

REGULAR COUNCIL

April 15, 2019

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

Clerk made note that Councilmembers Rodriguez, Bruner, Hogaboam, Levi, Haverfield, Skaug were present.

Mayor Kling amended the agenda by removing **item #5-1** - Request for Idaho Department of Juvenile Correction Grant Funds for a Restorative Justice Practices Program for Breaking Chains Academy and **item #5-10** - Authorize U-Turns on westbound Caldwell Boulevard approach at Karcher Road Signal and authorize ITD staff to create and install appropriate signage and by moving public hearing **item #6-4** – Variances for Taco Time Restaurant, Mark Fledderjohann, representing Mussell construction.

❖ (1) Consent Agenda (Action Items) ❖

MOVED by Haverfield and **SECONDED** by Bruner to **approve the Consent Agenda as presented**; Regular Council Minutes of **April 1, 2019**; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes of **January 14, 2019**; Planning & Zoning Commission Minutes of **March 26, 2019**; Library Commission Minutes; **bills paid**; The Nampa City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals: 1)** Request for 2nd Extension of Subdivision Final Plat Approval for Feather Cove Subdivision No. 1 on the east side of N Franklin Blvd, north of Cherry Lane. (A portion of Blocks 5 – 8 Cortland Place Subdivision located in the SW ¼ Section 3 T3N R2W BM – 53 single family dwellings on 18.79 acres for 2.82 lots/acre) all for Kent Brown/Heartland Townhomes Property Management, LLC (SPF-00022-2017); **Authorize Public Hearings: 1)** Recommended Increases to Wastewater Rates and Fees of 16.75%, Effective October 1, 2019 for a May 20 Public Hearing; **2)** Recommended Increases to Wastewater Hookup Fees by Producer Price Index West (PPI-West) Index of 6.09%, Effective October 1, 2019 for a May 20 Public Hearing; **3)** Wastewater Upgrades Phase 2 Project Delivery Method for a May 20 Public Hearing; **4)** Zoning Map Amendment from RS-8.5 (Single Family Residential – 8,500 sq. ft) to RS-7 Single Family Residential – 7,000 sq. ft) for approximately 25 acres, and Zoning Map Amendment from RS-8.5 to RP (Residential Professional) for approximately 2 acres at 12203 W Karcher Rd (for land located in the NE ¼ Section 13 T3N R2W BM), for Kent Brown representing Providence Properties, LLC. (ZMA-00104-2019); **5)** Modification of Annexation and Zoning Development Agreements between Quantum Investments Realty, LLC and the City of Nampa, Recorded 02/08/2008 as Inst. No. 2008006946 and Inst. No.2008006947, for property located at 12203 W Karcher Rd, modifying Exhibit A – Legal descriptions, Exhibit B – Conceptual Plans, and Exhibit C – Conditions of Approval, to match a new site design and layout; and Subdivision Plat Preliminary Approval for Brownstone Estates Subdivision at 12203 W Karcher Rd. (14 Fourplex lots for a total of 56 multiple family dwelling units on 6.63 acres for 8.8 units per gross acre, and 94 single family detached dwellings on 24.36 acres for 3.85 units per gross acre – An approximate 30.8-acre parcel of land located in the NE ¼ Section 13 T3N R2WBM, Nampa), for Kent Brown, representing Providence Properties, LLC. (DAMO-00028-2019 and SPP-00039-2019); **6)** Annexation and Zoning to RS-6 (Single Family

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Residential – 6,000 sq. ft) at 904 W Greenhurst Rd. (A 1.92 acre or 80,376 sq. ft portion of the SW ¼ of Section 33 T3N R2W BM), for Blake Wolf for connection to City of Nampa utilities and construction of single-family housing. (ANN-00114-2019); **7)** Annexation and Zoning to RS-7 (Single Family Residential – 7,000 sq. ft) at 2700 E Amity Ave. (A .5 acre or 21,737 sq. ft portion of the SE ¼ of Section 26 T3N R2W BM and Tax 98110) for Ricardo Reyes for connection to City of Nampa utilities. (ANN-00115-2019); **8)** Annexation and Zoning to RD (Two Family Residential) at 3500 E Greenhurst Rd. (A 1.33 acre or 57,913 sq. ft portion of the SW ¼ of Section 36 T3N R2W BM, in the SE ¼ of Section 26 T3N R2W BM) for Roberta Konzek. (ANN-00117-2019); **Authorize to Proceed with Bidding Process: 1)** Authorize Engineering to proceed with the formal bid process for the South Sugar Street Pedestrian Activated Crosswalk & North Nampa Bike and Pedestrian Improvements; **Authorization for execution of Contracts and Agreements: 1)** None; **Monthly Cash Report: 1)** March 2019; **Resolutions: 1)** Disposal of one surplus vehicle for the Nampa Police Department; **2)** Disposal of here surplus vehicles for Waterworks Division; **License for 2019: 1)** **La Rosita Mexican Store**, 711 East Lincoln Avenue, off-premise beer and wine; **Friendly Fred**, 507 16th Avenue North, off-premise beer and wine; **Red Robin**, 2222 Cassia Street, on-premise beer, wine and liquor; **TGI Friday**, 16625 North Marketplace Boulevard, on-premise beer, wine and liquor; **Winco #144**, 1175 North Happy Valley road, off-premise beer and wine; **Winco #11**, 2020 Caldwell Boulevard, off-premise beer and wine; **La Copa**, 1524 First Street North, on-premise beer, wine and liquor; **Walmart #2781**, 2100 12th Avenue Road, off-premise beer and wine; **Walmart #3739**, 5875 East Franklin Road, off-premise beer and wine; **Walmart #4180**, 175 South Middleton Road, off-premise beer and wine; **Sushi Sushi**, 16734 North Market Place boulevard, on-premise beer and wine; **Agave Cantina**, 1516 First Street South, on-premise beer, wine and liquor; **Wingstop**, 2025 12th Avenue Road, on-premise beer; **Firehouse Sports Pub & Pizza**, 423 East Karcher Road, on-premise beer, wine and liquor; **Asia Market**, 453 Caldwell Boulevard, off-premise beer and wine; **Sizzler**, 501 Caldwell Boulevard, on-premise beer and wine; **The Woodshed**, 817 East Karcher Road, on-premise beer and wine; **Miscellaneous Items: 1)** None. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

MOTION CARRIED

❖ **Special Business** ❖

Mayor Kling presented the request to **authorize the Public Works Director to sign and submit City of Nampa Comment Letter to the U.S. Environmental Protection Agency** on revised Definition of “Waters of the United States”.

Public Works Director Tom Points presented a staff report explaining that on December 11, 2018, the U.S. Environmental Protection Agency (EPA) issued a press release regarding the proposed new “waters of the United States” (WOTUS) definition.

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EPA is holding a public comment period that closes at midnight on April 15, 2019.

The Wastewater Program Management Team have prepared the following comments on the proposed WOTUS definition:

- Respects the States' and tribes' primary authority over their own water resources.
- Allows for man-made irrigation canals, like many of the canals in the Treasure Valley, to continue to meet their intended function of delivering irrigation water.
- Allows for innovative water management opportunities like the Nampa City's recycled water program.
- Provides consistency, predictability, and will ultimately facilitate the development of appropriate waterbody jurisdictions for the achievement of water quality goals.
- Supports the definition of jurisdictional ditches only as those that "traditionally navigable waters" or where they were constructed in a tributary.

Public Works staff has reviewed these comments and recommends submitting the attached (see Exhibit A) City of Nampa comment letter to the U.S. EPA.

MOVED by Haverfield and **SECONDED** by Bruner to **authorize the Public Works Director to sign and submit City of Nampa comment letter to the U.S. Environmental Protection Agency** on revised definition of "waters of the United States." The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Mayor Kling presented the request for **discussion/decision of National League of Cities Service Line Agreement**.

Dennis Lyon with Utility Service Partners presented the following report: we have been offering the service that has been proactively educating homeowners on their water and sewer lines responsibilities as well as providing them voluntary protection that they can put on those lines. For 16 years we have had the National League of Cities endorsement since 2010 and we have A+ rating with the Better Business Bureau and we have maintained a customer satisfaction rating of 95% or higher for the last 11 consecutive years and we have also been twice awarded the Torch Award for market place in SW Pennsylvania Better Business Bureau which is something that we are very proud of. The focus of our program is to be completely transparent and ethical and work with a partnership or with a city in order to proactivity educate homeowners on their responsibility.

Recent Harris Poll results (2000 adults surveyed)

- Nearly 2 in 5 Americans don't have the necessary funds set aside to cover a \$500 repair (including almost half of millennials)
- 1 in 2 Americans describe their current state of household finances as either fair, poor, or terrible.

- 3 in 10 Americans aged 37+ cited they had no money set aside for emergency repairs.
- 46% of respondents had an emergency repair in the last 12 months.
- 80% of respondents either strongly or somewhat agreed with the statement: Local community governments should be responsible for educating homeowners about external water lines on their property that are not covered by homeowners' insurance, the city/town or the local utility (i.e., meaning that if a problem were to occur, the homeowner would be solely responsible for the cost out of pocket).

WHY CHOOSE UTILITY SERVICE PARTNERS?



EXPERIENCE



REPUTATION



PARTNERSHIP



BBB Torch Award for Marketplace Ethics
Trust • Performance • Integrity
2013 Winner
Western Pennsylvania Better Business Bureau®



This award underscores one of the primary reasons the National League of Cities selected USP as a partner and extended our agreement for another five years. The organization's exemplary record of customer service and transparency is what has driven the success of this partnership over the years.

— Clarence Anthony, Executive Director
National League of Cities

PROGRAM BENEFITS

- Helps address the public policy issue of aging infrastructure
- No cost for the Municipality to participate/Turnkey approach
- Ongoing Revenue Stream & NLC dues payment for the Municipality
- Free Public Awareness Campaign
- Educates homeowners about their lateral line responsibilities
- Peace of Mind - with one toll-free call a reputable contractor is dispatched
- All repairs performed to code by local licensed contractors
- Contractors undergo rigorous vetting process to ensure quality service

OUR SERVICE AND WHAT IT COVERS



SEWER LATERAL &
SEPTIC LINE COVERAGE



WATER LINE & WELL LINE
COVERAGE

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Homeowner repair protection for broken, cracked, or leaking water and sewer lines from the point of utility connection to the home exterior.

Coverage includes:

- Educating homeowners about their service line responsibilities
- Up to \$8,500 coverage per repair incident (includes public street & sidewalk cutting).
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- No long-term contracts – month to month
- No pre-inspections required before coverage begins – 30 day waiting period

OUR SERVICE AND WHAT IT COVERS



**INTERIOR PLUMBING
AND DRAINAGE**

Homeowner repair protection for in-home water supply lines and in-home sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry.

Coverage includes:

- Up to \$3,000 coverage per repair incident
- Includes coverage for broken or leaking water, sewer, or drain lines under the slab or basement floor
- Repair of clogged toilets
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- No long-term contracts – month to month
- No pre-inspections required before coverage begins – 30 day waiting period

Incremental Revenue Stream (Royalty Program)

- City of Nampa receives \$.50 per month per paid warranty agreement
- Paid as royalty each January
- Yours to use as you wish
 - Examples:

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- Low income utility assistance program
- Offset water bill/leak
- Donate to charity
- Use towards NLC/State League dues
- Can decline revenue
 - Savings passed directly to residents

MARKETING APPROACH

- Only market by direct mail - no door to door or telemarketing
- Limited to 3 mailing campaigns per year
- Would never mail without your review and approval of marketing material before every campaign
- Marketing clearly states the city does not provide program
- Participation always voluntary for the homeowner
- City role: logo & signature
 - Economy of scale
- **Consumers can enroll one of three ways:**
 - Calling into our toll-free number that is provided on the mailing
 - Returning the bottom of the letter to us in the self-addressed stamped envelope provided
 - Visiting our consumer website www.slwofa.com at any time

OVER 600 MUNICIPAL PARTNERS IN 39 STATES

Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, Nebraska, New Jersey, New Mexico, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

PROGRAM SUCCESS & NOTES

- Endorsement \neq Exclusivity
- Currently serving over 3.7 million customers
- Saved customers over \$394 million in repair costs over the past 3 years
- 97% claim approval rating
- 99.6% claims satisfaction rate
- 82.5% customer retention rate
- Currently over 1,300 contractors in network
- 9 of every 10 customers surveyed have recommended the program to friends, family, and neighbors

Mayor and Councilmembers asked questions and made comments.

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The City of Nampa Attorney Aaron Seable made comments on the questions that were asked.

MOVED by Bruner and **SECONDED** by Hogaboam to enter into discussion for a contract with Utility Service Partners.

Mayor and Councilmembers made comments and questions.

Councilmember Bruner AMENED MOTION to not include a royalty and I do not want to include the City of Nampa seal.

Councilmember Hogaboam was talking about using the royalty fee in the first year.

Mayor Kling explained what she thought was the motion was and said that maybe it would be wise to consider the options.

City of Nampa Attorney Aaron Seable said as he listened to the motion, I heard it as one to approve the concept but understanding that a contract had to be brought back for final approval. This contract already has a significant error in it that needs to be switched, perhaps we can clean up the term language and maybe even shorten it. In other words, I interpreted the motion, I like the idea staff go negotiate it and bring it back for final approval.

MOVED by Bruner and **SECONDED** by Hogaboam to **approve** the concept and authorize staff to negotiate the contract with the understanding that the contract had to be brought back for final approval. The Mayor asked for a roll call vote with Councilmembers Haverfield, Hogaboam, Bruner voting **YES**. Councilmembers Rodriguez, Levi, Skaug voting **NO** the Mayor voted **YES** to break the tie. The Mayor declared the

MOTION CARRIED

❖ (2) Proclamation ❖

Item #2-1 - None

❖ Mayor Kling asked if there was any Nampa Residents wishing to speak on any agenda item were (5 persons limit): ❖

- None

❖ Mayor Kling asked if there was any Nampa Residents wishing to speak on any item that was not on the agenda (5 persons limit): ❖

- Parks and Recreation Director Darrin Johnson – the Recreation Center opened its doors 25 years ago and they are celebrating next week, April 25, 2019
- Fire Chief Kirk Carpenter – The Fire Department received a grant from the Red Cross for installation of smoke detectors and they will install them on April 26 and 27

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

- None

❖ **(3) Agency/External Communications** ❖

Item #3-1. - Edie Bailly FY18 Audit Report - Morgan Browning present the following update:

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Nampa, Idaho, as of September 30, 2018, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

There were two findings:

Section II – Financial Statement Findings

2018-001 Timing of Cash Reconciliation (Significant Deficiency)

Criteria: Good accounting practices require cash to be reconciled timely and accurately.

Condition: The September 30, 2018 cash balance was not fully reconciled until February 2019.

Effect: Errors or other irregularities could go undetected if cash is not reconciled timely. Also, the lack of timely reconciliation contributed to delays in the completion of the fiscal year 2018 audit.

Cause: The City of Nampa changed accounting systems during fiscal year 2018. The conversion resulted in needing additional time to reconcile cash balances.

Recommendation: We recommend the City of Nampa obtain enough resources to complete timely cash reconciliations and cross-train additional personnel to assist in the cash reconciliation process.

Views of Responsible Officials: We concur with the recommendation as stated.

2018-002 Contributed Capital Calculation (Significant Deficiency)

Criteria: Good accounting practices require calculations of contributed capital to be updated to reflect the City of Nampa's best cost estimates.

Condition: The City of Nampa's street item values used to record infrastructure additions for new roads were not updated to reflect the engineering department's cost estimates. The cost

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estimates for local, collector, and arterial items were \$128, \$148 and \$200 per unit cost; however, the values used were \$135, \$155, and \$207 per unit cost respectively.

Effect: Use of incorrect cost estimates resulted in overstating the value street infrastructure added in fiscal year 2018 by \$266,867. The overstatement was corrected by management upon identification by auditor.

Cause: The City of Nampa's engineering department did not review the street items values used to calculate street infrastructure to ensure they were updated and accurate.

Recommendation: We recommend the City of Nampa's engineering department review the street items values used to calculate street infrastructure prior to sending the calculation to the finance department for recording to ensure they are accurate and updated.

Views of Responsible Officials: We concur with the recommendation as stated.

Report on Compliance for the Major Federal Program - We have audited the City of Nampa's (the City) compliance with the types of compliance requirements described in the OMB Compliance Supplement that could have a direct and material effect on the City's major federal program for the year ended September 30, 2018. The City's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility - Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal program.

Auditor's Responsibility - Our responsibility is to express an opinion on the compliance for the City's major federal program based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Those standards and Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on the major federal program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

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Opinion on the Major Federal Program - In our opinion, the City of Nampa complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on the major federal program for the year ended September 30, 2018.

Report on Internal Control over Compliance - Management of the City of Nampa is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City of Nampa's internal control over compliance with the types of requirements that could have a direct and material effect on the major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for the major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City of Nampa's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major federal program. However, our audit does not provide a legal determination of the City of Nampa's compliance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses and significant deficiencies and therefore, material weaknesses and significant deficiencies may exist that have not been identified. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the

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requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Finance Director Doug Racine addressed the Council and answered questions.

❖ (6) Public Hearings ❖

Item #6-4. - Mayor Kling opened a **public hearing** for **variance** to City of Nampa Zoning Ordinance: a) 10-15-6-C.2 Setbacks, requiring a zero (0) ft setback for building elevations, building sides, street sides: The applicants state that due to the location of the lot on the perimeter of the downtown core, this larger lot cannot meet the setback requirements for a proposed restaurant, as do the buildings located immediately downtown on smaller width lots and b) 10-15-6-G.2 Parking areas shall maintain the same setbacks as the primary building; or parking areas shall be behind the building. The applicants also state that due to the existing parking area, and the need for parking for the restaurant use, the location of the existing parking area to the front/side of the building cannot be relocated or adjusted. *Both Variance requests are for a proposed Taco Time Restaurant to be located at 1007 3rd St S, an approximate 12,742 sq. ft lot (Tax18274 in Lots 38 and 40, Block 50, in Nampa Original Townsite, SW ¼ Section 22 T3N R2W), within the DH (Downtown Historic) zoning district, for Mark Fledderjohann, representing Mussell Construction. (VAR-00069-2019).*

Mike Mussell, 320 11th Avenue South presented the request.

Kristi Watkins presented the following staff report explaining that the request is for variances to Nampa City Zoning Code for a request for a variance to the City of Nampa Zoning Ordinance for a proposed Taco Time Restaurant. Specifically, the following code sections: 10-15-6 C 2: Setbacks: Primary building elevations, building sides, street sides or rears shall maintain a zero foot (0') setback from property lines at the ground level, except for alcoves, storefront entryways, and pedestrian amenities; and, 10-15-6-G 2. Parking: Parking areas shall maintain the same setbacks as the primary building; or parking areas shall be behind the building for property located at a certain property addressed as 1007 3rd St South, Nampa (parcel #R1361101000); a .29-acre parcel located on the southeast corner of 3rd St S and 10th Ave S – hereinafter the “Property” for Mark Fledderjohann, Mussell Construction.

General Site Information

Existing Zoning: DH (Downtown Historic District), vacant; **Surrounding Zoning & Land Uses:** **North** – DH (Downtown Historic District), Restaurant; **South** – DH (Downtown Historic District), Religious Facility; **East** – DH (Downtown Historic District), Current Taco Time Location; **West** – DV (Downtown Village District), Auto Body Shop. **Public/Agency Comment or Correspondence** - Nampa Building Department indicated that they will have additional requirements if the building is placed closer to the property line. Nampa Engineering Division has

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indicated that they do not oppose the granting of this variance request and all parking shall be maintained on the parcel and shall not encroach into the public rights-of-way. Nampa Highway District #1 does not oppose the granting of this variance request. No comment has been received by the adjacent property owners.

History: **BSD-00088-2019-** March 19, 2019 - Staff Level Design Review of new Taco Time Building – initiated Variance request, decision pending. **REZ-0001692-2014** – April 2, 2014 – Rezone from DH to DV, application Withdrawn. **CMP-000444-2009** – February 2, 2009 – Comprehensive Plan Amendment to define the boundaries of the City Center District Specific Plan area, Approved. **07.5-0534** – June 2005 – Implementation of the DB (Downtown Business), DV (Downtown Village) and DH (Downtown Historic) zones, Approved.

Code Regulations

DH (Downtown Historic) N.C.C. § 10-15-6. C.2:

Setbacks: Primary building elevations, building sides, street sides or rears shall maintain a zero-foot (0') setback from property lines at the ground level, except for alcoves, storefront entryways, and pedestrian amenities

DH (Downtown Historic) N.C.C. § 10-15-6. G.2:

Parking: Parking areas shall maintain the same setbacks as the primary building; or parking areas shall be behind the building.

Variance Purpose Statement (10-24-1):

“The Council is empowered to grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain of the regulations prescribed by this Title.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of 1) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and 2) the 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 location or traffic conditions.

Variances are not intended to allow something that others do not have a permitted right to do so. 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.”

10-24-2: ACTION:

A) The Council may grant a Variance with respect to 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 makes the following findings (*read, "Conclusions of Law"*):

1. Literal interpretation and enforcement of the regulation would [would not] result in a practical hardship or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance for the property.
2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which [do] do not apply generally to other properties classified in the same zoning district.
3. Literal interpretation and enforcement of the regulation would [would not] deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. Granting of the variance [will] will not constitute a grant of special privilege inconsistent with the limitations on other properties and improvements in the vicinity.
5. Granting of the variance [will] will not be detrimental to public health, safety or materially injurious to properties or improvements in the area.

Analysis

In Nampa, as pertaining to land use Variance Permit requests, a burden rests upon an applicant to argue persuasively to the City of Nampa's Council that one or more conditions related to the property they represent interfere(s) with the applicant's use of their land in manner and form commensurate with that enjoyed, most particularly, by their neighbors or other properties in a similar situation and zoning district as that applicant's land. Each land use [or related] Variance Application is reviewed on a case by case basis and the merits of the matter are weighed in the public venue. Public testimony has been received and the opinions of City of Nampa departments or outside agencies submitted to the Council for their consideration.

This is a request for a Variance to be allowed to build the building on the east side of the property with front and side setbacks to keep the intended square footage of the proposed building and maintain enough room to provide a drive thru facility; and to be allowed to repurpose the existing parking area which is located to the side of, rather than to the rear of, the building.

Per the submitted application, the Applicant provides the following:

1. That the Applicant owns the Property; and has provided a limited statement that attempts to explain and justify the Variance request as some type of “unique site circumstance” [or situation] that restricts proposed placement of the building and use of the existing parking area; and,
2. That the Applicant desires to receive permission to build the proposed building and keep the existing parking area intact and slightly improved; and,
3. The Owner of the property has proposed (and been approved for,) a new development on the property that currently houses the Taco Time restaurant. The property adjacent to the current restaurant location is vacant and available for the relocation of the Taco Time restaurant; and,
4. The subject property is located on the perimeter of the DH zone and does not meet the same dimensions as smaller width properties that exist in the downtown core of Nampa, but suffers the same zoning designation, making it difficult to build lot line to lot line as is required by code; and,
5. Literal interpretation and enforcement of the code that states “...shall maintain a zero-foot (0') setback from property lines...” would deprive this property owner from constructing a building that provides the type of service necessary for a restaurant with a drive-thru type use; and,

Conclusions of Law & findings of Fact

Whether the Council votes to deny or approve the Variance request, the statements cited in this report as being from 10-24-2 above, in bold type, are the Conclusions of Law that must be used and supported by further Findings of Fact to either justify approval or denial of the request (See analysis section above).

Attached to this report is all the information Staff had by the time this report was ready to go to print (12 noon, April 11, 2019) ...

Recommended Condition(s) of Approval

Should the Council vote to approve the Variance Application request, then Staff recommends that they/you consider imposing the following Condition(s) of Approval against the same:

Generally:

1. Applicant(s) shall comply with all applicable requirements [including obtaining a Sign Permit] and any requisite sub-permits) as may be imposed by City of Nampa agencies

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appropriately involved in the review of this request (e.g., Nampa Fire [inspection], Building, Planning and Zoning Design Review and Engineering Departments, etc.) as the Variance(s) [Permit] approval(s) do/does not, and shall not, have the effect of abrogating requirements from those agencies or City of Nampa divisions/departments; and,

2. Applicant(s) shall pave and stripe the parking area, as well as, emplace quality landscaping, the repurposed parking area.

Those appearing in favor of the request were: Jerry Dickerson, 3615 S Raintree (in favor did not speak); Jeff Schoedler, 2517 W Neff Court.

No one appeared in opposition to the request.

MOVED by Hogaboam 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 Haverfield and **SECONDED** by Bruner to **approve the concept as proposed** to us with a strong recommendation that a screen wall be added that the approval is based upon the recommended conditions of approval by staff including a right of way encroachment agreement with ITD. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-1. - Mayor Kling opened a **public hearing for annexation and zoning** to BC (Community Business) at 0 Star Rd (Parcel R3036301200) on the south side of Ustick Road, east of Star Road, for access to City of Nampa utilities for a mixed-use development. (A 14.72-acre parcel situated in the NW ¼ Section 5 T3N R1W BM, Tax 99106 in Lot 4) for Matt Garner representing JABR, LLC (Justin Reynolds and Alan Bean). (ANN-00112-2019). – **Norm Holm corrected the acreage from 4.72 to 14.72**

Councilmember Haverfield stated he would be abstaining from the discussion and voting.

Matt Garner, 1211 West Hobb Place presented the request.

Planning and Zoning Director Norm Holm presented the following staff report explaining that the request was for annexation and zoning to BC (Community Business) to obtain access to city utilities for a mixed-use development located a 0 Star Road on the south side of Ustick Road east of Starr Road for Matt Garner representing JABR LLC – Justin Reynolds and Alan Bean.

General Information

Zoning & Planning History: Present and prior use of this parcel has been for agricultural purposes. **Annexation Location:** 0 Star Road (assessor address), but adjacent and west of 4729 Ustick Rd. (Parcel R3036301200) on the south side of Ustick Road east of Star Road (A 4.72-acre parcel situated in the NW ¼ Section 5, T3N, R1W, BM, Tax 99106 in Lot 4). **Total Size:** 4.72 acres. **Existing Zoning:** Canyon County – AG (Agricultural). **Proposed Zoning:** Nampa – BC (Community Business). **Comprehensive Plan Designation:** Community Mixed Use. NAMPA 2035 Comprehensive Plan - page 101

5.7.1 Community Mixed Use

Community Mixed-Use districts are recommended locations for development of activity centers that are specifically planned to include commercial uses would focus on more community wide needs and services. These areas should be sited along major transportation corridors.

5.7.1.1 Community Mixed Use Principles

- 1) Provide an interconnection circulation system that is convenient for automobiles, pedestrians and transit;
- 2) Located on major transportation corridors;
- 3) May include higher densities residential and;
- 4) Landscape areas.

Surrounding Land Use and Zoning: North- Cropland, County- AG; South- Cropland, City-RS8.5; East- Sterling Landscape Company, County- AG; West- Cropland and rural residential, County- AG. **Applicable Regulations:** For a property to be annexed it must be contiguous with city limits or be enclaved by other properties so annexed. This property is contiguous city limits along its southern boundary. **Existing Uses:** Agricultural land. **Applicant Reason for Annexation and Zoning:** To obtain access to city utilities for a mixed-use development.

Special Information

Public Utilities: No water, sewer or irrigation mains located adjacent the property. **Public Services:** Police and fire already service city incorporated areas surrounding the location. **Physical Site Characteristics:** The agricultural parcel. **Transportation:** Access to the property is from Ustick Road on the north. **Correspondence:** No correspondence has been received from any area property owners, residents or business owners regarding opposition to or support for the requested annexation and BC zoning.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as being compatible with the requested BC zone. If the Planning & Zoning Commission recommends approval of this request the following findings are suggested:

- 1) The applicant desires annexation and zoning to obtain access to city utilities for a community mixed-use development.
- 2) The property is eligible for annexation as the southerly boundary adjoins existing city limits.
- 3) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the surrounding and adjacent properties having been annexed, zoned, and slated for further development.
- 4) The subject parcel is designated as Community Mixed Use on the Proposed Future Land Use Map and the proposed BC (Community Business) zoning upon annexation conforms with this designation and is reasonably compatible with existing and proposed land uses in the area.

Recommended Conditions of Approval

If the Planning and Zoning Commission votes to recommend to the City Council approval of the annexation with BC zoning staff suggests the following conditions of approval as recommended by City Engineering and any other conditions the Planning & Zoning Commission may feel necessary to protect the interests of neighboring property owners:

- 1) At time of development of the site, the developer will need to meet with City of Nampa staff to discuss city utility extensions and design requirements to serve the site.
- 2) City of Nampa Water: Currently located approximately 1.60-miles to the southwest on Cherry Lane.
- 3) City of Nampa Sewer: Parcel is in the Purdam drainage basin. Existing trunk line is currently located approximately 3.50-miles to the west on Ustick Road.
- 4) Pressure Irrigation: Currently located approximately 1.70-miles southwest on Can-Ada Road just north of Cherry Lane.
- 5) Granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.
- 6) With development of the property, access points will be required to meet the current adopted Access Management Policy.
- 7) Right-of-way dedication – Required
 - a. Ustick Road - Functional Classification is an arterial. Annexation will only be required to the prescriptive right-of-way of Ustick Road. Dedication required to be fifty-feet (50’) from centerline to Nampa Highway District #1.

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

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Mayor and Councilmembers asked questions and made comments.

The applicant answered questions from Mayor and Council.

MOVED by Hogaboam 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 Bruner and **SECONDED** by Rodriguez to **approve the annexation and zoning** to BC (Community Business) at 0 Star Rd (Parcel R3036301200) on the south side of Ustick Road, east of Star Road, for access to city utilities for a mixed-use development. (A 14.72-acre parcel situated in the NW ¼ Section 5 T3N R1W BM, Tax 99106 in Lot 4) for Matt Garner representing JABR, LLC (Justin Reynolds and Alan Bean) with conditions and authorize the City of Nampa Attorney to draw up the appropriate Ordinance. The Mayor asked for a roll call vote with Councilmembers Hogaboam, Levi, Skaug, Rodriguez, Bruner voting **YES**. Councilmember Haverfield **ABSTAIN**. The Mayor declared the

MOTION CARRIED

Item #6-2. - Mayor Kling opened a **public hearing** for **variance** to City of Nampa Zoning Ordinance Section 10-10-6-A requiring a 7000 sq. ft lot size in the RD (Two Family Residential) zoning district to allow construction of a new Single Family Dwelling on a substandard, approximate 5314 sq. ft lot size located at 408 15th Ave N (Lot 8, Less SE 65 ft of SW 25 ft, Block 120, Griffith Kings Subdivision Canyon County Account R0893300000), for Aleksey V Katan. (VAR-00065-2019).

Aleksey Katan, 515 South Dalan Creek presented the request.

Norm Holm presented the following staff report explaining that the request was for a variances to the Nampa City Code for N.C.C. § 10-10-6.A requiring a 7,000 sf lot size in the RD (Two Family [Duplex] Residential zoning district in order to allow construction of a new Single Family Dwelling on a substandard, approximate 5,314 sf lot size, for 408 15th Avenue North, (Lot 8, Less SE 65 ft of SW 25 ft, Block 120, Griffith Kings Subdivision Canyon County Account R0893300000). See Exhibit 2 (Page 7), Zoning & Vicinity Map.

Property History

The Nampa City Council previously approved a variance to the minimum building lot size. A variance permit was issued on December 1, 2014 for a small home, a garage, and workshop to be constructed on the property. Because no building permit was pulled within six (6) months, the

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variance expired. The property has since been sold and the new property owner is now requesting a variance in order to build a single-family home on the property.

General Site Information

Existing Zoning: RD (Two Family Residential District). **Surrounding Zoning & Land Uses:** **North** – RD residential; **South** – RD multiple substandard sized residential lots; **East** – RD residential; **West** – RD residential. **Public/Agency Comment or Correspondence:** Nampa Building Department indicated that any and all work done will require a building permit. Nampa Engineering department had no opposition. Nampa Highway District #1 indicated they had no comment.

Code Regulations

Variance Purpose Statement (10-24-1):

“The Council is empowered to grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain of the regulations prescribed by this Title.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of 1) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and 2) the 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 location or traffic conditions.

Variances are not intended to allow something that others do not have a permitted right to do so. 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.”

10-24-2: ACTION:

B) The Council may grant a Variance with respect to 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 makes the following findings (*read, “Conclusions of Law”*):

1. Literal interpretation and enforcement of the regulation would [would not] result in a practical hardship or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance for the property.

2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which [do] do not apply generally to other properties classified in the same zoning district.
3. Literal interpretation and enforcement of the regulation would [would not] deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. Granting of the variance [will] will not constitute a grant of special privilege inconsistent with the limitations on other properties and improvements in the vicinity.
5. Granting of the variance [will] will not be detrimental to public health, safety or materially injurious to properties or improvements in the area.

Analysis

Nampa City Council has previously granted a variance for this property, finding that the size, shape, and location of the lot constituted a legal basis for the variance findings listed above. The following are staff analysis of the current application and potential findings of fact that may be used by Council to justify approval or denial of the variance request.

1. Because the parcel is not a corner lot, it does not qualify for a smaller minimum area under Nampa City Code § 10-10-9 Corner Lots. There are no other provisions in the Nampa City Code allowing the property owner to construct a home on this property under the current zoning. Though the recently approved RS4 zoning district allows a property as small as 4,000 sf, a rezone of the property in this location may be considered spot zoning and have potential legal consequences. As such, being unable to construct a home on the parcel could be a hardship to the property owner. To construct a home on the subject property, a reasonable approach is to seek a variance to the Nampa City Code § 10-10-6. A, requiring a 7,000 sq. ft. lot size in the RD (Two Family [Duplex] Residential) zoning district.
2. Though smaller sized properties have existing homes in the immediate area, they have typically been constructed on corner lots where Nampa City Code provides allowances for smaller lots. The site characteristics, being a relatively small lot not on a corner property, may be considered extraordinary site characteristics which do not apply generally to other properties within the zoning district.
3. Enforcement of the code in this case, could be assumed to deprive the applicant of privileges enjoyed by owners in the district, namely, construction of a single-family home.
4. The proposed use is consistent with land uses in the area. Approval of this variance is unlikely to be considered granting a special privilege inconsistent with the area.

5. Construction of a new single-family structure shall comply with current building & fire codes. Buildings must comply with required setbacks as well. The proximity to other buildings is consistent with other lots in the immediate area. Police and Fire Departments already service this area. Staff finds no conditions that would create a determinant to public health, safety or be injurious to others in the area.

The proposed variance is requested to facilitate construction of a single-family home on a parcel that could be considered a candidate for in-fill development. The area is largely developed out and is serviced by utilities, public safety, parks, and other city services. The vacation of these easements is unlikely to have a negative consequence on servicing the area in the future. The Nampa City's Comprehensive Plan outlines multiple benefits of infill development, including the fact that the city already has utilities and provides service to these areas without significant increased costs. Objectives and strategies in the Comprehensive Plan call for "placing a high priority on" infill development. The Nampa City Council may find that approval of the variance would help facilitate achieving the objectives and strategies related to infill development in the Comprehensive Plan.

Conclusions of Law & Findings of Fact

Whether the Council votes to deny or approve the Variance request, the statements cited in this report as being from 10-24-2 above, in bold type, are the Conclusions of Law that must be used and supported by further Findings of Fact to either justify approval or denial of the request (See ANALYSIS section above). **Applicable Regulations:** Chapter 24 sets forth criteria to use when reviewing (a) Variance request(s).

Condition(s) of Approval

Should the Council vote to approve the Variance Permit, the following draft Approval Condition(s) is/are proposed for consideration:

1. Comply with any other applicable agency (e.g., City Building Safety, City Engineer, Southwest District Health, Fire Department, etc.) requirements as they may pertain to the Variance request.

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

MOVED by Levi 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**

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MOVED by Hogaboam and **SECONDED** by Rodriguez to **approve** the **variance** to City of Nampa Zoning Ordinance Section 10-10-6-A requiring a 7000 sq. ft lot size in the RD (Two Family Residential) zoning district to allow construction of a new Single Family Dwelling on a substandard, approximate 5314 sq. ft lot size located at 408 15th Ave N (Lot 8, Less SE 65 ft of SW 25 ft, Block 120, Griffith Kings Subdivision Canyon County Account R0893300000), for Aleksey V Katan with staff recommendations. 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 **variance** to City of Nampa Zoning Ordinance Section 10-23-20(E): Permanent Signs Permitted within the GB-1 (Gateway Business – 1) zoning district, allowing 25 ft as the maximum height for a pylon sign. The applicants state they are requesting the Variance in order to place a 40 ft pylon sign on property located at 15885 Idaho Center Blvd (Lot 3, Block 1 of Gracon Subdivision in the NE ¼ Section 13 T3N R2W), in order to be consistent with the Nissan corporate sign requirements and the surrounding dealership signs, for Bronco Motors Nissan, LLC. (VAR-00067-2019).

Grant Peterson, 2219 North Claremont presented the request.

Senior Planner Kristi Watkins presented the following staff report explaining that the request was for a variance(s) to Nampa City Zoning Code(s) to the maximum allowed free-standing sign height and size [(twenty-five feet {25'} high) per N.C.C. § 10-23-20.E] in the GB-1 (Gateway Business) Zone in order to allow a forty-foot (40') high advertising sign. The applicant states that the corporate sign requirements call for a forty-foot (40') pylon sign for property located at a certain property addressed as 15885 Idaho Center Blvd (parcel #R31079102); a 3.02-acre parcel located on the west side of Idaho Center Blvd, and north of I-84 – hereinafter the “Property” for Dave Baker, AIM Sign representing for Bronco Motors Nissan LLC.

General Site Information

Existing Zoning: GB-1 (Gateway Business -1) Zoning District; **Surrounding Zoning & Land Uses:** **North-** GB-1 (Gateway Business -1); **South-**GB-1 (Gateway Business -1); **East-**GB-1 Gateway Business -1); **West-**AG (Agriculture), golf course. **Public/Agency Comment or Correspondence** - Nampa Building Department indicated that they will require plans, structural calculations and permits for the sign. Nampa Engineering Division has indicated that they do not oppose the granting of this variance request. Nampa Highway District #1 does not oppose the granting of this variance request. No comment has been received by the adjacent property owners. **History (subject property and surrounding properties with similar requests):** **07.3-04175–2004**–Variance of sign height to place a 30’ pylon sign in GB1 zone, Approved. **07.3-05189 – 11/21/2005 – 15933 Idaho Center Blvd – Variance of sign height for a 30’ pylon sign in a GB1 zone, Approved.** **VAR-00985-2011 - 2/22/2011 – 15715 & 15675 Idaho Center Blvd - Variance**

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of sign height for a 30' pylon sign in a GB1 zone, Approved. **VAR-00043-2018** – 1/16/2018 – 15933 Idaho Center Blvd - Variance for sign height for a 41.5' free-standing sign in the GB1 zone, Approved.

Code Regulations

Signs N.C.C. § 10-23-20. E

Freestanding pole, monument, or projecting sign: Maximum allowable height 25'.

Comprehensive Plan, Chapter 8.17, Signage: *“A concern regarding pole signs is that each new pole sign must increase in elevation in order to be seen at a distance.”*

Variance Purpose Statement (10-24-1):

“The Council is empowered to grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain of the regulations prescribed by this Title.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of 1) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and 2) the 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 location or traffic conditions.

Variances are not intended to allow something that others do not have a permitted right to do so. 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.”

10-24-2: ACTION:

C) The Council may grant a Variance with respect to 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 makes the following findings (*read, “Conclusions of Law”*):

1. Literal interpretation and enforcement of the regulation would [would not] result in a practical hardship or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance for the property.

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2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which [do] do not apply generally to other properties classified in the same zoning district.
3. Literal interpretation and enforcement of the regulation would [would not] deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. Granting of the variance [will] will not constitute a grant of special privilege inconsistent with the limitations on other properties and improvements in the vicinity.
5. Granting of the variance [will] will not be detrimental to public health, safety or materially injurious to properties or improvements in the area.

Analysis

In Nampa, as pertaining to land use Variance Permit requests, a burden rests upon an applicant to argue persuasively to the Nampa City's Council that one or more conditions related to the property they represent interfere(s) with the applicant's use of their land in manner and form commensurate with that enjoyed, most particularly, by their neighbors or other properties in a similar situation and zoning district as that applicant's land. Each land use [or related] Variance Application is reviewed on a case by case basis and the merits of the matter are weighed in the public venue. Public testimony has been received and the opinions of City of Nampa departments or outside agencies submitted to the Council for their consideration.

This is a request for a Variance in order to obtain permission to replace a previously approved thirty foot (30') tall pylon sign (Variance application - 07.3-04175) with a forty foot (40') tall Pylon sign on the frontage of the Nissan dealership. (Code listed above states that a twenty-five foot (25') tall free-standing sign is allowed in the GB-1 zone.)

According to the previously approved applications, four applications listed above, approval of a variance to this code is not uncommon for the area along Idaho Center Blvd.

Per the submitted application, the Applicant provides the following:

- A) That the Applicant owns the Property; and,
- B) That the Applicant desires to receive permission to install a forty-foot (40') tall free-standing sign as per Nissan's Corporate Sign Requirements and the site's visibility from I-84; and,

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- C) There are other signs in the area that have received a variance for equal to or taller signs; and,
- D) Literal interpretation and enforcement of the height regulation would deprive this property owner from constructing a sign with similar visibility privileges enjoyed by other property owners within this zoning district.

In the absence of further written arguments or information iterated by the Applicant, Staff observes as follows:

- A) That Staff has not received expressions of opposition to the Variance request from City of Nampa Departments/Divisions, outside agencies, or the public; and,
- B) That, in the majority, other properties throughout the City of Nampa, signs have routinely complied with the zoning code's dimensional controls save, perhaps, in limited instances (especially along the 1-84 corridor) sanctioned by receipt of a Variance Permit; and,

Conclusions of Law & Findings of Fact

Whether the Council votes to deny or approve the Variance request, the statements cited in this report as being from 10-24-2 above, in bold type, are the Conclusions of Law that must be used and supported by further Findings of Fact to either justify approval or denial of the request (See analysis section above).

Attached to this report is all the information Staff had by the time this report was ready to go to print (12 noon, April 11, 2019) ...

Recommended Condition(s) of Approval

Should the Council vote to approve the Variance Application request, then Staff recommends that they/you consider imposing the following Condition(s) of Approval against the same:

Generally:

1. Applicant(s) shall comply with all applicable requirements [including obtaining a Sign Permit] and any requisite sub-permits) as may be imposed by Nampa City agencies appropriately involved in the review of this request (e.g., Nampa Fire [inspection], Building, Planning and Zoning and Engineering Departments, etc.) as the Variance(s) [Permit] approval(s) do/does not, and shall not, have the effect of abrogating requirements from those agencies or City of Nampa divisions/departments...

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2. Provide structural calculations for the forty-foot (40') pylon sign with the required sign permit, to the City of Nampa Building Department, prior to installation of this sign.

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

Mayor and Councilmembers asked questions and made comments.

MOVED by Hogaboam 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 Hogaboam and **SECONDED** by Rodriguez to **grant** the **variance** to City of Nampa Zoning Ordinance Section 10-23-20(E): **Permanent Signs Permitted** within the **GB-1** (Gateway Business – 1) zoning district, allowing 25 ft as the maximum height for a pylon sign. The applicants state they are requesting the Variance in order to place a 40 ft pylon sign on property located at 15885 Idaho Center Blvd (Lot 3, Block 1 of Gracon Subdivision in the NE ¼ Section 13 T3N R2W), in order to be consistent with the Nissan corporate sign requirements and the surrounding dealership signs, for Bronco Motors Nissan, LLC with staff recommendations. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (4) Staff Communications ❖

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

Proposed Crosswalk Safety Improvements Near Snake River Elementary School Update – In follow-up to Snake River Elementary School students' presentation to Nampa City Council on April 1, 2019, for proposed crosswalk safety improvements, Public Works staff is scheduled to meet with the school principal and staff on Wednesday, April 10, 2019. An update will be provided to Council on the day of this staff report.

Street Impact Fees - Impact fees are one-time assessments established by local governments to assist with the provision of capital improvements necessitated by new growth and development. Idaho Code defines an impact fee as "... a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development." Street impact fees are calculated for residential and nonresidential land uses based on street and facility usages generated by each land use type.

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The Fiscal Year 2019 Transportation Master Plan update identified capital improvement projects for Nampa streets for the next ten years; forty-two of which are impact fee eligible. Staff prepared two maps to help identify these locations and recommended construction year for, (1) Transportation Master Plan Intersection improvements (see Exhibit A), and (2) Impact Fee Capital Improvement Projects (see Exhibit B).

Staff will evaluate safety and congestion data each year and will suggest amendments to the impact fee and transportation master plan projects at the budget meetings.

❖ **(5) New Business** ❖

Item #5-1. - Mayor Kling presented the request for Idaho Department of Juvenile Correction Grant Funds for a Restorative Justice Practices Program for Breaking Chains Academy was requested to removed from the agenda by the applicant. (grant no longer available)

Item #5-2. - Mayor Kling presented the request for **approval of beer, wine & liquor license** for Greystone Corporation dba. V-Cut Lounge located at 217 14th Street South.

The applicant Tim Wangler explained that the business was going to be a lounge for smoking cigars and having a glass of whiskey or bourbon. Adam from H & M Meats will be supplying the food for the lounge.

Mayor and Council asked question and made comments.

Nampa City Clerk, Deborah Rosin, stated that on April 10, 2019, the clerk's office sent a notice to Bible Pentecostal notifying them of the pending application and inviting them to submit comments to the clerk's office, if they so desired. The Nampa City Clerk's Office did receive a phone call on Monday, April 15, from Bible Pentecostal Church with some questions regarding the application process and the type of business that was applying for the license. In the conversation with the church they did not clearly state themselves to be in favor of, or opposition to this application. The church was encouraged to submit written comments if they desired, however none were received as of 5pm on Monday. Therefore, the City Clerk's Office requests that a waiver be granted to allow a Beer, Wine, and Liquor license for the V-Cut Lounge located at 217 14th St S. The application has been sent to the police department for a criminal history check and came back with no hits and their stamp of approval.

Nampa City Attorney, Aaron Seable, explained that there are two issues that Council needs to consider the license itself and the proximity to a church.

5-12-10: REVOCATION OR DENIAL:

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The mayor and council may revoke or deny a license for fraud and misrepresentation in its procurement, or for a violation of the letter spirit of the laws of the City of Nampa, or the laws of the state of Idaho, or United States regulating the sale of alcoholic beverages, or for a violation of any of the provisions of this chapter, or for any conduct or act of the licensee or any employees or any conduct or act permitted by him or them on the premises where such business is conducted, tending to render such business or such premises where the same is conducted as a public nuisance or a menace to the health, peace, safety or general welfare of the City of Nampa.

When the council revokes or denies a license, they shall specify in writing:

- A. The statutes, ordinances and standards used in evaluating the application;
- B. The reasons for denial; and
- C. The actions, if any, that the applicant could take to obtain the license, transfer or renewal.

Idaho Code 23-913 - LICENSEE NOT ALLOWED NEAR CHURCHES OR SCHOOLS — EXCEPTIONS. No license shall be issued for any premises in any neighborhood which is predominantly residential or within 300 feet of any public school, church, or any other place of worship, measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the municipality; provided, that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing same [came] therein.

MOVED by Rodriguez and **SECONDED** by Hogaboam to **approve** the license as presented and approve the special exception of being within 300 feet of a church. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
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Councilmembers asked if Mayor and City of Nampa Attorney would bring an ordinance forward at a later date concerning the number of bars down town.

Item #5-3. - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign** the **contract** to **purchase** a **3D Laser Scanner** with Integrated **Camera** with **FARO Incorporated** (Purchased thru funds available in a BJA Grant)

Lieutenant Eric Skogland presented a staff report explaining that the Nampa Police Department is requesting council to award a bid for a 3D scanner with integrated camera. Bids were received in March 2019 from 4 different manufacturers. We are requesting that council accept the lowest bid from FARO technologies Inc. Their initial bid (\$67,441.23) was closest to the amount budgeted in the BJAG grant (\$65,377.00). They have submitted an adjusted bid matching the amount budgeted in the grant. This technology is used for the purpose of imaging crime scene and traffic crash scenes. It provides a high-quality visual image of the scenes that will save investigators and

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Crime Scene personnel extensive time processing them. The Department currently owns software compatible with this equipment that is also used in crimes scene investigations. Councils awarding of the grant to FARO technologies would give permission to the police department to proceed with purchasing this equipment through the awarded grant funds.

MOVED by Bruner and **SECONDED** by Rodriguez to **award the bid and authorize the Mayor to sign the contract to purchase a 3D Laser Scanner with Integrated Camera with FARO Incorporated.** 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 Nampa Family Justice Center to apply for a grant for a Client Support Improvement Project.**

Family Justice Center Director Criselda De La Cruz presented a staff report explaining that the Nampa Family Justice Center is requesting Council approval to apply for the following Community Development Block Grant: Project: Client Support Improvement Project; Due date: 5/1/2019; Amount: Unknown (Brian Foster is working on estimate); Project Summary: The Nampa Family Justice Center is requesting CDBG funding to complete the current expansion project by adding more space to house the Special Crimes Unit Detectives and Victim Witness Coordinators. It will also address issues of confidentiality and safety of victims by providing additional sound proofing to the basement floor.

MOVED by Bruner and **SECONDED** by Rodriguez to **authorize Nampa Family Justice Center to apply for a grant for a Client Support Improvement Project.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

Item #5-5. - Mayor Kling presented the request to **authorize Nampa Family Justice Center to apply for a grant for Emergency Housing Services.**

Criselda De La Cruz presented a staff report explaining that the Nampa Family Justice Center is requesting Council approval to apply for the following Community Development Block Grant: Project: Emergency Housing Services for NFJC; Due Date: 5/1/19; Amount: \$25,000.00 Project Summary: The NFJC will collaborate with the Salvation Army to rent 4 rooms year-round that will provide emergency housing for clients in crisis situations. These rooms will be locked and protected by a separate entrance and located within walking distance to the NFJC allowing easy access to client services provided at the NFJC. This will be a less expensive and more secure resolution than our current system of utilizing motel rooms.

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MOVED by Haverfield and **SECONDED** by Skaug to **authorize Nampa Family Justice Center to apply for a grant for Emergency Housing Services.** 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 to **authorize the Mayor and Public Works Director to Sign Task Order with J-U-B Engineers, Inc., for sampling station design and Indian Creek Flow Study for Wastewater Division.**

Tom Points presented a staff report explaining that the Nampa City's Wastewater National Pollutant Discharge Elimination System (NPDES) permit requires the Nampa Wastewater Treatment Plant (WWTP) to continuously monitor Dissolve Oxygen and PH through November 1, 2020.

To meet NPDES permit requirements, upgrades to the current sampling stations are required. New sampling stations would allow for continuous monitoring and better staff accessibility to Indian Creek.

The current flow meter is located offsite but will be moved to a new location at the WWTP where all required sampling will take place. This will allow easier access and protection from public tampering.

In order to move the flow meter, a one-year profile measurement study of Indian Creek must also be performed.

Staff has negotiated a scope and fee with J-U-B Engineers, Inc., for design consultant services for the Indian Creek Flow Measurement and Sampling Stations project (see Exhibit A).

Funding will be provided by Wastewater Division's fiscal year 2019 budget.

Nampa City staff and J-U-B have agreed upon a scope and fee in the amount of \$77,686.00 T&M NTE (time and material not to exceed).

MOVED by Hogaboam and **SECONDED** by Haverfield to **authorize the Mayor and Public Works Director to sign task order for attached scope of work for consultant services with J-U-B Engineers Inc., for Indian Creek Flow Measurement and Sampling Stations project in the amount of \$77,686.00 (T&M NTE).** 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 #5-7. - Mayor Kling presented the request to **authorize renewal of Professional Services Term Agreement** and **authorize the Mayor and Public Works Director to sign Professional Services Term Agreement** and **authorize** the Mayor and Public Works Director to Sign Task Order Amendment with Keller Associates, Inc., for Wastewater Phase 1 Group B Solid Handling Upgrades Services During Construction for Wastewater Division.

Tom Points presented a staff report explaining that the following Professional Services Agreement Standard Terms and Conditions (Agreement) for Wastewater Phase 1 Upgrades Project Group B Solids Handling Upgrades Project has expired and renewal is requested as follows:

Consultant Name	Date of Original Agreement	Date of Last Renewal	Expiration Date
Keller Associates, Inc.	12/16/2013	05/15/2017	02/15/2019

The Agreement contains the following language:

2.17 Renewal

This Agreement may be renewed, by written agreement, for an additional one-year term, upon mutual agreement by both parties. The terms of the renewal may include an equitable adjustment of fees to reflect inflation and may include change in key personnel listed.

2.18 Term

The term for this Agreement shall be twenty-one months, commencing upon execution of the contract.

Non-Appropriation: The continuation of the terms, conditions, and provisions of this contract beyond the fiscal year is subject to approval of and ratification by the City of Nampa Council.

It has come to Staff's attention that the Agreement have expired, and renewal is recommended for an additional six-month term.

The WWTP Phase 1 Group B Solids Handling Upgrades project is currently under construction. It was originally scheduled to be complete in February 2019. Due to equipment procurement and coordination delays the project is estimated to be complete in July 2019.

In May 2017 Council approved a Task Order with Keller Associates, Inc., for the Wastewater Treatment Plant (WWTP) Phase I Upgrades Services During Construction on the Group B Solids Handling Upgrades project.

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Keller Associates is requesting additional fees to account for the five-month construction extension including additional work performed to date.

City of Nampa staff and Keller have agreed upon a fee estimate for remainder of the work in the amount of \$88,233.00 T&M NTE (time and material not to exceed) (see Exhibit A).

MOVED by Haverfield and **SECONDED** by Rodriguez to **authorize renewal of Professional Services Term Agreement**, (2) **authorize the Mayor and Public Works Director** to sign Professional Services Term Agreement, and (3) Authorize Mayor and Public Works Director to sign task order amendment for attached scope of work with Keller Associates, Inc., for the WWTP Phase 1 Upgrades Services During Construction for Group B Solids Handling Upgrades Project in the amount of \$88,233.00 T&M NTE. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-8. – The following Ordinance was read by title:

Tom Points presented a staff report explaining that the Nampa Wastewater Treatment Plant (WWTP) National Pollutant Discharge Elimination System (NPDES) permit requires a local limits wastewater pretreatment study (Study) be completed.

The Study is focused on the industrial customer. This customer class is required to be regulated for wastewater discharges containing heavy metals under federal pretreatment regulations.

The Study was completed and identified lower limits for arsenic, copper, and mercury.

Revisions to the Nampa City Code Title 8, Chapter 9, Section 4, Subsection 14 are proposed below:

DAILY MAXIMUM ALLOWABLE DISCHARGE LIMITS

Arsenic	0.09 mg/l	0.05 mg/l
Cadmium	0.26 mg/l	No Change
Chromium	2.26 mg/l	No Change
Copper	1.04 mg/l	0.40 mg/l
Cyanide	0.23 mg/l	No Change
Lead	0.43 mg/l	No Change
Mercury	0.003 mg/l	0.001 mg/l

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Nickel	1.20 mg/l	No Change
Silver	0.24 mg/l	No Change
Zinc	0.99 mg/l	No Change

The Study was submitted to the Idaho Department of Environmental Quality (IDEQ). IDEQ reviewed and approved the study with the proposed local limits.

Nampa's industrial customers were notified of the pending local limits by Wastewater Division staff. No related concerns have been brought forward by the customers. Based on existing wastewater data, staff does not anticipate these changes impacting existing industrial customers pretreatment practices.

The proposed local limits would become effective upon publication of the ordinance. The Nampa City's industrial customers will then receive amended wastewater discharge permits requiring compliance within 90 days.

Wastewater staff has reviewed and recommends approval of the ordinance (see Exhibit A).

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL **AMENDING** TITLE 8, CHAPTER 9, SECTION 4, SUBSECTION 14, NAMPA CITY CODE, PERTAINING TO **LOCAL LIMITS FOR PRETREATMENT REGULATIONS**; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEROF, IN CONFLICT HEREWITH. (Applicant Wastewater 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.

MOVED by Haverfield and **SECONDED** by Skaug to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4427** 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 Amendment** to Reimbursement Agreement (exhibits "B") for sewer with **Magellan Development LLC/Don Newell**.

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Tom Points presented a staff report explaining that the Magellan Development/Don Newell are the developers of the Timber Lake Subdivision located on Ustick Road just east of Madison Avenue, see exhibit "A".

As part of their development they extended a 24" sewer trunk from the intersection of Madison Avenue and Ustick to their eastern boundary approximately 1000 feet.

On February 5, 2018, Nampa City Council authorized a Reimbursement Agreement for the developer for the costs associated with the sewer trunk.

Construction is now complete, and Engineering has reviewed and approved the final construction cost.

The revised fee for the amended agreement is based on the methodology approved by Nampa City Council on July 16, 2018. This methodology allows the fee to be calculated using the estimated number of dwelling units anticipated to be constructed in the benefiting area within the reimbursement period. The estimated number of dwelling units anticipated to be constructed was established by a market analysis and reviewed by Engineering.

Engineering and Legal have reviewed the proposed amendment to the Reimbursement Agreement and recommend approval.

MOVED by Bruner and **SECONDED** by Rodriguez to **authorize** the **Mayor** to **sign Amendment to Reimbursement Agreement** (exhibits "B") for sewer with Magellan Development LLC/Don Newell. 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 explained that this **item #5-10.** - U-Turns on westbound Caldwell Boulevard approach at Karcher Road Signal and authorize ITD staff to create and install appropriate signage was removed at the request of staff.

Item #5-11. - Mayor Kling presented the request to **authorize** the **installation** of a **No Parking zone** along both sides of **5th Street North**, northwest of **1st Avenue North** and authorize City of Nampa staff to create and install appropriate signage.

Tom Points presented a staff report explaining that the Engineering Division recently received a request to sign no parking along 5th Street North, west of 1st Avenue North from the Nampa Police Department.

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Residents have been parking vehicles along 5th Street North rather than parking within the dedicated parking lot for the Ethridge townhomes and driveways along 5th Street North, reducing the travel lanes.

The existing roadway width conditions are as follows:

- 20 feet total width (no gutter)
- Of the 20 feet, 6 feet total width is used for parallel parking leaving 14 feet total roadway width for travel lanes with no gutter or shoulder.

14 feet is not wide enough for a travel lane each direction and may cause impediment to emergency vehicle access in the event of an emergency.

To allow a travel lane in each direction and enough space for emergency vehicle access, a No Parking zone must be established along both sides of 5th Street North, West of 1st Avenue North (see Exhibit “A”).

Streets Division will supply the materials and install the No Parking signs.

Nearby property owners have been notified of the no parking recommendation via letter (see Exhibit “B”).

Engineering recommends approval of the No Parking zone.

MOVED by Bruner and **SECONDED** by Hogaboam to **authorize** the **installation** of a **No Parking zone** along both sides of 5th Street North, northwest of 1st Avenue North. 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 **installation** of a **No Parking zone** along both sides of **West Sanetta Drive** between **West Tacola Street** and North Midland Boulevard and authorize City of Nampa staff to create and install appropriate signage.

Tom Points presented a staff report explaining that the Engineering Division recently received a request to sign no parking along West Sanetta Drive near the business plazas adjacent to North Midland Boulevard from a nearby resident.

Vehicles have been parking along West Sanetta Drive rather than parking within dedicated parking lots within the business plazas reducing the travel lanes.

The existing roadway width conditions are as follows:

- 31.5 feet total width (including gutter)

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- Of the 31.5 feet, 16 feet total width is used for parallel parking leaving 15.5 feet total roadway width for travel lanes.

15.5 feet is not wide enough for a travel lane each direction.

To allow a travel lane in each direction, a No Parking zone must be established along both sides of West Sanetta Drive between West Tacola Street and North Midland Boulevard.

Streets Division will supply the materials and install the No Parking signs.

Nearby property owners have been notified of the no parking recommendation, the letter included a map indicating potential no parking limits (see Exhibit A).

Engineering recommends approval of the No Parking zone.

MOVED by Rodriguez and **SECONDED** by Bruner to **authorize the installation of a No Parking zone** along both sides of West Sanetta Drive between West Tacola Street and North Midland Boulevard. 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 **award the bid and authorize the Mayor to sign contract** for the Zone E Sewer Rehab FY19 project with Planned and Engineered Construction, Inc in the amount of **\$268,850**.

Tom Points presented a staff report explaining that each year as part of the City of Nampa's Asset Management program the Wastewater Division identifies sanitary sewer lines and infrastructure that need rehabilitation or replacement.

For FY19, the Wastewater Division identified approximately 7,800 linear feet of existing sewer main to be repaired and replaced.

The project consists of manhole rehabilitation and cured-in-place pipe lining of approximately 7,800 linear feet of existing 8" concrete sewer piping; including field investigation of existing services. The locations are as follows (see Exhibit A):

- 1) Elmore Ave east of Canyon St
- 2) Shoshone Ave east of Canyon St
- 3) Fairview St between Shoshone Ave and Owyhee Ave
- 4) Owyhee Ave east of Canyon St
- 5) Blaine Ave east of Canyon St
- 6) Alley between Blaine Ave and Meffan Ave

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- 7) Alley between Meffan Ave and Young Ave
- 8) Young Ave east of Canyon St
- 9) Three locations on State St between Lone Star Ave and Lake Lowell Ave

The City of Nampa received 3 bids from:

1. Big Bite, Inc.
2. Insituform Technologies, LLC
3. Planned and Engineered Construction, Inc.

Planned and Engineered Construction was determined to be the lowest responsive bidder at \$268,850 (See Exhibit B). All necessary public bidding requirements appear to be satisfied.

Zone E Sewer Rehab FY19 projects have an approved FY19 Wastewater Division budget of \$923,500.

Design	\$111,760
Construction Estimate	\$268,850
Construction Engineering & Inspection	<u>\$25,700</u>
Total	\$406,310

Engineering staff have reviewed the bids and recommend award to Planned and Engineered Construction, Inc.

MOVED by Bruner and **SECONDED** by Haverfield to **award the bid and authorize the Mayor to sign contract** for the **Zone E Sewer Rehab FY19 project** with Planned and Engineered Construction, Inc. in the amount of \$268,850. 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 for **disposal of 2,482 square foot** of surplus property located near the **Elijah Drain and South Happy Valley Road**.

Parks and Recreation Director Darrin Johnson presented a staff report explaining the Elijah Pathway is extending due to continued residential development. As a requirement of development, a minimum of 20 feet of land is deeded and dedicated to the City of Nampa for pathway connectivity.

Recently, the City of Nampa has had an irregular piece of property deeded to us that will be managed by the Parks and Recreation Department. Because this property is not needed, we are proposing Nampa City Council declare the property as surplus. The attached exhibits show the vicinity location and the land size. The land size of the subject property is approximately 2,482 square feet.

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If Nampa City Council declares the property as surplus, we will hold a future public hearing regarding the sale. Processes and minimum price will be set at the public hearing.



MOVED by Bruner and **SECONDED** by Hogaboam to **declare land located** on the **Elijah Pathway** as surplus property. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-15. - Mayor Kling presented the request to **funding request, bid award & authorize** the **Mayor** to **sign contract** with **HCD, Inc.** for the Ford Idaho Center Pole Barn Addition.

Building and Safety Director Patrick Sullivan presented the following staff report:

- **Project Scope**
Parks identified a need for additional equipment storage at the Ford Idaho Center through the approved FY19 Nampa City Budget. Parks has asked the Spectra Management group to contribute to the shed project to provide a larger storage area.

The proposed 2,304 sq. ft. pole barn shed is an addition to an existing shed located at the Ford Idaho Center. The shed will be used as shared storage space for equipment and supplies for both Parks Recreation and the Ford Idaho Center. The total construction cost is \$72,590.00 with each department contributing a 50% share of the project cost.

- **Funding:** This project will be funded by Parks and Recreation and Spectra Management from the following fund sources:

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- o \$36,295.00 will be funded from the Parks and Recreation Department's fund balance as part of the Zone 2 Equipment budget approved in the FY19 Budget.
 - o 36,295.00 will be funded from available funds from the Ford Idaho Center's capital projects budget.
 - o Parks will transfer funds to Spectra Management group who will then pay the construction invoices.
- Documents have been reviewed and approved by legal.
 - Facilities Development solicited bids from contractors for the project. A pre-bid walk through was conducted at the project site on March 13, 2019 at 10:00 a.m.
 - A total of three (3) bids were received on March 22, 2019; the apparent low bid was received from HCD, Inc.
 - The contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued. The contractor will provide all management, supervision, labor, materials, supplies, and equipment, and will plan, schedule, coordinate and assure effective performance of all services described herein.
 - Facilities Development will manage the construction project for the City of Nampa.

MOVED by Bruner and **SECONDED** by Rodriguez to **approve** the **contributing funding source** of **\$36,295.00** from the **Ford Idaho Center's Capital Projects Budget**; award bid and authorize Mayor Kling to sign contract with HCD, Inc. for the Ford Idaho Center Pole Barn Addition Project not to exceed the contract amount of \$72,590.00. 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. – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 6, CHAPTER 2, SECTION 6-2-20, PERTAINING TO CANINE LICENSING; AMENDING TITLE 7, CHAPTER 2, SECTION 7-2-16, PERTAINING TO STOPPING OR PARKING PROHIBITIONS IN CERTAIN PLACES; AMENDING TITLE 9, CHAPTER 1, SECTION 9-1-9, PERTAINING TO RESIDING ON A PUBLIC RIGHT OF WAY; AMENDING TITLE 10, CHAPTER 1, SECTION 10-1-2, PERTAINING TO CERTAIN DEFINITIONS; AMENDING TITLE 10, CHAPTER 1, SECTION 10-1-5, PERTAINING TO CONTENT OF APPLICATIONS; AMENDING TITLE 10, CHAPTER 1, SECTION 10-1-18, PERTAINING TO

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TABLES RELATING TO VISION CLEARANCE; AMENDING TITLE 10, CHAPTER 1, SECTION 10-1-19, PERTAINING TO MINI-STORAGE FACILITIES; AMENDING TITLE 10, CHAPTER 2, SECTION 10-2-10, PERTAINING TO REQUESTS FOR RECONSIDERATION; AMENDING TITLE 10, CHAPTER 3, SECTION 10-3-2, PERTAINING TO PERMITTED USES; AMENDING TITLE 10, CHAPTER 4, SECTION 10-4-5, PERTAINING TO DIMENSIONAL AND BULK REQUIREMENTS; AMENDING TITLE 10, CHAPTER 4, SECTION 10-4-9, PERTAINING TO LANDSCAPING; AMENDING TITLE 10, CHAPTER 4, SECTION 10-4-10, PERTAINING TO DESIGN STANDARDS; AMENDING TITLE 10, CHAPTER 8, SECTION 10-8-5, PERTAINING TO ACCESSORY STRUCTURES; AMENDING TITLE 10, CHAPTER 8, SECTION 10-8-6, PERTAINING TO SETBACK REQUIREMENTS; AMENDING TITLE 10, CHAPTER 15, SECTION 10-15-6, PERTAINING TO DOWNTOWN HISTORIC SUBDISTRICT; REPEALING TITLE 10, CHAPTER 15, SECTION 10-15-9; AMENDING TITLE 10, CHAPTER 16, SECTION 10-16-11, PERTAINING TO DESIGN STANDARDS; AMENDING TITLE 10, CHAPTER 21, SECTION 10-21-3, PERTAINING TO AGRICULTURAL ANIMALS; AMENDING TITLE 10, CHAPTER 22, SECTION 10-22-4, PERTAINING TO COMMON/SHARED PARKING FACILITIES; AMENDING TITLE 10, CHAPTER 22, SECTION 10-22-5, PERTAINING TO PARKING AREA IMPROVEMENTS; AMENDING TITLE 10, CHAPTER 22, SECTION 10-22-6, PERTAINING TO SPECIAL PARKING AND LANDSCAPE CORRIDOR DISTRICTS; AMENDING TITLE 10, CHAPTER 22, SECTION 10-22-7, PERTAINING TO LOADING SPACES; AMENDING TITLE 10, CHAPTER 23, SECTION 10-23-2, PERTAINING TO CERTAIN DEFINITIONS; AMENDING TITLE 10, CHAPTER 23, SECTION 10-23-8, PERTAINING TO PROHIBITED SIGNS; AMENDING **TITLE 10, CHAPTER 23, SECTION 10-23-20**, CONTAINING REFERENCE TABLES; AMENDING TITLE 10, CHAPTER 24, SECTION 10-24-2, PERTAINING TO CERTAIN VARIANCE ACTIONS; REPEALING AND REPLACING TITLE 10, CHAPTER 25, SECTION 10-25-15, PERTAINING TO CONDITIONAL USE EXPANSIONS AND MODIFICATIONS; AMENDING TITLE 10, CHAPTER 27, SECTION 10-27-2, PERTAINING TO PRELIMINARY PLAT APPLICATIONS; AMENDING TITLE 10, CHAPTER 27, SECTION 10-27-4, PERTAINING TO SPECIAL SUBDIVISIONS AND DEVELOPMENTS; AMENDING TITLE 10, CHAPTER 27, SECTION 10-27-6, PERTAINING TO GENERAL DEVELOPMENT AND IMPROVEMENTS; AMENDING TITLE 10, CHAPTER 27, SECTION 10-27-12, PERTAINING TO CORRECTING, VACATING, AND AMENDING PLATS; AMENDING TITLE 10, CHAPTER 29, SECTION 10-29-3, PERTAINING TO DEVELOPMENT STANDARDS; AMENDING TITLE 10, CHAPTER 33, SECTION 10-33-4, PERTAINING TO CORRIDOR LANDSCAPING; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Planning and Zoning Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and **SECONDED** by Hogaboam to **pass** the preceding **Ordinance** under suspension of rules and **item #7-2.** authorize 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 **4428** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-3. – The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, VACATING THE RESERVED UTILITY EASEMENTS LYING ALONG THE EASTERN AND WESTERN BOUNDARIES OF THAT CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS 412 E. HAWAII AVENUE, NAMPA, IDAHO, AS MORE PARTICULARLY DESCRIBED BELOW, IN NAMPA, CANYON COUNTY, IDAHO, AND DIRECTING THE NAMPA CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH. (Applicant Douglas Peterson representing Sky Ridge Limited Partnership)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Bruner and **SECONDED** by Skaug to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4429** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-4. – The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, LYING ON THE SOUTHSIDE OF GREENHURST ROAD BETWEEN S. MIDLAND BOULEVARD AND S. MIDDLETON ROAD, COMPRISING APPROXIMATELY 95.16 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE NAMPA CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE ANNEXED INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) AND BC (COMMUNITY BUSINESS) ZONES; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA,

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CANYON COUNTY, IDAHO; DIRECTING THE NAMPA CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant M3 Companies, Mark Tate)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and **SECONDED** by Hogaboam to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Rodriguez, Bruner, Skaug, Hogaboam, Haverfield voting **YES**. Councilmember Levi voting **NO**. The Mayor declared the ordinance duly passed, numbered it **4430** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-5. – The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, LYING ON THE WEST SIDE OF NORTHSIDE BOULEVARD AND NORTH OF USTICK ROAD, COMPRISING APPROXIMATELY 63.5 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE NAMPA CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE ANNEXED INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE RS 7 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 7,000 SQUARE FEET) ZONE; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE NAMPA CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Trilogy Idaho – Corey Barton)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules. **MOVED** by Hogaboam and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4431** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 8-1. 1st reading of ordinance for Annexation and Zoning to Light Industrial at 58 and 0 N. Kings Rd. for construction of Storage Units (A combined 3.87 acre or 168,577 sq. ft. portion of the South Half of the NW ¼ of the SW ¼ of Section 24, T3N, R2W, BM) for Cody Lane-Trek Investment Group (**PH was 9-17-2018**)
- 8-2. 1st reading of ordinance for Annexation and Zoning to RD (Two-Family Residential) for Mattingly Creek Subdivision at 2008 W. Orchard Ave. (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for Pontifex Capital, LLC represented by Bob Taunton, Taunton Group LLC (ANN 105-18) (**PH was 1-22-2019**)
- 8-3. 1st reading of ordinance for modification of an Annexation and Zoning Development Agreement (Ord. 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B - Commitments and Conditions, and introducing an Exhibit C - Preliminary Plat for Laguna Farm Apartments pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53-acre property in a GB2 (Gateway Business 2) zoning district in Government Lot 1 and the NE ¼ of the NW ¼ of Section 7, T3N, R1W, BM - for Kent Brown representing FIG Laguna Farms LLC (DAMO 027-18) (**PH was 2-4-2019**)
- 8-4. 1st reading of ordinance for Zoning Map Amendment from BC (Community Business) to HC (Healthcare) for property located at 9870 W. St. Luke's Dr., 9850 W. St. Luke's Dr., 9860 W. St. Luke's Dr., 0 Cherry Lane, and 0 Cherry Lane. (Five parcels totaling 33.08 acres located in a portion of the NW ¼ of the NW ¼ of Section 9, T3N, R2W, BM) for The Land Group representing St. Luke's Regional Medical Center LTD (ZMA 103-18) (**PH was 3-18-2019**)
- 8-5. 1st reading of ordinance for Annexation and Zoning to HC (Healthcare) for property located at 0 Cherry Lane and 0 Ten Lane (Two parcels totaling 21.511 acres located in a portion of the NE ¼ of the NW ¼ of Section 9, T3N, R2W, BM) for The Land Group representing St. Luke's Regional Medical Center LTD (ANN 110-18) (**PH was 3-18-2019**)

❖ (9) Executive Session ❖

Regular Council
April 15, 2019

Item #9-1- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student.

Item #9-2. - Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student and Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned by a public agency.

Item #9-3. - Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

MOVED by Haverfield and **SECONDED** by Rodriguez to **adjourn** into **executive session** at 9:08 p.m. pursuant to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student and Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned by a public agency and Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Hogaboam and **SECONDED** by Haverfield to **conclude the executive session** at 10:22 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student and Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned by a public agency and Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Regular Council
April 15, 2019

MOVED by Hogaboam and **SECONDED** by Haverfield to **adjourn** the **meeting** at 10:23 p.m.
The Mayor declared the

MOTION CARRIED

Passed this 6th day of May 2019.

MAYOR

ATTEST:

NAMPA CITY CLERK