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

MOVED by Bower and **SECONDED** by Bruner to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the
MOTION CARRIED

MOVED by Bruner and **SECONDED** by Bower to **approve the variance** of Section 10-8-6 (C) requiring a 20' front yard setback in the RS6 (Single Family Residential – 6,000 sq. ft.) Zoning District and the **modification of annexation and zoning development agreement** between Hunter's Point Golf Community LLC and the City of Nampa recorded 5/19/2006 as Inst. No. 200638438 amending Exhibit "B" Conceptual Plan changing the use of a previously designated Apartment area to Single Family Residential use; **Zoning Map Amendment** from RMH (Multiple-Family Residential) and RP (Residential Professional) to RS6 (Single Family Residential – 6,000 sq. ft.) for Red Hawk Ridge Subdivision No. 6 for Parcel R 3207200000 on the west side of S. Middleton Rd. north of W. Greenhurst Rd. (15 single family detached lots on 4.18 acres for 3.59 dwelling units per gross acre – A portion of the south half of the southeast quarter of Section 31, T3N, R2W, BM) for JUB Engineers representing MD ID RHR Middleton LLC 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

Item #6-3. - Mayor Kling opened a **public hearing** for **vacation of Right-of Way and Utility Easement** in a RS6 (Single Family Residential) zoning district at **1400 W. Roosevelt Ave**. The right-of-way vacation is for a 5,849 sq. ft. portion of S. Boundary Street and the utility easement vacation is for a 7,362 sq. ft. easement located across Lots 1-3, Block 1 of Town and Country Estates First Subdivision for the development of **Meadowlark Place Subdivision** for **Katie Deal** represented by Lance Warnick. (VAC 042-20.)

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Katie Deal presented the request.

Planning and Zoning Director Norm Holm presented the following staff report explaining that the request is for a vacation of a portion of the west right-of-way of S. Boundary Street north of W. Roosevelt Ave., and vacation of a utility easement located across Lots 1-3, Block 1, Town and Country Estates First Subdivision at 1400 and 1402 W. Roosevelt Ave. for Katie Deal represented by Lance Warnick (VAC 042-20).

General Information

Status of Applicant: Representative and family of property owner. **Existing Zoning:** RS6 PUD (Single-Family Residential- 6,000 sq. ft. with Planned Unit Development Overlay). **Location:** 1400 W. Roosevelt Ave. – Lots 2 and 3, Block 1, Town and Country Estates First Subdivision and 1402 W. Roosevelt Ave. – Lot 1, Block 1, Town and Country Estates First Sub. **Size of Vacation Area:** S. Boundary Street partial vacation – Approximately 13.5-feet x 407-feet or 5,849 sq. ft. - Utility easement vacation – Approximately 16.2-feet x 454.8-feet or 7,367.76 sq. ft. **Surrounding Land Use and Zoning:** North- Single Family Residential; RS6 (Single-Family Residential – 6,000 sq. ft.) - South- Single Family Residential; RS6 (Single-Family Residential – 6,000 sq. ft.) - East- Single Family Residential; RS6 (Single-Family Residential – 6,000 sq. ft.) - West- Single Family Residential; RS6 (Single-Family Residential – 6,000 sq. ft.). **Comprehensive Plan Designation:** Medium Density Residential (MDR). **Applicable Regulations:** State law requires the consent of adjoining property owners for the vacation of street right-of-way. The owner/applicant is the only property owner adjoining both the easement vacation and the street vacation. **Description of Existing Uses:** Undeveloped easement area and street portion.

Special Information

Planning & Zoning History: The Town and Country Estates First Subdivision was platted in 1968. Lots 4-10 were previously replatted into other subdivisions. Lots 1-3 are now being replatted as Meadowlark Place Subdivision.

Public Utilities: No existing city street facilities or utilities are situated in the easement or street vacation areas.

Idaho Power does not have any facilities in the easement vacation area but does maintain electrical facilities within the proposed right-of-way vacation area. They request continued right to operate, maintain, repair, replace, or otherwise modify or add to their facilities within the area including the right of ingress and egress thereto.

Environmental: Approval of the vacation(s) will have no negative effect on any adjacent properties.

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Correspondence: As of the date of this staff report no objections have been raised by any utility companies or surrounding property owners. Fire, Building, and Engineering Departments do not oppose the vacation of the alley right-of-way area.

Staff Findings and Discussion

Planning staff sees no reason why the requested partial street vacation, and utility easement vacation should not be approved.

Recommended Approval Conditions

The following conditions of approval are required:

- 1) The full remaining S. Boundary Street right-of-way width shall be 56' minimum to adhere to current City of Nampa local road standards. We request the right-of-way vacation exhibit be revised to reflect the total remaining right-of-way width to verify compliance.
- 2) Nampa City records indicate the city maintains an 8" pressure irrigation main within the portion of right-of-way proposed to be vacated. A 10' wide easement shall be dedicated back to the city and recorded concurrent with the requested right-of-way vacation.
- 3) Continued right be given to Idaho Power to operate, maintain, repair, replace, or otherwise modify or add to their facilities within the area including the right of ingress and egress thereto in the partial S Boundary St. vacation area.

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

MOVED by Rodriguez and **SECONDED** by Mutchie to **close** the **public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Levi and **SECONDED** by Bower to **approve** the **vacation** of **Right-of Way** and **Utility Easement** in a RS6 (Single Family Residential) zoning district at **1400 W. Roosevelt Ave.** The right-of-way vacation is for a 5,849 sq. ft. portion of S. Boundary Street and the utility easement vacation is for a 7,362 sq. ft. easement located across Lots 1-3, Block 1 of Town and Country Estates First Subdivision for the development of **Meadowlark Place Subdivision** for **Katie Deal** represented by Lance Warnick with staff recommended conditions and authorize the Nampa City Attorney to draw up the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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Item #6-4. - Mayor Kling opened a **public hearing** for **variance** of **Section 10-16-5 (C)** requiring a 20' front yard setback next to an arterial roadway in the BC (Community Business) Zoning District at **607 Northside Blvd.** The applicant requests a 7' front yard setback from Northside Blvd right-of-way to the edge of the existing building at 607 Northside Blvd. (a .65 acre portion of Lot 1, Block 1 of Broadmore Community Park Subdivision) in order for Idaho Transportation Department to widen Northside Blvd as part of the **Northside Blvd/I-84 interchange project** for Todd Keizer/Keizer Land Services representing National Retail Properties, LP. (VAR 088-19)

Todd Keizer presented the request.

Principal Planner Rodney Ashby presented the following staff report explaining that the request is for a variance of Section 10-16-5 (C) requiring a 20' front yard setback next to an arterial roadway in the BC (Community Business) Zoning District at 607 Northside Blvd. The applicant requests a 7' front yard setback from Northside Blvd right-of-way to the edge of the existing building at 607 Northside Blvd. (a .65 acre portion of Lot 1, Block 1 of Broadmore Community Park Subdivision) in order for Idaho Transportation Department to widen Northside Blvd as part of the Northside Blvd/I-84 interchange project for Todd Keizer/Keizer Land Services representing National Retail Properties, LP. (VAR 088-19).

Purpose/Applicant Explanation: “As a result of the taking of a portion of the premises by the Idaho Department of Transportation under the threat of eminent domain, a portion of the east side of the building will be less than twenty (20) feet from the revised property line after such taking is complete. Provided the building footprint is not being altered, any future remodeling of the premises or other construction activity on the premises that requires a permit from the City of Nampa will not be denied due to such twenty (20) feet setback not being met. Such setback, as will exist after the taking, is grandfathered as a legal non-conforming setback for all purposes as long as the building footprint is not altered.”

General Information

Status of Applicant: Surveyor for Idaho Transportation Department Project – representing owner National Retail Properties, LP/Paul Bayer. **Existing Zoning:** BC (Community Business). **Location:** 607 Northside Blvd. **Comprehensive Plan Designation:** General Commercial.

Specific Information

Size of Property: A .65-acre parcel being Lot 1 of Block 1 in the Broadmore Community Park Subdivision. **Surrounding Land Use and Zoning:** North - Nampa Inn and Suites Motel, BC (Community Business) zoning district - South – Maverick Gas Station, BC (Community Business) zoning district - East – Jackson’s Gas Station, BC (Community Business) zoning district - West –

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Tex Trail Trailer Parts, BC (Community Business) zoning district. **Utilities:** Already serve the property. **Transportation/Access:** The parcel has direct access from Shannon Dr.

Applicable Regulations

10-24-1: [Variance] Purpose:

The Nampa City Council is empowered to grant variances 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.

Variances 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; amd. 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, based on 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.

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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.

10-16-5 Property Area, Width and Yard Requirements:

C. Front Yard/Street Side (Setback): ...Twenty feet (20') is/shall be required on/for all properties that abut front streets classified or identified as collectors or arterials on the most currently utilized Nampa urban boundary and functional classification system map. (Ord. 3960, 4-4-2011)

Correspondence

Nampa Engineering Department: does not oppose the variance, but recommend it apply to the existing structure in its current state.

Narrative/Comments

The applicant contacted Planning & Zoning staff several months ago and questioned the impacts of the Idaho Transportation Department's Purchase of right-of-way for the Northside Blvd/I-84 interchange improvements, making the setback to the building less than the required twenty feet (20'). Staff indicated at that time that there would be little impact to the building in its current state, becoming legal-non-conforming. Staff offered a letter assuring the owner that they would be able to continue to operate the restaurant in its current state, or to sell the building and operate a business within the existing building. The owners wanted greater assurances (from elected officials) that ITD's actions would not jeopardize any future sale of the property and the ability to use the building. A variance was determined the best approach to ensure the setback does not hinder operation or sale of the building within its current footprint.

To justify a variance request, an applicant must argue successfully to the Council that there are aspects of their property that physically, topographically, or, otherwise based on code requirements, puts them at a disadvantage in trying to accomplish what they wish in comparison to like properties.

If the Nampa 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 the past, variances have been issued on a case by case basis where a unique situation could be determined to exist. In this case, the "unique site circumstance" may exist because of the Idaho Transportation Department's need to secure right-of-way for a major intersection improvement along Interstate 84. The property owner could not be held responsible for such a situation and staff believes a "unique site circumstance" exists for the property to justify a variance.

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The Nampa City Council must determine if this request qualifies as a unique site circumstance providing the required justification for approval. The Nampa City Council is at liberty to either approve or deny. Either decision should not be construed as setting precedent, but consistency in the community/neighborhood and between applications is a desirable goal when dealing with case.

Recommended Conditions of Approval

Should the Nampa City Council vote to approve the requested variance, staff recommends the following conditions required by Planning and Engineering:

- 1) The applicant shall comply with all applicable requirements as may be imposed by City of Nampa divisions/departments appropriately involved in the review of this request as the Variance approval shall not have the effect of abrogating requirements from those City of Nampa divisions/departments.
- 2) The variance shall apply to the setback of the existing footprint of the building. Any additions or new construction on the property shall be constructed in compliance with current city codes and setbacks.

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

The applicant answered question and made comments.

MOVED by Mutchie and **SECONDED** by Bruner to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Bruner and **SECONDED** by Mutchie to **approve the variance of Section 10-16-5 (C)** requiring a 20' front yard setback next to an arterial roadway in the BC (Community Business) Zoning District at **607 Northside Blvd**. The applicant requests a 7' front yard setback from Northside Blvd right-of-way to the edge of the existing building at 607 Northside Blvd. (a .65 acre portion of Lot 1, Block 1 of Broadmore Community Park Subdivision) in order for Idaho Transportation Department to widen Northside Blvd as part of the **Northside Blvd/I-84 interchange project** for Todd Keizer/Keizer Land Services representing National Retail Properties, LP. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-5. - Mayor Kling opened a **public hearing for zoning map amendment** from RP (Residential Professional) to BC (Community Business) for a **Used Auto Sales Lot** at 924 16th Avenue South (A Lot 12 in Block 31 of Waterhouse Addition and a portion of 10th Street South

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(formerly Ash Street) as shown on the official plat of Waterhouse Addition – Comprising .31 acres or 13,504 sq. ft.) for **James Newell**. The Planning and Zoning Commission recommended approval (ZMA 115-19)

James Newell presented the request.

Norm Holm presented the following staff report explaining that the request is for a zoning map amendment from RP (Residential Professional) to BC (Community Business) Industrial) for a used auto sales lot at 924 16th Avenue South for James Newell.

General Information

Planning and Zoning Commission Recommendation: Approval subject to below stated findings. **Planning & Zoning History:** Originally a single-family dwelling converted to a professional office. Recently used as a Financial Services office and other professional uses. **Status of Applicant:** Property Owner. **Rezone Location:** 924 16th Ave. So. **Property Size:** .31 acres or 13,504 sq. ft. and Lot 12 in Block 31 of Waterhouse Addition and a portion of 10th Street South (formerly Ash Street) as shown on the official plat of Waterhouse Addition. **Existing Zoning:** RP (Residential Professional). **Proposed Zoning:** BC (Community Business). **Existing Land Use:** Existing developed single family to professional office conversion with off-street parking lot. **Surrounding Land Use and Zoning:** North- Single Family Residential, RP - South-Holly Shopping Center, BC - East- Single Family Residential, RP - West- Single Family Residential, RP. **Comprehensive Plan Designation:** High Density Residential but bordering General Commercial to the south across E. Roosevelt Avenue.

Applicable Regulations: Zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood. The requested zoning map amendment from RP to BC is eligible for consideration as it conforms with the existing General Commercial designation to the south across E. Roosevelt Ave. under the map note: *“The mapped boundary between two adjoining land use designations is considered flexible and may be interpreted as being stretchable to include the abutting parcels in the direction of either designation.”*

Special Information

Permitted and Conditional Uses BC zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10398/Community-Business-BC-District-Land-Uses>

Permitted and Conditional Uses RP zone (click on link):

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<https://www.cityofnampa.us/DocumentCenter/View/10420/Residential-Professional-RP-District-Land-Uses>

Signs allowed in the BC zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10853/BC-BF-Signs>

Signs allowed in the RP zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10989/RP-Zone-Signs>

Public Utilities:

- 8” sewer main located in the adjacent alley to the southeast.
- 6” water main located in the adjacent alley to the southeast.
- 3” irrigation main located in the adjacent alley to the southeast.

Public Services: All present. **Transportation:** The property has frontage on 16th Avenue South with egress only to 16th Ave So. and ingress from the alley to the southeast. **Environmental:** The rezone could have a negative effect on area single-family residentially used properties along 16th Avenue South.

Correspondence: Written correspondence opposing the rezone from RP to BC was provided at the Planning and Zoning Commission hearing by the following homeowners residing to the west across 16th Ave. So.: Dana Fillmore – 911 16th Ave. So. and Chris Lloyd – 1515 10th St. So.

Staff Findings and Discussion

The parcel catty corner from this location across E. Roosevelt Ave. at 103 S. Holly St. was previously rezoned to BC and is occupied by a Tire Store. The Holly Shopping Center located adjacent and south was originally zoned BC when developed in 1963. All but three of the properties across S. Holly Street from the shopping center were previously zoned BC. Areas to the north along either side of 16th Ave. So. are zoned BC between 8th St. So. and 7th St. So. It has been city policy to allow such zoning extensions in the past, but recent Nampa City Council decisions indicate a movement away from certainty such requests will continue to be approved.

The subject rezone proposes to extend the BC zoning of Holly Shopping center north across E. Roosevelt Ave. into the RP zoned, primarily residential neighborhood. Staff expresses concern over the possible negative effect of the rezone on residential property values and future land use compatibility with the approximately 4 block primarily single-family residential RP zoned area to the north along both sides of 16th and 17th Avenues South. As it appears that a majority of the single-family dwellings may likely be rental and not owner occupied perhaps a negative effect from the rezone and future extension thereof into that area may not be realized.

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The Nampa City Council must determine if it is appropriate to further permit by rezone an expansion of BC zone commercial use rather than continued future RP zone high-density residential or professional uses into the primarily single-family established neighborhood north of E. Roosevelt Ave.

- 1) The Nampa City Council could interpret/argue that the requested rezone to BC is not an appropriate extension/expansion of the existing BC zoning across E. Roosevelt Ave. to the north into the RP zoned primarily residential neighborhood. Under this interpretation the requested zoning map amendment would not comply with the existing High Density Residential Comprehensive Plan future land use map designation and the General Commercial designation would not be considered stretchable to include the parcel.
- 2) The Nampa City Council could agree with the Planning and Zoning Commission recommendation and interpret/argue that the requested rezone to BC it is an appropriate extension/expansion of the existing BC zoning across E. Roosevelt Ave. from the south into the otherwise zoned RP neighborhood to the north. Under this interpretation the requested zoning map amendment complies with General Commercial designation under the stretchable allowance as provided for on the Comprehensive Plan future land use map.

If the Nampa City Council agrees with the Planning and Zoning Commission recommendation and votes to approve the rezone the following findings are suggested:

- 1) Rezone of the subject property to BC is reasonably necessary in order to allow the applicant to obtain the required land use entitlement for a Used Car Sales business.
- 2) Rezone of the subject property to BC is in the interest of the property owner and is interpreted as conforming with the comprehensive plan future land use map designation of General Commercial via the stretchable allowance from the south across E. Roosevelt Ave.
- 3) The proposed Used Car Sales use of the subject property will be compatible with the existing commercial/residential uses in the immediate area.

If the Nampa City Council disagrees with the Planning and Zoning Commission recommendation and votes to deny the rezone the following findings are suggested:

- 1) Rezone of the subject property to BC is not reasonably necessary. A more suitable location for a Used Car Sales business can be found within the many existing BC zoned areas of Nampa.
- 2) Rezone of the subject property to BC is in the interest of the property owner but not in the interest of the RP zoned residential neighborhood north of E. Roosevelt Avenue.

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- 3) The proposed Used Car Sales use and other potential commercial uses of the subject property will not be compatible with or in the interest of the existing single-family residential uses north of E. Roosevelt Ave.

Recommended Conditions of approval

If the Nampa City Council votes to approve the zoning map amendment from RP to BC, the only staff recommended condition would be that required by the Building Department, that a Certificate of Occupancy be required prior to occupancy.

If the Nampa City Council votes to deny the zoning map amendment from RP to BC no conditions are required.

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

Applicant answered questions and made comments.

MOVED by Bruner and **SECONDED** by Rodriguez to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

MOVED by Levi and **SECONDED** by Bruner to **deny the zoning map amendment** from RP (Residential Professional) to BC (Community Business) for a **Used Auto Sales** Lot at 924 16th Avenue South (A Lot 12 in Block 31 of Waterhouse Addition and a portion of 10th Street South (formerly Ash Street) as shown on the official plat of Waterhouse Addition – Comprising .31 acres or 13,504 sq. ft.) for **James Newell**. The Mayor asked for a roll call vote with Councilmembers Mutchie, Bruner, Levi voting **YES**. Councilmembers Rodriguez, Bower voting **NO**. Councilmember Haverfield was **ABSENT**. The Mayor declared the

MOTION CARRIED

❖ **(5) New Business** ❖

Mayor Kling presented a request to **authorize the Family Justice Center** to apply for a **\$20,000** grant to **temporarily house** victims of **domestic violence**.

Creselda Dela Cruz presented a staff report explaining that the reason this request was so that they could continue to use of the shelter to house domestic abuse cases.

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MOVED by Bruner and **SECONDED** by Rodriguez to **authorize** the **Family Justice Center** to apply for a **\$20,000** grant to **temporarily house** victims of **domestic violence**. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the
MOTION CARRIED

Item #5-1. - Mayor Kling presented the request for **reappointment** of **Roger Volkert** and **Lawrence Manning** to the **Nampa Arts and Historic Preservation Commission**.

MOVED by Rodriguez and **SECONDED** by Mutchie to **approve** the **reappointment** of **Roger Volkert** and **Lawrence Manning** to the **Nampa Arts and Historic Preservation Commission**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-2. - Mayor Kling presented a request to **authorize** the **Family Justice Center** to **apply** for a 3-Year **grant continuation** from the Idaho Council on **Domestic Violence and Victim Assistance**.

Family Justice Center Director Creselda Dela Cruz presented a staff report explaining that the need for continued grant funding is imperative to client services. This specific grant will allow us to continue to provide the current level of service and allow for the growth expected in our community.

Adult and child intakes and services provided to victims of family violence

- 2014 total intakes 4236
 - Services provided 6431
- 2019 total intakes 6264
 - Services provided 11,459

In 5 years the NFJC has grown by over 2,000 intakes a year and almost doubled in services!

NEED FOR COUNCIL ON DV FUNDS

#1 Staff positions

- 3 full time employees
- 1 part time employee
- 4 contract positions

#2 Equipment and training funds incorporated into the grant

#3 Transportation and counseling/groups funding

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MOVED by Rodriguez and **SECONDED** by Bruner to **authorize the Family Justice Center to apply** for a 3-Year **grant continuation** from the Idaho Council on **Domestic Violence and Victim Assistance** in the amount of approximately \$400,000 which includes all salary and benefits for FTE's. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-3. - Mayor Kling presented the request to approve **Alcohol Distance Waiver Letter**.

Nampa City Attorney Doug Waterman presented a staff report explaining that the letter was to explain to the churches and schools of the 300-foot waiver and to give them an avenue to respond to request of the waiver.

MOVED by Bruner and **SECONDED** by Bower to **approve the Alcohol Distance Waiver Letter** as presented. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-4. - Mayor Kling presented the request to **authorize Fleet Services Division Superintendent**, on Behalf of Nampa Fire Department, to Sign Three-year Lease Contracts for Nine (9) Various Fiscal Year **2020 Nissan Vehicles** for Nampa **Fire Department Administrative and Inspector Staff**. (approved in FY20 budget)

Tom Points presented a staff report explaining that the Fleet Services Division, for the Nampa Fire Department (NFD), requests authorization to renew administrative and inspector vehicle lease contracts with Bronco Motors Nissan.

Nampa City Council approved this expenditure in the fiscal year 2020 operations budget.

Vehicles will be leased off the existing City of Nampa leased vehicle Requests for Proposals (RFP), leveraging the first of two renewal options.

Nampa City Council approved the original lease contract award on January 17, 2017, after an RFP was written, published and a lowest responsible bidder selected.

This renewal request is for nine (9) vehicle lease contracts for fiscal year 2020 (which includes eight (8) lease renewal contracts, and one (1) new lease contract).

Benefits of this lease program include the following estimated savings:

- \$32,000 in parts and supplies
- 925 labor hours
- 2.6% shop load

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- Replaced 10 vehicles with 8 leases

Staff recommends proceeding with the vehicle lease renewals.

Councilmember Mutchie said that she would abstain from voting on this matter.

MOVED by Rodriguez and **SECONDED** by Bruner to **authorize Fleet Services Division superintendent**, on behalf of Nampa Fire Department, to sign three-year lease contracts for **nine (9) various 2020 Nissan vehicles** for Nampa Fire Department administrative and inspector staff, not to exceed the annual budgeted amount of **\$42,090.00**. The Mayor asked for a roll call vote with Councilmembers Levi, Bower, Bruner, Rodriguez voting **YES**. Councilmember Mutchie **ABSTAIN** from voting and Councilmember Haverfield was **ABSENT**. The Mayor declared the **MOTION CARRIED**

Item #5-5. - Mayor Kling presented the request to **authorize** to proceed with the **bidding process** for **Zone F** annual **pipeline replacement** project. (approved in FY20 budget)

Tom Points presented a staff report explaining that the Engineering Division, as part of the Public Works Asset Management Program, identified the following deteriorated or undersized water lines to be replaced in asset management zone F. Improvements will occur in the near Northwest Nazarene University as well as the alley between Olive Street and 12th Avenue Road. (see Exhibit A)

The project will address known issues identified within the Water Master Plan as well as undersized water main identified by the City of Nampa Waterworks Division. In total the project will replace approximately 3,700 feet of water main and appurtenances.

Parametrix has completed the design plans and specifications. Construction is scheduled for the Spring and Summer with improvements at Northwest Nazarene University to be completed during the summer to minimize impact to the university.

Parametrix has provided a construction estimate for the project of \$1,135,919, based on the budget of \$780,000 we do not anticipate that we can complete the project.

Thus, the City of Nampa has made a reallocated \$250,000 funds for 8” waterline upgrades in an alternate location at the alley between Locust St and Juniper St. and Roosevelt Avenue and Dewey Avenue to this project which brings the total construction budget to \$1,030,000.

To reduce costs, the City of Nampa will identify the section of pipeline replacement in the alley between Olive Street and 12th Avenue Road as a bid alternate as well as provide up to 2240 feet of 12” pipeline for the project.

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The total estimated costs for the project are:

Estimated Design	\$ 126,729.00
Estimated Construction	\$ 1,135,919.00
<u>Estimated Construction Engineering and Inspection (In House)</u>	<u>\$ 0.00</u>
<i>Total estimated costs</i>	<i>\$ 1,262,648.00</i>

Engineering Division will reduce the limits of construction as needed to stay within budget.

MOVED by Bruner and **SECONDED** by Bower to **authorize** the **Engineering Division** to proceed with the **formal bidding process** for the **Zone F** Annual Pipeline Replacement project. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-6. - Mayor Kling presented the request for proposed **irrigation plan** for **DTH Subdivision** and **grant a deferral** of the requested subdivision improvements until later.

Tom Points presented a staff report explaining that the Rock Solid Civil has applied to Canyon County Development Services on behalf of the Developer, Tom Hood, to subdivide property located southeast of the Stamm Lane / Robinson Blvd intersection. The property is located within the City of Nampa Area of Impact and is subject to typical Nampa City subdivision improvements including curb, gutter, sidewalk, streetlights, landscaping, and fencing, as described in Chapter 9, Article 11 of the Canyon County Code, as well as, approval of the proposed irrigation plan by Nampa City Council. The Applicant is requesting the City of Nampa waive the requirement to install subdivision improvements in a letter dated January 7, 2020 (Exhibit A) and as reflected in the submitted Preliminary Plat (Exhibit B) and Development Plans (Exhibit C). The following facts are associated with this request.

The proposed DTH Subdivision consists of 7 residential lots on approximately 9.6 acres. The minimum proposed lot size is 1.0 acre, which is consistent with the current County "R1" zoning designation. The Preliminary Plat reflects a 50' public right-of-way dedication along S Robinson Blvd to Nampa Highway District, which is consistent with the Nampa City's roadway classification requirements. The internal local roadway (N 63rd Street) is shown to be public with a proposed 60' right-of-way.

The subject property is located approximately 0.6-miles east of the current Nampa City limits. The closest Nampa City services are more than 0.3-miles to the east (Exhibit E).

The proposed irrigation plan consists of a private pump station, located in the southwest corner of the property, with pressure lines to the lots. The Engineering Division has no issue with the proposed irrigation plan.

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The surrounding area contains a number of small County subdivisions, with lot sizes ranging from 1 to 2 acres. The local roads generally do not include curb, sidewalk, or streetlights.

Eddy Theil with Nampa Highway District No. 1 (NHD1) has indicated in an email dated 3/5/2020 (Exhibit D) that NHD1 does not oppose curb and sidewalk improvements if a development agreement is established similar to other projects. However, their preference is to not have curb, gutter, or sidewalk on the roads they maintain.

The Engineering Division does not support a full waiver of curb, gutter, sidewalk, or street light improvements. However, we recommend granting a deferral of the improvements until such time as the property is annexed into the City of Nampa and the character of the surrounding area changes to warrant such improvements. The Planning Division does not support waiving or deferral of required landscape improvements.

The Engineering Division has been coordinating with the Developer to secure public right-of-way along the north boundary line to support future extension of Stamm Lane to a possible connection with the planned Highway 16 interchange at I-84.

MOVED by Bruner and **SECONDED** by Bower to **approve** the **proposed irrigation plan** for the **DTH Subdivision** and grant a deferral of the requested subdivision improvements until such time as the property is annexed into the City of Nampa and such improvements are deemed to be warranted by the city. The Nampa City Council decision will be provided to Canyon County Development Services for their use in processing the Short Plat. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Mutchie, Bower, Bruner voting **YES**. Councilmember Levi voting **NO**. Councilmember Haverfield was **ABSENT**. The Mayor declared the

MOTION CARRIED

Item #5-7. – The following Ordinance was read by title and **Item #5-8.** – authorize the Summary of Publication:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE UNDERLYING IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO AND CHANGING THE BOUNDARIES THEREOF; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY. (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.

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

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MOVED by Rodriguez and **SECONDED** by Bower to **pass** the preceding **Ordinance** under suspension of rules and approve the summary of publication. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4499** and directed the Clerk to record it as required.

MOTION CARRIED

Item #5-9. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign MOU** for the **Silver Star/Spring Hollow Ranch/Lost River Regional Pressure Irrigation Pump Station**. (approved in FY20) (approved by legal)

Tom Points presented a staff report explaining that a new regional pressure irrigation pump station is required to serve the proposed Silver Star, Spring Hollow Ranch, and Lost River developments. The projects are located north and east of Cherry Lane and Can Ada Road; see Exhibit B for location. The Developers are jointly coordinating the design, construction, and upfront funding of the pump station. They have requested to establish a Memorandum of Understanding with the City of Nampa to define project responsibility and reimbursement in accordance with Nampa City policy. Additional details are provided below.

- The regional pump station is a necessary improvement to allow the City of Nampa to provide irrigation service for these developments as well as additional land in the vicinity. The facility aligns with improvements reflected in the Nampa City's Irrigation Master Plan. The pump station is sized initially to supply 1,500-gpm with expandability to 3,000-gpm. This should be able to serve around 400 to 480 acres of medium density residential ground at full build-out.
- The pump station provides a regional benefit to the City of Nampa; therefore, the city should enter into a Memorandum of Understanding with the Developer's to define responsibilities for construction and funding of the facility.
- The Nampa City Attorney reviewed and approved the Memorandum of Understanding language on January 9, 2020.
- The Developers have also reviewed and agreed to the Memorandum of Understanding language.
- The Developer's procured three (3) bids for the construction of the pump station and supplied the bid information to the City of Nampa on February 11, 2020 (see Exhibit D). Upon receiving the bids, Nampa City staff updated the MOU language and coordinated a final construction cost estimate (Exhibit A) to reflect the low bid. The low bid amount for the pump station was \$566,66.00 by Titanium Excavation, LLC. The total estimated reimbursable cost including design, power, construction management, etc. is \$696,453.05. The Engineering Division is recommending a maximum reimbursement amount of \$700,000.00.
- There is funding in the FY 19 and FY 20 budgets to cover approximately 75% of the pump station reimbursement based on previous pump station commitments. The remaining 25%

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has been planned into the FY 21 budget. Therefore, full reimbursement will not occur until the start of the FY 21 budget period.

- The Developers have already entered into contract with the low bidder and construction is underway with the intent to have the pump station operational for the 2020 irrigation season.

MOVED by Bruner and **SECONDED** by Mutchie for **approval** to allow the **Mayor** to **sign** the **Memorandum of Understanding** for the **Silver Star/ Spring Hollow Ranch / Lost River** regional pressure irrigation pump station on behalf of the City of Nampa. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #5-10. - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign contract** for the Irrigation Water Quality FY20 project with **Syblon Reid** (approved in FY20 budget)

Tom Points presented a staff report explaining that in FY14, Water Division experienced water quality problems within the Nampa City's pressurized irrigation (PI) system, including accumulation of sediment in piping, valves, pumps and customer complaints of plugged filters and sprinkler heads.

In FY15, SPF Water Engineering (SPF) was contracted to prepare a Water Quality Report based on water quality sampling data and proven best management practices for improving irrigation water quality.

The Water Quality Report used the following criteria to evaluate the pump stations:

- Water Quality
- Volume pumped into the system
- Customer complaints

The sampling report identified the need for flush points in the pipeline system and automated filter units on ditch water pump station.

In FY18 and continuing in FY19 & FY20, the City of Nampa hired Mountain Waterworks Inc., to perform design and construction inspection of the installation of filters at two (2) irrigation pump stations.

The Irrigation Water Quality FY20 project includes filter additions, pipe modifications and appurtenances at the Lava Springs and Kensington II pump stations (See Exhibit A).

Construction is planned to begin in Spring 2020.

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The City of Nampa received five bids; the apparent low bid is from Syblon Reid with a bid of \$266,000.00 (See Exhibit B).

The project is in the FY20 Irrigation Budget in the amount of \$374,235.

1. Design	\$ 40,440
2. Construction	\$ 266,000
3. CE&I	<u>\$ 15,245</u>
4. Total	\$ 321,685

Engineering staff recommend awarding the bid to Syblon Reid for the Irrigation Water Quality FY20 project.

MOVED by Rodriguez and **SECONDED** by Bower to **award the bid and authorize the Mayor to sign contract** for the Irrigation Water Quality FY20 project with **Syblon Reid** in the amount of **\$266,000.00**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-11. - Mayor Kling presented the request to **authorize purchase a golf mower** for Ridgecrest Golf Course for the amount of **\$62,500**. (Approved in FY20 Budget)

Parks and Recreation Director Darrin Johnson presented a staff report explaining that in the FY2020 budget Nampa City Council approved funding for the purchase of a fairway mower for Ridgecrest Golf Course. The mower being replaced will be kept and used for parts in an effort to get more life out of a compatible mower we have at the golf course.

The mower will be purchased through the Sourcewell Cooperative Purchasing Program and the supplier is Turf Equipment and Irrigation Inc. The mower is slightly used, and the cost is \$62,500.00.

MOVED by Mutchie and **SECONDED** by Levi to **authorize purchase a golf mower** for Ridgecrest Golf Course for the amount of **\$62,500**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-12. - Mayor Kling presented the request to **authorize the Parks and Recreation to purchase a playground system** for **Lions Park** in the amount of **\$69,294.99**. (Funded by CDBG and approved in FY20 budget)

Parks Superintendent Cody Swander presented a staff report explaining that the Nampa Parks and Recreation received a Community Development Block Grant for the replacement of the Lions Park

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playground near the pool house. The project and grant were approved by the Nampa City Council in the FY2020 budget for \$70,000.00.

The New play structure will replace an old outdated playground with a modern play system. Due to failed safety inspections the old playground was removed. The cost of the new playground structure and installation is \$69,294.99.

The playground will be purchased through GSA Cooperative Purchasing Program and the supplier is LuckyDog Recreation.

MOVED by Rodriguez and **SECONDED** by Mutchie to **authorize** the **Parks and Recreation** to **purchase a playground system** for **Lions Park** in the amount of **\$69,294.99**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the **MOTION CARRIED**

Item #5-13. - Mayor Kling presented the request to **authorize** the **Mayor and Public Works Director** to **Sign Task Order** with **CH2M Hill Engineers, Inc.**, for the Nampa Water System Risk and Resilience Assessment, and Emergency Response Plan Update (approved in FY20 budget)

Tom Points presented a staff report explaining that the Water Division is seeking professional services to complete a Risk and Resilience Assessment (RRA), along with an Emergency Response Plan (ERP) for the Nampa City's domestic water system. This project is necessary for the Nampa's water system to maintain compliance with federal and state requirements of the 2018 American Water Infrastructure Act

The deadline for completing the RRA is December 31, 2020

The deadline for completing the ERP is June 30, 2021

The City of Nampa has requested that CH2M Hill Engineers, Inc., develop a scope of services to provide services for completing the RRA and ERP

Staff has negotiated a scope and fee with CH2M Hill to perform the following work (Exhibit A):

- Field investigation and data compilation for 22 assets (wells, booster stations, storage tanks, and facilities)
- Perform a preliminary risk analysis
- Perform a security program review
- Perform a cyber security investigation and workshops with staff
- Develop the RRA and conduct a workshop with staff
- Develop the ERP and conduct a workshop with staff

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These professional services are funded in the Water Division fiscal year 2020 budget

Nampa City staff and CH2M Hill Engineers, Inc., have agreed upon the scope of work and overall fee for the Nampa Water System Risk and Resilience Assessment, and Emergency Response Plan Update in the amount of \$159,281.00 T&M NTE. (time and material not to exceed)

MOVED by Bruner and **SECONDED** by Bower to **authorize** the **Mayor** and **Public Works Director** to **sign Task Order** with **CH2M Hill Engineers, Inc.**, for the Nampa Water System Risk and Resilience Assessment, and Emergency Response Plan Update in the amount of **\$159,281.00 T&M NTE**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-14. - Mayor Kling presented the request to **authorize** the **Mayor** to **Sign Agreement** for Professional Services with **J-U-B Engineers, Inc.**, for Engineering Assistance as Required by the Federal Aviation Administration, for Airport Improvement Program (AIP-32) Grant Funding for Taxiways and Taxi lanes Design. (approved in FY20 budget) (approved by legal)

Tom Points presented a staff report explaining that the On January 13, 2020, Nampa City Council authorized Nampa Airport staff to submit grant applications and certifications to the Federal Aviation Administration (FAA) Airport Improvement Program (AIP-32) for grant funding of taxiways and taxi lanes design.

Staff received notification from FAA of its preliminary approval of the grant application and certifications for the taxiways and taxi lanes design (see attached vicinity map, Exhibit A).

- AIP-32 is anticipated to begin in April 2020 and be completed in December 2020

The total anticipated design cost is \$110,00.00 (*pending FAA final approval*)

- FAA grant is 90% \$ 99,000.00
- State grant is 2.5% \$ 2,750.00
- City match is 7.5% \$ 8,250.00

As part of the AIP grant funding process, the FAA requires an Agreement for Professional Services be put in place.

J-U-B Engineers, Inc., was selected in February 2020 to provide engineering services at the Nampa Municipal Airport for the next five years.

The FAA is reviewing the IFE (Independent Fee Estimate).

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On March 9, 2020, the Nampa Airport Commission met to review the Agreement for Professional Services (see Exhibit B) with J-U-B Engineers Inc., in the amount of \$101,383.65, for taxiways and taxi lanes design.

The Commission moved to recommend that Nampa City Council authorize the Mayor to sign the Agreement with J-U-B pending FAA concurrence and legal review.

MOVED by Rodriguez and **SECONDED** by Mutchie to **authorize the Mayor to sign Agreement for Professional Services with J-U-B Engineers, Inc.**, for engineering assistance as required by the Federal Aviation Administration, for Airport Improvement Program (AIP-32) Grant Funding for Taxiways and Taxi lanes Design in the amount of **\$101,383.65**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (7) Unfinished Business ❖

Item #7-1. – None

❖ (8) Pending Ordinances (Postponed Due to Lack of Supporting Documentation) ❖

- 8-1. Annexation and Zoning to BC (Community Business) for .525 acres or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd.; Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for 2.24 acres or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot B at 1414 E. Karcher Rd. for Dean Anderson. (ANN 122-19, ZMA 107-19) (PH was 8-5-2019)
- 8-2. Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located at 1460 Lake Lowell Ave in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split. (ANN 125-19) (PH was 8-19-2019)
- 8-3. Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County) for David DeMayola (ANN 134-19) (PH was 01-06-2020)
- 8-4. Annexation and Zoning to BC (Community Business) for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres at 0 Midland Blvd. and 9778 E Cherry Lane (A 33.13 acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM) for Hatch Design Architecture representing Kiwi Enterprises, LLC (ANN-00 135-2019) (PH was 02-18-2020)
- 8-5. Annexation and Zoning to RS8.5 (Single Family Residential – 8,500 sq. ft.) at 2413 Sunnyridge Rd. for a new home (A 1.11 acre portion of the NE corner of the NW ¼, Section 3, T2N, R2W, BM, Canyon County, Idaho and Tax 8 in Lot 3 of Asselins

- Subdivision) for Travis Adams representing Ironwood Homes. The Planning and Zoning Commission recommends approval (ANN 138-19) (PH was 03-02-2020)
- 8-6. Annexation and Zoning to IL (Light Industrial) for a Small-Scale Home Occupation Auto Transmission Repair Shop in the freestanding pole building behind and west of the dwelling at 16545 Madison Rd. (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for Glenn and Judith Watts. The Planning and Zoning Commission recommends approval (ANN 137-19) (PH was 03-02-2020)
- 8-7. Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 4100 E. Greenhurst Rd. (A .52-acre or 22,651 sq. ft. portion of the SE ¼, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Tax 58) for David E. Hird for connection to city sewer. The Planning and Zoning Commission recommends approval (ANN 140-19) (PH was 03-02-2020)
- 8-8. Annexation and Zoning to IL (Light Industrial) at 2923 Port St. for the northerly approximate 1.46 acres and to RS6 (Single Family Residential – 6,000 sq. ft.) for the southerly approximate 3.56 acres (A 5.02-acre or 218,671 sq. ft. portion of the NE ¼ of the SE ¼ of Section 23, T3N, R2W, B.M., Canyon County, Idaho, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Plat A Tax 97152 in Lot 20) for Hon Contractors, Inc. – Jeff Hon. The Planning and Zoning Commission recommends approval (ANN 142-19) (PH was 03-02-2020)

❖ (9) Executive Session ❖

Item #9-1- None

MOVED by Bruner and **SECONDED** by Bower to **adjourn** the **meeting** at 8:42 p.m. The Mayor declared the

MOTION CARRIED

Passed this 6th day of April 2020.

MAYOR

ATTEST:

NAMPA CITY CLERK