

REGULAR COUNCIL

January 22, 2019

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

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

❖ (1) Consent Agenda (Action Items) ❖

**MOVED** by Bruner and **SECONDED** by Rodriguez to **approve the Consent Agenda as presented; Regular Council Minutes** of January 7, 2019; **Bicycle and Pedestrian Advisory Committee Minutes** of December 13, 2018; **Board of Appraisers Minutes; Airport Commission Minutes** of December 10, 2018; **Planning & Zoning Commission Minutes** of January 8, 2019; **Library Commission Minutes; bills paid;** The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals:** **1)** Final Plat Approval for Eagle Stream Subdivision No. 4 on the south side of W Flamingo Ave, west of N Middleton Rd, in the RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district. (A parcel of land located in the SE ¼ of Section 18 T3N R2W BM – 36 buildable lots on 9.12 acres, 3.9 lots per gross acre), for Eagle Stream Properties, LLC; **2)** Final Plat Approval for Canyon Creek Subdivision No. 4 between Cherry Lane and Ustick Rd, at 17447 N Can Ada Rd, within the RS-7 (Single Family Residential – 7000 sq ft minimum lot size) zoning district. (A parcel of land located in the SE ¼ of Section 1 T3N R2W BM – 59 buildable lots on 18.15 acres for 3.09 lots per gross acre), for Bailey Engineering representing Toll Southwest, LLC; **3)** Final Plat Approval for Meadowcrest Subdivision No. 2 at the Northeast corner of Lake Lowell Ave and S Middleton Rd, within the RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district. (A portion of the SW ¼ of Section 29 T34N R2W BM – 39 Single Family Residential lots on 9.51 acres, or 4.1 lots per gross acre), for Hayden Homes Idaho, LLC, Tim Mokwa; **Authorize Public Hearings:** **1)** A multi-part (package) application to: 1) Modify an Annexation and Zoning related Development Agreement (Ord 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B – Commitments and Conditions, and introducing an Exhibit C – Preliminary Plat for Laguna Farm Apartments; 2) Obtain a Conditional Use Permit for 78 Four-Unit Townhomes in 7 four-plex, 19 eight-plex, and 11 twelve-plex style buildings; and, 3) Obtain Subdivision Plat Preliminary Approval for Laguna Farms Subdivision (2 Commercial Lots and 78 Four-Unit townhome Lots for a total of 312 dwelling units on 22.53 acres for 13.8 dwelling units per gross acre). All actions pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53 acre property in a GB-2 (Gateway Business 2) zoning district in Government Lot 1 and the NW of Section 7 T3N R1W BM – for Kent Brown representing FIG Laguna Farms, LLC; **Authorize to Proceed with Bidding Process:** **1)** None; **Authorization for execution of Contracts and Agreements:** **1)** None; **Monthly Cash Report:** **1)** December Bank Report; **Resolutions:** **1)** None; **License for 2018:** **1)** None; **Miscellaneous Items:** **1)** Authorize Portion of Fiscal Year 2019 Fleet Services Division Budget, Currently Allocated for Lube Bay Improvements, be Utilized for the Purchase and Replacement of a Vehicle Lift (Budget Transfer from Approved Fiscal Year 2019 Project). Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

MOTION CARRIED

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❖ **(2) Proclamation** ❖

**Item #2-1 - None**

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

- Gerry Vizenor – 624 7<sup>th</sup> Avenue North – item #6-4 – deferral agreement for curb, gutter and sidewalks at 624 7<sup>th</sup> Avenue North

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

- Brad Johnson, POST Division Administrator and Colonel Kedrick Wills, Director of the Idaho State Police presented Police Chief Joseph Huff with Executive Certificate – presented to Chief executives of their agency who have served in that position for at least 3 years, holds and advanced or management certificate with POST or equivalent from another state, while in that position at least 100 hours of additional executive level training, 50 of which have to of been completed in the last 50 years.
- Susan Broethe – 4418 S Lava Springs Loop – Parking Downtown and towing from lot – the posting is misleading, maybe a kickback on the cost of the towing (\$365.00 cash).
- Debra Aldrich – 128 Meadowbrook Drive – Parking Downtown and towing from lot - the posting is misleading, maybe a kickback on the cost of the towing.

Mayor and Councilmembers asked questions and made comments.

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

- Councilmember Hogaboam introduced Cody Dullen who is in 4-H and talked about KYG (Know Your Government) – program learn about the judicial branches in forms of government and how is works
- Councilmember Bruner gave a shout out to the NNU Girls Basketball Team - #1 in the Nation in the Division 2 poll
- Councilmember Haverfield gave a shout out for a local business that has received National Recognition - Iron Timber (owners Scott and Shawn Haverfield) for their work at Masa Taco

❖ **Agency/External Communications** ❖

- None

❖ **(3) Staff Communications** ❖

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**Item #3-1.** – Public Works Director Tom Points and Deputy Public Works Director (Transportation) Jeff Barnes presented a staff report to update the council on current projects as follows:

**Street Division Snow Removal Update** – Street Division crews continue winter maintenance activities by applying Magnesium Chloride (MgCl<sub>2</sub>), salt and/or brine. The following highlights labor hours and material expenditures:

**FISCAL YEAR 2019 TOTALS**

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	60		
Regular Hours	199		
Water Issues			
<b>Total Hours</b>			
Mag Chloride		25,351	
Sand			
Salt			231

*Snow/Water Event No. 5*

*Report for January 15, 2019*

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	0		
Regular Hours	80		
Water Issues			
<b>Total Hours</b>			
Brine		6,320	
Sand			
Salt			68

*Snow/Water Event No. 4*

*Report for January 7, 2019*

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	0		
Regular Hours	20		
Water Issues			
<b>Total Hours</b>			
Brine		1,860	
Sand			
Salt			20

***Snow/Water Event No. 3***

***Report for December 26-27, 2018***

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	0		
Regular Hours	90		
Water Issues			
<b>Total Hours</b>			
Brine		5,880	
Sand			
Salt			117

***Snow/Water Event No. 2***

***Report for December 10, 2018***

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	1		
Regular Hours	9		
Water Issues			
<b>Total Hours</b>			
Mag Chloride		5,600	
Sand			
Salt			

***Snow/Water Event No. 1***

***Report for November 30 - December 3, 2018***

<b>Task and/or Material</b>	<b>Hours</b>	<b>Gallons</b>	<b>Yards</b>
Overtime	59		
Regular Hours			
Water Issues			
<b>Total Hours</b>			
Mag Chloride		5,691	
Sand			
Salt			26

**Fiscal Year 2018 Multi-Sector General Permit for Nampa Municipal Airport -**

- In 2009, the Nampa Municipal Airport (Airport) was issued an Environmental Protection Agency (EPA) Multi-Sector General Permit (MSGP) to ensure compliance with the provisions of the Clean Water Act and achieve the Lower Boise River Total Maximum Daily Load (TMDL) capacity requirements. The Airport stormwater discharge is associated with industrial activity and is authorized to discharge to waters of the United States (Mason Creek)

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- The Airport's Stormwater Monitoring Program, managed and executed by the Environmental Compliance Division (ECD), consists of:
  - Quarterly Visual Assessments (QVA)
  - Annual Impaired Waters Monitoring
  - Benchmark Monitoring
- The Airport is required to conduct stormwater monitoring for three (3) constituents: Total Phosphorus (TP), Total Suspended Solids (TSS), and E. coli
- The fiscal year 2018 MSGP annual report is ready for submittal to EPA, ahead of the January 31, 2019, deadline. Due to the federal government shutdown, the EPA submittal process is not working. Staff have contacted EPA and are waiting for a response on how to proceed

**Fiscal Year 2019 Transportation Funding Plan** - The future of Nampa's transportation system is at a critical juncture with an estimated \$17 million-dollar annual deficit for transportation funding.

Recent community surveys reveal the top priority for citizens is transportation and public safety.

Public Works prepared a plan to address transportation needs (see Exhibit A). This plan provides a roadmap to fund transportation improvements which will reduce congestion, improve maintenance, enhance safety and contribute to the economic prosperity of the City.

The goals of the plan are to:

- Improve Safety, System Reliability, and Economic Vitality by Funding the Transportation Capital Improvement Plan (CIP) in 10 to 15 Years: This plan will fund the priority capital projects identified in the Draft 2019 Transportation Masterplan that will widen lanes, expand intersections and enhance safety. The improvements will support a Level of Service (LOS) D on major roadways and intersections (LOS A = No Congestion; LOS F = Gridlock). If no action is taken, the City's major intersections will deteriorate to a LOS F by 2035, impacting congestion, freight, and public safety
- Improve Overall Roadway Condition by Funding the Pavement Management Program in 10 to 15 Years: This plan is a first step in improving the overall pavement condition of City streets. The average state of Nampa's asphalt streets will be in a failed condition by 2030 if no funding changes are made. Funding the Pavement Management Program will apply lower cost maintenance treatments to extend the usable life of roadways and make the best use of limited maintenance and repair resources

The plan is designed to:

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- *Provide Hope:* The plan is attainable and can be accomplished within 10 to 15 years without depleting resources for other critical city needs
- *Be Equitable:* Multiple funding options are proposed; sharing responsibility amongst all those using the system
- *Be Incremental:* Funding increases will be steady and affordable over a 10 to 15-year period, minimizing impacts to taxpayers. Once funding levels are achieved, smaller increases will commence to maintain the system

Mayor Kling addressed the closure of Greenhurst Road and citizens going through road closed open to local traffic only, they ignore the signs and it is a safety issue.

Councilmembers asked questions and made comments.

#### ❖ (4) Unfinished Business ❖

**Item #4-1.** – The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, VACATING THAT CERTAIN **ALLEY RIGHT-OF-WAY** LOCATED WITHIN THE **NAMPA INDUSTRIAL CORPORATION FIRST ADDITION SUBDIVISION**, RUNNING NORTH OFF INDUSTRIAL ROAD; DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH. (Applicant NLH LLC, John burrow, and Home Style Industries)

The Mayor declared this the first reading of the Ordinance.

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

**MOVED** by Skaug and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4412** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #4-2.** – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, **MODIFYING THE ANNEXATION & ZONING DEVELOPMENT AGREEMENT** TO WHICH THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE **LAVA SPRINGS PLANNED UNIT DEVELOPMENT** IN NAMPA, CANYON COUNTY, IDAHO, COMPRISING APPROXIMATELY 110.50 ACRES, MORE OR LESS, IS SUBJECT, DESCRIBED IN ORDINANCE NO. 3335 AND RECORDED APRIL 30, 2004, AS INSTRUMENT NO. 200423257, RECORDS OF CANYON COUNTY, IDAHO, TO ALLOW SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN PLACE OF THE COMMERCIAL BUILDING LOT PREVIOUSLY PLANNED FOR A SPECIFIED PORTION OF SAID PROPERTY; DIRECTING THE CITY PLANNING DIRECTOR TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Matt Schultz representing Quatro Properties Nampa, Inc.)

The Mayor declared this the first reading of the Ordinance.

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

**MOVED** by Bruner and **SECONDED** by Haverfield 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 **4413** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 5-1. 1st reading of ordinance for Annexation and Zoning to Light Industrial at 58 and 0 N. Kings Rd. for construction of Storage Units (A combined 3.87 acre or 168,577 sq. ft. portion of the South Half of the NW ¼ of the SW ¼ of Section 24, T3N, R2W, BM) for Cody Lane-Trek Investment Group (**PH was 9-17-2018**)
- 5-2. 1st reading of ordinance for Annexation and Zoning to RS 7 (Single Family Residential - 7,000 sq. ft.) for Carriage Hill West Subdivision east of Midway Rd. between W. Iowa Ave. and Lake Lowell Ave. (A 122.38-acre portion of the NW 1/4 of Section 31, T3N, R2W, BM - 368 Single Family Residential lots or 3.01 lots/gross acre) for Engineering Solutions, LLP representing Toll ID I LLC (**PH was 11-05-2018**)
- 5-3. 1<sup>st</sup> reading of ordinance for Modification of Annexation and Zoning Development Agreement between Constantine LLC and the City of Nampa for property at 2305 E. Victory Rd. amending: a) condition 2 regarding dedication of right-of-way, b) condition 3 regarding fencing along the North Nampa Lateral, c) condition 4 subsections c, g, and k regarding building design standards, d) incorporating an additional 1.5 acres into the development, and

- e) substituting a new preliminary plat design which includes the original acreage and an additional acreage (A 4.07-acre portion of the E ½ of the NW ¼ of the NE ¼ of Section 26, T3N, R2W, B.M.), Annexation and Zoning to RD (Two-Family Residential) at 0 E. Victory Rd. (A 1.5-acre or 65,296 sq. ft. portion of the East ½ of the NW ¼ of the NE ¼ of Section 26, T3N, R2W, BM) for Riley Planning Services representing Getty Capital of Idaho (DAMO 025-18, ANN 103-18) (PH was 11-19-2018)
- 5-4. 1<sup>st</sup> reading of ordinance annexation and zoning to RS-6 at 2724 Seminole Drive for Alan and Karen Wheatley for connection to city sewer services (PH was 12-17-2018)
- 5-5. 1<sup>st</sup> reading of ordinance for annexation and zoning to RS-6 at 2420 East Amity Avenue for Stephen Warren for connection to city water and sewer services (PH was 12-17-2018)
- 5-6. 1<sup>st</sup> reading of ordinance for a zoning map amendment from RS-6 to BC for the second parcel west of 11460 West Karcher Road for Jeremiah Jenkins (PH was 12-17-2018)

❖ (6) New Business ❖

**Item #6-1.** – Mayor Kling presented the request to **authorize** the **Mayor** to **sign** a **contract** for the **Trauma Intervention Program**.

Nampa Police Department Officer Jason Kimball presented a staff report explaining that Trauma Intervention Program is a non-profit corporation that is referred to as “TIP”.

We were approached late summer from the representative that is a part-time employee for the Trauma Intervention Program. She talked to us about two years ago. She brought reinforcements Chief of Police from Meridian, Chief of Police from Eagle and Kirk from Boise Police Department to show us the advantages of being part of the program.

A program that is all volunteer program except the person that coordinates everything. They are highly trained people who are volunteers from our own community that would come and assist first responders specifically in our situations (police) and in other jurisdictions (police, fire, corners office and sometime EMS). They would help us with situations dealing with victims who have seen trauma, typically where our own victim witness coordinators don't respond to this.

An example of that would be a fatality crash where we are dealing with victims inside that vehicle or more likely as not, that happens more frequently would be unattended deaths. Where our victim witness does not respond to that. We would be able to call on them to respond to help us respond to help with victims in coordination with other events that go along with that.



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An example of this was, Eagle had a school bus crash that involved about 60 students and TIP showed up in force and was able to choreograph all of the parents responding, helping with resources to include on-going counseling and all that entails.

The only cost that there is to it is ten or eleven cent per resident of Nampa so, approximately \$12,000 a year that would be our responsibility. That helps them cover their insurance, any materials that they hand out to victims, keep the lights on and phones for their volunteers.

When they first become a volunteer, they have to 40 hours of pretty intense training and after that they have 40 hours of volunteer time every single month. 36 hours is on-call and 4 hours is training. Once it is set up and going, they have a twenty-minute response time.

What we would use them for is unattended death, we would respond to a scene, officer gets there determines that there is no foul play – what typically happens now is we call the coroner and officers are on scene for an hour or two maybe three hours waiting for all of the arraignments to happen between the funeral home and the coroner's office and assisting in the process and in situation we would call them once we determined that there was no foul play 20 minutes later and our officers could essentially hand the process off to them and be back out on the street.

The volunteers have to pay for their own background check. They fingerprint and it is a CEQA check so that they can be in the vehicle with the police officer.

This is not an overlapping service with the Family Justice Center.

They are agreeing to waive the first half of the year because they are coming to us mid-year. This would be asked for in the 2020 year and more than likely put into the police budget.

Mayor and Councilmembers asked questions and made comments.

**MOVED** by Skaug and **SECONDED** by Hogaboam to **authorize** the **Mayor** to **sign** an **agreement** between the City of Nampa and the **Trauma Intervention Program Inc.** 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 presented the request to **authorize** the **Mayor** to **sign** a **field use lease agreement** between the City of Nampa and **Nampa Legion Baseball** for the use of **Rodeo Park**.

Parks and Recreation Director Darrin Johnson presented a staff report explaining that the City of Nampa Parks and Recreation Department has had a long-standing agreement with the Nampa Legion Baseball organization allowing the use of Rodeo Park. Rodeo Park is owned by the City

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of Nampa and consists of a baseball field and amenities which is located near Garrity Blvd. and 16th Ave North. An exhibit is attached identifying the location.

Staff recommends approving the attached 10-year agreement that has already been signed by the Nampa Legion Baseball representatives. This agreement replaces a prior 10-year agreement that is now expired.

As a condition of the agreement, the Nampa Legion Baseball organization will allow the Nampa High School Baseball team to use the facility during their season. Rodeo Field is the home of the Nampa Braves High School baseball team. The agreement between Nampa Legion and Nampa School District is attached for record and has been signed by their representatives.

Councilmember Levi thanked the parks department for working on the agreement.

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize** the **Mayor** to **sign a field use lease agreement** between the City of Nampa and **Nampa Legion Baseball** for the use of **Rodeo Park**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-3.** - Mayor Kling presented the request to **authorize** the **Mayor** to **sign a purchase agreement** for **129 2<sup>nd</sup> Avenue North**. (document reviewed by legal)

Economic Development Director Beth Ineck presented a staff report explaining that In November 2018 Council authorized staff to proceed with the sale of 129 2nd Avenue North for a price of \$60,000. The buyer is Ryan Martinez who has agreed to pay the City of Nampa \$60,000 for the property. Mr. Martinez and the legal counsel for the city have reviewed the purchase sale agreement. Staff requests the council authorize the Mayor to sign the Purchase Sale Agreement and proceed to closing following the due diligence period.

At the September 6, 2016 City Council Meeting, Council declared the property as surplus and set the public hearing date for the sale of the property through public auction.

On October 3, 2016 the public hearing was held where no one testified for or against the sale of property. City Council voted to approve the sale of the property at auction on October 5th 2016 at 3:00pm with an opening bid price of \$88,503. Notification for the public hearing and auction was published on September 16 and September 30th of 2016. At the October 5th auction no one presented a bid for the property.

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**MOVED** by Bruner and **SECONDED** by Rodriguez to **authorize the Mayor to sign the purchase sale agreement for 129 2<sup>nd</sup> Avenue North** as presented. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-4.** - Mayor Kling presented the request to **authorize the Public Works Director to sign a deferral agreement** for curb, gutter, and sidewalks at **624 7<sup>th</sup> Ave N**.

Tom Points presented a staff report explaining that the property owners Gerry & May Vizenor request a deferral agreement to defer installation of curb, gutter, and sidewalk at their property located at 624 7th Ave N.

Installation of curb, gutter, sidewalk is a condition of the current building permit converting a single-family dwelling to a duplex at this property.

There are no existing sidewalks on the side of the street that the deferral is being requested.

Owners have stated they do not have the means to move ahead with the required improvements at this time.

Owner has agreed to participate in the sidewalk LID when it comes to their zone in 2022.

Engineering has reviewed the request and does not oppose granting it.

**MOVED** by Skaug and **SECONDED** by Hogaboam to **authorize the Public Works Director to sign the deferral agreement** for curb, gutter and sidewalk located at **624 7<sup>th</sup> Avenue North for Gerry and May Vizenor**. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

**Item #6-5.** – The following Ordinance was read by title:

Tom Points presented a staff report explaining that the Clear Springs Subdivision was platted in 2004 with the stub street named E Oklahoma Ave. This street should not have been platted as E Oklahoma Ave as it is not in alignment with the other previously existing sections of E Oklahoma Ave. When streets have the same name but are severely discomected with separate alignments, it causes confusion and could potentially delay Emergency Services. To alleviate this confusion the street name needs to be changed.

The stub out street is planned for continuation within the Southern Ridge subdivision. During the preliminary platting process the developer for Southern Ridge proposed a street name of S Walnut Ridge Way for the street that is on alignment with the stub out street.

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Engineering informed the 36 property owners that were within 325 feet of the stub street about the proposed correction in a letter dated December 3, 2018. Engineering requested any comments or feedback of any concerns from the property owners by December 21, 2018.

To date, no comments have been received by any of the property owners regarding this change. Section 9-1-1 of the Nampa City Code requires the City Council to approve the names for new or additional streets.

There are no existing addresses that will be affected by this street name change.

Engineering staff recommends the following street name change:

- E Oklahoma Ave to S Walnut Ridge Way

This proposed change is shown on exhibit "A" attached

Emergency Services supports this name change.

**AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO CHANGING THE NAME OF E OKLAHOMA AVE TO S WALNUT RIDGE WAY.** (Applicant Engineering)

The Mayor declared this the first reading of the Ordinance.

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

**MOVED** by Haverfield and **SECONDED** by Hogaboam to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4414** and directed the Clerk to record it as required.

**MOTION CARRIED**

**Item #6-6.** - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign** a **contract** for the **Pump Maintenance Project** to **Layne of Idaho**.

Tom Points presented a staff report explaining that each year as part of the City's Asset Management program the Waterworks Division identifies pumps and motors for preventative maintenance.

For FY19 the Waterworks Division identified 8 irrigation and 2 domestic pumps for maintenance.

The project includes pump maintenance, electrical upgrades to alleviate overheating and soft startup of motors.

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The expected life of a pump is six to eight years, with the city crew's maintenance activities we can extend the useful life to around ten years.

Funding for this project is from FY 19 Water Division irrigation operational funds in the amount of \$371,505

Two contractors placed bids for this project, Layne of Idaho and Riverside (Exhibit B). The apparent low bidder is Layne of Idaho with a base bid of \$111,889.

Bid options A and B, will also be recommended for inclusion within the Pump Maintenance Project.

Engineering recommends award including bid options of the Pump Maintenance Project.

**MOVED** by Bruner and **SECONDED** by Rodriguez to **award the bid and authorize the Mayor to sign the contract for pump maintenance project to Layne of Idaho** in the amount of **\$114,914**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-7.** - Mayor Kling presented the request to **award the bid and authorize the Mayor to sign a contract for the Irrigation Water Quality FY19 Project with Cascade Enterprises.**

Tom Points presented a staff report explaining that in FY15, SPF Water Engineering (SPF) was contracted to prepare a Water Quality Report based on water quality sampling data and proven best management practices for improving irrigation water quality.

In FY15 the City of Nampa heard from the citizens that they would like cleaner irrigation water. Every year since then the city has been programming filter projects. The number of customer complaints has reduced over time due to the projects. See (Exhibit A).

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

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

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

The two irrigation pump stations for FY19 are located at Midland Park and Creekside, for installation of a filter system.

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The Irrigation Water Quality FY19 project includes filter additions, pipe modifications and appurtenances at the Midland Park and Creekside pump stations (See Exhibit B).

The project is in the FY19 Irrigation Budget in the amount of \$255,000.

Additional \$47,500 funds will be allocated from the FY19 Irrigation SCADA project.

The anticipated project costs are:

Design	\$34,600
Construction	\$253,000
CE&I	\$14,900
Total	\$302,500

We received 5 bids, Cascade Enterprises had the low bid with cost of \$253,000.

Engineering reviewed the bid and recommends awarding the bid to Cascade Enterprises for the Irrigation Water Quality FY19 Project.

Councilmembers asked questions.

**MOVED** by Bruner and **SECONDED** by Rodriguez to **award the bid and authorize the Mayor to sign the contract for the irrigation water quality FY19 project with Cascade Enterprises in the amount of \$253,000.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ **(8) Public Hearings** ❖

**Item #8-1.** - Mayor Kling opened a **public hearing** to create **local improvement district (LID) 166** for the purpose of constructing improvements to the city's sidewalks, pedestrian ramps, drive approaches, curbs, gutters and other related street improvements.

City Engineer Daniel Badger presented the following staff report explaining that the LID 166 will provide a funding mechanism for property owners within the identified boundaries, as shown on Exhibit "A" to construct or reconstruct curb, gutter, sidewalks, pedestrian ramps and drive approaches as an improvement to their property.

The area identified in exhibit "A" contains approximately 4,872 parcels.

Resolution of Intent number 63-2018 was passed by Nampa City Council December 3, 2018.

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Notice of public hearing on this resolution was published in the Idaho Press Tribune January 6 and 13, 2019.

Per City Council's direction to improve sidewalk conditions in Nampa and to search for 100 participants in this year's LID, Engineering has completed the following:

- Sent letters to the approximately 4,872 property owners in Zone E on June 11, 2018 inviting property owners to voluntarily participate and informing them that depending on the condition of the sidewalks at their property they may be required to participate.

Engineering has met with around 101 property owners, nearly half of which have been voluntary

- Currently the Engineering Division has signed agreements to participate from:
  - 43 volunteer property owners
- Estimates for the 58 remaining required properties have also been completed and provided to the property owners.

\$350,000.00 is the total estimated cost for the improvements. An estimated \$300,000.00 of this total will be assessed to property owners for the cost of improvements.

\$50,000.00 of the funds will be provided by Street Division for pedestrian ramps and alley approaches

No one appeared in favor of the request.

Those appearing in opposition to the request were: Brandy Wilson, 211 South Canyon Street; Brooke Fischer, 307 South State Street. Mayor Kling read a letter from Corvera Esperanza so it was on the record. Barbara Russell, 323 West Sherman.

Mayor and Councilmembers asked questions and made comments.

City Attorney Mark Hilty answered questions.

**MOVED** by Skaug and **SECONDED** by Haverfield 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 Skaug and **SECONDED** by Hogaboam to **approve the creation of Local Improvement District (LID) 166** for the purpose of constructing improvements to the city's sidewalks, pedestrian ramps, drive approaches, curbs, gutters and other related street improvements.

Beth Ineck talked about the possibility of using CDBG funds for the LID.

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The Mayor asked for a roll call vote with Councilmembers Bruner, Haverfield, Hogaboam, Skaug voting **YES**. Councilmembers Rodriguez and Levi voting **NO**. The Mayor declared the  
MOTION CARRIED

**Item #8-2.** - Mayor Kling opened a **public hearing** for **annexation and zoning** to RD (Two-Family Residential) for Mattingly Creek Subdivision at **2008 W. Orchard Ave.** (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for **Pontifex Capital, LLC** represented by **Bob Taunton, Taunton Group LLC**.

Bob Taunton, 2724 South Pontier Way, Boise presented the request.

Planning and Zoning Director Norm Holm presented the following staff report explaining that the request is for annexation and zoning to RD (Two Family Residential) at West Orchard Avenue for Pontifex Capital, LLC for Mattingly Creek Subdivision (Single-family residential lots & 3 common lots)

#### **Annexation and Zoning Conclusions of Law**

10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and be in agreement with the adopted Comprehensive Plan for the neighborhood.

#### **Annexation and Zoning Findings of Fact**

(PERTAINING TO THE PROPOSED ANNEXATION OF THE PROPERTY):

#### **Zoning: Regarding Applicant's Zoning Map Amendment Request (to RD) Staff finds:**

- 1) **Current Jurisdiction/Status:** That the property is currently within Nampa City's Impact Area, is enclaved by lands within the incorporated limits of the City of Nampa and the Nampa Area of City Impact, and, is either owned or optioned by the applicant or that the applicant has the property owner's permission to apply for the entitlement application made the subject of this report; and,
- 2) **Current and Surrounding Zoning:** That the property is presently under county jurisdiction; that City RS 6 PUD zoned land, already developed, lies to the north and west of, and abutting, the proposed project; that land in the city, zoned RS 6 abuts the southern end/side of the Property, County land(s) abuts the Property on its eastern side -- see the attached Vicinity Map; and,



- 3) **Immediately Surrounding Land Uses:** Rural residential, open land and suburban single-family residential land uses surround or lie near the property; and,
- 4) **Proposed Zoning:** That the proposed RD district, "...is intended to protect quiet residential areas now developed or developing, while at the same time allowing a limited increase in population density by permitting two (2), three (3), or four (4) attached dwelling units on a minimum sized lot. The maintenance of a desirable living environment is provided by means of the standards and requirements establishing minimum lot areas, yards and open spaces. A related consideration is to make it possible to more efficiently and economically design and install all public service facilities in terms of size and capacity adequately to meet the needs resulting from a defined intensity of land use"; and,
- 5) **Reasonable:** That it may be variously argued that consideration for annexing the property is reasonable given that: a) the city has received an application to annex the property by amending its official zoning map by the property owner or an applicant having a valid, legal interest in the same; and, b) annexation and zoning assignment is a legally recognized legislative act long sanctioned under American administrative law; and, c) that the applicant intends to develop all or a portion of the property; and, d) city utility services are, or may be made, available to the property; and, e) emergency services are available to the property; and, f) that the property abuts city land zoned for residential (RS) subdivision development; and, g) land uses in the nearby area, and, more particularly site development both suggest that RD zoning would be an acceptable fit for the area (other properties) given that RS zoning was already approved for the properties to the east, north and south of the property and that said zones, via Conditional Use Permit, allow the opportunity to developer two-unit, townhouse, residential structures – the RD Zone allows for the development of two-unit townhouse structures by right; and,
- 6) **Public Interest:** That Nampa has determined that it is in the public interest to provide varying residential-housing opportunities for its citizens and the current real estate market is pressing a need for additional housing inventory/product; and,
- 7) **Promotion of Zoning Purpose(s):** That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Included in our zoning regulations, therefore, are standards governing [multi]residential development which appertain to allowable land uses, building setbacks, building aesthetics, provision of parking and service drives, property landscaping, etc. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the RD Zone's already adopted regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.); and,

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- 8) **Comprehensive Plan:** The property is positioned in a “Medium Density Residential” (LDR) “setting” per the Future Land Use Map associated with the city’s adopted Comprehensive Plan. Said setting sanctions buildout of residential subdivisions with net density yields of less than 9.0 dwelling units/acre. The Development proposes a density of 6.29 dwelling units per acre; and,
- 9) **Services:** That utility and emergency services are, or can be made, available to the property...

**In summary, the property may be annexed and zoned RD, and the Planning and Zoning Commission recommended approval to the city council at their November 27, 2018 meeting. Given the findings RD zoning is an “entertainable” zone and recommended for imposition on/over the property.**

Staff has provided the commission with all of the relevant report/packet documentation or visual information available to us at the time this report was generated. We anticipate that the applicant’s representative(s) may have visual displays of their concept plan for the build-out of the property at the commission’s public hearing wherein the application package associated with this report will be vetted.

Notification of the city council hearing was done in accordance with legal requirements. Agency/city department comments have been received regarding the entitlement request. Such correspondence, by way of information, as received from agencies or the citizenry regarding the application is hereafter attached to this report.

### **Recommended Conditions of Approval**

**As Pertaining to the Annexation/Zoning Entitlement Request:** N/A at the time of this report’s publication...a Development Agreement may be required, especially if council wishes to regulate (generally) site design, dwelling unit density, building aesthetics or location placement above and beyond what the RD Zone prescribes [and in reaction to future, possible, building construction on the Property]; however, staff finds no reason, in this instance, to recommend that course of action.

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

Mayor and Councilmembers asked questions and made comments.

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

**MOTION CARRIED**

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**MOVED** by Rodriguez and **SECONDED** by Skaug to **approve** the **annexation and zoning** to RD (Two-Family Residential) for Mattingly Creek Subdivision at **2008 W. Orchard Ave.** (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for **Pontifex Capital, LLC** represented by **Bob Taunton, Taunton Group LLC** 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 #8-3.** - Mayor Kling opened a **public hearing** for a **variance** to City of Nampa Zoning Ordinance **Section 10-23-20 (K)** limiting the allowable number of Subdivision Identification Signs in the RS (Single Family Residential) zoning district to one (1) sign. The applicants are requesting two (2) signs per entry for the 85.02-acre subdivision parcel of land located on the west side of **North Can Ada Road**, north of **Cherry Lane** and south of **Ustick Road** in the SE ¼ Section 1 T3N R2W BM for **Craig Lunsford**, representing **Apex Sign Company** and **Toll Southwest, LLC**.

Craig Lunsford, Apex Sign Company, P. O. Box 2002 Eagle, ID presented the request.

Norm Holm presented the following staff report explaining that the request is for a variance of the number of subdivision identification signs per entry allowed by the Nampa Sign Code – Table 10-23-20 (K) Permanent Signs for the RS zone from 1 to 2 signs per entry at 17447 North Can-Ada Road for Craig Lunsford – Apex Sign Company for Toll Southwest LLC.

**General Information**

**Status of Applicant:** Sign Contractor. **Existing Zoning:** RS 7 PUD (Single Family Residential 7,000 sq. ft.) Planned Unit Development. **Location:** Subdivision parcel situated at 17447 No. Can-Ada Road, Nampa, Idaho 83687 (Canyon Creek Subdivision) now referred to as “Fairhaven”. **Size of Property:** An 85.02-acre parcel of land located in the SE ¼ of Section 1, T3N, R2W, BM. **Surrounding Land Use and Zoning:** North- Single Family Residential, RS7 PUD - South- Single Family Residential, RS7 PUD - East- Single Family Residential, RS 8.5 and County Agricultural, AG - West- Single Family Residential, RS7 PUD. **Comprehensive Plan Designation:** Medium Density Residential

**Applicable Regulations:**

**TABLE 10-23-20(J) Sign Code  
PERMANENT SIGNS PERMITTED IN THE RP ZONES<sup>1</sup>**

Type of Land Use	Type of Sign	Number Allowed	Maximum Allowable Height Above Grade	Maximum Display Surface Area	Illumination <sup>3</sup>
Residential subdivision	Subdivision identification (e.g., monument)	1 per entry	8'	64 sq. ft.	Indirect or internal

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

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

A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and b) the variance is not in conflict with the public interest. Hardships must result from *special site characteristics* relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street locations or traffic conditions or other unique circumstances.

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

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

- A. Granting Of Variance Permit: The council may grant a variance permit with respect to requirements for fences and walls, site, area, width, frontage, depth, coverage, front yard, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the variance was applied for or in modified form if, on the basis of application, investigation and evidence submitted, the council concludes the following:
- 1) Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
  - 2) There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

- 3) Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- 4) The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
- 5) The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

### **Special Information**

**Transportation:** The proposed subdivision entry monument signs awning signs are oriented to No. Can-Ada Road. **Environmental, Aesthetics/Landscaping:** The proposed subdivision entry monument signs would be situated within entry landscaped areas on either side of E. Canyon Crossing Street (see attached sign elevations).

### **Narrative/Comments**

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

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

It will be up to the city council to determine whether or not the applicant’s rationale qualifies as a unique site circumstance providing the required justification for variance approval.

The city council is at liberty to either approve or deny a variance. And, your vote should not be construed as setting precedent, but consistency in the community/neighborhood and between applications is a desirable goal when dealing with case by case variance requests.

The applicant has indicated that other subdivisions in Nampa have erected dual entry signs in similar manner proposed by the applicant. Staff has not completed extensive research but agrees that to be the case. The applicant also indicates that most if not all jurisdictions in the treasure valley allow for dual subdivision entry signs.

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The proposed variance, if approved, will allow 2 subdivision entry signs to be placed on either side of the entry from No. Can-Ada Rd. onto E. Canyon Crossing Street.

If the city council is agreeable staff proposes an amendment to Sign Code Table 10-23-20 (J) which would officially allow subdivision dual entry signs.

### **Recommended Conditions of Approval**

Should the city council vote to approve the requested sign variance, staff recommends the following conditions of approval:

- 1) A sign permit shall be applied for by the applicant, and reviewed, and approved by the city before the signs are installed, as authorized by the variance approval.
- 2) At the time of sign permit application, the design will need to show the sign's footings and foundations and will be required to provide a minimum of five-feet (5') of clearance from the outside of the gravity irrigation pipe or manholes. The site plan scale will also be required to be a standard engineering scale with all points properly dimensioned.
- 3) The proposed signs shall not be placed in any required utility easement, vision triangle as defined by adopted city code or overhanging any public right-of-way.
- 4) The permit is valid for six (6) months during which time in order to be "vested" a sign permit application must be filed with the City of Nampa.
- 5) The variance permit is valid only for the signs reviewed and approved by the city council in association with the variance approval.
- 6) The Signs shall otherwise comply with all requirements of the Nampa sign code excepting those waived as a result of the variance approval.

Those appearing in favor of the requests were: Bill Stanton 1934 N Synergy Place; Chad from Boise.

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

**MOVED** by Bruner and **SECONDED** by Hogaboam 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 Skaug and **SECONDED** by Levi to **grant the variance** to City of Nampa Zoning Ordinance **Section 10-23-20 (K)** limiting the allowable number of Subdivision Identification Signs in the RS (Single Family Residential) zoning district to one (1) sign. The applicants are requesting two (2) signs per entry for the 85.02-acre subdivision parcel of land located on the west side of

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**North Can Ada Road**, north of **Cherry Lane** and south of **Ustick Road** in the SE ¼ Section 1 T3N R2W BM for **Craig Lunsford**, representing **Apex Sign Company** and **Toll Southwest, LLC** and authorize staff to work on the code changes as soon as possible. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

**Item #8-4.** - Mayor Kling opened a **public hearing** for **amendments** to Nampa City Code Title 3 Chapter 7: **Developmental Impact Fees**.

Anne Westcott with Galena Consulting presented the following staff report explaining that the City of Nampa routinely updates its impact fee program as required by law to ensure developers are not paying more or less than their share of the capital costs to serve new growth. The last update was conducted in 2016. As the city was still coming out of the recession at that time, growth projections used in that update were conservative. As a result, some fire and parks projects were deferred, and a decision was made to suspend police impact fees until the city could determine how growth would impact its long-term facility planning. Updated growth projections now indicate a need to plan for the funding of these facilities.

Growth in the unincorporated area around the City of Nampa is projected to be significant. The city previously had no mechanism to assess impact fees on new development in this area, even though that growth increased demand for services like fire response. In this update, growth in the unincorporated area has been considered and the Rural Fire District intends to collect impact fees. This will allow fire stations to be built as growth occurs and where it occurs, ensuring that current response times are maintained.

In the past, impact fees for streets were only calculated to recover the cost of intersections and bridge work associated with new growth. The cost of widening or adding new roadways for growth was not included in the fee calculation. Unfortunately, this practice has required existing taxpayers to either fund these projects, developers to provide a portion of these project through negotiated exactions, or the city to allow for increased congestion. As a result, existing roadways and roadways required for growth have not been adequately funded. Unless these projects are funded in the future, growth will result in significant increases in congestion.

Tom Points and Jeff Barnes answered questions from council.

Those appearing in favor of the request were: Hubert Osborne, 4199 E Switzer Way; Larry Olmstead, 838 W Dallon Woods, Ed Parnell, 505 Cool Creek; David Peterson, 718 Whisperwood Court; Sharon Harris, 1612 S Miller Way; Marcia Yiapan, 1403 4<sup>th</sup> Street South; LaRita Schandorff, 1108 S Stanford; Glenn Moldenhauer, 1604 S Middle Creek; James Bulner, 116 Nectarine; Nathan Cleaver, 965 W Mollywood Dr; Ron Harriman, 329 Creek Side Place; Chip Kenzler, 3260 Ginger Lane (neutral); David Ferdinand, 2419 W Herron Loop.

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No one appeared in opposition to the request.

Councilmembers asked questions.

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

MOTION CARRIED

**MOVED** by Bruner and **SECONDED** by Rodrigues to **authorize staff to move forward with the proposed capital improvement plan and impact fees ordinance**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (6) New Business ❖

**Item #6-8.** – The following Resolution was presented:

Tom Points presented a staff report explaining that in an effort to stay current with today's traffic signal equipment standards, the City of Nampa Streets Traffic Division desires to upgrade three City of Nampa/ Idaho Transportation Department Intersections with upgraded traffic signal control equipment and corridor timing.

As a part of this effort the city and state must have a signed cooperative agreement to allow for traffic signal equipment upgrades. (Exhibit A)

Costs will be shared as outlined in the executed Traffic Signal Operations and Maintenance Cooperative Agreement between the City of Nampa and ITD. (Exhibit B)

The Garrity Boulevard corridor is the highest accident location in the city. This project will enhance signal timing to improve safety and efficiency along the corridor.

A scope of work was developed to improve signal equipment at the following intersections: (see Exhibit C)

- Garrity Boulevard & Flamingo Avenue
- Garrity Boulevard & Stamm Lane
- Garrity Boulevard & Kings Road

The City will pay all costs of all design and construction and be reimbursed by ITD District 3.

The estimated project costs are \$126,000.00. Funding is as follows:



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Idaho Transportation department	\$76,778.00
City of Nampa Portion	\$49,222.00
Total	\$126,000.00

The Streets Traffic Division has budgeted in their FY2019 budget all costs associated with these intersection improvements, including state reimbursement amounts.

Engineering recommends signing of the FY15 D3 Intersection Improvements Traffic Signal Equipment Upgrade, City of Nampa KN 13471.

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 TRAFFIC SIGNAL EQUIPMENT UPGRADES.

**MOVED** by Bruner and **SECONDED** by Haverfield 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 **8-2019** and directed the clerk to record it as required.

**Item #6-9.** - Mayor Kling presented the request to **authorize** the **Mayor** to **sign agreement** for Professional Services with J-U-B Engineers, Inc., for engineering assistance as Required by Federal Aviation Administration, for Airport Improvement Program (AIP-31) Grant Funding for Taxiway and Taxilane Construction at Nampa Municipal Airport.

Tom Points presented a staff report explaining that on November 19, 2018, city council authorized Nampa Airport staff to submit grant applications and certifications to the Federal Aviation Administration (FAA) Airport Improvement Program (AIP-31) for grant funding of taxiway and taxilane construction.

Staff received notification from FAA of its preliminary approval of the grant application and certifications for taxiway and taxilane construction o AIP-31 is anticipated to begin in March 2019 and be completed in December 2019.

The total anticipated project cost is \$645,630.00 (*pending FAA final approval*)

- FAA grant is 90% \$ 581,067.00
- State grant is 2.5% \$ 16,140.00
- City match is 7.5% \$ 48,423.00

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

J-U-B Engineers, Inc., was selected in March 2014 to provide engineering services at the Nampa Municipal Airport for the next five years.

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

The city's legal counsel has reviewed and approves the agreement.

On January 14, 2019, the Nampa Airport Commission met to review the Agreement with J-U-B for engineering assistance in the amount of \$191,472.36 (see Exhibit A).

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

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize** the **Mayor** to **sign** the **agreement** for **Professional Services** with **J-U-B Engineers, Inc.**, for **engineering assistance** as required by Federal Aviation Administration for **Airport Improvement Program (AIP-31) Grant Funding for Taxiway and Taxilane Construction** in the amount of **\$191,472.36**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-10.** - Mayor Kling presented the request to **authorize** the Public Works Director to sign Statement of Agreement for the **Idaho Unified Certification Program** with Idaho Transportation Department (Reviewed and Approved by Legal Counsel).

Tom Points presented a staff report explaining that the Idaho Transportation Department (ITD) is requesting the city sign the attached (see Exhibit A) Statement of Agreement for the Idaho Unified Certification Program (IUCP) to acknowledge that ITD is the only agency in Idaho which certifies businesses as being "disadvantaged business enterprises" or DBEs.

The United States Department of Transportation requires each state to maintain a Unified Certification Program (UCP) which includes acknowledgement by all public agencies in Idaho of ITD's role in certifying DBE firms.

- As further identified in the attached IUCP Agreement (see Exhibit B), 49 CFR §26.81 (Code of Federal Regulations) requires federal transportation fund recipients of a state to create a UCP as part of each recipient's DBE program.

This agreement was reviewed and approved by legal counsel.

**MOVED** by Hogaboam and **SECONDED** by Skaug to authorize the Public Works Director to sign statement of Agreement for the Idaho Unified Certification Program with the Idaho Transportation Department. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

**MOTION CARRIED**

**Item #6-11.** – The following Resolution was presented:

Tom Points presented a staff report explaining that the current wastewater system of the city (the “System”) is presently in need of renovation, improvement, upgrading and betterment to comply with certain state and federal regulations and rules, and which capital improvements are anticipated to be made in three separate phases between 2013 and 2031 (collectively, the “Project”).

Phase I of the project is currently under construction and will be completed by the end of 2019, with an estimated cost of \$38,000,000 being funding by a \$17M State Revolving Fund loan and sewer rates. Phase I of the Project includes, but is not limited to, the following capital improvements:

- Retrofit of Aeration Basins Nos. 1 and 2
- Construction of new Aeration Basin No. 3
- Construction of a new primary effluent pump station
- Construction of a new solids handling facility
- Construction of Primary Digester No. 4

Phase II of the Project is currently under preliminary design. The cost, including all incidental expenses, has been estimated to be approximately \$189,900,000 with an anticipated completion date of fall 2025. Phase II of the Project includes, but is not limited to, the following capital improvements:

- Construction of a new tertiary filtration facility
- Construction of a new aeration basin and blower building
- Construction of Final Clarifier No. 4, return activated sludge and waste activated sludge piping and pumping
- Construction of a struvite mitigation system
- Construction of an ultraviolet disinfection system
- Expansion of anaerobic digestion capacity and solids thickening and dewatering facilities
- Construction of pumping and conveyance of recycled water

On February 20, 2018, City Council adopted an Election Ordinance to seek voter approval of the issuance of sewer revenue bonds in the aggregate principal amount of not more than \$165,000,000 to finance a portion of Phase II of the Project (Ordinance No. 4362).

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On May 15, 2018, the sewer revenue bond election was held. Nampa citizens voted; eight-seven (87) percent of the ballots cast were in favor of the sewer revenue bond.

On May 21, 2018, Canyon County Commissioners canvassed the returns of the special bond election and determined the sewer revenue bond election passed.

On August 6, 2018, city council authorized a professional services contract with Brown and Caldwell for the preliminary design of the project.

On December 3, 2018, the Idaho Department of Environmental Quality (IDEQ) authorized the City to move forward with the \$165,000,000 State Revolving Fund loan.

Currently, IDEQ and the city are preparing a loan agreement for the first installment, in the amount of \$37,000,000 at 1.68 percent interest. Staff anticipates presenting the agreement to city council for approval in February 2019.

A resolution has been prepared stating the city's intent to incur and pay for reimbursable expenditures from its Wastewater Fund (see Exhibit A).

The City's legal counsel and bond counsel (Skinner Fawcett, LLP) have reviewed and recommend approval of the resolution.

Public Works staff have reviewed and recommend approval of the resolution.

A RESOLUTION RELATING TO THE **WASTEWATER SYSTEM** OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, DECLARING THE CITY'S OFFICIAL INTENT TO REIMBURSE CERTAIN AUTHORIZED REIMBURSABLE EXPENDITURES FROM THE WASTEWATER FUND OF THE CITY AND RELATING TO THE FINANCING OF THE ACQUISITION AND CONSTRUCTION OF THE PROJECT AND PROVIDING AN EFFECTIVE DATE HEREOF.

**MOVED** by Bruner and **SECONDED** by Haverfield 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 **9-2019** and directed the clerk to record it as required.

MOTION CARRIED

❖ (7) Executive Session ❖

**Item #7-1-** Mayor Kling presented a request to adjourn into **Executive Session Pursuant** to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular

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vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

**Item #7-2-** Mayor Kling presented a request to adjourn into **Executive Session Pursuant** to Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student.

**MOVED** by Rodriguez and **SECONDED** by Haverfield to **adjourn** into **executive session** at 9:44 p.m. pursuant to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general and Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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

MOTION CARRIED

**MOVED** by Hogaboam and **SECONDED** by Skaug to **adjourn** the **meeting** at 10:11 p.m. The Mayor declared the

MOTION CARRIED

Passed this 4th day of February 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_

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CITY CLERK