

REGULAR COUNCIL

February 3, 2020

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

Clerk made note that Councilmembers Rodriguez, Bruner, Levi, Haverfield, Bower 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 **January 21, 2020**; Airport Commission; Arts & Historic Preservation Commission; Bicycle and Pedestrian Advisory Committee; Board of Appraisers; Building and Site Design Standards Committee Minutes of **November 18, 2019**; Building and Fire Code Advisory and Appeals Board; Council on Aging Minutes of **December 10, 2019**; Crow Management; Golf Commission; Housing Authority; Impact Fee Advisory Committee; Library Board of Trustees; Nampa Planning and Zoning Commission Minutes of **January 14, 2020**; Venue Management Advisory Commission; Wastewater Design Review Commission; **Item #1-2.** - The Nampa City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **Item #1-3.** - **Final and Preliminary Plat Approvals: 1) Final Plat** - Sunnyvale Subdivision No. 1 in an RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of W. Flamingo Ave. near the NW corner of Middleton Rd. and W. Flamingo Ave. (39 single family detached lots on 10.97 acres for 3.55 average dwelling units per gross acre – A portion of the SW ¼ of the NE ¼ of Section 18, T3N, R2W, BM) for Kent Brown representing Sunnyvale Properties LLC (SPF 00116-2019); **2) Final Plat** Sunnyvale Subdivision No. 2 in an RMH (Multiple-Family Residential) zoning district near the NW corner of N. Middleton Rd. and W. Flamingo Ave. on the north side of Brassy Cove Subdivision on the west side of Elijah Drain (27 multiple family residential fourplex lots on 8.42 acres for 12.82 average dwelling units per gross acre – A portion of the NE ¼ of Section 18, T3N, R2W, BM) for Kent Brown representing Sunnyvale Properties LLC (SPF-00116-2019); **3) Final Plat** Laguna Farms Subdivision No. 2 at 16852 N. Idaho Center Blvd., north of the CWI Campus (35 multi-family residential lots on a 10.05-acre portion of the NW ¼ of Section 7, T3N, R1W, BM) for Kent Brown representing Fig Laguna Farms LLC (SPF-00118-2019); **4) Final Plat** Carriage Hill West Subdivision No. 6 east of Midway Rd. between W. Iowa Ave. and Lake Lowell Ave. (A portion of the NW 1/4 of Section 31, T3N, R2W, BM – 78 Single Family Residential lots on 22.97 acres or 3.40 dwelling units/gross acre) for Engineering Solutions, LL representing Toll Southwest LLC (SPF-00119-2019); **5) Short Plat** Subdivision Short Plat Approval for Devlin Subdivision in an IL (Light Industrial) zoning district near the SW corner of N Franklin Blvd and E Karcher Rd (7 industrial lots on 21.85 acres for 3.12 lots per gross acre in the NE ¼ Section 15 T3N R2W BM) for Kent Brown Representing Adler AB Owner V LLC and Adler AB Owner IX LLC (SPS-00027-2019); **Item #1-4.** - **Authorize Public Hearings: 1)** Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 7736 Birch Lane to connect to city utilities (A .38 acre or 16,678 sq. ft. portion of the NW ¼ Section 11, T3N, R2W, BM, Canyon County, Idaho and Tax 1-A-1, Block 27 of Cortland Place) for Brenna L. Baker (ANN-00139-2019); **2)** Annexation and Zoning to RS8.5 (Single Family Residential – 8,500 sq. ft.) at 2413 Sunnyridge Rd. for a new home (A 1.11 acre portion of the NE corner of the NW ¼, Section 3, T2N, R2W, BM, Canyon County, Idaho and Tax 8 in Lot 3 of Asselins Subdivision) for Travis Adams representing Ironwood Homes (ANN-00138-2019); **3)** Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 4100 E. Greenhurst Rd. (A .52-acre or 22,651 sq. ft. portion of the

SE ¼, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Tax 58) for David E. Hird for connection to city sewer (ANN-00140-2019); **4)** Annexation and Zoning to IL (Light Industrial) at 2923 Port St. (A 5-acre or 217,800 sq. ft. portion of the NE ¼ of the SE ¼ of Section 23, T3N, R2W, B.M., Canyon County, Idaho, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Plat A Tax 97152 in Lot 20) for Hon Contractors, Inc. – Jeff Hon for industrial development (ANN-00142-2019); **5)** Annexation and Zoning to IL (Light Industrial) for a Small-Scale Home Occupation Auto Transmission Repair Shop in the freestanding buildings behind and west of the dwelling at 16545 Madison Rd. (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for Glenn and Judith Watts (ANN 00137-2019); **Item #1-5. - Authorize to Proceed with Bidding Process: 1)** Nampa Wastewater Treatment Plant Phase II Upgrades Construction of Project Group E – Administration and Laboratory Renovation (approved in FY20 budget); **Item #1-6. - Authorization for execution of Contracts and Agreements: 1)** Authorize Immediate Piggyback Purchase of 7,000 Gallons of Traffic Paint from Ennis-Flint for the Street Division (approved in FY20 budget); **Item #1-7. - Monthly Cash Report: 1)** None; **Item #1-8. - Resolutions: 1)** Disposal of surplus parks property; **2)** Disposal of surplus fire property; **Item #1-9. - License for 2020: a) Renewal Alcohol: 1)** None; **b) New Alcohol: 1)** None; **c) Used Precious Metal Dealer 1)** The Jewelry People – 210 South Midland 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

❖ (2) Proclamation ❖

Item #2-1 – Cabin Fever Reliever Day

Whereas, it is the mission of Kids First Cast, Inc. to help build and sustain healthy communities by providing education, conservation and outdoor recreation in a safe and inviting environment for kids and their families; and

Whereas, there is a little something for everyone at this day for kids, from archery, boat safety, fly fishing, tying flies, and casting all designed for kids and kids at heart to learn great and healthy outdoor activities without wet mittens or snow filled boots, and

Whereas, Kids First Cast, Inc. is committed to providing children with the positive experiences where they don't just learn about fishing; they also learn the importance of family and respect and forming lifelong friendships; and

Whereas, the City of Nampa is honored to recognize the efforts of Kids First Cast, Inc. and all of those who provide an outstanding example of our youth and our community.

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

“Cabin Fever Reliever Day”

in the City of Nampa. I encourage all citizens of the City of Nampa to congratulate Kids First Cast, Inc. on their efforts to educate our children on the fundamentals of fishing and conservation and to join in the events and activities of this special day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 3rd day of February in the year of our Lord two thousand twenty.

Diane Aspizia and Larry will open up the doors at 10:00 o’clock and we anticipate at least 1,000 kids for the day and probably over 4,000 people for a one-day event. This event will have at least 13 different activities that kids will get to participate with passport that will be stamps and then at the end of the day they will all get a goody bag and also get a lot of freebees from the community.

Mayor Kling explained that next item on the agenda would be recognition of Noe Rodriguez for his community service with the Nampa Optimist Football. The following community members spoke about experiences with Noe:

- Hal Murray
- Skyview Football Coach David Young
- Mike Hoops
- Mark Lisk
- Bud Kensler
- Nona Shines
- David Ferdinand
- Jayna Rodriguez (daughter)
- Matt – Supervisor of Nampa Christian School
- Mayor Debbie Kling
- Parks and Recreation Director – Darrin Johnson
- Police Chief Joe Huff

Noe Rodriguez thanked the community members in attendance and the Mayor, Councilmembers and city staff for their support through the years.

❖ **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:** ❖

- Julie Bonsall, 411 5th Avenue South – Farmers Market and waiving the fees for Lloyds Square

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- LaRita Schandorff, 1108 South Stanford Street – Item #5-5. approval of the proposed irrigation plan for Weatherby Estates Subdivision and grant a deferral of subdivision improvements
- All others signed up on the public comment signup sheet were to talk about Item #5-3. - Confirm the Mayor’s recommendation of Jean Mutchie to Nampa City Council seat 3

❖ (6) Public Hearings ❖

Item #6-1. - Mayor Kling opened a **public hearing** for a **variance** to allow a five (5) ft rear setback, due to the odd shape of the lot, in place of the ten (10) ft rear setbacks required for North Slope Subdivision, an RS-7 P-U-D (Single Family Residential – 7,000 sq. ft minimum lot size – Planned Unit Development), for 11700 Cross Slope Way (Lot 5, Block 2, North Slope Subdivision), located on the south side of W Iowa Ave, east of Midway Rd., for Elizabet Meskenas (VAR-00085-2020)

Elizabet Meskenas, 11700 Cross Slope Way presented the request.

Senior Planner Doug Critchfield presented the following staff report explaining that the request is for a variance to the required 10 foot rear yard setback for a new residential structure in the North Slope Subdivision (Red Hawk Ridge PUD, formerly Hunter’s Point PUD) in the RS-7 (single Family 7,000 sq. ft. minimum lot size) zoning district. The applicant is seeking to construct a new single-family residence with a 5-foot rear yard setback from the rear (north) property line at 11700 West Cross Slope Way. The purpose for the request is that the Red Hawk Ridge PUD requires a 10-foot setback from the rear property line in the North Slope Subdivision the applicant desires to encroach 5 feet into the required setback, leaving a 5-foot rear setback.

General Information

Status of Applicant: Owner. **Existing Zoning:** RS7 (Single-Family 7,000 sq. ft. minimum lot size). **Location:** 11700 W. Cross Slope Way. **Size of Property:** A .18-acre parcel being Lot 5 of Block 2 in the North Slope Subdivision. **Surrounding Land Use and Zoning:** North - W Iowa Ave and a County Parcel in the Comprehensive Plan Low-Density Land Use Designation; South - RS7 (Single-Family 7,000 sq. ft. minimum lot size); East - RS7 (Single-Family 7,000 sq. ft. minimum lot size); West - RS7 (Single-Family 7,000 sq. ft. minimum lot size). **Comprehensive Plan Designation:** Medium Density Residential.

Application Narrative: The variance is for the location of a new residence 5 feet within the required 10-foot rear setback. Reasons for the variance are as follows:

- 1) The lot is oddly shaped, narrowing on the west portion to a west property line that is approximate 50 feet in length. Access to the lot from Cross Slope Way is limited to a 23-

foot wide access on the southeast property line leaving limited room for a residential building envelope, required parking area and garage. The required 10-foot rear set-back for the North Slope Subdivision further reduces the size of the building envelope.

- 2) The second reason the variance is warranted is that a 25' landscape buffer exists between the W. Iowa Ave. right-of-way and the rear (north) property line. A reduction of the rear (north) property line setback to 5' would not adversely affect the W. Iowa Ave. Corridor.

The proposed layout for this site is shown on page 10 of this staff report. Given the odd shape of the lot and limited access on the southeast property line, adherence to the required 10-foot rear yard setback for the North Slope Subdivision would cause unnecessary hardship in locating a new residential structure.

Applicable Regulations

10-24-1: [Variance] Purpose:

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

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

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

10-24-2: Actions:

- A. Granting of Variance Permit: The council may grant a variance permit with respect to requirements for fences and walls, site, area, width, frontage, depth, coverage, front yard, **rear yard**, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the variance was applied for or in modified form if, based on application, investigation and evidence submitted, the council concludes the following:

1. Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
3. Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
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/Access: The parcel has direct access from W. Cross Slope Way.
Environmental, Aesthetics/Landscaping: No changes are proposed except construction of the proposed residence.
Citizen Input: At the time of the preparation of this staff report, no comments were received by property owners or nearby residents either opposing or supporting the requested variance.

Narrative/Comments

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

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

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

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The Applicant is seeking a variance to the required 10-foot rear yard setback for a new residential structure in the North Slope Subdivision (Red Hawk Ridge PUD, formerly Hunter’s Point PUD) in the RS7 (Single-Family 7,000 sq. ft. minimum lot size) Zoning District. The Applicant is seeking to construct a new single-family residence with a 5-foot rear yard setback from the rear (north) property line at 11700 W. Cross Slope Way.

Staff feels that the requested variance has been reasonably justified in the application narrative and recommends Nampa City Council approval. Staff recommends that if the Nampa City Council votes to approve the variance the approval be based on the required findings of Section 10-24-2 of the Nampa City Code.

Recommended Conditions of Approval

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

- 1) The applicant shall comply with all applicable requirements as may be imposed by city divisions/departments appropriately involved in the review of this request as the Variance approval shall not have the effect of abrogating requirements from those city divisions/departments.

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

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **approve** the **variance** to allow a five (5) ft rear setback, due to the odd shape of the lot, in place of the ten (10) ft rear setbacks required for North Slope Subdivision, an RS-7 P-U-D (Single Family Residential – 7,000 sq. ft minimum lot size – Planned Unit Development), for 11700 Cross Slope Way (Lot 5, Block 2, North Slope Subdivision), located on the south side of W Iowa Ave, east of Midway Rd., for Elizabeth Meskenas with staff conditions. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ **(5) New Business** ❖

Item #5-3. - Mayor Kling presented the request to **confirm** the Mayor’s recommendation of Jean Mutchie to Nampa City Council Seat #3.

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Mayor Kling went over the review process. There were 27 applicants. There were 3 different groups that reviewed the applications.

We established a review team which consisted of 2 councilmembers (Randy Haverfield and Darl Bruner) a group of Nampa City Staff that represented the focus areas of the city (infrastructure, public safety and economic opportunity) and we had 5 city residence.

We asked each one of those individuals to submit questions for the process and we established a set of questions that we submitted to all candidates. They had 4 or 5 days to complete the questions. Once the candidate sent the answers, they were submitted to the review board.

In the process the outcome of the review by 15 individuals which I did not participate or the Chief of Staff. What came back was a very concise top 4 and they were Jeff Kirkman, Jeff Cornelious, Kenny Wroten and Jean Mutchie. Anyone of the top candidates could serve our community well.

At the conclusion we did do interviews and the interview team consisted of Randy Haverfield, Darl Bruner, Chief of Staff Rick Hogaboam, me and Curtis Homer.

The Mayor recommended Jean Mutchie to seat #3.

The Mayor thanked all the other candidates.

Councilmembers made comments on the recommendation of Jean Mutchie to council seat #3.

Mayor Made comments.

MOVED by Rodriguez and **SECONDED** by Haverfield to **confirm** the **recommendation** of Jean Mutchie to Nampa City Council Seat #3. The Mayor asked for a roll call vote with Councilmembers Bruner, Haverfield, Rodriguez voting **YES**. Councilmembers Levi, Bower voting **NO**. The Mayor declared the

MOTION CARRIED

Jean Mutchie addressed the community members in attendance and the Council and staff members.

❖ Mayor Kling's and Council Comments ❖

- **Mayor**
 - Budget Workshops scheduled for June 22 and 23, 2020 from 8 to 5 on both days

❖ (3) Agency/External Communications ❖

Item #3-1. - None

❖ (4) Staff Communications ❖

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

Issuance of Final Wastewater Reuse Permit – Public Works staff is pleased to report the attached communication, issuing the final Reuse Permit No. M-255-01 for wastewater, was received from the Idaho Department of Environmental Quality (see Exhibit A).

Special thanks are in order to Nate Runyan, P.E., Deputy Public Works Director (Water), as his efforts have been instrumental in obtaining this reuse permit in order to discharge treated wastewater to an irrigation canal (the first of its kind in Idaho). Nate has done an excellent job of communicating the benefits of recycled water to cities, irrigation districts, state agencies and citizens. He has been influential in setting the stage for water conservation in Idaho as well as emphasizing the importance of this precious resource for Nampa’s future.

❖ (5) New Business ❖

Item #5-1. - Mayor Kling presented the request for the **appointment** of Todd Durbin to the Nampa Golf Commission.

MOVED by Bruner and **SECONDED** by Haverfield to **approve** the **appointment** of Todd Durbin to the Nampa Golf Commission. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #5-2. - Mayor Kling presented the request for the **reappointment** of **Linda Estes** to the **Nampa Golf Commission**.

MOVED by Rodriguez and **SECONDED** by Haverfield to **approve** the **reappointment** of **Linda Estes** to the **Nampa Golf Commission**. 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 for the extension of variance to City of Nampa Zoning Ordinance Section 10-6-4 requiring a fifty (50) foot setback from property line when abutting a Residentially zoned property for the proposed 39 ft tall apartment complex buildings, due to the odd shaped parcels, for properties located at the NW corner of N Franklin Blvd and E

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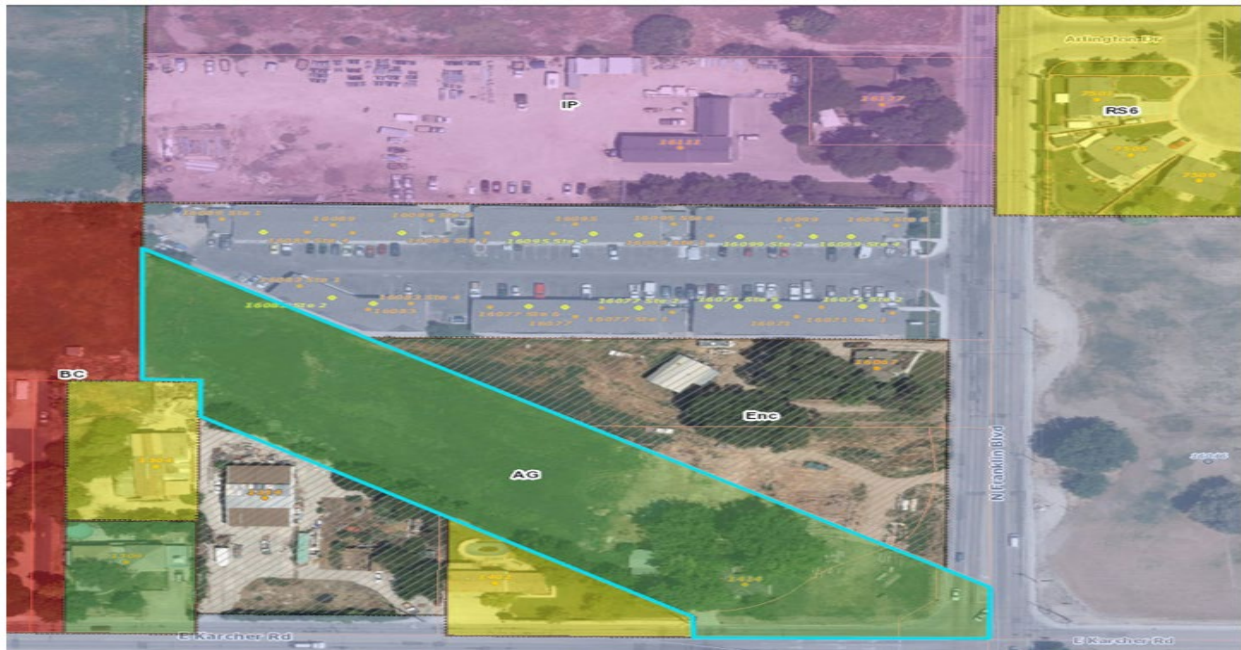
Karcher Rd: (0 E Karcher Rd) already within Nampa City limits with a BC (Community Business) zoning designation; (1414 E Karcher Rd). for Dean Anderson. (VAR-00075-2019)

Principal Planner Rodney Ashby presented a staff report explaining that the request is for a six month extension of the variance to the City of Nampa Zoning Ordinance section 10-16-4 requiring a fifty foot (50') setback from the property line when abutting a Residentially zoned property for buildings taller than that allowed within a Residential zoning district for 1414 East Karcher Road for Dean Anderson the original purpose was to construct a “90-unit luxury apartment complex, the Franklin Lofts”

General Information

- Comp Plan: General Commercial & Light Industrial
- Completed (just waiting on legal descriptions)
 - Annexation & Zoning to BC: A .525-acre property and .22 acres of city right-of-way, part of a 1.56-acre enclaved area
 - Zoning Map Amendment from AG to BC: 2.24-acre property

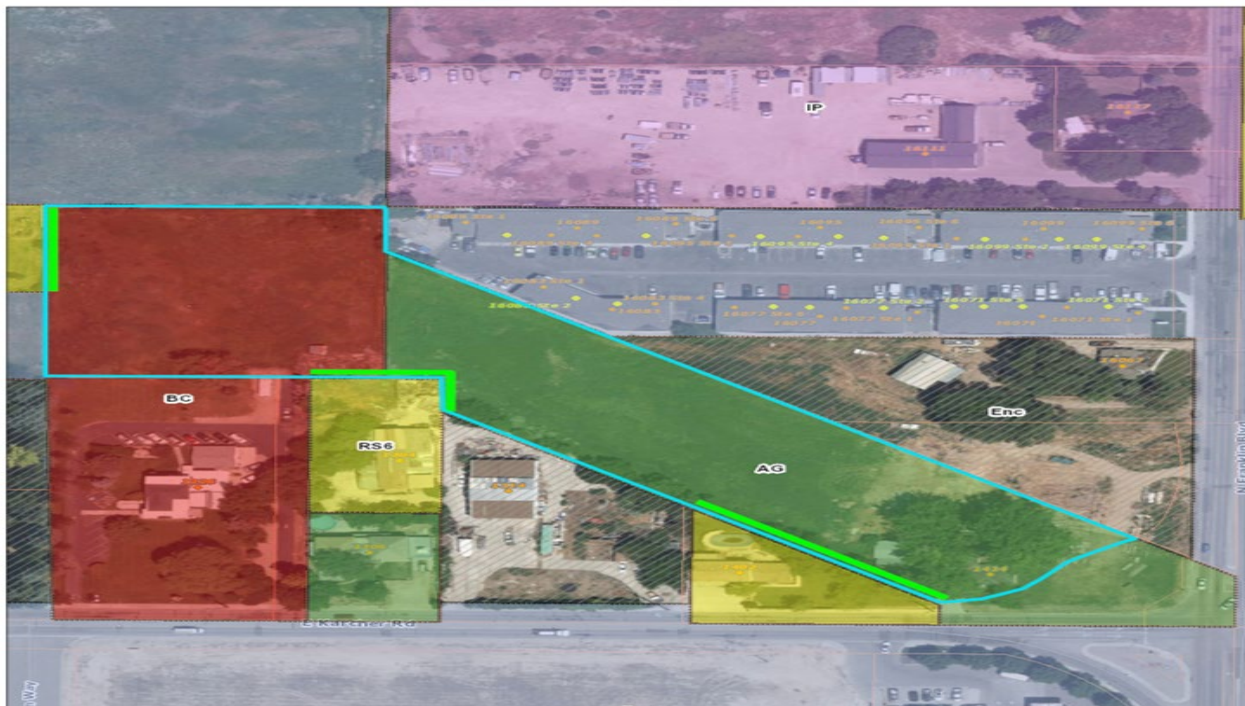
Zoning Map Amendment to BC



Specific Information

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- 8/15/19: Nampa City Council approved Variance to NCC 10-16-4 of city code requiring 50' setback from residential zoning in order to go above the height limitations of the residential zone, approved by the Nampa City Council.
- Variance will expire 2/15/2020 if an extension is not granted.



Applicant's Justification for Request

- Changes to the original plan
 - 90 to 96 dwelling units
 - Feb. 25th P&Z PH for new CUP
 - Financing will follow plan approval
 - Anticipate construction Aug. or Sept. 2020

Staff Findings/Discussion

- Applicant/Developer appears to be actively working to develop the property.
- Changes to the project appear to require additional time to complete.
- No substantial variation from the original proposal is being considered.

Requested Action

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- Extension of Variance to City of Nampa Zoning Ordinance Section 10-16-4 requiring a 50' setback from the PL when abutting a residentially zoned property for buildings taller than that allowed within a residential zoning district for parcels R31024010000 and 1414 E Karcher Rd.

Nampa City Attorney Doug Waterman explained that code only allows for a six-month extension.

MOVED by Bruner and **SECONDED** by Bower to **extend** the **variance** until September 15, 2020 which is a 6-month extension. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-5. - Mayor Kling presented the request for **approval** of **proposed irrigation plan** for **Weatherby Estates Subdivision** and grant a deferral of subdivision improvements.

Nampa City Engineer Daniel Badger presented a staff report explaining that T-O Engineers has applied to Canyon County Development Services on behalf of Stylish Homes to subdivide their property located at 307 S Robinson Blvd, Nampa, Idaho. The property is located within the City of Nampa Area of Impact, and as such, is subject to typical subdivision improvements required by the city, including curb, gutter, sidewalk, street lights, landscaping, and fencing, as described in Chapter 9, Article 11 of the Canyon County Code, as well as, approval of the proposed irrigation plan by the City of Nampa. The Applicant is requesting the city waive the requirement to install curb, gutter, sidewalk, and streetlights per the attached Narrative (Exhibit A) and Subdivision Worksheet (Exhibit B). They intend to install landscaping in accordance with city standards. The proposed Preliminary Plat is attached for reference as Exhibit C. The following facts are associated with this request.

- The proposed Weatherby Estates Subdivision consists of 15 residential lots on approximately 20 acres. The minimum proposed lot size is 1.0 acres. The Preliminary Plat reflects a 50' public right-of-way dedication along S Robinson Blvd to Nampa Highway District. The internal roadway is shown to be public with a proposed 56' right-of-way.
- The subject property is located approximately 0.7-miles south of the current city limits (at Happy Valley Road).
- The closest Nampa City services are more than 0.5-miles away to the north and west. Sewer service for this area requires extension of the Mason Creek sewer trunk, which is currently stubbed at E Victory Rd and S Grays Lane. The closest Nampa City water is in E Victory Road to the north and S Happy Valley Road to the west.
- There are no existing residential subdivisions near the proposed development, with most existing parcels being 3 acres or larger in size.
- The City of Nampa's current Comprehensive Plan designates this area as Low Density Residential.

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- T-O Engineer's reasoning for the waiver is due to Nampa Highway District preferring to not have these improvements on their streets.
- The Engineering Division does not support the request to waive curb, gutter, and sidewalk improvements given the density of the proposed development. We would also recommend a stub street be provided to the large parcel to the west (Parcel # R3066201000) to provide opportunity for vehicle and pedestrian connectivity in the future.

Mayor and Councilmembers asked questions of staff and made comments.

MOVED by Haverfield and **SECONDED** by Bower to **approve** the proposed irrigation plan for Weatherby Estates Subdivision and grant a deferral of subdivision improvements with a understanding that our Engineering Department will be working with legal to draft up the proper language to insure that there is an understanding with by the property owners that they would participate in an LID or something to that effect Mayor asked for a roll call vote with Councilmembers Bower, Haverfield voting **YES**. Councilmembers Rodriguez, Bruner, Levi voting **NO**. The Mayor declared the

MOTION DENIED

Item #5-6. - Mayor Kling presented the request to **award** the **quote** to **L2 Excavation** and **authorize** the **Mayor** to **sign contract** for *Aerial Irrigation Crossing Replacements FY20 project*. (approved in FY20)

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

For FY18 the Water Division identified two (2) aerial irrigation crossings in need of replacement (Exhibit A).

Keller Associates was selected by interview to design the project.

The aerial crossings where designed in FY18 and construction in FY20 to coincide with the irrigation offseason. Constructing the project during the irrigation offseason will improve constructability and is a requirement of the district.

Engineering sent the quote out to three contractors and one responded. L2 Excavation provided a quote in the amount of \$68,729.55

The Aerial Irrigation Replacements FY20 project has an approved FY20 Water Division budget of \$150,000.

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Construction	\$68,730
Inspection (In House)	\$0

Engineering Division recommends award of the Aerial Irrigation Crossing Replacements FY20 project to L2 Excavation.

MOVED by Rodriguez and **SECONDED** by Haverfield to **award the quote to L2 Excavation and authorize the Mayor to sign contract** for *Aerial Irrigation Crossing Replacements FY20 project* in the amount of **\$68,729.55**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ **Continuing Action for Item #5-5.** - Approval of proposed irrigation plan for Weatherby Estates Subdivision and grant a deferral of subdivision improvements. ❖

Nampa City Attorney Doug Waterman explained that the motion that was denied was for approving the irrigation plan and approving the subdivision development deferrals. I just want to raise it to Council attention that there may be the case that one of those items may be holding something up and maybe a substitute motion can be made.

Daniel Badger said that the irrigation plan approval is part of JAPA agreement with the county that we are required to approve those. The waiver ultimately is the counties decision whether they require those improvements to be installed, they request our input.

MOVED by Haverfield and **SECONDED** by Bruner to **approve the proposed irrigation plan for the Weatherby Estates Subdivision**. 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 a Federal Aviation Administration Grant Application** and Sponsor Certifications for Airport Improvement Program (AIP-32), Airport Taxiway Construction – Design Only. (approved in FY20 budget) (approved by legal)

Tom Points presented a staff report explaining that the Federal Aviation Administration (FAA) is requesting a grant application and sponsor certifications for AIP-32 (*Airport Improvement Program*) Airport Taxiway Construction – DESIGN ONLY

AIP-32 is for the Taxiway Design Project at the Nampa Municipal Airport

- The Airport needs taxi lanes to meet hangar demand

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- This project will design the taxiways on the east side of the Airport (Attachment A)
- The design project is anticipated to begin spring 2020
- Construction of the taxi lanes will occur at a later date

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

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

On January 13, 2020, the Airport Commission met to review the grant application and sponsor certifications for AIP-32.

Recommendation was made to request Nampa City Council authorize the Mayor to sign the FAA Grant Application (see Attachment B) and Sponsor Certifications (see Attachment C) for Grant AIP-32.

MOVED by Haverfield and **SECONDED** by Rodriguez to **authorize the Mayor to sign Federal Aviation Administration Grant Application** and Sponsor Certifications for Airport Improvement Program (AIP-32), Airport Taxiway Construction – Design Only. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the **MOTION CARRIED**

Item #5-8. - Mayor Kling presented the request to **accept Nampa Airport Commission Recommendation of J-U-B Engineers, Inc.**, as Most Qualified to Provide On-call Engineering Services for the Next Five Years at the Nampa Municipal Airport, and (2) Authorize Mayor to Sign the Negotiated Five Year, On-call Engineering Services Contract with J-U-B Engineers, Inc. (approved by legal)

Tom Points presented a staff report explaining that every five years federally funded airports, such as the Nampa Municipal Airport, are required to select an on-call engineering firm. Selecting a firm is accomplished through a Request for Qualifications (RFQ) process and advertising for Statement of Qualifications (SOQ) from interested consultants. A selection committee of key stakeholders then reviews all firm submittals:

- On November 19 and 26, 2019, an RFQ for engineering services at the Airport was advertised
- On December 16, 2019, two SOQ's were received from
 - T-O Engineers, Inc.
 - J-U-B Engineers, Inc.
- On January 8, 2020, the Airport Selection Committee (Committee) met to review the submitted qualifications

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The above steps were completed according to Federal Aviation Administration guidelines

The Committee included two Airport Division staff members, one Airport Commissioner, and two Engineering Division staff members. J-U-B Engineers, Inc., was selected as the most qualified firm to perform Airport engineering services over the next five-year period. The decision was based upon the totals of a predetermined, weighted criteria established by the Committee to evaluate the SOQ

On January 13, 2020, the Airport Commission accepted the Committee's recommendation of J-U-B Engineers, Inc.

Airport Commissioners made a recommendation to request Nampa City Council authorize the Mayor to sign the negotiated five-year contract for on-call engineering services with J-U-B Engineers, Inc.

MOVED by Haverfield and **SECONDED** by Bruner to **accept the Nampa Airport Commission recommendation of J-U-B Engineers, Inc.**, as most qualified to provide on-call engineering services for the next five years at the Nampa Municipal Airport, and (2) **authorize the Mayor to sign the negotiated five year**, on-call engineering services contract with J-U-B Engineers, Inc. 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 **authorize the Nampa Police Department to apply for the FY20 COPS hiring grant.**

Captain Brad Daniels presented a staff report explaining that 10 officers are an approximate number. There is a lot of heavy lifting in the application process that will help us determine what we are eligible for.

It is based on a community policing model, which our COMPSTAT program is most certainly part of. It is also based on growth and there are several other factors.

This is the grant that was postponed due to litigation. This opened up about two weeks ago, we got the request on the agenda as quick as we could.

We really have not determined what we are eligible for. I figured 10 was a good number because it was easy math if we wanted to go up or down from there.

It is for certified officers only.

You could not in a sense budget for 6 and hope that we get the grant to fund those six, it doesn't work that way. That budget would have to be done separately from the grant.

Councilmembers asked questions and made comments.

MOVED by Bruner and **SECONDED** by Rodriguez to **authorize** the Nampa Police Department to apply for the FY20 COPS hiring grant. 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 revocation of peddler's license** issued to **Gregorio Villarreal** due to violation of Nampa City Code 5-5-12a.

Nampa City Clerk Deborah L. Rosin presented a staff report explaining that the Nampa City Clerk's office is requesting city council authorize the revocation of the peddler's license that was issued to Gregorio Villarreal. He has been issued a license for the past three years, however due to an error* on the part of the clerk's office his renewal this year was issued prior to the return of his background check. When his background check was returned, we found that the applicant omitted information on his application related to his criminal history and had violated section 5-5-12 of Nampa City Code.

5-5-12: REVOCATION OF LICENSE:

The council has the power to revoke any license granted in accordance with this chapter for any of the following causes:

- A. Fraud, misrepresentation or false statement contained in the application for license;
- B. Fraud or misrepresentation or false statement made in the course of conducting the business or trade;
- C. Any other violation of this chapter;
- D. Conviction of any crime or misdemeanor involving moral turpitude;
- E. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public. (Ord. 3984, 10-3-2011)

5-1-9: REVOCATION OR DENIAL OF LICENSE:

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The council may at any time revoke any license for any cause which may appear to their satisfaction as sufficient grounds as relates specifically to the licensing requirements. Causes for denial or revocation may involve conviction for crimes of "moral turpitude" as herein defined and for failure to meet or maintain any of the requirements for a particular license as prescribed by city or state code

MOVED by Rodriguez and **SECONDED** by Haverfield to **authorize** the **Clerk's Office** to **revoke** the **license**. 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 **discussion** and/or Decision on Conditional Use Permit approvals by Council.

Rodney Ashby presented the following list of conditional use permits for discussion:

- Multi-family Residential in BC District
- Drug/Alcohol Addiction Treatment Center
- Shelter/Temporary Housing
- Public Self-Storage Unit Developments
- Bars (not associated with restaurant)
- Recreational Vehicle Parks

The Mayor explained that we have had some challenges in decision that are made in the Planning and Zonings role that Council wished that they had the opportunity to give input too. We discussed bring it to the Council some type of a workshop and we have not done that.

My question for the Council is do we want to have a workshop with Planning and Zoning to discuss the various items.

Councilmembers asked questions and made comments and came to the census that we have a special council meeting.

Norm Holm explained that there would need to be a code change to allow a 2 CUP review levels.

Doug Waterman explained the Planning and Zoning Commission is a department that is created by Council. So, Council does have the authority to do what is proposed right now. However, a CUP approval or denial... A CUP permit application is premised on the assumption that type of use is appropriate in that zone as long as it does not adversely impact the uses around it. A conditional use in a zone because Council when putting the land use schedule determined that use

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is appropriate in that zone but it is a type of use where it would be necessary to put conditions on the way that use operates to ensure that it does not have adverse impacts on the surrounding uses.

If a decision was made during a conditional use permit process not to allow something in a zone because it didn't seem appropriate in that zone, then that technically outside the bounds of what a conditional use process is really supposed to do.

A lot of the concerns that I am hearing tonight could also be addressed by limiting the zones in which the use is conditional. If there is a zone that Council feels that a particular use will never be appropriate, then the best method for dealing with that concern is to have an ordinance to amend the land use table which would have to go through P & Z. Then Council would still have the protection of P & Z and that appeal and the process of reconsideration and the city would zone wide and broad and effect individuals and their property generally rather than effecting individuals and their property specifically.

Rodney Ashby talked about RV parks and explained that it is a case by case situation. RV parks, there may be some that result in a net increase to the city, an income to the City of Nampa. What we have seen in those specific cases it is a fairly small increase to the city.

One of the main points that I made last week to Planning and Zoning is that when we have residence staying long term in those RV Parks, we are having a higher demand for police and fire service in those locations. Our building code prevents longer than 6 months stay in an RV Park but there is no way to enforce that. It is a challenge if it is a long-term RV Park it is net decrease overtime.

MOVED by Bruner to not allow RV Parks.

Councilmembers asked questions and made comments.

Mayor said that we should have a special workshop to address the Comprehensive Plan update, Land uses specifically related to the above list also we need to clarify on how the city is going to rule on our approvals or disapprovals of a license request waiver within 300 feet of a school or church and also if there is no correspondence from the church or school.

Item #5-12. - Mayor Kling presented the request to discussion on legislation being introduced in the Idaho State Legislature.

Gun Law

Mayor Kling explained that there is a letter from Andrew at the Ford Idaho Center at their bench. A bill has been introduced into the legislature and it is still in a draft stage but basically it is coming

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into a response to a situation in Sandpoint Idaho. There was a festival on Nampa City property, and they did not allow anyone to bring guns into that particular festival.

This particular bill the Association of Idaho Cities is opposing it, I would like to suggest that we allow the letter to go forward to our legislators. The bill is extremely detrimental to our city as it relates to the impact on the Ford Idaho Center.

In visiting with Andrew, and Andrew is out of town on business and he is not here. In FY18 there were 78 events that had no firearms policies with an attendance of over 289,000.

What would happen, you have promoters and event organizers that request via their rider and via the event check list that is provided to them and they request that no weapons are allowed in the facility. If that request were overridden by the law in the state of Idaho, what would happen we would no longer get those events, they would bypass our state because the liability and the risk to the promoter is huge because when you put alcohol and guns together it is not a very good combination.

A lot of these events, in fact Andrew provided for me with a whole bunch of concerts that would come in (Food Fighters, Lady Antebellum, Luke Combs, professional bull riders, etc.) they all have requested no weapons allowed in their rider and if we can not fulfill the obligation of the rider that means that they may not be coming.

What Andrew is stating is the economic impact of this is substantial to the Ford Idaho Center because of the events that we could potentially lose. He is just asking for the support of Council and that we go ahead and send it to our legislators asking them to oppose this legislation.

The Mayor explained that it was her intent that Andrew send his letter and that the Mayor and Council would send an additional letter.

Council asked questions and made comments.

Chief Huff answered question from Council.

Mayor said that we don't have to send a letter, it is up to Council, I think right now that AIC is opposing this legislation from Spectra Management, they are going to oppose the legislation. If we as a city want to say that this kind of blanket legislation is not in our best interest. That would be the question if the Council says yes, we want to oppose it and we don't have to send a letter we can just say guys we oppose it.

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The council authorized that it would be the Mayor's signature on letter not necessarily the whole council be a part of that. The Mayor asked if council was good with that and the general consensus, yes, they were good with it.

Property Tax

The property tax legislation is very, very concerning and I visited with the lobbyist for AIC about 5:30 today and there have been . . . House Bill 355, 353 and 354 came out initially and AIC supported house bill 354 that was the one that the taxing districts, that if you do not use your full 3% that you actually have to have a resolution to say that you are going to let that roll into foregone.

The other two 353 the legislation caps the capital property tax growth at 3% and that is going to be changing and in talking with the lobbyist he said actually there are 9 more bills being considered and potentially introduced. It is going to be a combination of something. From a AIC standpoint and what I feel strongly about is where on 355 they were going to freeze property tax for one and I have been working with Doug Racine and the intent with that one was let's freeze property tax for a year while we form a legislative committee and we are going to look at it. My recommendation is let us form a task force, I would rather see formed and I have suggested it to the governor that a task force is formed that is cities, counties, school districts and other taxing bodies actually come together and look at a full comprehensive tax reform rather than this blanked we are going to take if from this, and this and this.

Doug has run the numbers and the impact to our community even if we just lose new construction or if we lose the 3% whatever it is. It is devastating to our budget and it makes it very difficult.

Finance Director Doug Racine addressed the Council.

Mayor Kling talked about the difficulties with increase that come forward in the budget process.

Councilmembers asked questions and made comments.

❖ (7) Unfinished Business ❖

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

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS **1111 E. IOWA AVENUE**, COMPRISING APPROXIMATELY 0.27 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE **ANNEXED** INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE **RML** (LIMITED MULTIPLE-FAMILY RESIDENTIAL) ZONE; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION

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AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Anthony Sparks for construction of a fourplex)

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 Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Bruner, Bower, Rodriguez, Haverfield voting **YES**. Councilmember Levi voting **NO**. The Mayor declared the ordinance duly passed, numbered it **4489** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-2. – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 10, CHAPTER 3, SECTION **10-03-02**, CONTAINING THE SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Planning and Zoning Department)

The Mayor declared this the first reading of the Ordinance.

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 **4490** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 8-1. Annexation and Zoning to BC (Community Business) for .525 acres or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd.; Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for 2.24 acres or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot B at 1414 E. Karcher Rd. for Dean Anderson. (ANN 122-19, ZMA 107-19) **(PH was 8-5-2019)**
- 8-2. Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located at 1460 Lake Lowell Ave in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split. (ANN 125-19) **(PH was 8-19-2019)**
- 8-3. 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)**
- 8-4. Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County) for David DeMayola (ANN 134-19) **(PH was 01-06-2020)**
- 8-5. Annexation and Zoning to IL (Light Industrial) at 8626 Birch Lane for Warehouses (A 3.02 acre or 131,602 sq. ft. portion of the NW ¼ of Section 10, T3N, R2W, BM for Phil Horton (ANN 136-19) **(PH was 01-21-2020)**

❖ **(9) Executive Session** ❖

Item #9-1- None

MOVED by Rodriguez and **SECONDED** by Haverfield to **adjourn** the **meeting** at 9:53 p.m. The Mayor declared the

MOTION CARRIED

Passed this 18th day of February 2020.

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MAYOR

ATTEST:

NAMPA CITY CLERK