

REGULAR COUNCIL

January 6, 2020

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.

❖ (1) Consent Agenda (Action Items) ❖

MOVED by Haverfield and **SECONDED** by Bruner to **approve the Consent Agenda as presented**; ; **Item #1-1.** - Regular Council Minutes of **December 16, 2010**; Bicycle and Pedestrian Advisory Committee Minutes of **November 14, 2019**; Board of Appraisers Minutes; Airport Commission Minutes; Planning & Zoning Commission Minutes; Library Commission Minutes; Venue Management Advisory Commission Minutes of **April 25, 2019, June 26, 2019 and July 25, 2019**; Nampa Arts & Historic Preservation Commission Minutes of **November 18, 2019**; **Item #1-2.** - The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **Item #1-3.** - **Final and Preliminary Plat Approvals: 1)** None; **Item #1-4.** - **Authorize Public Hearings: 1)** None; **Item #1-5.** - **Authorize to Proceed with Bidding Process: 1)** None; **Item #1-5.** - **Authorization for execution of Contracts and Agreements: 1)** Kevin and Mary Daniels Fund MOU with the National Main Street Center; **Item #1-7.** - **Monthly Cash Report: 1)** None; **Item #1-9.** - **Resolutions: 1)** Disposal of Surplus Golf Property; b) b. Federal Grant Aid Application for 14th Avenue North Indian Creek Bridge Replacement with 7.34% City Match. (Approved FY20 Budget, Legal Review Complete); **Item #1-10.** - **License for 2020: a) Renewal Alcohol: 1)** None; b) *New Alcohol: 1)* None; b) *Pawnbrokers: Vista Pawn – 130 Caldwell Boulevard; Miscellaneous Items: 1)* None. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

MOTION CARRIED

❖ (7) Unfinished Business ❖

Item #7-1. – The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO TO PROVIDE BC (COMMUNITY BUSINESS) ZONE DESIGNATION FOR CERTAIN LANDS, COMMONLY KNOWN AS **1511 7TH STREET SOUTH**, NAMPA, IDAHO, COMPRISING APPROXIMATELY 0.11 ACRES, MORE OR LESS; DETERMINING THAT SAID ZONING IS IN THE BEST INTEREST OF THE CITIZENS AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF NAMPA, IDAHO; **REZONING** SAID PROPERTY FROM RD (TWO-FAMILY RESIDENTIAL) TO BC (COMMUNITY BUSINESS); PROVIDING FOR RECORDATION; INSTRUCTING THE CITY ENGINEER TO DESIGNATE SAID PROPERTY AS BC (COMMUNITY BUSINESS) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Dr. Brian Thomas, Nampa First Church of the Nazarene for a medical counseling clinic)

The Mayor declared this the first reading of the Ordinance.

Regular Council
January 6, 2020

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

MOVED by Haverfield and **SECONDED** by Bruner 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 **4484** and directed the Clerk to record it as required.

MOTION CARRIED

❖ **Retirement Ceremony** ❖

Police Chief Joe Huff and Fire Chief Kirk Carpenter presented Councilmembers Bruce Skaug and Rick Hogaboam with Nampa City flags and thanked them for all of the work that they did for the City of Nampa.

Mayor Kling read a letter that was presented to Councilmembers Bruce Skaug and Rick Hogaboam in a shadow box thanking them for all of their time and effort dedicated to the City of Nampa.

Mayor Kling motioned to adjourn sine die.

Mayor Kling administered the oath of office to Councilman Bower.

Mayor Kling administered the oath of office to Councilman Bruner.

Mayor Kling administered the oath of office to Councilwoman Levi.

Mayor Kling addressed the council: “First, thank you for your willingness to run for office to serve the citizens of Nampa. It's important that we have leaders with a heart to serve the interests of the people rather than their own interests, and I believe each of you have that desire.

According to our City of Nampa ordinance, the role of City Council is:

As members of the legislative and policy making branch of the city, the council shall devote as much time as is required for the efficient and faithful discharge of their duties. They shall attend all council meetings unless lawfully excused by the mayor or by a majority of the remaining members of council. They shall also perform all duties reasonably expected of them by nature of their office, including, but not limited to, the passing of ordinances and resolutions, as well as investigation and study of work done for the city according to the committees upon which they may severally be appointed by the mayor.

As time permits, I know you do more. Thank you for attending the numerous ribbon cuttings, grand openings, and special events that take place throughout the year.

Regular Council
January 6, 2020

You are each serving on various commissions and committees. With the changes in two council seats, I will be reviewing appointments and discussing new appointments for the coming two years. I won't be changing NDC, Compass or VRT but will review the others.

The City's Core Values are: Stewardship, Integrity, and Teamwork

Stewardship: To me, stewardship is the careful and responsible management of our city's resources that have been entrusted to our oversight. When we don't invest where we need to so that we look good politically ... or kick the can down the road is not what I consider stewardship. It's about taking careful care of our resources, investing where we need to, at the right time, for the right reason.

Integrity: Honesty & truth. The city should never have loopholes or ways to get around something. Our goal is to serve with transparency and excellence. We need to be people of our word.

Teamwork: work done by several associates with each doing a part but all subordinating personal prominence to the efficiency of the whole

Our nation was founded on the principles of 'One Nation Under God' and our forefathers fought for this nation that we have the privilege of living in. That said, as a nation it seems that we no longer live in or fight for those principles. The beauty of local government is that we have the opportunity to be an example of what those who went before us fought for.

I appreciate each of you and the values you adhere to. We may not all agree on certain decisions but what we all agree on is our faith in the God of this nation and our desire to allow the City of Nampa to be a city that our forefathers would have been proud of.

George Washington said it is impossible to rightly govern the world without direction from God and the Bible: 'The propitious/favorable smile of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained.'

I'm thankful that our City Council is aligned on an important foundation, the same foundation our founding fathers adhered to.

Abraham Lincoln said: 'It often requires more courage to dare to do right than to fear to do wrong.'

Thank you for your courage as you serve this community, daring to do right, rather than fearing to do wrong."

Regular Council
January 6, 2020

Nampa City Clerk made note that Councilmembers Rodriguez, Bruner, Hogaboam, Levi, Haverfield, Bower were present.

Mayor Kling presented the request for **nominations** for **Council President**.

MOVED by Bruner and **SECONDED** by Hogaboam to **nominate Councilmember Haverfield** as the **Council President**. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Haverfield, Bower, Hogaboam, Bruner voting **YES**. Councilmember Levi voting **NO**. The Mayor declared the

MOTION CARRIED

❖ (2) Proclamation ❖

Item #2-1 - None

❖ **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:** ❖

- William REXX, 1216 Holly Street – Code violation on Garland Street that is on-going
- Mary Anne Tschannen, 127 Hudson Avenue Apt. B – forming a committee to control the cost of rent

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

- **Mayor Kling**
 - Councilmember Hogaboam will start his new position of Chief of Staff on January 13, 2020 so this is his last night
 - 28 applicants have thrown their hat in the ring for Council Seat #3
 - The process will be 2 Councilmembers, a group of City Staff, and 6 citizens – these groups will form questions and those questions will be sent to the applicants for answers to help get the field down to three or four for interviews
 - The Council seat will be fill at the February 3, 2020 Council meeting
- **Councilmember Haverfield**
 - Nampa Development Corporation (NDC) is working with the Bond Council and early predictions are a savings of 5M
- **Councilmember Bruner**
 - Thanked David Bills for his work with NDC

Regular Council
January 6, 2020

- **Councilmember Hogaboam**
 - Explained that the Auditorium District will be discussed at the next Council meeting

❖ (3) Agency/External Communications ❖

Item #3-1. - None

❖ (4) Staff Communications ❖

Item #4-1. – None

❖ (5) New Business ❖

Item #5-1. – The following Resolution was presented:

Councilmembers asked questions and made comments.

A RESOLUTION OF THE CITY OF NAMPA, IDAHO, AND IDAHO MUNICIPAL CORPORATION, MAKING CERTAIN APPOINTMENTS AND REAPPOINTMENTS TO THE BUILDING AND FIRE CODE ADVISORY AND APPEALS BOARD.

MOVED by Haverfield and **SECONDED** by Hogaboam to pass the **resolution** as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **3-2020** and directed the clerk to record it as required.

MOTION CARRIED

Item #5-2. – The following Resolution was presented:

Councilmembers asked questions and made comments.

A RESOLUTION OF THE CITY OF NAMPA, IDAHO AN IDAHO MUNICIPAL CORPORATION, MAKING CERTAIN APPOINTMENTS AND REAPPOINTMENTS TO THE IMPACT FEE ADVISORY COMMITTEE.

MOVED by Haverfield and **SECONDED** by Rodriguez to pass the **resolution** as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **4-2020** and directed the clerk to record it as required.

MOTION CARRIED

❖ (6) Public Hearings ❖

Item #6-1. - Mayor Kling opened a **public hearing for annexation and zoning** to RS6 (Single Family Residential – 6,000 sq. ft.) at **842 W. Greenhurst Rd.** for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County) for **David DeMayola** (ANN 134-19).

David DeMayola, 842 West Greenhurst Road presented the request.

Planning and Zoning Director Norm Holm presented the following staff report explaining that the request is for annexation and zoning to RS-6 (Single Family Residential – 6,000 sq. ft.) at 842 West Greenhurst Road for a lot split.

General Information

Planning and Zoning History: The applicant has requested annexation and zoning to split the enclaved rural residential property. **Status of Applicant:** Owner. **Annexation Location:** 842 W. Greenhurst Rd. (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County). **Proposed Zoning:** RS6 (Single Family Residential – 6,000 sq. ft.) **Permitted and Conditional Uses RS6 Zone:** See Page 16 attached listing or click on the following link:

<https://www.cityofnampa.us/DocumentCenter/View/10421/Single-Family-Residential-RS-District-Land-Uses>

Total Size: Approximately 3 acres or 130,680 sq. ft. **Existing Zoning:** County R1 (Single Family Residential) **Comprehensive Plan Designation:** Medium Density Residential. **Surrounding Land Use and Zoning:** North- Rural Residential, City- RS8.5 (Single Family Res. – 8,500 sq. ft.) - South- Single Family Residential, City- RS6 - East- Enclaved Rural Residential, County- R1 (Single Family Residential) - West- City Rural Residential, City- RS6. **Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits at its south, west, and north boundaries. The parcel is part of a 6-parcel, 12.6-acre enclaved area. **Existing Uses:** Rural residential parcel with single family dwelling and outbuildings.

Special Information

Public Utilities: 8” sewer main on south side of W. Greenhurst Rd. 12” water main on north side of W. Greenhurst Rd. 12” pressure irrigation main on north side of W. Greenhurst Rd. **Public Services:** Police and fire already service city incorporated areas near the location. **Physical Site Characteristics:** Existing rural residential parcel with single family dwelling and outbuildings. **Transportation:** Access to the property is from West Greenhurst R and from the

unnamed/undeveloped public right-of-way along the westerly property boundary.
Correspondence: No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to RS6.

**TABLE 10-23-19(A)
TEMPORARY SIGNS IN RESIDENTIAL ZONES; BY TYPE/ZONE/LAND USE**

Permitted Zones And Land Uses	Type of Temporary Sign	Number Allowed	Maximum Height of Sign Above Grade	Display Surface Area Limitation ¹	Location/Setback
All residential zones	Lawn ³	1 per property	30" ³	2 sq. ft. ³	
Multi-family, 3 units and greater	Wall banner on each building	1 per building	n/a	12 sq. ft.	Building wall
Subdivisions ²	Lawn	1 per 100 linear feet of street frontage	4'	6 sq. ft. ⁴	Minimum of 10' from the edge of asphalt/street
Subdivisions ²	Movable:				
	Horizontal banners	1 per 100 linear feet of street frontage	5'	12 sq. ft.	Minimum of 15' from the edge of asphalt/street
	Vertical banners		8'	12 sq. ft.	
	All other		4'	12 sq. ft.	
Subdivisions ²	Flags on poles without foundation	1 per 100 linear feet of street frontage	10'	15 sq. ft.	Minimum of 15' from edge of asphalt/street

Notes:

1. Temporary signs shall be spaced a minimum of 5 feet from any other temporary or permanent sign. Temporary signs on fences may be spaced a minimum of 10 feet from any other temporary or permanent sign
2. Temporary signs for subdivisions refers to signage located at the entrance to subdivisions or to model homes.

**TABLE 10-23-20(K)
PERMANENT SIGNS PERMITTED IN THE RS6, RS7, RS8.5,
RS12, RS15, RS18, RS22, RA, AND RD ZONES¹**

Type of Land Use	Type of Sign	Number Allowed	Maximum Allowable Height Above Grade	Maximum Display Surface Area	Illumination ⁴
Residential	Wall or door	1		2 sq. ft.	Not allowed
Private or public elementary or secondary school	Freestanding pole or monument ²	1 per street frontage	25'	150 sq. ft. maximum	Opaque faced or indirect only ³
	Wall	1 or more ²		15% of building wall that faces a street	Indirect or internal ³
Apartment project	Freestanding pole or monument	1 per street frontage	8'	64 sq. ft.	Indirect or internal
Residential subdivision	Subdivision identification (e.g., monument)	2 per entry	8'	64 sq. ft.	Indirect or internal
Religious facilities	Freestanding pole or monument ²	1 or more ²	Not to exceed height of building	32 sq. ft.	Indirect or internal ³
	Wall	1 or more ²		15% of building wall that faces a street	Indirect or internal ³
Businesses	Wall	1		2 sq. ft.	Indirect or internal ³
	Freestanding pole or monument ²	1	5'	32 sq. ft.	Indirect or internal ³

Notes:

1. If not noted, see section 10-23-3 of this chapter for general provisions and section 10-23-7 of this chapter for exemptions.
2. The combined maximum sign area for these signs shall not exceed the total area.
3. Signs that front a Residential District/use may not be illuminated.
4. Not to be confused with or construed as the presence of an electronic reader board message center component in a sign.

(Ord. 4207, 10-19-2015; amd. Ord. 4428, 4-15-2019)

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 zoning that has been requested. If the Planning & Zoning Commission recommends to the City Council approval of the requested annexation and zoning the following findings are suggested:

Regular Council
January 6, 2020

- 1) The requested annexation parcel connects with the city limits along its north, south and west boundaries. The parcel is part of a 6-parcel 9.08-acre enclaved area.
- 2) 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 adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city's comprehensive plan future land use map for medium density residential land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requested annexation and zoning to RS6 in order to split the existing lot into two parcels in order to then sell the empty un-used portion of the property.

Recommended Conditions of Approval

Staff suggests the Commission recommend approval of the Annexation and Zoning to the City Council subject to the following engineering required conditions of approval:

- 1) Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
- 2) Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
- 3) Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
- 4) Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
- 5) The property will be subject to the terms and conditions of Memorandum of Understanding and Deferral Agreement established with Wolf Building Company dated October 7, 2019 regarding the undeveloped public right-of-way and allowance of a private driveway. The City reserves the right to require a similar Memorandum of Understanding and Deferral Agreement for the subject property at the time of development.

Regular Council
January 6, 2020

- 6) Greenhurst Road currently only has 25' of public right-of-way dedicated. An additional 25' will need to be dedicated for a total of 50' from Section Line.
- 7) The unnamed/undeveloped public right-of-way has 42' width. As was required by application ANN-00114-2019 and an additional 2' of public right-of-way shall be dedicated along the easterly boundary of the right-of-way (westerly edge of the property) for a total right-of-way width of 44' to accommodate the "Reduced Width Local (2)" road section in the Nampa Engineering Process and Policy Manual.
- 8) The City entered into a Memorandum of Understanding (MOU) and Deferral Agreement with Wolf Building Company for the property located to the west (900 and 904 W Greenhurst Road) regarding the undeveloped public right-of-way. The agreements made allowance for the adjacent properties to construct and maintain a private driveway within the undeveloped public right-of-way until such time as the subject property develops or the number of residential units that take access from the driveway exceeds four. Development of this property may trigger the need to fully improve the undeveloped public right-of-way as stipulated by the agreements or enter into a new MOU and Deferral Agreement with the City at the time of development, dependent on the total number of homes taking access from right-of-way. The applicant should meet with the Engineering Division to discuss access needs and implications of existing agreements prior to development.

Those appearing in favor of the request were: Kayler DeMayola, 842 West Greenhurst Road.

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 Rodriguez and **SECONDED** by Bruner to **approve the annexation and zoning** to RS6 (Single Family Residential – 6,000 sq. ft.) at **842 W. Greenhurst Rd.** for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County) for **David DeMayola** with staff conditions and authorize the City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-2. - Mayor Kling opened a **public hearing** for **Rescission of Development Agreement** between **Caribou Mountain Ventures, LLC** and the City of Nampa recorded 12/30/2013 as Inst. No. 2013-057711 for **Lava Falls Subdivision** at **0 and 2718 E. Locust Lane** (39 single family dwellings on 11.595 acres for 2.36 average dwelling units per gross acre – A portion of the SEW

Regular Council
January 6, 2020

¼ of the SE ¼ of Section 2, T2N, R2W, BM) all for **Caribou Mountain Ventures LLC** – Ed Priddy (DAMO 035-19).

The applicant was not present.

MOVED by Rodriguez and **SECONDED** by Levi to continue the public hearing until the applicant is available. Mayor Kling asked for a roll call vote with Councilmembers Levi, Rodrigues voting **YES**. Councilmembers Bruner, Hogaboam, Haverfield, Bower voting **NO**. the Mayor declared the

MOTION FAILED

Planner II Kristi Watkins presented the following staff report explaining that the request is for a Rescission of Development Agreement between Caribou Mountain Ventures, LLC and the City of Nampa recorded 12/30/2013 as Inst. No. 2013-057711 for Lava Falls Subdivision. Pertaining to An 11.595 acre portion of the SE ¼ of Section 2, T2N, R2W, BM, also referred to as Parcel #R2913100000 located at 2718 E Locust Lane, north of E. Locust Ln and west of Southside Blvd, (hereinafter the “Property”).

History:

- **Annexation:** April 2004 – (Annex & Zone to RS 8.5) Ordinance #3334 & 3335
- **Subdivision:** – Expired
- **Rezone:** May 3, 2010 - (Comp Plan Amend & Rezone to BC) – Denied
- **Rezone:** April 5, 2012 – (Comp Plan Amend, Rezone to RP & CUP) – App’d Ord #4084
 - CUP for mini storage expired after 6 months due to inactivity
- **Preliminary Plat (w/ revisions):** December 10, 2019 – Approved by Planning and Zoning Commission
- **Rescission of Development Agreement:** December 10, 2019 – Recommended for approval to City Council by the Planning and Zoning Commission

Development Agreement Rescission

Criteria to guide the Council in deciding whether to rescind the Development Agreement, are absent from state statute or City ordinance. Thus, approving -- or not -- this application becomes a purely discretionary matter/decision on the part of the City in reaction to this DA contract modification application. In other words, whether to approve the rescission or approve a modification with some alterations is thus a subjective decision for the Council to make.

Attached, is a copy of Ordinance #4084 recorded on December 30, 2013 as Instrument # 2013-057711 which contains the Development Agreement referenced by this report.

Regular Council
January 6, 2020

Applicant’s stated request: “Request a modification to the development agreement removing the “mini” storage facility and reverting back to the originally approved residential subdivision in 2 phases.”

Staff Recommendation: Rescind the Development Agreement, Ordinance #4084 in its entirety and rely on the since approved preliminary plat to establish the necessary entitlements for the property. The Conditions listed in the Development Agreement either don’t apply to the approved subdivision project, have been satisfied, or will be addressed during review of the Construction Drawings by the Engineering Department.

Lava Falls Subdivision PRELIMINARY PLAT establishes appropriate entitlements instead of a Development Agreement

Platting of this Property will serve to divide the land. It must be done in accordance with state law, Nampa City Code § 10-27, Nampa City Code § 10-10, Nampa City Code § 10-33, and, in cooperation with the City’s currently adopted Engineering Design and Specification manuals.

Overall Site Area-	11.59 acres
Total, Proposed Lot Count -	43
Total Common Lot Count-	4
Total Dwelling Units-	39

Regarding “RP Building Lots”:

Min. Allowed RP Bldg. (or “Master”) Lot Size: 6,000 sq. ft.

Min. Proposed RP Bldg. Lot Size: 8,340 sq. ft.

Min. Allowed RP (or “Master”) Bldg. Lot Width: 50’

Min. Allowed RP (or “Master”) Bldg. Lot Depth: N/A

Min. Req. St. Frontage RP Zone: N/A

Regarding the plat, Zoning Staff finds:

1. **Zone:** The property is within the City Limits and Zoned RP
2. **Plat Compliance:** The Preliminary Plat complies with City Code outlined for the RP Zoning District and has been approved by the Planning and Zoning Commission, negating the need for a development agreement.
3. **A revised plat** has been required based on Engineering Comments, and the applicant has agreed with terms of the conditions.

Agency Comments in regard to the RECISSION OF THE DEVELOPMENT AGREEMENT and PRELIMINARY PLAT

Regular Council
January 6, 2020

Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package [received by noon December 31, 2019] is hereafter attached (agencies with no comment are not listed, but memos are attached to this staff report).

1. On November 7, 2019, Neil Jones with the Nampa Building Department made a note in the EnerGov permitting program indicating they will require a top of foundation wall or finish floor elevation, on the construction drawings; and,
2. An Email, dated November 12, 2019, authored by Carol Shackelford, City of Nampa Code Compliance Dept, stating that weeds need to be cut and 2 tires need to be removed and at the end of the road by the trees there are 2 totes of oil that need to be removed, as well as a pile of beer bottles; and,
3. A November 19, 2019, letter from the Nampa & Meridian Irrigation District authored by David Duvall indicating that a Land Use Change application may be required if any surface drainage leaves the site and all private laterals and waste ways must be protected; and,
4. A November 25, 2019, memorandum from the Nampa City Engineering Division, GIS Section, authored by Alex Main indicating that changes are needed to include:
 - New Unique name for S Onyx St., and;
 - E Gypsum Ct should be E Gypsum St, and;
 - S Citrine St should be S Citrine Ave, and;
5. A November 18, 2019, memorandum from, Adam Mancini, Parks Dept in regards to the street trees on the landscape plan requesting that (2 of the 3) Austrian Pines nearest the street on the corner of S. Onyx St/E. Gypsum Ct be planted off of the ROW or a more appropriate (approved) tree be selected for these locations, and
6. An attached, December 4, 2019, memorandum from the Nampa City Engineering Division, authored by Caleb Laclair and also, see attached, revised Preliminary Plat memo from Caleb LaClair, Engineering Division, revised December 9, 2019, and
7. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

Recommended Conditions of Approval

Should the City Council choose to approve the rescission of the development agreement, the previously approved preliminary plat will be valid with the following conditions:

Regular Council
January 6, 2020

1. Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Lava Falls Subdivision.
2. Address all Engineering Comments on the Preliminary Plat and provide revised Preliminary Plat/Construction Drawings for review; and,
3. Provide revised landscape plans - Parks requests that (2 of the 3) Austrian Pines nearest the street on the corner of S. Onyx St/E. Gypsum Ct be planted off of the ROW or a more appropriate (approved) tree be selected for these locations, and;
4. Any other conditions as may be levied by the Commission.

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

MOVED by Haverfield and **SECONDED** by Bower 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 Bower to **allow the Rescission of Development Agreement** between **Caribou Mountain Ventures, LLC** and the City of Nampa recorded 12/30/2013 as Inst. No. 2013-057711 for **Lava Falls Subdivision at 0 and 2718 E. Locust Lane** (39 single family dwellings on 11.595 acres for 2.36 average dwelling units per gross acre – A portion of the SEW ¼ of the SE ¼ of Section 2, T2N, R2W, BM) all for **Caribou Mountain Ventures LLC** – Ed Priddy with conditions and authorize the City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with Councilmembers Bruner, Hogaboam, Bower, Haverfield voting **YES**. Councilmembers Rodriguez, Levi voting **NO**. The Mayor declared the

MOTION CARRIED

Item #6-3. - Mayor Kling opened a **public hearing** for fee increases for Park, Recreation, Recreation Center, Golf, Cemetery.

Parks and Recreation Director Darrin Johnson presented the following staff report explaining that the Nampa Parks and Recreation Department proposed fee schedule. All Parks and Recreation Division fees are listed in the schedule that include Parks, Recreation Programing, Cemetery, Nampa Recreation Center and Golf. All Parks and Recreation fees are listed for review but not all fees are proposed for an increase.

Regular Council
January 6, 2020

The Parks and Recreation Department's goal is to have reasonable and competitive fees while allowing for maximum participation. We strive to meet our financial obligations by promoting conservative spending and adjusting the cost of services as appropriate.

Recommended fees are based on professional staff input and determining the objective of each program and service. When determining proposed fees, staff evaluate revenue and expenses. In some cases, when setting fees, data from other communities or similar organizations are considered as comparisons. The proposed golf fees were approved by the Nampa Golf Commission in a unanimous vote.

In addition to the fee schedule, the Nampa Recreation Center membership policies are attached. The policies guide our staff on the eligibility and management for each membership type.

Upon council approval, fees will be adjusted on the dates identified on the fee schedule.

Those appearing with questions were: Hubert Osbourn, 2199 East Switzer Way.

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

Councilmembers asked questions and made comments.

MOVED by Haverfield 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 Bower and **SECONDED** by Haverfield to **approve the fees as proposed with one amendment that the fees for both Ridgecrest and Centennial should have the same fee of \$16.00 on golf cart rentals** and authorize the City Attorney to draw up the appropriate resolution for the fee increase. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (5) New Business ❖

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO IMPLEMENTING CHANGES IN THE RATES AND FEES CHARGED BY THE CITY OF NAMPA CEMETERY, GOLF, NAMPA RECREATION CENTER, NAMPA RECREATION DEPARTMENT AND PARKS SERVICES.

Regular Council
January 6, 2020

MOVED by Bruner and **SECONDED** by Rodriguez to pass the **resolution** with changes to the fees for golf cart rentals should be \$16.00 for both golf courses. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **6-2020** and directed the clerk to record it as required.

MOTION CARRIED

Item #5-3. - Mayor Kling presented the request for **appointment** of **Steven Kehoe** to the **Nampa Library Board**.

MOVED by Levi and **SECONDED** by Hogaboam to **approve** the **appointment** of **Steven Kehoe** to the **Nampa Library Board**. 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** the **Nampa Police Department** to **apply** for a **grant** for a **forensic bullet trap to test firearms**.

Captain Curt Shankel presented a staff report explaining that the

MOVED by Haverfield and **SECONDED** by Bruner to **authorize** the **Nampa Police Department** to **apply** for a **grant** for a **forensic bullet trap to test firearms**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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

Tom Points presented a staff report explaining that the Idaho Transportation Department (ITD) is constructing an overpass on Middleton Road as part of the I-84 widening project.

The project includes a new signal at the intersection of Middleton Road and Cherry Lane which is in Nampa Highway District jurisdiction (NHD) and the City of Nampa’s area of impact. (Exhibit A)

ITD coordinated with the City and NHD1 in the design process. The signal is designed to City standards.

ITD is covering the entire cost of property acquisition, design, and construction of the overpass and new signal.

Regular Council
January 6, 2020

ITD, NHD and the City desire to enter the cooperative agreement (Exhibit B) which outlines the following responsibilities:

- ITD will construct and assume all costs of right-of-way acquisition, construction, and engineering of the project including all project management
- NHD will maintain all striping, sidewalks, drainage and conduct snow maintenance activities within the project site (including overpass)
- Once the project is built, the City will assume ownership of the traffic signal at the intersection of Middleton Road and Cherry Lane, including the controller and cabinet, and assume all necessary maintenance responsibilities to keep the traffic signal, as installed, in continuous operation

Nampa City staff will attend periodic progress meetings, provide specifications for the illumination, and will review and comment on planning, engineering, public involvement, and construction documents.

Construction is anticipated in the summer of 2020.

Nampa City staff support entering the cooperative agreement with ITD and NHD.

WHEREAS, 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 RECONSTRUCTION OF MIDDLETON ROAD OVERPASS AND IMPROVEMENT OF INTERSECTIONS TO CERTAIN LOCAL STREETS.

MOVED by Bruner and **SECONDED** by Rodriguez to pass the **resolution** as presented and authorize the Mayor to Sign Resolution for a Cooperative Agreement Project No. A022(154) I84, Ustick Road and Middleton Road Overpasses Canyon County Key No. 22154 between the Idaho Transportation Department, Nampa Highway District, and the City of Nampa for the Middleton Road and Cherry Lane Signal Project. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **5-2020** and directed the clerk to record it as required.

MOTION CARRIED

Item #5-6. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** a **Memorandum of Understanding** between the **City of Caldwell** and **Canyon Highway District No. 4** for the Midway Road—Karcher Rd (Hwy 55) to Caldwell Blvd Pavement Rehabilitation. (Key No. 22016) (Approved FY20 Budget, Legal Review Complete)

Tom Points presented a staff report explaining that the City of Caldwell (Caldwell), Canyon Highway District No. 4 (CHD), and the City of Nampa are partnering in the pavement

Regular Council
January 6, 2020

reconstruction of Midway Road between Karcher Road (Highway 55) and Caldwell Boulevard (Exhibit A). Each jurisdiction is responsible for approximately 1/3 of this roadway section.

The project includes all design, required construction to replace failed pavement, and the addition of five-foot wide pedestrian shoulders to improve safety.

The project is funded through a Surface Transportation Program - Urban Federal-Aid Grant with a 7.34% local match. The match will be equally split by 1/3 for each jurisdiction. The Local Highway Technical Assistance Council (LHTAC) will administer the grant funding and project management.

Caldwell, CHD, and the City desire to enter a Memorandum of Understanding (MOU) (Exhibit B) which outlines the following responsibilities:

- CHD shall be the lead agency, have the role and responsibility of project owner and manager, and serve as the primary project contact
- Each jurisdiction shall contribute equally one-third (33.3%) toward all sponsor's costs and expenses incurred in connection with the design, construction, and all other necessary and proper expenses incurred
- Estimated project cost is \$1,279,000, resulting in a total sponsor's match at 7.34% of \$93,878.60; the City's grant match of 7.34% is \$31,292.87

Design is scheduled to begin in February of 2020. The funding year for construction is not confirmed but will most likely be in the next three years.

Funding for design (approximately \$10,000) will be funded by fiscal year 2020 Street Division budget. The remaining \$21,292.87 will be requested during the fiscal year 2021 budget planning process.

Public Works staff recommends entering the MOU.

MOVED by Bruner and **SECONDED** by Hogaboam to **authorize** the **Mayor** to **sign Memorandum of Understanding** between the **City of Caldwell** and **Canyon Highway District No. 4** for the Midway Road—Karcher Rd (Hwy 55) to Caldwell Blvd Pavement Rehabilitation (Key No. 22016). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-7. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** the "Agreement for Hookup of Project Charlie to the City of Nampa Water and Sewer System and "Agreement to be Annexed into the City of Nampa" with **Americrete Land Holding, LLC**. (Approved by Legal)

Regular Council
January 6, 2020

Councilmember Haverfield recused himself from this item.

Tom Points presented a staff report explaining that Lance Thueson is constructing a new industrial facility on his property owned by Americrete Land Holding, LLC, located south of Flamingo Avenue, between Robinson and McDermott Roads. The project is referred to as “Project Charlie” (Exhibit A). The project is currently being permitted by the County.

Originally, an onsite existing well was to provide service for domestic water and fire protection for the project. However, it was later determined the well did not have enough capacity or quality to serve both purposes. Lance Thueson reached out to the City in late October about the possibility of extending Nampa water main to the site to augment water supply.

The City’s system is only able to supply approximately 1,200 to 1,300-gpm at 20-psi without significant infrastructure expansion. As a result, it is proposed to supply the building fire sprinkler system via the private onsite well, with exterior hydrants and domestic service being supplied by the City’s system. Mr. Thueson also expressed his wish to connect the project to the City’s sewer system.

Mr. Thueson also informed staff of his desire to subdivide the property in the future, as a larger industrial development, with an intent to annex into the City once a path is available. Annexation will become possible after Idaho Department of Transportation has obtained enough public right-of-way for the proposed Highway 16 interchange.

The City of Nampa owns and maintains 12” public water mains in Airport Road from which the project would connect. The City also owns and maintains 12” and 8” sewer main along the western edge of Thueson’s property, which was constructed to eventually serve Nampa School District property located to the southwest. There are currently no users on this line. (Exhibit B)

Lance Thueson provided a formal letter dated December 4, 2019, requesting hookup to City water and sewer systems. (Exhibit C)

Engineering Division staff has reviewed the City systems and confirm there is adequate capacity to serve Project Charlie.

Staff and the Board of Appraisers recommend entering into the attached agreement for domestic water and sewer hookup (Exhibit D) provided all conditions are met.

MOVED by Bruner and **SECONDED** by Rodriguez to **authorize** the **Mayor** to **sign** the **“Agreement for Hookup** of Project Charlie to the City of Nampa Water and Sewer System and Agreement to be Annexed into the City of Nampa” with Americrete Land Holding, LLC. The Mayor asked for a roll call vote with Councilmembers Hogaboam, Levi, Bower, Rodriguez, Bruner

Regular Council
January 6, 2020

voting **YES**. Councilmember Haverfield **Recused himself from the vote**. The Mayor declared the

MOTION CARRIED

Item #5-8. - Mayor Kling presented the request to **award the bid and authorize the Mayor to sign a contract for the Middleton Road rebuild** (irrigation improvements) – Greenhurst Road to Roosevelt Avenue. (approved FY20 budget)

Tom Points presented a staff report explaining that the Engineering Division, as part of the Public Works Asset Management Program, identified the need to rebuild approximately 1.5 miles of Middleton Road between Greenhurst Road and Roosevelt Avenues (see Exhibit A, Vicinity Map)

The project includes roadway reconstruction and installation of irrigation, sewer, and water mains. The project will be separated into two phases: 1) Irrigation Improvements and 2) Road Rebuild

The Irrigation Improvements phase must be completed prior to irrigation season and will include irrigation boxes, culverts, installing roadside ditches, tiling ditches and constructing outfall locations at the Deer Flat Nampa Canal

The Road Rebuild phase will begin in late Spring and includes roadway reconstruction, utility main extensions, service stubs, and conduit

Right of way negotiations are underway. Negotiation Services, LLC has been authorized to negotiate with property owners to obtain the required property

The Irrigation Improvement bid package was solicited and the City received five (5) bids. The apparent low bidder is Cougar Excavation, LLC for \$258,767.48 (see Exhibit B, Bid Tab)

The total combined FY19 and FY20 project budget is \$2,975,000

Design	\$	226,973.00
Estimated Construction (Irrigation Improvements)	\$	258,767.48
Estimated Construction (Road Rebuild)	\$	1,984,100.00
<u>Estimated Construction, Engineering & Inspection (CE&I)</u>	<u>\$</u>	<u>137,172.00</u>
Estimated Total Project Costs	\$	2,607,012.48

If bids on the road rebuild come in higher than anticipated the scope of the rebuild may be reduced to allow for overall project to remain within approved budget.

Regular Council
January 6, 2020

Engineering has reviewed the bid and recommends awarding the bid to Cougar Excavation, LLC for the Middleton Road Rebuild (Irrigation Improvements) – Greenhurst Road to Roosevelt Avenue project.

MOVED by Hogaboam and **SECONDED** by Haverfield to **award the bid and authorize the Mayor to sign contract** for the **Middleton Road Rebuild** (Irrigation Improvements) – Greenhurst Road to Roosevelt Avenue project with **Cougar Excavation, LLC** in the amount of **\$258,767.48**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-9. - Mayor Kling presented the request to **award the bid and authorize the Mayor to sign a contract** for the **FY19 Stormwater Repairs** project with **Ground Innovations LLC**. (approved FY20 budget)

Tom Points presented a staff report explaining that as part of the Public Works Asset Management Program, Engineering, in partnership with Environmental Compliance, identified critical storm water repair projects in Asset Management Zone E

This location is prioritized by Engineering, Streets, and Environmental Compliance divisions based on historical flooding records and complaints

The FY19 Stormwater Repairs project will resolve flooding issues at 77 South State Street (see Exhibit “A”)

Project improvements include storm water conveyance pipelines, catch basins, sand and grease traps, seepage bed, and new pavement

The City received six (6) bids with the low bid from Ground Innovations LLC, for \$73,997.00 (see Exhibit “B”)

The project will be funded with FY20 Streets/Stormwater budget which has \$255,000 available

The estimated project costs are:

Design	\$ 9,900
Estimated Construction Management & Inspection Services	\$ 18,000
<u>Construction</u>	<u>\$ 73,997</u>
<i>Total</i>	<i>\$ 101,897</i>

Engineering Division reviewed the bid and recommends awarding the bid to Ground Innovations LLC for the FY19 Stormwater Repairs project.

Regular Council
January 6, 2020

MOVED by Bruner and **SECONDED** by Rodriguez to **award the bid and authorize the Mayor to sign contract** for the **FY19 Stormwater Repairs** project with **Ground Innovations LLC**, in the amount of **\$73,997.00**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-10. - Mayor Kling presented the request to **authorize the Mayor and Public Works Director to sign Task Order** for Scope of Work with **Murray Smith** for design services of the Birch Redundant Force Main project. (Approved FY20 Budget)

Tom Points presented a staff report explaining that the City Council authorized Engineering to pursue project development for the Birch Redundant Force Main project identified within the Wastewater Master Plan.

The project will provide redundancy and increased reliability to the Birch Lift Station by installing a new 20" force main from the Birch Lift Station to the tie in point located about 550 feet south of the intersection of Northside Boulevard and Karcher Road. (see Exhibit A)

The project design is scheduled for FY20 while the construction is anticipated to be in FY2.1

Engineering reviewed the first-choice consultant roster and conducted interviews with several firms. Murray Smith was selected to perform professional design services for the project.

Murray Smith has provided a scope of work in the amount of \$141,205 for design services. (see Exhibit B)

The approved budget for the project is \$150,000 for design from the approved FY20 Wastewater Division budget.

Engineering Division has reviewed the Scope of Work and recommends approval of the task order to Murray Smith in the amount of \$141,205.

MOVED by Rodriguez and **SECONDED** by Bruner to **authorize the Mayor and Public Works Director to sign Task Order** for attached Scope of Work with **Murray Smith** for design services of the Birch Redundant Force Main project in the amount of **\$141,205** (T&M N.T.E.). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-11. - Mayor Kling presented the request to **authorize the Mayor to sign a purchase agreement for airport acquisition**. (approved by legal)

Deputy Public Works Director Jeff Barns presented a staff report explaining that the purchase is for 73 North Happy Valley Road for the Nampa Municipal Airport.

Councilmembers asked questions and made comments.

MOVED by Bruner and **SECONDED** by Hogaboam to **authorize** the **Mayor** to **sign a purchase agreement** for **airport acquisition**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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

- 8-1. 1st reading of Ordinances for Annexation and Zoning to RML (Limited Multiple-Family Residential) at 1111 E. Iowa Ave. (A .34 acre or 14,938 sq. ft. portion of NE ½, SE ¼ Section 34, T3N, R2W, BM) for Anthony Sparks for construction of a Fourplex. (ANN 121-19) (PH was 7-15-2019)
- 8-2. 1st reading of Ordinances for 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)
- 8-3. 1st reading of Ordinances for 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)
- 8-4. 1st reading of Ordinances for Modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes in place of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC. (PH was 11-18-2019)
- 8-5. Annexation and Zoning to RMH (Multiple-Family Residential) for Townhomes at 622 N. 44th Street (A 2.02-acre parcel located in the NE ¼ NE ¼ of Section 24, T3N, R2W,

Regular Council
January 6, 2020

BM, Canyon County, Idaho) for Mason and Associates representing Sun Peak Development LLC. (ANN 133-19) (PH was 12-16-2019)

❖ (9) Executive Session ❖

Item #9-1- None

MOVED by Rodriguez and **SECONDED** by Hogaboam to **adjourn** the **meeting** at 8:13 p.m.
The Mayor declared the

MOTION CARRIED

Passed this 21st day of January 2020.

ATTEST:

MAYOR

NAMPA CITY CLERK