

**REGULAR COUNCIL**  
**April 20, 2020**

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

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

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

**MOVED** by Haverfield and **SECONDED** by Bower to **approve the Consent Agenda as presented; Item #1-1.** - Regular Council Minutes of **April 6, 2020**; Special Council Minutes of **April 15, 2020**; Airport Commission; Arts & Historic Preservation Commission; Bicycle and Pedestrian Advisory Committee; Board of Appraisers; Building and Site Design Standards Committee; Building and Fire Code Advisory and Appeals Board; Council on Aging; Crow Management; Golf Commission; Housing Authority; Impact Fee Advisory Committee; Library Board of Trustees; Nampa Planning and Zoning Commission Minutes of **March 24, 2020**; Venue Management Advisory Commission; Wastewater Design Review Commission; **Item #1-2.** - The Nampa City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **Item #1-3.** - **Final and Preliminary Plat Approvals: 1) Final Plat** Approval for Brownstone Estates Subdivision No. 3 at the southwest corner of Midway and West Karcher Roads. (A 14 acre portion of the NE ¼ of Section 13 T3N R3W BM, Canyon County, Nampa – 45 single-family residential lots on 14 acres for an average of 3.35 dwelling units/gross acre) for Kent Brown representing HDP Brownstone Estates, LLC; **2) Final Plat** Approval for Franklin Village Subdivision No. 7, north of Franklin Village No. 6. (A parcel of land, being a portion of Lots 21, 22, 27 and 28 of Cortland Place Subdivision, further situated in the NW ¼ of Section 11 T3N R2W BM – 62 Single Family Residential lots on 13.83 acres for 4.48 lots/gross acre), for KM Engineering, representing Franklin Village Development, LLC – Mitch Armuth; **3) Final Plat** Approval for Ridgevue Estates No. 3. (A parcel of land being a portion of the SE ¼ of Section 34 T4N R2W BM – 20 Single Family Residential lots and 3 common lots on 5.703 acres for 3.5 lots/gross acre) for MRH Homes; **Item #1-4.** - **Authorize Public Hearings: 1) None; Item #1-5.** - **Authorize Public Comment Period: 1) None; Item #1-6.** - **Authorize to Proceed with Bidding Process: 1) None; Item #1-7.** - **Authorization for execution of Contracts and Agreements: 1) None; Item #1-8.** - **Monthly Cash Report: 1) March 2020; Item #1-9.** - **Resolutions: 1) Destruction of Records for Workforce Development; Item #1-10.** - **License for 2020: a) Renewal Alcohol: 1) Italian to Go**, 122 12<sup>th</sup> Avenue South, on-premise beer and wine; b) *New Alcohol: 1) The Block*, 215 14<sup>th</sup> Avenue South, off-premise beer and wine; **Pantera Market 4**, 1303 2<sup>nd</sup> Street South, off-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

❖ **(2) Proclamation** ❖

**Item #2-1.** – Fair Housing Month

**Whereas**, April 2020 marks the 52nd anniversary of the passage of Title VIII of the Civil Rights Act of 1968, popularly known as the Federal Fair Housing Act, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

Regular Council  
April 20, 2020

**Whereas,** The Commission promotes equality of opportunity for all, regardless of race, color, religion, sex, disability, familial status, or national origin is a fundamental goal of our nation, state and city. Equal access to housing is an important and as fundamental as the right to equal education; and

**Whereas,** Housing choice impacts our children's access to education, our ability to seek and retain employment options, and the cultural benefits we enjoy. Only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed.

**Now Therefore,** I, Debbie Kling, Mayor of the city of Nampa, Idaho, do hereby proclaim the month of April 2020 as:

## **FAIR HOUSING MONTH**

in the City of Nampa. I encourage all citizens of the City of Nampa to support and endorse the practice of Fair Housing.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Great Seal of the city of Nampa to be affixed this 20th day of April in the year of our Lord two thousand twenty.

**Item #2-** – National Child Abuse Prevention & Awareness Month

**Whereas,** the month of April is National Child Abuse Prevention & Awareness Month; and

**Whereas,** Canyon County recognizes that children are the key to the county's future, success, prosperity and quality of life and while children are our most valuable resource, they are also our most vulnerable citizens; and

**Whereas,** every child deserves to grow up in a healthy, safe, nurturing environment and have an opportunity to thrive; and

**Whereas,** child abuse and neglect cause psychological, emotional and physical harm which can create lifelong problems for victims of abuse; and

**Whereas,** effective child abuse prevention strategies succeed because of the partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, prosecutor's offices and the business community and by recognizing that prevention starts with each of us; and

**Whereas,** child abuse and neglect cause psychological, emotional and physical harm which can create life-long problems for victims of abuse; and

Regular Council  
April 20, 2020

**Now Therefore**, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim the month of April 2020 as:

## **CHILD ABUSE PREVENTION & AWARENESS MONTH**

And call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live throughout the year.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 20th day of April in the year of our Lord two thousand twenty.

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

- None

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

- **Mayor Kling**
  - COVID 19 "Stay at Home" Extended by the Governor
  - Working with the Chamber, Small Business Development Incubator and the Health District to Make Videos to help reopen the Nampa business
    - Beauty Parlors and Nail Salons
    - Restaurants and Bars
    - Service Sector – Industry
    - Retail
    - Manufacturing
  - Golf Courses Open
  - Making Plans to open other facilities within the City of Nampa

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

**Item #3-1.** - None

❖ **(4) Staff Communications** ❖

**Item #4-1.** – Finance Director Doug Racine presented a staff report to update the council on current projects as follows:

Regular Council  
 April 20, 2020

**Utility Billing Recovery Strategy** – The City of Nampa needs an effective strategy to help guide Utility Billing delinquent account collection Policy in the “Post Stay at Home” environment. Account holder’s economic challenges must be balanced against the city’s need to collect payment for delivered services. An effective city policy directing how and when we resume normal billing & collection activities will be essential in the very near future.

**Utility Billing Delinquencies by Billing Cycle –**

Utility Billing Delinquency Tracking							
Cycle	# 1	# 2	# 3	# 4	# 5	# 6	Total
Actual Billing Date	3/5/2020	3/12/2020	3/26/2020	2/6/2020	2/29/2020	2/25/2020	
Total #Accounts	5865	4213	6586	4249	5311	3280	29504
# of Delinquent Accounts	808	988	3836	184	439	609	6864
% of Delinquent Accounts	13.8%	23.5%	58.2%	4.3%	8.3%	18.6%	23.3%
\$ of Delinquent Accounts	\$136,666	\$140,003	\$489,810	\$27,646	\$58,997	\$104,368	\$957,489
Current Billing Dates	**5/1/2020	**5/15/2020	**5/26/2020	4/7/2020	4/15/2020	**4/26/2020	Total Due
Current Total Due	\$136,666	\$140,003	\$489,810	\$581,651	\$731,029	\$104,368	\$2,183,525
<b>** No current billing</b>							

**Area Practices –**

- **Idaho Power-** 50% due in 10 days and the remaining balance in 30 days is standard practice. They will extend larger amounts to 12 months. (Avg. usage/12 and Current billing /12 and added together is their monthly payment).
- **Intermountain Gas-** The bill will have to be paid once the shelter in place is lifted and payment arrangements can be made.
- **City of Meridian-** Undecided-Just telling people to pay what they can.
- **City of Caldwell-** Undecided-Just telling people to pay what they can.

**Customer Service Specialist Guidance –**

- **Now**
  - Pay what you can at this time to help keep the past due amount to a minimum. Your past due amount will not be forgiven.
  - Payment arrangements can be made on the balance once we resume our normal business practices.
  - How much of a payment can you make on the past due amount and still pay the current balance?

- **Post Stay at Home**

- Current amounts must be paid each billing cycle.
- Payment terms, 3 to 6 months, for delinquent amounts. Possible longer extensions in case of extreme need or medical emergency.
- Payment arrangements will be monitored and communicated to the Mayor's office in accordance with city policy (existing or under development).
- Manage the delinquent recovery process from UB. Will require close coordination with Mayor's office on Aged A/R and approval for loan recovery plans greater than 6 months.
- Debt Forgiveness – If established and funded by Mayor and Council.

Councilmembers asked questions and made comments.

**Item #4-2.** – Public Works Director Tom Points presented a staff report to update the council on current projects as follows:

**Water Division Automated Meter Reading System Upgrade** – In 2015, the City of Nampa began implementing a new Automated Meter Reading (AMR) system program. The program established a meter replacement cycle to ensure meter accuracy as well as a significant reduction in read-time and staffing.

Water Division staff continues to install AMR meters and are pleased to report that as of April 7, 2020, 15,302 customers out of 31,724 total customers are on the AMR system. Staff's goal is to have 19,977 water accounts on the AMR system by the end of fiscal year 2020.

Water Division crews completed Cycle 2 in fiscal year 2017 and Cycle 1 in fiscal year 2020. Crews are currently working on Cycle 3 (see Exhibit A). It is estimated that all customers will be on the AMR system by 2023.

**Phase II Upgrades Construction Update** - An update to the Nampa Wastewater Program Phase II Upgrades, Nampa Wastewater Treatment Plant, dated April 20, 2020, is attached for Council's review (see Exhibit B)

**Traffic Control Deployment Policy** - The purpose of the Traffic Control Deployment Policy (Policy) is to establish conditions under which Public Works Department forces, other Nampa City department resources, or private traffic control contractors if needed being deployed to assist in temporary traffic control services.

In general, Public Works traffic control staff, other Nampa City department resources, or private traffic control contractors if needed being available for emergency situations and specifically approved city sponsored events. City of Nampa resources are not available for non-emergency private business or community events or gatherings.

Regular Council  
April 20, 2020

The Policy (see Exhibit C) is provided for Council's review and comment as a last step prior to adoption. If Council has any suggestions, questions or concerns regarding this policy, please inform Deputy Public Works Director (Transportation) Jeff Barnes, P.E., prior to April 27. If no comments are received the policy will be adopted as of May 4, 2020.

**Anticipated Street Funding Decrease in Fiscal Year 2021** – Street Division funding is anticipated to decrease in fiscal year 2021 due to financial impacts of COVID-19. Staff is assuming a 20% decrease in state shared revenues from gas tax as well as a 20% reduction of Street impact fee revenue. To mitigate these impacts Public Works will reduce project funding in fiscal year 2021 as follows:

- Remove stormwater projects at \$450K.
- Cancel annual pavement maintenance rebuild construction which was scheduled on Lake Lowell Avenue between South Middleton Road and 12<sup>th</sup> Avenue Road at \$2M – \$2.5M. Design and right-of-way acquisition for the project will continue in order to prepare for anticipated federal recovery grants (\$175K).
- Delay construction for intersection improvements at South Middleton Road and West Iowa Avenue until fiscal year 2022 (\$1.2M). Design and right-of-way, started in fiscal year 2020, will continue to ensure the project is construction ready.

In spite of anticipated reductions, staff still plans to continue with intersection improvement projects as impact fees revenue continue in accordance with the 10-year impact fee plan

Impact fee expenditure budget for fiscal year 2021 will be \$3,781,122.00 as there are two years of impact fees collected to date without much spend rate. The match total for these projects is \$1,720,000

The attached Street Impact Fee (see Exhibit D) for fiscal years 2016-2030 shows impact fees revenues with estimated reduction in revenues noted

The following proposed impact fees and grant intersection improvement projects are scheduled to move forward in fiscal year 2021:

- Midland Boulevard and Lake Lowell Avenue
- Victory Road and Kings Road
- Middleton Road and Lone Star Road (state local agreement payment in fiscal year 2020; construction in fiscal year 2021 per Local Highway Technical Assistance Council.)
- Happy Valley Road and Stamm Lane pedestrian improvements
- Idaho Center Boulevard and Cherry Lane design and right-of-way (in participation with Nampa Highway District)
- Franklin Boulevard and Birch Lane intersection design and right-of-way
- Northside Boulevard and Karcher Road intersection design and right-of-way

Regular Council  
April 20, 2020

- SH-45 environmental study

**Adoption of Fiscal Year 2020 Nampa Municipal Airport Master Plan Update (Public Works Deputy Director Jeff Barnes)** - In January 2018, the City of Nampa and the Federal Aviation Administration (FAA) approved launching the Nampa Municipal Airport Master Plan (Plan) Update. Council authorized staff to enter into a contract with T.O. Engineers to complete the update.

The existing Airport Master Plan for the City of Nampa was adopted in 2010, based largely on data and forecasts for up to three years.

The existing plan's age, combined with changes in demographics, commercial development, airport utilization and FAA Advisory Circulars highlighted the need to update the 2010 plan.

The Fiscal Year 2020 Plan (see Exhibit E) provides vision and a blueprint for growth at the Nampa Municipal Airport, meeting design requirements of the FAA.

The Plan included a robust public outreach effort reaching hundreds of participants. Four open houses and several Technical Advisory Committee (TAC) meetings were held. TAC consists of key stakeholders from the Nampa Municipal Airport, Nampa citizens, Federal Aviation Administration, and City of Nampa staff. During this outreach effort, public design input was gathered, critical information was shared, concerns were addressed, and a spirit of partnership was built with the community. Staff would also like to thank Mayor Kling and Nampa City Council for their support and participation.

The Plan included extensive public outreach efforts including four public open houses and several Technical Advisory Committee (TAC) meetings. The TAC.

Highlighted elements of the final Plan include:

- **Facility Inventory and Safety Study**
- **Aviation Forecasts and Design Aircraft**
- **Runway Capacity: Extension of Runway is Not Needed:** Current 5,000-foot runway accommodates future B-11 design aircraft and forecasted capacity increases
- **Future Facility Requirements:** Specifically, an updated terminal building, parking, hangar storage, and other airport services
- **Hangar Expansion:** Identifies efficient use of limited available space to maximize the potential number of hangars
- **Funding Considerations:** To ensure the Airport's financial self-sufficiency as required in all FAA grant contracts

Regular Council  
April 20, 2020

- **Airport Cost of Service and Equity Study:** In coordination with the Plan, City of Nampa staff are preparing a business-centered report examining sustainability and equity

Total project cost \$605,555.00

- FAA grant is 90%                      \$545,000.00
- State grant is 2.5%                      \$ 15,138.00
- City match is 7.5%                      \$ 45,417.00

The Plan is provided for Council’s review and comment as a last step prior to adoption. If Council has any suggestions, questions or concerns regarding the Plan, please inform Deputy Public Works Director (Transportation) Jeff Barnes, P.E., or Airport Superintendent Monte Hasl

Staff and T.O. Engineers anticipate recommending the Fiscal Year 2020 Airport Master Plan Update for adoption to Nampa City Council sometime in May 2020

❖ (5) New Business ❖

**Item #5-1.** - Mayor Kling presented the request to **approve wavier** to allow on premise Beer & Wine sales within 300 feet of church or school for Hutchings Enterprises DBA. **The Block** located at 215 14th Ave S, Nampa, ID 83651.

City of Nampa Attorney, Doug Waterman, gave an overview of the Idaho Code on the 300-foot waiver of a church or school.

Mayor Kling read the following letter from the applicant:

We are once again requesting your support for a beer & wine license for our restaurant, The BLOCK, at 215 14th Ave South in our beloved downtown Nampa and urge you to grant our request for waiver. As Nampa City officials you are elected by popular vote and thus you are tasked with representing the community as a whole. During this most recent Special Council meeting on April 15th, it was very clear that the Council was united in ensuring both the safety of our citizens and the recovery of our small business community. For that we are grateful.

We left our last meeting surprised and hurt both by your decision and that it seemed that the church's message of no contest had been made out of duress. Since that time, we met with the pastor of the church, Rick Bray, to understand any apprehension that he or his congregation may have toward our restaurant and to ensure that we are doing everything possible to be good neighbors. Rick assured us that the church had no issue with our restaurant serving beer and wine, that he appreciated the improvements that we had done to the building, and that he and his congregation supported our efforts for growth. Attached is a letter of support provided to us by the



Regular Council  
April 20, 2020

Church. We understand the importance for several of you to remain consistent in your decisions and thus we implore you to consider the church's support or opposition as a deciding factor.

Since our last meeting (and prior to the COVID-19 pandemic), at the urging of the Mayor and others within the community, we increased the hours of our restaurant to Wednesday - Friday for lunch and Friday evenings for dinner. While we saw great support from the community, this change has unfortunately not been profitable, primarily due to our inability to sell beer and wine. Most restaurants rely on beer and wine sales for 25%+ of their gross revenue; additionally, it acts as a driver to bring patrons in the door. On a daily basis, we had customers reaching out via phone, Facebook, Instagram and in person to see if we offer these products. These constant requests, 350+ community members that signed the attached petition, and the outpouring of support emails included in your packet further illustrate the Idaho State Department of Commerce's Survey finding that it is the desire of the Nampa residents, your constituents, for more restaurant and pub options. Without the ability to sell beer and wine our restaurant is being passed up. Additionally, as many of your many know the lifeline for our business is our catering services and as the future of mass events is unclear, the importance of profitability within our restaurant is critical. If things remain the same into early June, we estimate our current loss to be upwards of \$150,000. Past June may be catastrophic. Your decision today may decide the long-term fate of our small business.

Finally, another frequent request from the Nampa community is family friendly outdoor dining and gathering places. Every step we have taken in building our business has been with the goal of creating exactly that. We've added a significant amount of covered outdoor seating that should provide downtown with the largest patio area to date. Our hope is that this patio will provide yet another reason for Nampa families to support Nampa business. While it may seem arbitrary, expanding our drink options funds these expensive improvements. We hope that given the support of the church and the community you'll assist with the growth and longevity of our business by granting our request for waiver.

Thank you and we look forward to your decision.

Councilmembers asked questions and made comments.

**MOVED** by Rodriguez and **SECONDED** by Mutchie to **approve wavier** to allow on premise Beer & Wine sales within 300 feet of church or school for Hutchings Enterprises DBA. **The Block** located at 215 14th Ave S, Nampa, ID 83651. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

**Item #5-2.** - Mayor Kling presented the request to **approve wavier** to allow on premise Beer & Wine sales within 300 feet of church or school for Pantera Market 4 INC DBA. **Pantera Market 4** located at 1303 2<sup>nd</sup> St South.

Regular Council  
April 20, 2020

Mayor Kling read the following letter from the applicant:

We at Pantera Market 4 Inc are writing to you to apply for an alcohol license in the City of Nampa. We are requesting an alcohol license, for the sale of beer and wine, to offer a wide range of products for our customers, primarily, for at home consumption.

Our primary business is a full-service grocery store specializing in the typical Mexican Grocery Store products and for individuals to experience an authentic Mexican culture. Our affiliated entities have been operating in Canyon County since 2008, with stores in Caldwell and Nampa. Since we are a grocery store, we offer alcoholic beverages to our customers, in addition, we are a restaurant and we provide our customers with beer as is common in the dine-in restaurant industry. We do operate a small restaurant but do not encourage any heavy on-site consumption as we are more of a family-oriented business keeping the families of Nampa, and other surroundings areas, in mind.

We specifically chose this downtown Nampa location based off data which showed a need for a full-service Hispanic grocery store. Our desire to be part of the downtown Nampa revitalization was also a key factor in our decision. We look forward to a very long and prosperous partnership with the City of Nampa and its residents.

We strongly believe that an alcohol license will benefit many individuals and is consistent with our business model. From a business standpoint, on average 7% of our gross store sales are derived from beer and wine sales and we know many friends our loyal consumer will be looking for this product in our store.

Councilmembers asked questions and made comments.

**MOVED** by Rodriguez and **SECONDED** by Mutchie to **approve wavier** to allow on premise Beer & Wine sales within 300 feet of church or school for Pantera Market 4 INC DBA. **Pantera Market 4** located at 1303 2<sup>nd</sup> St South. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

**Item #5-3.** - Mayor Kling presented the request to **approve Intergovernmental agreement** to establish a service area for the collection and expenditure of development impact fees for the City of Nampa Fire Department and Nampa Fire Protection District System Improvements (approved by legal)

Fire Chief Kirk Carpenter presented a staff report explaining that the intergovernmental Agreement to Establish a Service Area for the Collection and Expenditure of Development Impact

Regular Council  
April 20, 2020

Fees for City of Nampa Fire Department and Nampa Fire Protection District System Improvements (the Agreement): This agreement has been reviewed by the Fire Chief, his staff, the Mayor, Legal Counsel for the City of Nampa, and was approved by the Fire District Board of Commissioners at their meeting on April 13, 2020.

**Explanation and Summary of Agreement:**

- In exchange for a service fee, the City of Nampa provides fire department services to residents of the Nampa Fire Protection District.
- Because of the close geographic and operational relationship between the City of Nampa and the District, increased demand on fire department services due to new development in both the City and the Fire District are very closely aligned.
- Development impact fees are used to lighten the burden of new growth on existing taxpayers by requiring new growth to pay for its proportionate share of the cost to expand facilities needed to maintain fire department services. This means that new growth, rather than existing taxpayers, will pay for the new growth's proportionate share of new fire stations, fire engines and other equipment.
- Development impact fees are expended according to a Capital Improvement Plan which is developed based upon a demographic, economic, and financial study which provides data used to predict expected future growth.
- Because the City of Nampa and the Fire District's needs for fire department services are so closely aligned, the Fire District's capital improvement plan is essentially identical to the City of Nampa's capital improvement plan.
- Expenditure and future modifications to the Capital Improvement Plan is overseen by the Nampa City Council and the Fire District within their respective geographic boundaries. Both entities are required to have a Development Impact Fee Advisory Committee. Again, because of the close relationship between the City of Nampa and the District, the District uses essentially the same Development Impact Fee Advisory Committee.
- While the City of Nampa and Canyon County have the ordinance authority necessary to enact development impact fees, the Fire District does not. Therefore, the District must rely upon the County to enact and collect its development impact fees.
- The enclosed agreement is limited to one simple purpose: To formally establish the geographic area within which the county will collect development impact fees for the District.
- The City of Nampa is only a party to this agreement because it provides fire protection to the District, as identified above and because it shares an impact fee advisory committee with the District.
- As you can see in Section 3.1, and 3.1.1 of the Agreement, the District is limited to collecting development impact fees only within the boundaries of the Fire District. Likewise, the City of Nampa only collects impact fees within city limits.
- There is no overlap in the boundaries of the City of Nampa and the Fire District.

Regular Council  
April 20, 2020

- This Agreement has no bearing whatsoever upon any future relationship between the City of Nampa and the Fire District.
- The Agreement can be terminated by either party with proper notice as provided by the Agreement.

Councilmembers asked questions and made comments.

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize** the **Mayor** to **sign** the attached agreement. 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 Community Development Block Grant – Application and Funding Recommendation Summary

Economic Development Director Beth Ineck presented a staff report explaining the following:

**CDBG Annual Allocation Process**

- 2019 Program Year: \$796,464
- 2020 Program Year: \$801,846
- 2020 COVID-19 Funding: \$471,000
  - Allocation to be determined in May
    - Food Access
    - Business Continuity
    - Utilities and Rental Assistance
    - Youth Services
    - Administrative support to respond to and plan for COVID-19 related activities

**Program Year 2020Changes**



**Creation of Housing Affordability vs dedicated projects**



## **Increase in Administration budget for 5 Year Consolidated Planning**

### **Timeline for Allocation Process**

<b>Description</b>	<b>Dates</b>
Public Request for 2020PY Applications for CDBG Funding	February 24,2020
CDBG Application Workshop	February 24,2020
Applications Deadline fo CDBG Funding	March 20, 2020
<b>CITY Council - Application Presentations - Funding Allocation</b>	<b>April 20, 2020</b>
Draft Action Plan Developed by	June 1, 2020
Public Comment Period - Open	June 1, 2020
Public Comment Meeting	July 6, 2020
City Council Adoption of Action Plan	July 13, 2020
Action Plan Submitted to HUD for Approval	August 10,2020
<b>Program Year 2020 Start Date October 1, 2020</b>	

Matt Jamison presented the following staff report:

### **CDBG History & Purpose**

- ▶ The Community Development Block Grant (CDBG) Program was authorized under Title I of the Housing and Community Development Act of 1974 to:
  - ▶ Provides annual grants on a formula basis to local and State Governments
  - ▶ Provides communities with resources to address unique community development needs
  - ▶ Develops viable communities by:
    - ▶ Providing decent housing
    - ▶ Creating a suitable living environment
    - ▶ Expanding economic opportunities

### **5-Year CDBG Consolidated Plan**

Regular Council  
April 20, 2020

The 2020 Allocation will represent the 4<sup>th</sup> year of our current 5-year Consolidated Plan

- More affordable and diverse housing options.
- Increase and preserve the supply of permanent, quality affordable housing for low- and moderate-income households.
- Improved accessibility in Nampa, including transit, community infrastructure, and accessible homes.
- Improved housing options for individuals/families leaving domestic violence situations.

We will begin planning for our next 5-year Consolidated plan during the 2020-2021 program years \ 2021-2022 Fiscal Years

### **CDBG National Objective**

- ▶ All programs must meet a National Objective as Established by The Department of Housing and Urban Development
  1. Benefit Primarily Low- Moderate-Income persons
    - ▶ Area
    - ▶ Limited clientele
    - ▶ Housing
    - ▶ Jobs
  2. Prevention/Elimination of Slum & Blight
  3. Urgent Need – Usually Associated with Disasters.

### **Funding Limits for CDBG Activities**

- ▶ Local Program Usage Caps:
  - ▶ **Public Service** (15% cap)
  - ▶ **Planning & Administration** (20% cap)
  - ▶ **Non-Public Service** (Remainder of Grant)

### **CDBG Funding**

- ▶ \$801,846 is was awarded to the City of Nampa for the 2020 Program Year.
- ▶ \$160,369.20 is available for Planning and Administration of the CDBG Program
- ▶ \$641,476.80 is available for allocation for all Projects (City & Public)
  - ▶ \$120,276.90 available for Public Service
  - ▶ \$521,199.90 available for Non-Public Service.

- ▶ It is anticipated that we will have an additional \$25,067.98 from prior program years to allocate to 2020 Activities.
- ▶ Total CDBG funding available to allocate to 2020 program year activities is \$826,913.98
  - a. Public Service Projects
    - Advocates Against Domestic Violence
    - Boys and Girls Club - Nampa
    - C.A.T.C.H. of Canyon County
    - Nampa Family Justice Center
    - St Alphonsus – Meals on Wheels
    - The Salvation Army – Nampa Corps

**CDBG Public Service Funding Recommendation**

Public Service Activities	Recommended	Requested Amount
Advocates Against Family Violence - Rental Assistance/Homelessness	\$ -	\$ 30,583.00
Boys and Grils Club - Program Expansion	\$ -	\$ 30,000.00
CATCH of Canyon County - Rapid Rehousing	\$ 19,720.00	\$ 20,000.00
Nampa Family Justice Center - Emergency Housing	\$ 26,616.90	\$ 27,000.00
Saint Alphonsus - Meals on Wheels	\$ 34,500.00	\$ 35,000.00
The Salvation Army - Rapid Rehousing	\$ 39,440.00	\$ 40,000.00
		\$ -
<b>Total Public Service</b>	<b>\$ 120,276.90</b>	<b>\$ 182,583.00</b>
<i>Max Available at 15% Cap</i>	<i>\$ 120,276.90</i>	<i>15%</i>
<i>Difference</i>	<i>\$ -</i>	

- b. Non-Public Service Projects
  - Boys and Girls Club – Nampa Facility Expansion/Remodel
- c. City of Nampa Non-Public Service Projects
  - Engineering/Public Works – 16<sup>th</sup> Ave N Pedestrian Improvements (3<sup>rd</sup> St to 5<sup>th</sup> St)
  - Parks & Recreation – City Acres Playground Replacement
  - Parks & Recreation – City Acres and West Park Basketball Court Resurface
  - Housing Repair Loan Program
  - Brush-Up Nampa
  - Sidewalk Repair Program
  - Housing Affordability

Regular Council  
 April 20, 2020

- d. Nampa City Council Open Discussion on Funding Allocation Options
- e. Nampa City Council Allocation Recommendation Decision
  - Administration & Planning
  - Public Service
  - Non-Public Service

RE: Program Year 2020 Community Development Block Grant Council Allocation Workshop  
 2020 Program Year Community Development Block Grant HUD Allocation - **\$801,846.00**

**CDBG Administration and Planning/Non-public Service Recommendation**

Administration	Adopted Budget	
CDBG Administration and Planning	\$ 160,369.20	20.00%
<i>Max Available 20% Cap</i>	<u>\$ 160,369.20</u>	20.00%
<i>Difference</i>	<u>\$ -</u>	
<b>Non Public Service Activities</b>		
	Recommended	Requested Amounts
Housing Repair Loan Program	\$ 140,112.54	\$ 140,112.54
Brush-Up Nampa	\$ 15,734.00	\$ 15,734.00
Sidewalk Repair Program	\$ 41,084.20	\$ 41,084.20
Parks - City Acres Playground Upgrade/Replacement	\$ 83,000.00	\$ 83,000.00
Parks - Park Basketball Court Resurfacing at West Park and City Acres Par	\$ -	\$ 24,498.00
Public Works - 16th Ave N Ped Improvements (3rd St to 5th St)	\$ 140,000.00	\$ 140,000.00
Housing Affordability	\$ 96,337.14	\$ 150,000.00
Boys and Girls Club Nampa - Construction Project	\$ 30,000.00	\$ 30,000.00
	\$ -	\$ -
	\$ -	\$ -
<b>Total Non-Public Service</b>	<b>\$ 546,267.88</b>	<b>\$ 624,428.74</b>

**Funding Structure for CDBG Programs is as Follows:**

- Administration and Planning – Capped at 20%
- Public Service Activities – Capped at 15%
- Non-Public Service Activities – Remaining 65%

**Administration and Planning**

Recommended at - **\$160,369.20** (20%)

The CDBG Administration and Planning budget is intended to cover the overall program management, coordination, monitoring, and evaluation to include, but is not limited to the following types of activities:

- Preparing program budgets, schedules and amendments;
- Evaluating program results against stated objectives;



Regular Council  
April 20, 2020

- Coordinating the resolution of audit and monitoring findings;
- Developing systems for assuring compliance with program requirements;
- Monitoring program activities for progress and compliance with program requirements;
- Preparing reports and other compliance documents related to the program for submission to HUD; such as Five-Year Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance and Evaluation Report.
- Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities.

Program Administration funds may not be used on the following activities:

- Political activities
- The acquisition, construction, or reconstruction of space in a government office building for staff administering the grantee’s CDBG, UDAG, Rental Rehabilitation, HoDAG, or HOME programs, since CDBG funds may not be used to assist “buildings for the general conduct of government.” See the section on Public Facilities and Improvements for more information on this limitation.
- Staff and overhead costs directly involved in carrying out activities eligible under §570.201 through §570.204, since those costs (often referred to as “**activity delivery costs**”) are eligible as part of such activities.

CDBG staff recommend funding the administration and planning budget at the full 20% cap (\$160,369.20) in order to help cover the anticipated costs associated with completing the next Five-Year Consolidated Plan (2022–2026). CDBG staff will begin to utilize a consultant to help in the consolidated planning process. Staff will also begin to implement community outreach events to identify the current and future needs of the community that will guide the direction the CDBG program takes over the next five years.

This year’s administration and planning budget will provide funding for the following:

- Community Development Program Manager - 1 FTE
- Community Development Admin Specialist - .5 FTE

### **Public Service Activities**

Recommended at - **\$120,276.90**

Based on our current CDBG Application Guidelines the City of Nampa can only fund four public service activities during each program year. For the 2020 CDBG program year we received six public service applications. All six public service applications were considered for funding by CDBG staff. The funding recommendation is based on CDBG staff analysis of the application review process, how closely the applications align with our Five-Year Consolidated Plan, and anticipated community need in the 2020 program year (2021 fiscal year). Additional consideration

Regular Council  
April 20, 2020

was given to identify which public service activities would be good candidates to receive CDBG-CV stimulus funding. The final analysis identified rental assistance and childcare/youth services activities as a good match for the CDBG-CV stimulus funding. With this in mind the CDBG staff recommend funding CATCH of Canyon County, Nampa Family Justice Center, Saint Alphonsus – Meals on Wheels, and The Salvation Army with 2020 regular program year funding with the understanding that the other two activities could be funded with CDBG-CV stimulus funding later this year and into 2020 program year as needed. All six applicants are listed below in alphabetical order.

**Advocates Against family Violence** – \$30,583.00 - Providing up to 3 months’ rent subsistence payments for Nampa Residents.

**Boys and Girls Club** - \$30,000.00 – Create and run a week summer camp program to be held at Iowa Elementary. Expanding service to South Nampa area.

**CATCH of Canyon County** - \$20,000.00 – Providing Rapid Rehousing activities to Nampa residents using a Housing First Model. Support utilizes three pillars focused on Housing, Case Management, and Financial Independence Services.

**Nampa Family Justice Center** - \$27,000.00 – Provide short term sheltering activities for individuals and/or families who have been victims of domestic violence.

**Saint Alphonsus – Meals on Wheels** - \$35,000.00 - Providing hot meals to homebound Senior Citizens 5 days a week and weekends as needed.

**The Salvation Army** – \$40,000.00 - Providing Rapid Rehousing activities to Nampa residents. The program participants engage in case management to help them overcome homelessness by providing accountability, encouragement, skills building and a source of information for referrals.

**Non-Public Service Activities**

This year we received 8 Non-Public Service Activities for a total of \$624,428.74 funds requested. This program year we will have \$546,267.88 available for allocation as of April 20, 2020.

**Boys and Girls Club, Nampa**

Boys & Girls Club, Nampa – Facility Expansion/Remodel - \$30,000.00

Boys and Girls is seeking funding to pay for pre-construction soft costs associated with the 2000sqft building expansion and existing kitchen and janitorial room renovation. The building expansion will provide the necessary space to expand the services available at the current location. Additional kitchen and janitorial room improvements will improve functionality and safety to help

Regular Council  
April 20, 2020

meet the increased capacity needs. The building expansion and renovation will allow the Boys and Girls Club to take in up to 50 additional members per day.

#### Public Works Funding Application

*16<sup>th</sup> Ave North Pedestrian Improvements – \$140,000.00*

Install up to 18 new ADA compliant pedestrian ramps along the 16<sup>th</sup> Ave North corridor at the intersections of 3<sup>rd</sup> Street North, 4<sup>th</sup> Street North, and 5<sup>th</sup> Street North and install a flashing beacon pedestrian crossing at 5<sup>th</sup> Street North. This project is within the City of Nampa's designated Asset Management Program zone for FY2021 CDBG Pedestrian Improvements.

#### Parks Department Funding Application

*1<sup>st</sup> Priority – City Acres Playground Replacement - \$83,000.00*

The Nampa Parks Department plans to replace the current playground unit located within City Acres park, located at 219 4<sup>th</sup> Street North in Nampa. The current playground needs replacement due to age, wear and tear. The Parks Department plans on removing the current unit and installing a new playground structure that will meet current safety inspection requirements and ADA requirements.

*2<sup>nd</sup> Priority – City Acres and West Park Basketball Court Resurface - \$24,498.00*

The Nampa Parks Department plans to resurface the current basketball courts located within the City Acres Park (219 4<sup>th</sup> Street North) and West Park (27 S Park Dr) parks. The condition of the courts will begin to affect patron usage as well as make it harder for the courts to meet the Parks Department quality check inspections. The Parks Department plans on contracting the work out to a local asphalt company who will complete the work of repair and resurfacing.

#### Community Development Staff Applications

This year the Community Development Staff has submitted 4 applications, in which, the activities will be delivered by Community Development Staff. Although the activities will be delivered independently of one another, for the purposes of funding allocation there should be additional consideration given to the impact each program will have upon the other. If all three Community Development applications are funded as recommended the resulting full-time employee funding would be as follows:

Community Development Specialist

Home Loan Repair Program - .70 FTE

Brush-Up Nampa Program - .15 FTE

Sidewalk Repair Program - .15 FTE

When making recommendations for funding we ask that consideration be given to the capacity of the Community Development proposed staffing required to deliver the activity.

Regular Council  
April 20, 2020

Home Loan Repair Program – The program provides low to zero interest loans to low-income qualifying homeowners to make health and safety repairs to their homes. Improvements can include, but are not limited to, sewer lines, water lines, roof repair, furnace, water heaters, and ADA improvements. CDBG has administered this program since 2012 and has a portfolio of loans that provide program income (payments and payoffs) back to the CDBG program.

Recommended at - \$140,112.54

Anticipated Program Income - \$40,000.00

Budgeted Salary Required for Activity Delivery

Community Development Specialist - .70 FTE

Brush-Up Nampa Program – Program utilizes volunteer teams to paint the homes of Low-to-Moderate Income Senior Citizens and physically handicapped homeowners within the City of Nampa.

Recommended at - \$15,734.00

Budgeted Salary Required for Activity Delivery

Community Development Specialist - .15 FTE

Sidewalk Repair Program – Work with the prior year’s LID census tract to offer a no interest/no payment 5-year forgivable loan for the repair or replacement of the sidewalk for very low-income qualifying homeowners within the City of Nampa.

Recommended at - \$41,084.20

Budgeted Salary Required for Activity Delivery

Community Development Specialist - .15 FTE

Housing Affordability – The CDBG staff have identified a need within the program to be more flexible with respect to funding opportunities that will create a mix of housing stock in Nampa. The strategy of the CDBG program will be to recommend funding a broadly defined “Housing Affordability” bucket annually to allow us to participate in smaller infill projects to build single-family home ownership or multi-family rental options in Nampa. The result will allow us to include housing affordability projects in our annual action plan and allow us to both pursue funding opportunities during the program year and be reactive when a shovel ready opportunity is presented. CDBG Staff have identified a couple of potential projects that will occur during the 2020 and 2021 program years that will allow provide additional housing stock to the community at prices that will help address the growing disparity between income and rent, and target demographic that CDBG funding is intended to reach.

Recommended at - \$96,337.14

**Item #5-5.** - Mayor Kling presented the request to **approve Public Service funding allocation** limit to be a maximum of 15% of the 2020 CDBG Entitlement Grant (\$120,276.90).

Regular Council  
April 20, 2020

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **approve Public Service funding allocation** limit to be a maximum of 15% of the 2020 CDBG Entitlement Grant (\$120,276.90). The Mayor asked for a roll call vote with Councilmembers Bruner, Levi, Bower, Rodriguez, Haverfield voting **YES**. Councilmember Mutchie **ABSTAINED**. The Mayor declared the MOTION CARRIED

**Item #5-6.** - Mayor Kling presented the request to **allocate CDBG funds** for Public Service Activities for the **2020 Program Year** as recommended by the CDBG staff.

**MOVED** by Haverfield and **SECONDED** by Bower to **allocate CDBG funds** for Public Service Activities for the **2020 Program Year** as recommended by the CDBG staff. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Levi, Bower, Haverfield voting **YES**. Councilmember Mutchie **ABSTAINED**. The Mayor declared the MOTION CARRIED

**Item #5-7.** - Mayor Kling presented the request to **allocate CDBG funding** for Administration and Non-Public Service Activities for the **2020 Program Year** as recommended by CDBG staff.

**MOVED** by Bruner and **SECONDED** by Haverfield to **allocate CDBG funding** for Administration and Non-Public Service Activities for the **2020 Program Year** as recommended by CDBG staff. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Levi, Bower, Haverfield, Bruner voting **YES**. Councilmember Mutchie **ABSTAINED**. The Mayor declared the MOTION CARRIED

**Item #5-8.** - Mayor Kling presented the request to **approve** use of **donated funds** from **Republic Services**.

Business Development Manager Rachele Klein with Republic Services present the following report:

On December 20, 2019 President Trump extended the alternative fuel excise tax credit with the signing of the “Taxpayer Certainty and Disaster Tax Relief Act of 2019” (Public Law 116-94). The legislation resulted in the rebate of federal fuel taxes paid on alternative clean fuels, including compressed natural gas (CNG) for years 2018 and 2019. It extends through 2020. Republic Services’ fleet of refuse and recycling trucks in southern Idaho, including Nampa, runs on CNG.

Republic Services has always felt it was appropriate, upon receipt of the tax credit rebates, to transmit those funds back to our municipal partners, in the communities in which those credits were generated. The amount each city will receive is based on the number of diesel gallon equivalents (DGEs) used to operate each municipal fleet during 2018 and 2019. The City of Nampa will be receiving a rebate of \$105,776.00. from Republic Services. Funds will be delivered the week of April 20, 2020. The

Regular Council  
April 20, 2020

2020 rebate will be sent early in 2021. We are uncertain as to whether Congress and the President will approve an extension of the alternative fuel tax credit beyond 2020.

This rebate is made possible because of strong municipal partnerships. We appreciate your shared commitment to cleaner air and want you to know that today over 95% of the natural gas that Republic Services uses in Idaho is Renewable Natural Gas (RNG). RNG is derived from sources like dairies, wastewater treatment plants, and landfills. It has the lowest carbon intensity of all commercially available fuels (up to 70% lower than diesel) because it represents the beneficial reuse of methane that is already present in our environment. We will be furthering our commitment to clean air this fall as we begin incorporating all-electric trash and recycling trucks into our fleet.

We appreciate all you do to protect our community and we are here to support your efforts. If you have questions about this rebate or the rebate coming in 2020, please let me know.

**MOVED** by Bruner and **SECONDED** by Haverfield to **approve** use of **\$105,776** for **utility assistance** for the **citizens of Nampa**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

**Item #5-9.** – The following Resolution was presented:

Tom Points presented a staff report explaining that the intersection of Lone Star Road & Middleton Road serves a growing population and the adjacent Lone Star Middle School. From 2011-2015 there has been one fatal crash approaching the intersection and one Type A serious injury crash involving a student walking to school at the intersection. Improving the intersection from a four-way stop to a signal improves capacity and safety for commuters and pedestrians.

The City of Nampa applied for and was awarded Local Highway Safety Improvement Program (LHSIP) funds to install a traffic signal, pedestrian improvements and street lighting. LHSIP is funded by the state's Highway Safety Program through the Federal Transportation Act SAFETELU to improve safety at high accident locations.

The City of Nampa executed a State Local Agreement for Project Development (design) with ITD in 2017. This agreement outlined funds that would be available for the project for design and construction.

The City of Nampa, in cooperation with ITD, selected Keller Associates to design the Lone Star Road & Middleton Road intersection improvement project.

The State Local Agreement for Construction with ITD supplements the State/Local Agreement for Project Development previously executed.

Regular Council  
April 20, 2020

Prior to ITD advertising bids for the project the City of Nampa must pay \$1,226,238 which is the city's estimated share of the cost of preliminary design, construction, construction engineering and inspection.

The State Local Agreement must be executed before ITD will advertise bids for the construction of the project. The Agreement (Exhibit A) includes the following key points:

- *Section I—General:*
  - Cost breakdown for design, construction, and construction management
- *Section II: State Requirements:*
  - The State shall advertise for bids and let construction contract
  - Appoint the Local Highway Technical Assistance Council (LHTAC) to administer the project for the State
- *Section III: City Requirements:*
  - City of Nampa shall pay \$1,226,238 to the State prior to advertisement
  - If the City of Nampa's share exceeds the \$1,226,238, we must transmit additional dollars to the State for excess costs

The estimated construction costs are \$2,629,829. Funding is as follows:

LHSIP Federal Grant	\$1,403,591
City Match FY20 Streets/Impact Fees	\$1,226,238
<b>Total</b>	<b><u>\$2,629,829</u></b>

City of Nampa match is higher than the normal 7.34% due to the amount that was requested for the project through the grant application. The City of Nampa requested \$1,467,000 in the onetime safety grant application that was submitted in the fall of 2016.

In the original State Local Agreement for Project Development, LHTAC identified \$1,090,600 for federal participation for construction and CE&I services. The State Local Agreement for Construction increases federal participation to \$1,403,591.

If we don't execute the State Local Agreement for Construction, funding will not be obligated, and the project will be delayed a year.

Engineering recommends authorization of this agreement.

THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF NAMPA, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF INT. LONE STAR AND MIDDLETON ROAD.

Regular Council  
April 20, 2020

**MOVED** by Rodriguez and **SECONDED** by Haverfield to **pass** the **resolution** as presented and **authorize** the Mayor to sign State Local Agreement for Construction with ITD for the Intersection Lone Star & Middleton Road project (Key #20613). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. Councilmember Levi was having technical difficulties. The Mayor declared the resolution passed, numbered it **26-2020** and directed the clerk to record it as required. The Mayor declared the

**MOTION CARRIED**

**Item #5-10.** - Mayor Kling presented the request to **authorize engineering** to proceed with formal bidding process for **Zone F Sewer Rehab FY20 project**. (approved in FY2020 budget)

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 FY20, the Wastewater Division identified approximately 18,500 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 13,400 linear feet of existing 8-inch diameter pipe, 1,150 feet of 12-inch diameter pipe, 1,550 feet of 18-inch diameter pipe, and 2,400 feet of 24-inch diameter pipe including field investigation of existing services. The locations are per the attached map (see Exhibit A).

Keller Associates, Inc. has completed design of the Zone F Sewer Rehab FY20 and the project is ready to bid. Keller will assist the City of Nampa with bidding the project. City of Nampa Staff will administer and inspect construction.

Zone F Sewer Rehab FY20 projects have an approved FY20 Wastewater Division budget of \$1,370,919.

Design	\$ 216,605
Construction Estimate	\$1,061,093
Construction Engineering & Inspection	\$ 0
<b>Total</b>	<u><b>\$1,277,698</b></u>

Keller Associates, Inc. has provided an engineer's estimate and the Engineering Division recommends proceeding with the formal bidding process. If necessary, the project will be trimmed to stay within approved budget.

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize** the **Engineering Division** to proceed with the **formal bidding process** for the **Zone F Sewer Rehab FY20 project**. The Mayor



Regular Council  
April 20, 2020

asked for a roll call vote with all Councilmembers present voting **YES**. Councilmember Levi was having technical difficulties. The Mayor declared the

**MOTION CARRIED**

**Item #5-11.** - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** a **Memorandum of Understanding** with **Cat Creek Energy, LLC** for future consideration of Storage Water Shares.

Nate Runyan presented a staff report explaining that the City of Nampa may want to discuss and negotiate with Cat Creek Energy, LLC (CCE) a possible future purchase of storage water shares in the Cat Creek Reservoir Project (Project).

Upon execution of a Memorandum of Understanding (MOU) (see Exhibit A) the City of Nampa reserves the right to, but is not obligated to, negotiate the purchase of 10,000 shares (10,000 acre-feet) of water storage in the Project.

As water resources in the Treasure Valley diminish, the 10,000 acre-feet of storage will be available for future growth and existing water right mitigation. Nampa's current water usage in 2019 is as follows:

<b>Nampa Water Sources</b>	<b>Acre-Feet</b>
Domestic Wells	8,696
Domestic Wells plus Irrigation (Wells Only)	18,199
Domestic Wells plus Irrigation (Wells and Surface Water)	33,081
Wastewater Plant Discharge to Indian Creek (Future Recycled Water Class A)	12,322

CCE is developing an off-stream reservoir (the Reservoir Project) in the vicinity of Anderson Ranch Reservoir in the Idaho Department of Water Resources (IDWR) Administrative Basin 63. The Reservoir Project is being developed primarily as pump storage hydrogeneration generation project with related beneficial use water storage opportunities. (see Exhibit B)

The Reservoir Project is anticipated to have a total storage capacity of approximately 100,000 acre-feet. It is believed the Reservoir Project will store water for hydropower, irrigation, and municipal purposes of use; however, other purposes of use may be considered.

Of the anticipated 100,000 acre-feet of storage, approximately 80,000 acre-feet will be made available for irrigation and municipal purposes of use. One share is equal to one acre-foot of storage space. The Reservoir Project will store unappropriated water from the South Fork of the Boise River for beneficial use.

Regular Council  
April 20, 2020

Pioneer Irrigation District, City of Meridian, and SUEZ (water utility company in Ada County) have entered into similar MOUs with CCE for water storage.

The MOU has been drafted and agreed to by both CCE and the City of Nampa.

The City of Nampa would provide municipal water to its patrons in Basin 63, within the buyer's service area, as defined in our water rights on file with IDWR.

The City of Nampa's water rights attorney (Givens Pursley) and legal counsel (Hamilton, Michaelson and Hilty) have reviewed the MOU and recommend approval.

Mayor and Councilmembers asked questions and made comments.

**MOVED** by Haverfield and **SECONDED** by Mutchie to **authorize** the **Mayor** to **sign** a **Memorandum of Understanding** with **Cat Creek Energy, LLC**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

**Item #5-12.** – The following Resolution was presented:

Tom Points presented a staff report explaining that the Public Works Department Wastewater Division has an industrial pretreatment program to regulate wastewater from Nampa industries prior to discharging to the City of Nampa's wastewater system

The City of Nampa is required by the Code of Federal Regulations (40 CFR 403.8)(f)(5)) to implement a Pretreatment Regulation Enforcement Policy (Policy) that encompasses specific procedures used to identify, document, and respond to instances of discharge permit noncompliance with industrial users within the City of Nampa sewer service area

The Policy:

- Directs the Wastewater Division pretreatment staff to enact enforcement procedures for industries violating preset discharge permit limitations
- Table 1 (below) in the Policy outlines enforcement actions, starting with administrative correspondence and escalated fines

**Table 1. Enforcement Limit Violation Fines**

Penalty	NOV of same parameter <sup>(1)</sup>	Administrative Order <sup>(1)</sup>	pH <sup>(1)</sup>	NOV for pH continuously monitored <sup>(2)(4)</sup>	Failure to sample/Report <sup>(1)</sup>	Volatile Suspended Solids
No Penalty	1st Offense		1st Offense		1st Offense	
\$250	2nd Offense	1st Offense	2nd Offense	5th Offense	2nd Offense	65% and lower; \$500/day and NOV
\$500	3rd Offense	2nd Offense	3rd Offense	6th Offense	3rd Offense	
\$1,000 <sup>(3)</sup>	4th and subsequent Offenses	3rd and subsequent Offenses	4th and subsequent Offenses	7th and subsequent Offenses	4th and subsequent Offenses	

(1) In most recent six (6) month period.  
 (2) In a calendar month.  
 (3) Current limit under Idaho State stature, 2005.  
 (4) Certain Users are required by their Permit to continuously monitor pH with a pH probe and chart recorder/data logger instead of weekly, monthly, or quarterly grab pH samples.

Industrial customers are currently being assessed for Notices of Violation (NOV) and penalties that align with the current pretreatment enforcement guidelines. The Policy will formalize the guidelines and provide City of Nampa staff and industrial users with an administration of permits.

The Idaho Department of Environmental Quality, City of Nampa staff and legal counsel have reviewed and recommend adoption of the Policy.

Staff has distributed the Policy to industrial customers for review and comment.

A RESOLUTION OF THE CITY OF NAMPA, IDAHO, AN IDAHO MUNICIPAL CORPORATION, ADOPTING THE CITY OF NAMPA WASTEWATER DIVISION PRETREATMENT REGULATION ENFORCEMENT POLICY.

**MOVED** by Bruner and **SECONDED** by Rodriguez to pass the **resolution** as presented and **authorize** the **Mayor** to sign **Resolution** (see Attachment 1) declaring the City of Nampa’s intent to adopt the City of Nampa Wastewater Division Pretreatment Regulation Enforcement Policy (see Exhibit A) effective April 20, 2020. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **27-2020** and directed the clerk to record it as required. The Mayor declared the

MOTION CARRIED

❖ (6) Public Hearings ❖

Item #6-1. - None

❖ (7) Unfinished Business ❖

Item #7-1. – None

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

- 8-1. Annexation and Zoning to BC (Community Business) for .525 acres or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd.; Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for 2.24 acres or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot B at 1414 E. Karcher Rd. for Dean Anderson. (ANN 122-19, ZMA 107-19) (PH was 8-5-2019)
- 8-2. Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located at 1460 Lake Lowell Ave in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split. (ANN 125-19) (PH was 8-19-2019)
- 8-3. Annexation and Zoning to BC (Community Business) for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres at 0 Midland Blvd. and 9778 E Cherry Lane (A 33.13 acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM) for Hatch Design Architecture representing Kiwi Enterprises, LLC (ANN-00 135-2019) (PH was 02-18-2020)
- 8-4. Annexation and Zoning to RS8.5 (Single Family Residential – 8,500 sq. ft.) at 2413 Sunnyside Rd. for a new home (A 1.11 acre portion of the NE corner of the NW ¼, Section 3, T2N, R2W, BM, Canyon County, Idaho and Tax 8 in Lot 3 of Asselins Subdivision) for Travis Adams representing Ironwood Homes. The Planning and Zoning Commission recommends approval (ANN 138-19) (PH was 03-02-2020)
- 8-5. Annexation and Zoning to IL (Light Industrial) for a Small-Scale Home Occupation Auto Transmission Repair Shop in the freestanding pole building behind and west of the dwelling at 16545 Madison Rd. (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for Glenn and Judith Watts. The Planning and Zoning Commission recommends approval (ANN 137-19) (PH was 03-02-2020)
- 8-6. Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 4100 E. Greenhurst Rd. (A .52-acre or 22,651 sq. ft. portion of the SE ¼, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Tax 58) for David E. Hird for connection to city sewer. The Planning and Zoning Commission recommends approval (ANN 140-19) (PH was 03-02-2020)
- 8-7. Modification of Annexation and Zoning Development Agreement between Hunter's Point Golf Community LLC and the City of Nampa recorded 5/19/2006 as Inst. No. 200638438 amending Exhibit "B" Conceptual Plan changing the use of a previously designated Apartment area to Single Family Residential use; Zoning Map Amendment

Regular Council  
April 20, 2020

from RMH (Multiple-Family Residential) and RP (Residential Professional) to RS6 (Single Family Residential – 6,000 sq. ft.) for Red Hawk Ridge Subdivision No. 6 for Parcel R 3207200000 on the west side of S. Middleton Rd. north of W. Greenhurst Rd. (15 single family detached lots on 4.18 acres for 3.59 dwelling units per gross acre – A portion of the south half of the southeast quarter of Section 31, T3N, R2W, BM) for JUB Engineers representing MD ID RHR Middleton LLC. The Planning and Zoning Commission recommended approval (DAMO 034-19, ZMA 114-19) (**PH was 03-16-2020**)

❖ (9) Executive Session ❖

**Item #9-1-** Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (j) To consider labor contract matters authorized under section 67-2345A [74-206A](1) (a) and (b), Idaho Code.

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **adjourn** into **executive session** at 8:46 p.m. pursuant to Idaho Code 74-206 (1) (j) To consider labor contract matters authorized under section 67-2345A [74-206A](1) (a) and (b), Idaho Code. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Mutchie to **conclude the executive session** at 9:17 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (j) To consider labor contract matters authorized under section 67-2345A [74-206A](1) (a) and (b), Idaho Code. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Mutchie to **adjourn the meeting** at 9:18 p.m. The Mayor declared the

MOTION CARRIED

Passed this 4th day of May 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
NAMPA CITY CLERK