

REGULAR COUNCIL

February 5, 2018

Mayor Kling called the meeting to order at 6:30 p.m.

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

MOVED by Haverfield and **SECONDED** by Bruner to **approve the Consent Agenda as presented; Regular Council Minutes of January 16, 2018; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes of December 19, 2017; Airport Commission Minutes; Planning & Zoning Commission Minutes of January 9 and 23, 2018; Library Commission Minutes; IT Steering Committee Minutes; department reports, 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) None; **Authorize Public Hearings:** 1) Annexation and Zoning to BC for a Storage Facility at 2105 N Middleton Rd. for Hatch Design Architecture, Jeff Hatch Representing Don Vandegrift; 2) Annexation and Zoning to RS-6 and Subdivision Preliminary Plat Approval for Meadowcrest Subdivision at the Northeast Corner of Lake Lowell Ave and S Middleton Rd. for Hayden Homes Idaho, LLC, Tim Mokwa; **Authorize to Proceed with Bidding Process:** 1) Authorize Engineering Division to Proceed with the Formal Bid Process for the Storm Drain Repairs Zone D – South Elder Street Project; 2) Authorize the Engineering Division to Proceed with the Semi-Formal Bidding Process for the Well 5 Upgrade Project; **Authorization for execution of Contracts and Agreements:** 1) None; **Monthly Cash Report:** 1) Investments and Cash Memo; 2) December 2017 Bank and Fund Balances; 3) Quarterly Report with STI moved to CE; 4) Investment Policy Revised; **Resolutions:** 1) Disposal of Surplus Police Property; ; **License for 2017: *Used Precious Metals* – None License for 2018: *Pawnbrokers* None; Miscellaneous Items:** 1) None. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

MOTION CARRIED

Mayor Kling presented a request to **approve the agenda**.

MOVED by Haverfield and **SECONDED** by Levi to **approve the agenda** as presented. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

Item #12 – Nikki Zogg and Canyon County Commission Tom Dale presented the following report on the Crisis Center Sustainability:

Key messages for decision-makers and stakeholders

- This proposal is for a regional crisis center to serve Adams, Canyon, Gem, Owyhee, Payette and Washington Counties.
- The crisis center would be located in Canyon County with a long-range goal of providing either telehealth or crisis services in rural and frontier areas of the region.
- This plan suggests that Idaho Department of Health and Welfare will contract with a Southwest District Health to provide the administrative oversight of the regional crisis center.

- This plan suggests that Southwest District Health will subcontract with a behavioral health organization to operate a regional crisis center.
- The sustainability plan assumes that:
 - o the vested agencies and organizations will contractually provide financial or in kind support, and
 - o public and commercial health insurance companies will provide some form of reimbursement for the lives they cover.
- If Southwest District Health were to be the administrator of the regional crisis center, an additional fund would be created in order to separate crisis center funding from health district funding.
- Crisis services would be delivered as outlined by the contract between Idaho Department of Health and Welfare and Southwest District Health.
- Crisis services would be available to the region no later than December 2018.
- Southwest District Health has invested up to \$30,000 dollars to establish the necessary contracts and agreements to sustain a crisis center in the region.

Background

In 2014, a governor-driven initiative to create regional crisis centers was supported with the passing of the Behavioral Health Crisis Centers Act by the Idaho Legislature.

The intent of the Governor and legislature is to fund a crisis center in each region of the state. To date, four Behavioral Health Crisis Centers (BHCC) have been approved by the state legislature. They are located in Coeur d'Alene, Idaho Falls, Twin Falls, and Boise. Each center is structured and funded differently as dictated by local needs. Legislators in Region 3 are asking local stakeholders to develop a plan for a local BHCC in Canyon County.

Goals and objectives

Short-range (0-2 years)

- Develop a comprehensive regional access plan for behavioral health services and support systems
- Stand up a Crisis Center in Canyon County
- Deliver crisis intervention training to community partners and stakeholders, annually
- Establish telehealth and staffing capacity for virtual 24/7 mobile crisis response
- Communicate the addition of crisis center services in the region to key stakeholders and the community

Long-range (3+ years)

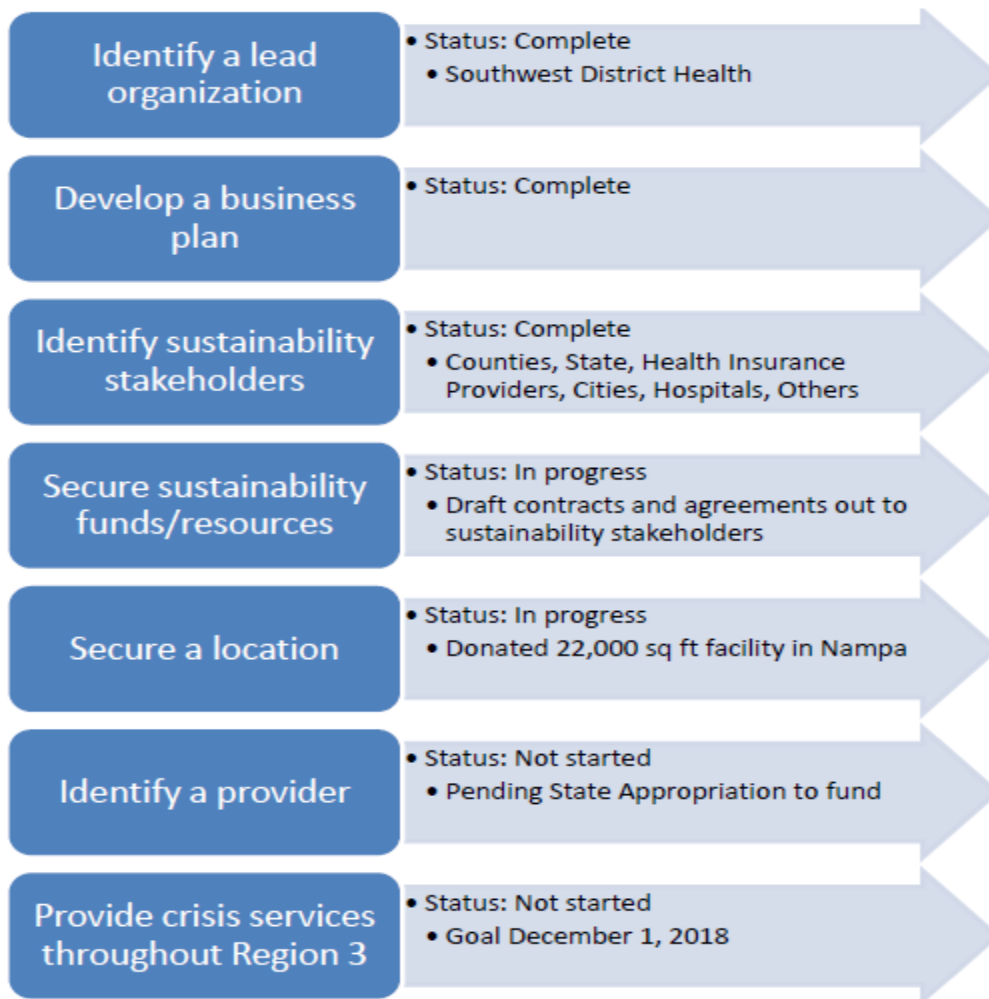
- Secure crisis stabilization rooms in hospitals located in rural and frontier areas of the region
- Maximize existing community resources through care coordination and established referral systems: behavioral health providers, recovery centers, hospitals, housing/sheltering, primary care, etc.

Keys to Success

- 24/7 accessible crisis services
- Establish a coordinated system for meeting the behavioral needs of the Region 3 that includes partners such as behavioral health inpatient and outpatient providers, hospitals, commercial and public health insurers, dispatch, law enforcement, Southwest District Health, Region 3 Behavioral Health Board, courts/judicial system, county indigent fund coordinators, Region 3 Idaho Department of Health and Welfare, etc.
- Appropriate utilization of the Region 3 Crisis Center and other behavioral health access points
- Financial sustainability of the Region 3 Crisis Center

Region 3 Crisis Center

Status – January 2018



Regular Council
February 5, 2018

Mayor Kling asked if there was anyone wishing to speak on any agenda item were: Dr. Drey Campbell on item #12 – Crisis Center; Hubert Osborne, on item #27 - Resolution Implementing CPI Increase of 2.5% for 2018 Domestic and Irrigation Water Miscellaneous Fees, Effective March 1, 2018 and item 28 - Resolution Implementing ENR Index increase of 3.3% for 2018 Irrigation Rates, Effective March 1, 2018, and Direct Pass Through of Underlying Irrigation Districts’ Rates and item #29 - Resolution Implementing ENR Index Increase of 3.3% for 2018 Irrigation Hookup Fees, Effective March 1, 2018.

Mayor Kling asked if there was anyone wishing to speak on any item that was not on the agenda: Ron Harriman, 229 Creekside Place spoke on the Wastewater Treatment facilities.

Item #13 - Public Works Director Michael Fuss presented a staff report to update the council on current projects as follows:

Street Division Snow Removal Update – There has been little activity since last report to City Council on January 16. Crews readied for the snow forecast on Saturday, January 27, by applying Magnesium Chloride. However, the storm did not come to pass. The following highlights man hours and material expenditures through January 27, 2018:

FISCAL YEAR 2018 TOTALS **December 15, 2017-January 27, 2018**

Task and/or Material	Hours	Gallons	Yards
Overtime	235.50		
Regular Hours			
Water Issues			
Total Hours	235.50		
Mag Chloride		19,910	
Sand			7
Salt			254

Snow/Water Event No. 3

Report for January 27, 2018

Task and/or Material	Hours	Gallons	Yards
Overtime	13.00		
Regular Hours			
Water Issues			
Total Hours	13.00		
Mag Chloride		3,000	
Sand			
Salt			

DEQ Technical Approval of Wastewater Treatment Plant Facility Plan for Public Comment

Regular Council
February 5, 2018

- Public Works staff received notification from the Idaho Department of Environmental Quality (IDEQ) that their review of the City's 2017 Wastewater Treatment Plant Facility Plan (Plan) has been completed for the technical portion of the Plan for public comment (see Attachment 1).
- As approved by City Council on January 16, 2018, a public hearing for public comment, and adoption of the Plan by City Council, is scheduled for February 20, 2018.

Transportation Master Plan Workshop No. 2

- The second workshop for the City's Transportation Master Plan (TMP) has been scheduled for Tuesday, February 27, 2018, from 4:00 p.m. to 6:00 p.m. at the Nampa Civic Center. The central purpose of the workshop is to present and review the *draft* Capital Improvement Projects (CIP) list with participants and broadly address current and future funding options
- The first of three community workshops, held on June 8, 2017, for the City's TMP was very successful
- More than 60 people attended. Participants represented a wide spectrum of the Nampa community; from transportation agencies to major employers to interested citizens
- Several overall themes were consistent throughout all responses and will serve well as guidance for next steps:
 - The desire for an integrated transportation system with safe access to all modes of transportation for all users (i.e., vehicles, bicycles, pedestrians and public transportation)
 - The need to expand frequency and routes of public transportation, both within Nampa and between Nampa and other cities
 - Enthusiastic support for existing and future roundabouts
 - The need to provide direct, safe routes for freight movement
 - The need for easy access to and from I-84 (or between work and home) from all parts of Nampa by providing arterial routes or improving existing corridors
- Staff invites Council and interested citizens to attend the second TMP Workshop in February

Karcher Midland Interchange Bid Opening

- The Karcher Interchange on I-84 was constructed with only one continuous southbound lane on Midland Boulevard

- Adding a second, southbound lane is critical to relieving congestion and improving safety at the intersection of Midland Boulevard, Karcher Bypass and the I-84 westbound on-ramp
- On March 20, 2017, Council approved a cooperative agreement with Idaho Transportation Department (ITD) to cost-share a ramp realignment project
- The engineer’s estimate for construction is \$3,231,849.65
- ITD opened bids on January 23, 2018. The results of the bid are as follows:

Contractor	Bid Amount
Central Paving Co., Inc.	\$3,039,636.45
Knife River Corporation-Northwest	\$3,456,789.00
Staker & Parsons Companies dba Idaho Materials & Construction	\$3,672,032.00

- The lowest bid, received from Central Paving Co., Inc., is at 94% of engineer’s estimate. ITD is moving forward to award the contact
- Construction is estimated to begin this spring

Public Involvement for Fiscal Year 2018 Construction Projects Update

- The Public Works Department Engineering Division is currently overseeing the planning, design and construction management of 36 major capital infrastructure projects valued at over \$18 million dollars
- In addition, Engineering staff will assist various City Public Works Department divisions and City departments manage approximately 41 smaller operational projects
- Fiscal year 2018 will be a very busy construction season. To deliver excellent customer service during construction, the following public involvement strategies will be implemented:
 - **City Wide Mailer:** A trifold mailer will be distributed, identifying significant projects scheduled for 2018 (see Attachment 2)
 - **Construction Projects Email, Phone Number and Website:** All project questions or concerns can be directed to the City website (cityofnampa.us/projects), email (projects@cityofnampa.us) or phone number (208-465-2221)

- **New Website Features:** The City website will have a new GIS Story Map feature where project information can be easily selected
 - **Social Media:** Project updates will be broadcast using the City's social media network, including Facebook and Nextdoor
 - **Press Releases:** Ongoing communication with the media to provide project updates and general notifications
 - **On-site Project Management:** City staff and consultants will be available to address specific citizen concerns
 - **Public Involvement Operation Procedures:** City consultant, HDR Engineering, Inc., and staff have developed a public communication protocol to ensure clear dissemination of information and prompt response
- The City, and HDR Engineering, Inc., agreed on a scope of work (\$29,983.16 NTE), which was approved by Council in January 2018, to assist Engineering staff in providing citywide project, public involvement services
 - The public involvement strategies will build on Engineering's goal to streamline project delivery, provide maximum benefit from available funding, enhance public involvement, maintain infrastructure by executing the Public Works Asset Management Program, and provide economic opportunity

Water Division Automated Meter Reading (AMR) System Program Update

In 2011 the City began implementing an automated meter reading (AMR) program. The program established a meter replacement cycle to ensure meter accuracy and significant reduction in read time and staffing. An additional goal of the program was to accommodate single month billing as commonly requested by customers. After a few fits and starts the program retooled, using an Aclara system in 2015, and today staff is pleased to report the complete installation of another reading cycle, Cycle 2 (see Attachment 3).

Staff is also pleased to report that as of the end of January 2018, more than 10,500 water accounts have been converted to AMR. The current rate of implementation is approximately 500 per month replacement, and new installation as all new meters are installed with AMR technology. At the current rate of implementation staff anticipates having 13,500 AMR meters installed and operating by this fall. By this time, it is anticipated the program goal of single month billing will be possible using a combination of AMR and existing Water Division meter reading staff.

Regular Council
February 5, 2018

Item #31 - Mayor Kling opened a **public hearing** for the **creation** of **sidewalk LID 164**, and authorization to bid the project.

Assistant City Engineer Daniel Badger presented the following staff report explaining that the LID 164 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 4,165 parcels

Resolution of Intent number 81-2017 was passed by Nampa City Council December 18, 2017.

Notice of public hearing on this resolution was published in the Idaho Press Tribune January 23 and 30, 2018.

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:

- o Sent letters to the approximately 4,165 property owners in Zone D June 19, 2017 inviting property owners to volunteer to 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 100 property owners, most which have been voluntary

- o Currently the Engineering Division has signed agreements to participate from:
 - 29 volunteer property owners (32 total volunteers)
 - 11 property owners identified for required participation
- o Estimates for the 57 remaining properties have also been completed.

Engineering continues to meet with property owners and we anticipate approximately 68 property owners being required to participate in the LID

\$285,000.00 is the total estimated cost for the improvements. An estimated \$235,000.00 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 speaking in opposition to the request were: Roger Sharrai, 924 9th Avenue South.

Regular Council
February 5, 2018

MOVED by Rodriguez 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

Councilmembers made comments and had questions on the LID.

Daniel Badger answered questions of Council.

Finance Director Vikki Chandler answered questions of Council.

Mayor Kling made comments on the LID.

MOVED by Bruner and **SECONDED** by Haverfield to **approve the creation of sidewalk Local Improvement District 164 and authorize the bid for the project**. The Mayor asked for a roll call vote with Councilmembers Hogaboam, Haverfield, Bruner voting **YES**. Councilmembers Levi and Rodriguez voting **NO** and Councilmember Skaug **ABSENT**. The Mayor declared the

MOTION CARRIED

Item #32 - Mayor Kling opened a **public hearing** for a **zoning map amendment** from IP (Industrial Park) to **IL** (Light Industrial) with **Development Agreement at 427 North Kings Road** (A .55 acre or 23,958 sq ft parcel of land situated in the NE ¼ of Section 23 T3N R2W BM – also Lot 4, Block 1, Schuler Subdivision) for **Joseph J Hon**.

The applicant was not in attendance.

Planning and Zoning Assistant Director Robert Hobbs presented the following staff report explaining that the request was for a rezone of land ("**Zoning Map Amendment**") from **IP (Industrial Park) to IL (Light Industrial)** pertaining to A .55 acre property addressed as 427 N. Kings Road lying the NE ¼ of the NE ¼ of Section 23, T3N, R2W, BM, Canyon County, Nampa (hereinafter the "Property")...

History: The Property in years passed was used by its prior owner as a concrete contractor's trade office/shop/yard. At present, the Applicant (operator of Hon Motors) is using the property as a "wholesale parts and distribution" situs for their business. The business is associated with at least two accessory uses (vehicle repair and sale) that are incidentally connected to the main business. As noted in the application, the intensity of the Applicant's business operation has been expanding, and its evolving nature would be, in their view, better served by a light industrial zoning overlay. The Applicant and City have been working to attempt to bring their operation fully into compliance with the IP Zone; however, its constraints are not easily met given the current business activity that appears to be happening on site.

Regular Council
February 5, 2018

The Nampa City Planning and Zoning Commission, during their regularly scheduled public hearing of December 12, 2017, after receiving testimony and reviewing the rezone application voted to recommend to the City Council that they approve (with a condition) the above referenced action request. The Commission made their recommendation contingent on the Applicant's compliance with the following condition:

1. That the Applicant, as Owner/Developer, [shall] enter into a Development Agreement (contract) with the City of Nampa appertaining to the use and development of the Property. The Agreement shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the properties as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request(s). Inclusively, the Agreement shall: a) require any outdoor vehicle storage to occupy less than 50% of the Property; and, b) bar the parking of vehicles anywhere in the easement that provides access to the Property, and, c) require the Property to adequately screened from [public] view.

During the interval between the Commission hearing and Council's meeting, the Applicant's son, the proprietor of the business on the Property, was killed in an automobile accident. The Applicant is handling his son's affairs and expressed a desire that the City continue with the application notwithstanding the tragedy that has befallen their family.

Annexation/(re)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/(Re)Zoning Findings of Fact

Zoning: Regarding Applicant's Zoning Map Amendment Request (to RML) Staff finds:

1. **Current Jurisdiction/Status:** That the Property is currently within Nampa City and is either owned or optioned by the Applicant; and,
2. **Current and Surrounding Zoning:** That the Property is presently zoned IP (Industrial Park); City IP zoned land currently abuts the Property on its northern and its eastern sides, that City BC zoning lies east of IP zoned strip that adjoins the Property on its east, and, also abuts the Property on its southern side; and IL zoning abuts the Property on its western side and from there extends westward -- see attached Vicinity Map; and,

3. **Immediately Surrounding Land Uses:** Generally (viewed radially from the Property -- working outward and clockwise): Northwest: “Big Bite Excavation” (an earth excavation contractor’s office and yard); North: “CXNW” (a freight shipping and trucking company); Northeast: “CXNW”; East: “Cutting Edge Manufacturing” (parts machining including CNC, fixturing and tooling); Southeast: Open lot used as storage by “Harris Moran Seed Co.”; South: as above; Southwest: Harris Moran Seed Co. properties/structures, including the old Hobby Lobby building now repurposed and used by the seed processing company; West: part of Harris Moran Seed Company and Big Bite Excavation companies’ properties front the Property; and,

4. **Proposed Zoning:** That the IL district is purposed to, “create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.”

(The IP zoning district within which the Property currently lies is noted as being, “intended to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact with an open and attractive setting, typically appropriate to locations near major thoroughfares, freeways and non-manufacturing areas.”); and,

6. **Reasonable:** That it may be variously argued that consideration for [re]zoning the Property is reasonable given that: a) the City has received an application to rezone 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) rezoning is a legally recognized legislative act long sanctioned under American administrative law; and, c) within the City of Nampa, zoning assignment is a long standing (and law sanctioned) practice; and, d) that the Applicant intends to develop all or a portion of the Property; and, e) City utility services are available to the Property (see aerial photo with utility lines displayed); and, f) emergency services are available to the Property; and, g) that the purported principal use and accessory uses being conducted from the Property are better contained in an IL Zone than IP; and, h) the Property, as afore-stated, abuts IL Zoning; and, i) land uses in the nearby area, and, more particularly site development both suggest that IL zoning would be a better fit for the area (other properties) surrounding the Property than the IP Zone, excepting those lots adjoining Brandt Avenue to the north; and,

7. **Public Interest:** That Nampa has determined that it is in the public interest to provide varying industrial-type business opportunities for its citizens; and,

8. **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. While a specific plan was not advanced in conjunction with the application set considered by this report, Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the IL Zone's already adopted regulations (e.g., standards that govern land use, building and parking lot setbacks, landscaping, parking lot layout and striping, lighting of buildings and the parking area, building and property signage, etc.); and,

9. **Comprehensive Plan:** The Property is positioned in a "Light Industrial" residential setting per the Future Land Use Map associated with the City's adopted Comprehensive Plan. The "Light Industrial" setting is deemed as providing support for the IL Zone as its patron uses are all industrial or quasi-commercial and the existing property use industrial and commercial in nature. The properties surrounding the Property are in the same setting; an area of General Commercial lies southeast of the Property (see attached Comprehensive Plan Future Land Use Map snippet exhibit); and,

10. **Services:** That utility and emergency services are, or can be made, available to the Property; and,

11. **Further, that:**

a. Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package [received by noon December 06, 2017] is hereafter attached to this report.

1. Nampa City Engineering has no objection(s) concerning the Rezone application; and,
2. The Idaho Transportation Department has no objection(s) concerning the Rezone application; and,
3. Staff has [still] not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

Note: The preceding general statements are offered as possible [preliminary] findings and are not intended to be all inclusive or inarguable. They are simply provided to the Commission and Council in case the requested entitlement is considered for approval. In the event the of an opposite course, then negative findings may be adopted by the City Council.

In summary, the Property may be zoned IL, but nothing will force the Council to do so as it acts in its quasi-judicial capacity to decide on the proper land use zone/district to assign to

the Property. Given the findings noted above, however, IL zoning is certainly an “entertainable” zone and recommended for imposition...

Commentary: The rezone request that is made the subject of this report comes, by and large, as a result of an on-going effort to bring use of the Property (wholesale parts storage and distribution, accessory vehicle repair and sales, and, a disputed pair of uses) by the Applicant into better zoning conformance. If the rezone is approved, it will assist in this effort given the differences in the IP and IL Zones as hereafter noted:

In the Industrial Park (IP) Zone within which the property currently lies, the following primary/principal (not “accessory”) land uses are *not* allowed:

1. Vehicle storage yard; and,
2. A vehicle sales lot; and,
3. Vehicle body and/or paint shop; and,
4. Vehicle salvage yard/business

Note that “accessory uses” that are “normal and incidental [subordinate] to primary uses” are allowed by right. And, vehicle repair that does not involve body or paint work as a primary portion of its business is allowed via a Conditional Use Permit...

Contrast those controls with the following allowances for primary/principal (not “accessory”) land uses in the Light Industrial Zone (IL):

1. Vehicle storage yards may be allowed with a CUP; and,
2. Vehicle sales lot are allowed by right; and,
3. Vehicle repair is allowed by right; and,
4. Vehicle salvage is [still] not allowed

Note that accessory uses that are “normal and incidental [subordinate] to primary uses” are allowed by right. And, vehicle repair that involves body or paint work as a primary portion of its business is allowed by right (i.e., without needing a Conditional Use Permit)....

Notwithstanding, the positive effect(s) [as noted above] that rezoning the Property to IL might have on the Applicant’s business operation, Staff believes the rezone has merit for consideration given:

- a) The existing land use types/natures in the area around the business; and,
- b) The condition (i.e., paving and landscaping, etc.) of the properties inhabited by said uses; and,

Regular Council
February 5, 2018

- c) The City's adopted Comprehensive Plan Future Land Use Map's setting callout ("Light Industrial") that overlays the Property and surrounds...

Staff opines that imposition of the Industrial Park Zone on the Property and those to the north and northwest of the Property (across Kings Road) was a nice idea at the time it was emplaced, but not pragmatic. Given present circumstances the Industrial Park Zone would be more ideally kept as an overlay on those properties that abut N. Kings Road and Brandt Avenue and the parcels to the southwest of the intersection of those two streets would [all] be summarily rezoned to Light Industrial.

Recommended Conditions of Approval

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 IL Zone does 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 the request.

Those appearing in opposition to the request were: Julie Schelhorn, 9135 Sky Ranch Road and own business off of Garrity, Nampa.

MOVED by Bruner 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

Councilmembers asked questions of staff and Julie Schelhorn.

Robert Hobbs answered questions of Council.

Mayor Kling asked for some clarification on the rezone.

MOVED by Bruner and **SECONDED** by Levi to **deny** the **request** for **zoning map amendment** from IP (Industrial Park) to **IL** (Light Industrial) with **Development Agreement** at **427 North Kings Road** (A .55 acre or 23,958 sq ft parcel of land situated in the NE ¼ of Section 23 T3N R2W BM – also Lot 4, Block 1, Schuler Subdivision) for **Joseph J Hon**.

Councilmember Haverfield made comments.

Regular Council
February 5, 2018

The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #33 - Mayor Kling opened a **public hearing** for **vacation** of the Northerly 2 ft of the Southerly 5 ft Easement **AND variance** on the Required 5 ft Side Yard Setback Located on the South Side of 2907 E Idavada Ct. within an RS-6 PUD Zoning Designation. The Applicants are Requesting the Vacation and Variance because of an Incorrect Lot Pin Between Lots 28, 25 and 26, Bk 1 of Lava Springs Subdivision No. 1 was Applied When Laying Out the Lot/Site for Construction, Thereby Making the Garage Attached to the House only 3.416 ft Away from the Lot Line, and Not the Required 5 ft, for **Bryan Wright, Representing Peter Kasper**.

Applicant was not in attendance.

Norm Holm presented the following staff report explaining that the request was for a variance of 5' side yard setback and a vacation of the northerly 2' of the 5' side easement at 2907 East Idavada Court for Bryan Wright representing Peter Kasper.

Requested Action(s): 1) Variance of the required 5-foot side yard setback allowing the existing house garage to remain with a 3-foot setback from the south side property line (a reduction of 2 feet), and 2) Vacation of the northerly 2-foot-wide by 106.37-foot-long portion of the 5-foot-wide permanent public utilities, drainage, and irrigation easement. **Purpose:** Owner is desirous to reduce the required 5-foot side yard setback to 3.416-feet (a reduction of 1.584-feet), and vacate the northerly two-feet of the southerly five-foot easement on the south side of Lot 28, Block 2 Lava Springs Subdivision No. 1. **Explanation:** The situation was created due to an error in laying out the foundation for the house when the wrong property pin was used to establish the lot line and setbacks.

General Information

Status of Applicant: Representative of Owner; **Existing Zoning:** RS 6 PUD (Single Family Residential - 6,000 sq. ft. with Planned Unit Development Overlay); **Location:** 2907 E. Idavada Court (Lot 28, Block 2, Lava Springs Subdivision No. 1); **Size of Property:** The lot is .2 acres or 8,721 sq ft in area. **Size of Easement Vacation area:** 2-foot-wide by 106.37-foot-long or a 212.74 sq. ft. **Surrounding Land Use and Zoning:** North- Single Family Residential, RS 6 PUD - South- Single Family Residential, RS 6 PUD - East- Single Family Residential, RS 6 PUD - West- Single Family Residential, RS 6 PUD; **Comprehensive Plan Designation:** Residential Mixed Use.

Applicable Regulations:

10-24-1: [Variance] Purpose:

The 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, 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.

- Section 10-8-6 D. for the RS District: “Minimum Property Structure and Parking Interior (Side/Rear) Yards: Shall be five feet (5') wide/deep, except where a utility easement is recorded adjacent to a side property line, there shall be provided a side yard (setback) at least the width of the easement on the development site or five feet (5'), whichever is greater. Where a utility easement is recorded adjacent to a rear lot line, the rear interior yard (setback) shall be the width of the easement on the development site or five feet (5'), whichever is greater.”
- State law does not require the consent of adjoining property owners to vacate easements.

Special Information

Planning & Zoning History: The situation was created due to an error in laying out the foundation for the house when the wrong property pin was used to establish the lot line and setbacks. **Transportation:** The property is accessed from Southside Blvd., west on E. Lava Springs Ave., north on S. Lava Springs Loop, west on E. Idavada Court then north to 2907 E. Idavada Court. **Environmental, Aesthetics/Landscaping:** The dwelling and property is comparable with that of the other dwellings and properties existing in the neighborhood. Approval of the Variance and easement Vacation will have little effect on the immediate neighborhood, other than garage and home to remain at the location constructed. **Correspondence:** At the time of the preparation of this Staff Report no letters or personal expressions of opposition to or support for the granting of the variance or the easement vacation have been received from any neighboring property owners, residents or utility companies. Fire, Building, and Engineering departments do not oppose the easement vacation.

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 request.

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.

Regular Council
February 5, 2018

In summary the applicant argues that the 2 lots pins were situated within 4' of each other. The wrong pin was used in laying out the lot line and home location. The wrong lot pin between Lot 25 and Lot 26, Block 2 was used instead of the correct Lot pin between Lot 27 and Lot 28. The attached garage is 1 minimum of 3' 3 1/2" away from the lot line rather than the required 5'.

It will be up to the City Council to determine if the applicant's statement qualifies as a unique site circumstance providing the required justification for approval. The City Council is at liberty to either approve or deny. The 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 proposed variance, if approved, would allow a portion of the attached garage to remain as presently located along the south side of the property situated within 5' of the southerly property line.

Staff sees possible justification for granting of the **Variance** on the basis of an error made when the wrong property pin was used to establish the southerly lot line and setbacks, and the location where the attached garage was originally constructed on the lot.

Staff also sees a basis for approving the requested partial easement **Vacation** and recommends approval. The easements proposed for vacation are not needed for any public purposes and will resolve the existing easement encroachment.

Recommended Conditions of Approval

Should the City Council vote to approve this requested setback variance staff recommends establishment of the following conditions:

- 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, e.g. Nampa Fire, Building, Planning & Zoning and Engineering, etc., as the Variance or easement Vacation approval shall not have the affect of abrogating requirements from those City divisions/departments.
- 2) The Building Department requires that any part of the soffit within 2 feet to 3 feet of the property line be 1-hour fire-resistance rated. The applicant/owner shall be required to submit plans and obtain a building permit and the required inspection approvals.

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

Matt Solis, 4211 South Lava Springs Loop, asked questions if this was granted would there be a chain reaction effect on others to have to give up some easement on their property.

Regular Council
February 5, 2018

Councilmembers asked questions and made comments concerning the request.

Norm Holm and Daniel Badger answered questions of Council.

City Attorney Mark Hilty said that the City would not have any liability.

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 Hogaboam and **SECONDED** by Rodriguez to **grant** the **vacation** of the Northerly 2 ft of the Southerly 5 ft Easement **AND variance** on the Required 5 ft Side Yard Setback Located on the South Side of 2907 E Idavada Ct. within an RS-6 PUD Zoning Designation. The Applicants are Requesting the Vacation and Variance because of an Incorrect Lot Pin Between Lots 28, 25 and 26, Bk 1 of Lava Springs Subdivision No. 1 was Applied When Laying Out the Lot/Site for Construction, Thereby Making the Garage Attached to the House only 3.416 ft Away from the Lot Line, and Not the Required 5 ft, for **Bryan Wright, Representing Peter Kasper** and authorize the City Attorney to draw up the appropriate ordinance. The Mayor asked for a roll call vote with Councilmembers Bruner, Rodriguez, Hogaboam voting **YES**. Councilmembers Haverfield and Levi voting **NO** and Councilmember Skaug **ABSENT**. The Mayor declared the

MOTION CARRIED

Item #34 - Mayor Kling opened a **public hearing** for **annexation and zoning** to RS 8.5 and Subdivision Preliminary Plat Approval for **Stella's Point Subdivision** on the north side of Lake Lowell Ave. east of Midway Rd. for **Jay Walker-All Terra Consulting representing Troost Family Living Trust**.

Jay Walker-All Terra Consulting representing Troost Family Living Trust presented the request.

Robert Hobbs presented the following staff report explaining that the request was for annexation and zoning to RS-8.5 (Single-Family Residential – 8,500 sq. ft. min. lot size); and, In order to facilitate build-out of a 129 lot (117 building and 12 common lots) detached, single-family residential subdivision on the land area referenced hereafter (hereinafter, collectively, the “Project”, alternatively the “Development”, or “Application package”, or “Entitlements”)...

Property Area and Location(s): Appertaining to some 46.85 acres of land located on the north side of Lake Lowell Avenue, east of Midway Road in a portion of the SE ¼ of the SW ¼ and a portion of the NE ¼ of the SW ¼ of Section 30, T3N, R2W, Boise Meridian, Canyon County located (hereinafter the “Property”)...

Regular Council
February 5, 2018

Abbreviated History: The Nampa City Planning and Zoning Commission, during their scheduled public meeting of January 09, 2017, voted to recommend to the City Council that they approve the above annexation and zoning assignment request. Subsequent to that action, the Commission voted to approve the above referenced preliminary plat request. The Commission made their zoning entitlement recommendation and their plat approval contingent on Developer/Development compliance with the following condition(s):

As pertaining to the requested annexation/zoning:

1. That the Applicant/Development:

Enter into a Development Agreement (contract) with the City of Nampa for the Property. The Agreement shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the properties as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request(s).

As pertaining to the requested Project/Subdivision approval:

1. Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:
 - a. The Developer/Development shall comply with recommended approval requirements listed in the December 29, 2017 memorandum from the Nampa Engineering Division authored by Daniel Badger; and,
 - b. The Developer/Development shall comply with the requirements noted in the January 09 and December 18, 2018 memorandums from the Nampa Engineering Division, GIS Section, authored by Alex Main; and,
 - c. The Developer/Development shall comply with the requirement in the November 03, 2017 email printout from the Nama Parks Department authored by Cody Swander; and,
 - d. The Developer/Development shall comply with the requirement listed in the November 28, 2017 email printout from the Nampa Forester authored byCarolynn Murray; and,
 - e. The Developer/Development shall comply with the requirement iterated in the November 02, 2017 memorandum from the Nampa Planning Department authored by Karla Nelson; and,

Regular Council
February 5, 2018

- f. The Developer/Development shall comply with the requirement listed in the November 14, 2017 letter from the Nampa & Meridian Irrigation District authored by Greg Curtis...
2. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,
3. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat; and,
4. Developer shall cause the preliminary plat to be revised to incorporate revisions required in order to achieve compliance with conditions 1c & 1 e above. Further, revision shall be made to cause Lot 1 of Block 2 to be at least 25' wide/deep -- unless approved otherwise by [separate] Council action via independent business item review of the plat outside of the standard platting process. In the event the plat is approved predicated on compliance with conditions (including plat revision), then said revisions shall be incorporated into final platting; else, a revised preliminary plat shall be submitted to Staff prior to application for final plat(s) being submitted to the City; and,
5. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council...

(see attached hearing minutes)

Annexation/(Re)Zoning Findings of Facts

(PERTAINING TO THE APPROXIMATELY 46.85 ACRES OF LAND REQUESTED TO BE ANNEXED AND ZONED):

Zoning: Regarding Applicant's Proposed/Desired Annexation and Zoning [District] Assignment Request, Staff finds:

1. Surrounding Zoning:

That City RS 8.5 zoning is overlaid on lots and parcels immediately abutting the north side of the Property extending northward from the common boundary, City RS 6 zoning is overlaid on land to the northeast and east of the Property, that land to the west of and abutting the Property is County ground, and, that the parcel immediately across Lake

Lowell Avenue to the south of the Property is zoned RS 22. The Property is enclaved by City incorporated properties and the City's Impact Area; and,

2. **Immediately Surrounding Land Uses:**

That single-family residential housing (both City subdivision and rural in character) and open land surround the Property; and,

3. **Reasonable:**

That the Developer may argue that consideration for annexing the Property from the County and zoning the same to RS 8.5 is reasonable given that: a) the City has received an [acceptable] application to amend its official zoning map as endorsed by the Property's owner; and, b) annexation is a legally recognized legislative act long sanctioned under American administrative law; and, c) within the City of Nampa, the quasi-judicial act of assigning zoning is a long standing (and code sanctioned) practice; and, d) the Property is eligible by law for annexation and zoning; and, e) that the Property fully abuts City residentially zoned and used land on its northern side (i.e., the proposed annexation is not a "shoe string" connection proposal); and, f) City utility services are available to the Property; and, g) emergency services are available to the Property; and, h) that the Property lies along a street classified as a "collector" right-of-way; and, i) that development has been occurring in the general area around the Property; and, j) that the Property is enclaved...

The appropriateness or compatibility of what the Applicant proposes for emplacement on the Property is an issue that Council will [have to] determine as they review the entitlement portion of the Application package associated with this report.

4. **Public Interest:**

That Nampa has determined that it is in the public interest to provide varied/mixed residential development living opportunities. Expressions of that policy are made in Nampa's adopted Comprehensive/Master Plan as well as embodied in its decisions to date regarding similar applications; and,

5. **Promotion of Zoning Purpose(s):**

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 development standards governing allowable land uses, building architecture, building setbacks, building heights, provision of parking and service drives, property landscaping, signage controls, street lighting regulations, etc.; and,

6. **Comprehensive Plan:**

The Comprehensive Plan “setting” that overlays the area is intended as a guiding document to community growth. Each community (and county) in Idaho is required to have a development plan by state law. Associated therewith is a “Future Land Use Map” that, in the case of the application package made the subject of this report, designates the Property as being within a “Low Density Residential” (LDR) “setting” [a term coined by Staff to distinguish the Future Land Use Map’s color coded, designated areas from the zones/land use districts employed by the City’s adopted zoning map]. Accordingly, proposed emplacement of a single-family housing based residential zone (and by extension giving room for the uses allowed or conditionally thereby) over the Property should not be construed to be a “spot zone”.

The LDR setting, per current policy may support RS 8.5 zoning provided that the intended build-out density of a subdivision proposed therein does not exceed 4.0 dwelling units per acre. The application made the subject of this report proposes a density of 2.497 dwelling units per acre. And, even if the density were to exceed the 4.0 thresh-hold, adjacent to the Property is an area in a “Medium Density Residential” (MDR) setting that could be “stretched” over the top of the Property and advantageous use be made of its [up to 9.0] dwelling unit per acre density allowance.

While, as above stated, a community’s comprehensive or master plan is a guide to its development, it is really the zoning ordinance that actually implements, in large measure, the land use and community design objectives, goals and policies of such a plan. It is the implementational zoning tool that regulates land development (not to be confused with land division). Nampa’s zoning ordinance, common to many others throughout the country, has a listing of uses that are permitted, or that may be allowed upon receipt of a special or “Conditional Use Permit”, and, those that are not allowed in a given land use district [zone] that overlays varying properties. That said, short of use of a land use “Development Agreement” [which is a contract] to control build-out, if a zone is applied to one or more properties, then a very large variety of uses may be emplaced upon those properties in accordance with that zone’s allowances. However, it is expected that the Applicant will continue with plans to develop the Property residentially -- therefore, Staff believes at this time that a development agreement for their entitlement effort (given other controls the City has) to be relatively unnecessary; and,

7. Services:

Emergency services are available to the Property. City public utilities (i.e., sewer, water and pressure irrigation) are also available to the Property (see attached utility line map); and,

8. Public/Agency/City Department Comments:

Regular Council
February 5, 2018

Any correspondence from agencies/City departments or the citizenry regarding the northwest Property's application package [received by noon January 31, 2018] is hereafter attached.

Any relevant recommended requirements alluded to in any responding agency or City department/division correspondence will be manifest in the recommended Conditions of Approval presented by Staff in this report hereafter.

Note: The preceding general statements are offered as possible [preliminary] opinions and findings and are not intended to be all inclusive or inarguable, nor to construe unfailing Staff support of the proposal(s). Rather, they are simply provided to the [Commission and] Council in the event that the requested Entitlement is considered for approval recommendation.

In summary, the Property may be annexed and zoned RS 8.5, but nothing compels the Council to annex the Property and assign the requested zone as/when it acts in its legislative and quasi-judicial capacities, following the Commission's action(s) in voting on the annexation and zoning assignment and subdivision plat approval requests for the Property as petitioned for/by the Applicant.

Note(s): Staff has provided the Council with all of the relevant report/packet documentation or visual information available to us at the time this report was generated save that provided to Engineering for their review (e.g., soils report, drainage calculations, etc.).

Notification of the Council hearing was done in accordance with legal requirements. An environmental impact study (EIS) was not called for in conjunction with the Application package submittal as such is not normal required saved when called for by City Engineering under special circumstances. Right-of-way dedication, and, street frontage improvements along Lake Lowell (should the Application be approved) will be required to be emplaced at the time of annexation and Project build-out respectively per adopted City policy and practice. No taking of other parties' property(ies) will be effectuated should the Project develop. In Nampa's case, street improvements and school construction accompany and follow, respectively, property development.

Recommended Condition(s) of Approval

Should the Council vote to approve the requested entitlement application for the Property as proposed by the Applicant, then Staff would suggest that the Council consider recommending imposition of the following Condition(s) of Approval against the application package request:

As pertaining to the requested annexation/zoning:

N/A; Optional:

Regular Council
February 5, 2018

1. That the Applicant/Development:

Enter into a Development Agreement (contract) with the City of Nampa for the Property. The Agreement shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the properties as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request(s).

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

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Levi to **approve the annexation and zoning** to RS 8.5 and Subdivision Preliminary Plat Approval for **Stella's Point Subdivision** on the north side of Lake Lowell Ave. east of Midway Rd. for **Jay Walker-All Terra Consulting representing Troost Family Living Trust** 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 #35 - Mayor Kling opened a **public hearing** for **annexation and zoning** to BC for a Wedding Venue at **411 S. Happy Valley Rd.** for **Veronica Buxton and Samuel Wolfe**.

Sam Wolfe, 411 South Happy Valley Road presented the request.

Councilmembers asked questions on the parking situation.

Norm Holm presented the following staff report explaining that the request was for annexation and zoning to BC (Community Business) for owner Veronica Buxton for the purpose of using part of the property as a Wedding Venue. The large field at the front of the property will be utilized for parking for 80 vehicles. The large barn totaling 6,600 sq. ft. will be used for events. The facility will include on the ground floor a bride's room, groom's room, children's room, preparation area, bathrooms, storage room, and utility room. The second floor is a 3000-sq. ft. loft area with three staircases accessing it. Around the sides and behind the barn is grassed area for outside use at 411 South Happy Valley Road.

General Information

Planning & Zoning Commission Recommendation: Approval subject to the execution of a Development Agreement with specific conditions; **Zoning & Planning History:** This parcel up until now been utilized as an agricultural property. Our understanding is that the Wedding Venue use already commenced within the barn while situated under Canyon County jurisdiction. The county sought enforcement to cease the use until building and fire code issues were addressed. The applicant did not cease use and are now asking for annexation and possible connection to city utilities; **Annexation Location:** 411 S. Happy Valley Rd. (A 6.85 acre or 298,386 sq. ft. parcel of land situated in the E 1/2 of the SE 1/4 of Section 25, T3N, R2W, BM. **Total Size:** 6.85 acres; **Existing Zoning:** Canyon County – AG (Agricultural); **Proposed Zoning:** Nampa – BC (Community Business); **Comprehensive Plan Designation:** Community Mixed Use. The parcels to the south on the north side of E. Amity Ave. also have the community mixed use designation and were previously annexed and zoned BC. **Applicable Regulations:** For a property to be annexed it must be contiguous with city limits or be enclaved by other properties so annexed. This property is an enclaved area which adjoins the annexed city lands on the north, south, east and west. **Existing Uses:** Agricultural land with home and original farm outbuildings. **Applicant Reason for Annexation and Zoning:** For continued use of the old barn building and immediate property surrounds as a wedding venue.

Special Information

Public Utilities: 12” water main in S. Happy Valley Rd. - 10” sewer main located on the west between the Columbia High School tennis courts and football field. - 12” irrigation main in S. Happy Valley Rd. **Public Services:** Police and fire already service city incorporated areas surrounding the location. **Physical Site Characteristics:** The original farm home, barn and outbuildings with agricultural land to the south. **Transportation:** Access to the property is from S. Happy Valley Rd. **Correspondence:** No correspondence has been received from any area property owners, residents or business owners regarding opposition to or support for the requested annexation and zoning.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as being compatible with the requested BC zone. If the City Council accepts the Planning & Zoning Commission recommendation for approval the following findings are recommended:

- 1) The applicant desires annexation and zoning to continue use of the Old Barn and surrounding land as a Wedding Venue. The Wedding Venue is a permitted use in the requested BC zone.
- 2) The property is an enclaved parcel which adjoins the annexed city lands on the north, south, east and west.

Regular Council
February 5, 2018

- 3) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the surrounding and adjacent properties having been annexed, zoned, and partially developed.
- 4) The subject parcel is designated as Community Mixed Use on the Proposed Future Land Use Map and the proposed BC (Community Business) zoning upon annexation conforms with this designation and is reasonably compatible with existing and proposed land uses in the area.
- 5) Section 10-2-4 allows an annexation/zoning application to be processed with the execution of a development agreement. Through such agreements a property owner or developer may make written commitments concerning the use or development of a subject parcel in exchange for the change of zoning requested. Commitments made under such agreements are in addition to the regulations provided for in the zoning district by ordinance and are established to assure compatibility of the resulting land uses with the surrounding area.

Recommended Conditions of Approval

If the City Council votes to accept the Planning & Zoning Commission's recommendation for approval of the annexation with BC zoning staff requests all conditions of approval as recommended by City Engineering and any other conditions the City Council may feel necessary to protect the interests of neighboring property owners be placed in a development agreement, including the following:

- 1) Conceptual Plan Review:
The applicant shall comply with all Conceptual Plan Review Findings, Requirements, and Conditions of the Nampa Building, Waterworks, Engineering, Planning and Fire Departments/Divisions as stipulated at their January 4, 2018 conceptual plan review meeting.
- 2) Planning: The Wedding Venue use shall be the only exclusively allowed use on the subject property which shall comply with all required Nampa Comprehensive Zoning Ordinance code provisions, including the following:
 - a) Zoning code required off-street parking spaces shall be located on the subject property unless otherwise approved via an executed shared parking agreement with the Nampa School District for shared use of adjacent Columbia High School off-site parking.
 - b) The required number of off-street parking spaces shall be provided either on-site or in combination with adjacent available off-site parking at Columbia High School, and parking spaces shall be paved and striped per Chapter 22 of the Nampa Zoning Ordinance.
 - c) The required Fire Suppression system shall be operational prior to occupancy of the "The White Barn" as a wedding venue.
- 3) Building:

Regular Council
February 5, 2018

- a) The applicant shall apply for a Building Permit due to change of the occupancy from Storage S-1 to Assembly A-2.
 - b) The barn area shall meet the provision of currently adopted Building Codes including: The International Existing Building Code, International Building Code, Idaho State Fire Code, ICC ANSI 117.1 Accessibility Code, International Mechanical Code, National Electrical Code, and Idaho State Plumbing Code.
 - c) The barn area shall be fully fire sprinklered and fire alarmed.
- 4) Access and Right-of-Way:
- a) Access shall be determined in accordance with the City of Nampa's Access Management Policy. Use of the existing access is allowed.
 - b) Right-of-way dedication required.
 - i) Happy Valley Road: Functional classification is an arterial requiring a minimum 50-foot right-of-way dedication for half of a future 100-foot right-of-way.
- 5) General:
- a) At time of development or re-development of the site, full frontage improvements are required and will include, but not be limited to-
 - i) Curb, gutter, and sidewalk
 - ii) Pavement widening and striping. Project may be required to construct both a deceleration/right turn drop off lane, and an acceleration lane.
 - iii) Landscaping as required
 - iv) Storm drainage, on-site retention whether public or private.
 - b) In addition, at time of development, it may be required that all necessary and required public utilities are extended, at owner's expense, including but not limited to the domestic water main and service(s), and pressure irrigation main and service(s) to and through the project in accordance with current City policy. For any public mains, thorough site will require dedication of either easements to City over and around the utility in accordance with City's policy, at widths determined with review and approval of development plans.
 - i) Domestic Water: Existing 12-inch main in right-of-way of happy Valley road.
 - ii) Pressure Irrigation: Existing main in right-of-way of Happy Valley Road.
 - iii) Sewer: Future Mason Creek sewer main.

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

Hubert Osbourn, 2199 E Switzer Way spoke on some of the history of the property.

Councilmembers asked questions and made comments.

Regular Council
February 5, 2018

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

MOTION CARRIED

MOVED by Bruner and **SECONDED** by Levi to **approve the annexation and zoning** to BC for a Wedding Venue at **411 S. Happy Valley Rd.** for **Veronica Buxton and Samuel Wolfe** with the development agreement as proposed 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 #36 - Mayor Kling opened a **public hearing** for **zoning map amendment** from **RMH** to **BC** at **164 E. Maine Ave.** for **Amber Steube** representing **Thomas Mannschreck**.

Amber Steube, 175 North Orchard, Kuna presented the request.

Norm Holm presented the following staff report explaining that the request was for Zoning Map Amendment (Rezone) from RMH (Multiple-Family Residential) to BC (Community Business) for the owner Thomas Mannschreck at 164 East Maine Avenue a .57 acre and the existing land use is partially developed Commercial/Residential property.

General Information

Planning & Zoning Commission Recommendation: Approval with no conditions; **Planning & Zoning History:** When the property was annexed and zoned by the applicant it was zoned for multiple family residential use the same as the associated Berkshire Apartments property to the east also owned by the applicant at the time. The subject property was later developed for commercial and professional uses without a rezone to commercial. The applicant seeks to correct that error and bring the zoning into compliance with the existing land use for the parcel. The building on the parcel was previously occupied by a bank; **Proposed Land Uses:** No change in use is proposed; **Surrounding Land Use and Zoning:** North- Nampa Recreation Center, RP (Residential Professional) - South- Commercial, BC (Community Business) - East- Commercial, Residential, RMH (Multiple-Family Residential) - West- Commercial, BC; **Comprehensive Plan Designation:** General Commercial with Public to the north. The requested zoning map amendment is as complying with the General Commercial land use designation; **Applicable Regulations:** Rezones or zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood.

Special Information

Regular Council
February 5, 2018

Public Utilities: 8” sewer main located in E. Maine Ave - 8” water main located in E. Maine Ave - 8” irrigation main located to the south side of E. Maine Ave; **Public Services:** All present; **Transportation and Traffic:** The property has frontage on E. Maine Ave. with access to 12th Ave. Rd. to the west; **Environmental:** The rezone would have little effect on the adjoining properties. The adjoining properties to the south are already zoned BC with compatible uses.

Staff Findings and Discussion

The requested rezone is appropriate. The parcel has a General Commercial use designation on the Comprehensive Plan future land use map and the requested zoning map amendment complies with that designation.

If the Planning Commission votes to recommend to the City Council approval of the rezone the following findings are suggested:

- 1) Rezone of the subject property to BC is reasonably necessary in order to allow the applicant to correct an error in the original zoning placed on the property and bring the zoning in conformance with existing and future land uses.
- 2) Rezone of the subject property to BC is in the interest of the property owner and conforms to the adopted comprehensive plan designation of General Commercial use.
- 3) The proposed Commercial use of the subject property will be compatible with the existing commercial uses established along 12th Avenue Rd.
- 4) The use of a development agreement to establish any conditions for the requested zoning amendment serves no purposes.

At the date of this memo I have received no statements of opposition from any property owners, businesses, or residents in or around the area.

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

MOVED by Rodriguez 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 Levi and **SECONDED** by Haverfield to **approve the zoning map amendment from RMH to BC at 164 E. Maine Ave.** for **Amber Steube** representing **Thomas Mannschreck** and authorize the City Attorney to draw the appropriate Ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

Regular Council
February 5, 2018

The Mayor declared the

MOTION CARRIED

Item #37 - Mayor Kling opened a **public hearing** for **annexation and zoning** to RP at **1505 Southside Blvd.** for **Todd Lakey** representing **Shawn, Kara, Tim & Ralene Overall**.

Todd Lakey presented the request.

Norm Holm presented the following staff report explaining that the request was for annexation and zoning to RP (Residential Professional); and **Property Area and Location(s):** Appertaining to land addressed as 1505 Southside Blvd. (a 1.69-acre portion of the NE ¼ of the SE ¼ of Section 35, T3N, R2W, Boise Meridian, Canyon County located -- hereinafter the “Property”) located north of Greenhurst, south of Amity on the west side of Southside Boulevard across from Wilson Lane... **Abbreviated History:** The Nampa City Planning & Zoning Commission, during their scheduled public meeting of January 09, 2018, voted to recommend to the City Council that they approve the above captioned annexation and zoning assignment request. (see attached hearing minutes)

Annexation/(Re)Zoning Findings of Fact

(PERTAINING TO THE APPROXIMATELY 1.69 ACRES OF LAND REQUESTED TO BE ANNEXED AND ZONED):

Zoning: Regarding Applicant’s Proposed/Desired Annexation/Zoning Request, Staff finds:

1. Surrounding Zoning:

That City RS 6 abuts the northwestern end of the Property and the Property’s road frontage; that County land adjoins the Property on its northeastern end, its southern side and western side; that to the north, northwest, west, southwest and south beyond the limited number of County parcels that adjoin the Property lies numerous City properties which are substantially residential in zoning assignment; to the northeast, east and southeast are a number of County properties save for a limited amount of RML zoned land to the northeast; the Property is enclaved (see attached zoning “Vicinity Map”); and,

2. Immediately Surrounding Land Uses:

That single-family residential housing has been established circumferentially around the Property; a few businesses line or adjoin Southside Boulevard as discovered via Google Maps between Amity and Greenhurst; and,

3. Reasonable:

That the Developer may argue that consideration for annexing the Property from the County and zoning the same to RP is reasonable given that: a) the City has received an [acceptable] application to amend its official zoning map as endorsed by the Property's owner; and, b) rezoning is a legally recognized legislative act long sanctioned under American administrative law; and, c) within the City of Nampa, rezoning is a long standing (and code sanctioned) practice; and, d) the Property is eligible by law for rezoning; and, e) that the Property adjoins residential uses and zoning on its sides; and, f) City utility services are available to the Property; and, g) emergency services are available to the Property; and, h) that the Property lies along a street classified as an arterial right-of-way; and, i) that development has occurred in the general area around the Property; and, j) that the Property is enclaved; and, k) that the rezone is arguably in conformance to the City's Comprehensive Plan Future Land Use Map setting overlay of "Medium Density Residential" (MDR); and, that the current mixture of light commercial plus residential use occupying the Property is in care and keeping with the spirit and intent of the RP Zone; and,

4. Public Interest:

That Nampa has determined that it is in the public interest to provide varied/mixed commercial and residential development living opportunities. Expressions of that policy are made in Nampa's adopted Comprehensive/Master Plan as well as embodied in its decisions to date regarding similar applications; and,

5. Promotion of Zoning Purpose(s):

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 development standards governing allowable land uses, building architecture, building setbacks, building heights, provision of parking and service drives, property landscaping, signage controls, street lighting regulations, etc.; and,

6. Comprehensive Plan:

The Comprehensive Plan "setting" that overlays the area is intended as a guiding document to community growth. Each community (and county) in Idaho is required to have a development plan by state law. Associated therewith is a "Future Land Use Map" that, in the case of the application package made the subject of this report, designates the Property as being within a "Medium Density Residential" (MDR) "setting" [a term coined by Staff to distinguish the Future Land Use Map's color coded, designated areas from the zones/land use districts employed by the City's adopted zoning map]. Accordingly, proposed emplacement of RP zoning (and by extension giving room for the uses allowed or conditionally thereby) over the Property should not be construed to be a "spot zone".

The MDR setting, per current policy, may support RP zoning when applied to mixed residential and very light commercial uses *if* any dwelling unit density proposed therein is kept under the MDR's suggested density cap of 9.0 dwellings unit per acre for a given project and if the uses proposed [or in this case existing] in the RP Zone are in part residentially based. The Applicant's representative has noted that the Applicant(s) have, "operated their family business, Overall Plumbing, on the Property for many years. The Overall's plumbing business would fit in the RP zone as a Construction trade/sales office which is a permitted use." It should be noted that in front of the shop and yard area devoted to the business is a single-family dwelling.

While, as above stated, a community's comprehensive or master plan is a guide to its development, it is really the zoning ordinance that actually implements, in large measure, the land use and community design objectives, goals and policies of such a plan. It is the implementational zoning tool that regulates land development (not to be confused with land division). Nampa's zoning ordinance, common to many others throughout the country, has a listing of uses that are permitted, or that may be allowed upon receipt of a special or "Conditional Use Permit", and, those that are not allowed in a given land use district [zone] that overlays varying properties. That said, short of use of a land use "Development Agreement" [which is a contract] to control build-out, if a zone is applied to one or more properties, then a very large variety of uses may be emplaced upon those properties in accordance with that zone's allowances; and,

7. Services:

Emergency services are available to the Property. City public utilities (i.e., sewer, water and pressure irrigation) are also available to the Property in Southside (with a second pressure irrigation line also wrapping around the northern side of the Property); and,

8. Public/Agency/City Department Comments:

Any correspondence from agencies/City departments or the citizenry regarding the Property's application package [received by noon January 31, 2018] is hereafter attached.

Any relevant recommended requirements alluded to in any responding agency or City department/division correspondence will be manifest in the recommended Conditions of Approval presented by Staff in this report hereafter.

Note: The preceding general statements are offered as possible [preliminary] opinions and findings and are not intended to be all inclusive or inarguable, nor to construe unfailing Staff support of the proposal(s). Rather, they are simply provided to the [Commission and] Council in the event that the requested entitlement set is considered for approval recommendation.

Regular Council
February 5, 2018

In summary, the Property may be annexed and zoned RP, but nothing compels the Council to annex the Property and assign the requested zone as/when it acts in its legislative and quasi-judicial capacities in voting on the annexation and zoning assignment request(s) for the Property as petitioned for/by the Applicant.

Note(s): Staff has provided the Council with all of the relevant report/packet documentation or visual information available to us at the time this report was generated save that provided to Engineering for their review (e.g., soils report, drainage calculations, etc.).

Notification of the Council hearing was done in accordance with legal requirements. An environmental impact study (EIS) was not called for in conjunction with the Application package submittal as such is not normal required saved when called for by City Engineering under special circumstances. No taking or forced annexation of other parties' property(ies) will be effectuated should the requested annexation be approved. In Nampa's case, street improvements and school construction accompany and follow, respectively, property development.

Recommended Condition(s) of Approval

Should the Council vote to approve the requested entitlement application for the Property as proposed by the Applicant, then Staff would suggest that the Council consider recommending imposition of the following Condition(s) of Approval against the application package request:

As pertaining to the requested annexation/zoning:

N/A; Alternatively, should the Council wish to assure that annexation and zoning be set such that only a plumbing contractor's [or similar] construction trade and accessory yard be allowed to occupy the Property (in addition to the house on the same), then a Development Agreement may be warranted.

Those appearing in favor of the request were: Shawn Overall, 8811 Highway 45.

No one appeared in opposition to the request.

MOVED by Haverfield 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 Haverfield to **approve the annexation and zoning to RP at 1505 Southside Blvd. for Todd Lakey representing Shawn, Kara, Tim & Ralene Overall**

Regular Council
February 5, 2018

and authorize the City Attorney to draw up the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #38 - Mayor Kling opened a **public hearing** for consider an **amendment to the 2016 CDBG Action Plan** to Adjust the Funding for the Old Nampa Neighborhood Pedestrian Ramp Project.

Economic Development Director Beth Ineck presented the following staff report explaining that the request was during prior CDBG Program Year 2016 City Council authorized \$180,000 project for design and construction of pedestrian ramps in the Old Nampa Neighborhood along 7th Avenue South through Public Works. The project was allocated for Fiscal Year 2017. In the transition of staff support an environmental review was not completed for the project. The design and construction of the project began in summer of 2017 and was completed in October. In reviewing project files and documentation in preparation for transferring of funds to reimburse the general fund, it was found that an environmental review was not completed prior to construction.

Economic and Community Development staff have met with Public Works and Finance to determine best practices moving forward for grant compliance and have identified a remediation plan. The proposal before council is to authorize a public hearing to adjust the allocation for the 7th Avenue Pedestrian Ramp project and fund design work for 2nd and 3rd Streets South. This is possible because environmental review is not required for design work and design work in LMI areas are eligible for CDBG funding. Furthermore, both projects are within the streets fund providing no net impact and avoiding complicating the general fund. It is requested the funds are allocated in the following manner:

- \$19,743 for design of Old Nampa CDBG project ped ramps
- \$154,252 for design of 2nd and 3rd Street Downtown project.
- Remaining \$6,005 will be further reallocated to a project at a later date when we have identified all project funds that are in need of reallocation.

If Council authorizes the reallocation staff will proceed with the Program Year 2016 Action Plan amendment. Finance will include the reallocation of funds within the budget amendment coming before Council in January.

A public notice will be published allowing for a 30-day public comment period and public hearing before City Council on February 5th.

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

Regular Council
February 5, 2018

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 Levi to **approve** the **amendment** request as follows \$19,743 for design of Old Nampa CDBG project ped ramps; \$154,252 for design of 2nd and 3rd Street Downtown project.; Remaining \$6,005 will be further reallocated to a project at a later date when we have identified all project funds that are in need of reallocation. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #15 – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING **TITLE 6**, CHAPTER 2, SECTIONS 6-2-1 THROUGH 6-2-30 OF THE NAMPA CITY CODE, RELATING TO **ANIMAL CONTROL**; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Police 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 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 **4359** and directed the Clerk to record it as required.

MOTION CARRIED

Item #16 – Mayor King presented a request to pass the **summary of publication** for the preceding ordinance.

MOVED by Rodriguez and **SECONDED** by Haverfield to **approve** the **summary of publication** as requested. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

Item #17 - Mayor Kling presented the request to **approve** a **waiver** for **Soda Stop LLC** to allow a **Beer & Wine License** within 300' of a school.

Regular Council
February 5, 2018

MOVED by Bruner and **SECONDED** by Rodriguez to **approve** a **waiver** for **Soda Stop LLC** to allow a **Beer & Wine License** within 300' of a school as requested. The Mayor asked for a roll call vote with Councilmembers Levi, Hogaboam, Rodriguez, Bruner voting **YES**. Councilmember Haverfield voting **NO** and Councilmember Skaug **ABSENT**. The Mayor declared the
MOTION CARRIED

Item #18 - Mayor Kling presented the request to **appointment** of **Council Liaison** to **Library Board**.

MOVED by Haverfield and **SECONDED** by Rodriguez to **appoint Councilmember Rick Hogaboam as the Council Liason to the Library Board** as requested. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the
MOTION CARRIED

Item #19 - Mayor Kling presented the request to **reinstate** the **Ford Idaho Center Advisory Commission** and **appointment** the following two new members of **Sheri Boardman and Curtis Homer** to the Commission.

MOVED by Hogaboam and **SECONDED** by Rodriguez to **reinstate** the **Ford Idaho Center Advisory Commission** and **appointment** the following two new members of **Sheri Boardman and Curtis Homer** to the Commission as requested. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the
MOTION CARRIED

Item #20 - Mayor Kling presented the request for **reappointment** of **Terrance Blom and Lynn McConnell** to the **Nampa Housing Authority**.

MOVED by Haverfield and **SECONDED** by Rodriguez to **approve** the **reappointment** of **Terrance Blom and Lynn McConnell** to the **Nampa Housing Authority** as requested. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

Item #21 - Mayor Kling presented the request for **recommendation** by **Mayor**, and Confirmation of Appointments by City Council, for the Two Vacant Positions on the **Nampa Building and Site Design Standards Committee**: Meggan Manlove and Aaron Randall.

Planning and Zoning Director Norm Holm presented a staff report.

Regular Council
February 5, 2018

MOVED by Rodriguez and **SECONDED** by Hoagaboam to **approve the recommendation** by **Mayor**, and Confirmation of Appointments by City Council, for the Two Vacant Positions on the **Nampa Building and Site Design Standards Committee**: Meggan Manlove and Aaron Randall as requested. The Mayor asked for all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

Item #22 - Mayor Kling presented the request to **authorize the Mayor to sign reimbursement agreement** (exhibit “b”) for sewer with **Magellan Development LLC/Don Newell**.

Daniel Badger presented the following staff report explaining that Magellan Development/Don Newell are the developers of the Timber Lake Subdivision located on Ustick Road just east of Madison Avenue, see exhibit “A”.

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

Magellan has requested a reimbursement agreement for the offsite and oversized sewer main.

The Engineering Division has reviewed the associated costs for the construction of these lines and finds them to be reasonable based on past bids.

The City’s Reimbursement Policy bases the reimbursement fee on the allowable costs and total number of equivalent dwelling units (EDU’s) anticipated to be served by the improvement. Using this method, the reimbursement fee collected by the City would be approximately \$37 per EDU.

Engineering recommends approving the requested reimbursement agreement at the existing policy calculation.

Magellan has also requested to change the method of determining the reimbursement calculation. Magellan proposed to use the anticipated lots served on a market analysis and the 20-year term of the agreement. Using this method, the reimbursement fee collected by the City would be approximately \$187 per EDU.

Engineering has reviewed the requested methodology proposed by Magellan and has concerns with implementing it without fully evaluation the policy implications.

Engineering will evaluate the requested change to policy and report its findings to Council.

Staff believes it would be appropriate to reevaluate Magellan’s request if policy changes are approved.

Regular Council
February 5, 2018

Councilmembers asked questions.

MOVED by Bruner and **SECONDED** by Haverfield to **authorize** the **Mayor** to **sign** the **Reimbursement Agreement** for sewer with **Magellan Development LLC/Don Newell** as requested. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #23 - Mayor Kling presented the request to **award bid** to **Idaho Materials and Construction** and **authorize** the **Mayor** to **sign** the **contract** for **2nd & 3rd Streets South rebuild** in the amount of **\$2,277,440.00** and **authorize** the **Mayor** to **sign task order** and **contract** for **professional services** with **HDR Inc.** for the **2nd & 3rd Streets South rebuild Project** in the amount of **\$218,017.89** (T&M N.T.E.).

Michael Fuss presented the following staff report explaining that the Engineering, as part of the FY18 Public Works Asset Management Program, identified 2nd Street South and 3rd Street South between 12th & 16th Avenues as roadways in poor condition. Both need reconstruction (see exhibit “A”, Vicinity Map).

The project will add the following improvements to downtown:

- New asphalt surfacing and pedestrian ramps
- Streetscape amenities (intersections only)—brick paver sidewalks, decorative streets lights, benches, planters and garbage receptacles
- Water, pressure irrigation, storm water and electrical utility upgrades.

The City received three (3) bids for the project with the low bid from Idaho Materials and Construction, for \$2,277,440.00 (see exhibit “B”, Bid Tabulation Showing All Bidders)

The total estimated project costs are:

Design (Original Task Order)	\$207,108.00
Design/Construction Coordination (Task Order Amendment)	\$ 35,850.00
Construction Engineering and Inspection	\$218,017.89
<u>Construction</u>	<u>\$2,277,440.00</u>
Total	\$2,738,415.89

The total project budget is \$2,489,108.00:

FY17 Streets Pavement Management	\$207,108.00
FY18 Streets Pavement Management	\$2,282,000.00
<u>Reallocation FY18 Streets Budget</u>	<u>\$ 249,307.89</u>
Total	\$2,738,415.89

Regular Council
February 5, 2018

HDR Inc. has also been selected to perform construction engineering and inspection (CE&I) services for the 2nd & 3rd Streets South Rebuild Project. Their selection was based upon their knowledge of the City's specifications and procedures regarding public involvement as well as a successful history with past City projects.

HDR Inc. has provided an initial Scope of Work and Labor Estimate to provide CE&I and Public Involvement services for \$218,017.89 (see exhibit "C", Scope of Work).

Considering cost overruns on this project and on the 11th Avenue/Industrial Road project, the Greenhurst Road Culvert Repair project will be cancelled this year unless other transportation funding becomes available. The Greenhurst Road Culvert Repair project is a finalist for federal funding through the ITD Local Strategic Initiatives Program administered by the Local Highway Technical Assistance Council (LHTAC). Should the project not be selected for funding, staff will propose additional funding in the 2019 budget process.

MOVED by Bruner and **SECONDED** by Haverfield to **award the bid to Idaho Materials and Construction and authorize the Mayor to sign contract** for 2nd & 3rd Streets South Rebuild in the amount of **\$2,277,440.00** and **authorize the Mayor to sign task order and contract** for professional services with **HDR Inc.** for the 2nd & 3rd Streets South Rebuild project in the amount of **\$218,017.89** (T&M N.T.E.) as requested. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #24 - Mayor Kling presented the request for Council to **authorize the Mayor to approve change order #9** with **Idaho Materials** in the estimated amount of **\$184,450**. (Project: 11th Ave N Industrial Rebuild).

Michael Fuss presented the following staff report explaining that the construction for the much needed 11th Avenue North and Industrial Road project is nearing completion (see Vicinity Map - Exhibit A). Industrial Road, 20th Street North and a portion of 11th Avenue North are complete. The five deteriorated railroad track crossings on 11th Avenue are installed and the 11th Avenue will be paved and opened to traffic once the colder temperatures subside.

A series of significant rock excavation challenges hindered construction of the 11th Avenue North intersection, resulting in the continued closure of Industrial Road and Sugar Street. These unforeseen issues, combined with colder temperatures, delayed completion of the project.

Crews have had ongoing challenges boring water and stormwater pipes under five UPRR tracks due to severely deteriorated existing infrastructure and more than anticipated rock under the road surface. Previous surveys indicated rock was present ten feet below the roadway but in reality, crews encountered rock less than three feet beneath the surface.

Regular Council
February 5, 2018

The pipe boring is complete and the additional rock excavation and unforeseen conditions were addressed in previously approved Change Order #8. Change Order #9 is due to UPRR unforeseen railroad inspection and flagging in the amount of \$184,450 as outlined below:

- UPRR required additional inspection service (Rail Pros) for all bores beneath their tracks (7-ea bores). The additional boring activities cost \$130,700 in Rail Pros inspection fees.
- UPRR also required on-site continuous survey to monitor the tracks' stability during the boring process. The additional cost is \$38,500.
- During the work within the UPRR Right of Way, UPRR determined that they had to provide flaggers while work was in process. This cost was unanticipated as Boise Railroad had agreed to provide flaggers at no cost. This additional cost is \$15,250.

Revised total project costs:

Design consulting	\$ 146,735.00
Construction Engineering & Inspection (CE&I)	\$ 122,300.63
Construction	\$ 2,024,300.00
UPRR Permits	\$ 42,510.00
Boise Valley Railroad (cost share on track crossings)	\$ 225,000.00
Change Order #8 (50% Water, 50% Streets)	\$ 161,000.00
<u>Change Order #9 (50% Water, 50% Streets)</u>	<u>\$ 184,450.00</u>
<i>Total estimated cost</i>	<i>\$ 2,906,295.63</i>

Revised funding summary:

Approved FY17 Streets	\$ 1,851,231.00
FY17 Water Amendment	\$ 671,104.60
ITD RR Safety Grant Reimbursement	\$ 200,000.00
<u>FY18 (50%) Water & (50%) Streets Projects</u>	<u>\$ 183,960.03</u>
<i>Total estimated funding</i>	<i>\$ 2,906,295.63</i>

The change order will be funded from two sources: Street funding (\$91,980) by cancelling Elijah Drain at Greenhurst Road Culvert Repair project and Waterworks funding (\$91,980) from the recently bid Water Maintenance Project.

Considering cost overruns on this project and on the FY18 2nd & 3rd Street (Downtown) Rebuild project, the Greenhurst Road Culvert Repair project will be cancelled this year unless other transportation funding becomes available. The Greenhurst Road Culvert Repair project is a finalist for federal funding through the ITD Local Strategic Initiatives Program administered by the Local Highway Technical Assistance Council (LHTAC). Should the Greenhurst project not be selected for funding, staff will propose additional funding in the 2019 budget process.

Regular Council
February 5, 2018

Engineering recommends authorizing approval of Change Order #9 with Idaho Materials Inc.

MOVED by Rodriguez and **SECONDED** by Hogaboam to **authorize** the **Mayor** to **approve Change Order #9** with **Idaho Materials** in the estimated amount of **\$184,450** as requested. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #25 - Mayor Kling presented the request to **authorize** the **Mayor** and **Public Works Director** to **sign a contract** with **Cougar Excavation, LLC** to construct the **FY17 Water Projects**.

Michael Fuss presented the following staff report explaining that the project will construct four (4) system improvements identified in the 2014 Water Master Plan (Exhibit A). Each project is briefly explained below:

- 1) Burke Lane Water Pipeline – Create loop in system and increase available fire flow to Lake Ridge Elementary.
- 2) Victorian Crest Pressure Zone Modification – Change pressure zones for homes south of Greenhurst near Midland to prevent pressure drop below 40 psi during maximum daily demand (MDD).
- 3) Smart Street Water Pipeline – Create loop in system and increase available fire flow during MDD.
- 4) Sunnybrook Pressure Reduction Valves (PRV's) – Reduce pressure to less than 70 psi to homes west of Sunnyridge and south of Greenhurst.

The City solicited formal bids for the project in accordance with I.C. § 67-2805(3) and five (5) contractors responded with the following bids:

1) Cougar Excavation, LLC	\$ 466,044.20
2) Granite Excavation, Inc	\$ 875,502.50
3) Knife River Corp-Northwest	\$ 690,096.00
4) Blue Sky Construction, LLC	\$ 659,169.72
5) Anderson & Wood Construction Co., Inc	\$ 933,533.73

FY17 Water Projects have an approved FY18 Water Division budget of \$719,000.

Engineering (FY18)	\$ 43,728
Construction Bid	\$ 466,044
Construction Observation	\$ 59,383
Total	\$ 569,156

Engineering Division recommends awarding the bid to Cougar Excavation, LLC

MOVED by Bruner and **SECONDED** by Haverfield to **authorize** the **Mayor and Public Works Director** to **sign a contract** with **Cougar Excavation, LLC** to construct the **FY17 Water Projects** as requested. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #26 - Mayor Kling presented the request for Council to **authorize** the **Mayor to approve Work Change Directive 1 and Subsequent Change Order** with **Blue Sky Construction** in the estimated amount of **\$260,000**. (Project: Western Regional LS Parallel FM II).

Michael Fuss presented the following staff report explaining that the Construction of the parallel force main (24-inch) from Old Karcher Road to the waste water treatment plant for the Western Regional lift station (Exhibit A) is underway. The parallel force main will provide near term redundancy and long-term capacity for the West Regional as the City grows.

The contractor has encountered unforeseen issues stemming from severely deteriorated existing infrastructure, higher than anticipated Union Pacific Railroad (UPRR) inspection and survey fees and development adjacent to the project. The additional items are summarized below:

- A segment of the parallel line was installed in 2004 as part of ITD's Karcher Interchange project. When the current contractor Blue Sky Construction (BSC) attempted to pressure test the 14-year-old pipe it failed. BSC had to excavate additional existing pipe to repair the defective joints and successfully pressure test the pipe. The additional cost for pressure testing is approximately \$105,000.
- UPRR required additional inspection service (Rail Pros) for all work within their right-of-way (ROW). During project planning it was anticipated that Rail Pros would only be needed if construction was within 25-feet of the nearest track. Most of the project is within UPRR ROW and 40-feet from the nearest track. The additional cost for Rail Pros is approximately \$100,000.
- The License Agreement from UPRR requires the parallel force main to be installed five (5) feet from the property line. To construct the project within UPRR

requirements, the contractor must utilize private property to allow sufficient room for excavation and pipe placement. The City has a temporary easement with the owner of the adjacent private for no cost. However, the property is developed and will require temporary fencing and site restoration after construction is completed. The additional cost for the temporary easement restoration is \$55,000.

The estimated cost for these items is \$260,000. Engineering used a Work Change Directive (WCD) method that minimized delay by directing the contractor to proceed with the additional work while final costs are being negotiated.

Engineering recommends moving forward with a WCD in the estimated amount of \$184,450 (see Exhibit B) plus and additional \$25,000 to be used as a contingency fund for the remainder of the project.

Revised total cost estimate:

Engineering	\$ 248,498
Construction Observation	\$ 187,160
Construction Bid	\$ 2,084,876
UPRR License Agreement	\$ 149,710
Change Order No. 1	\$ 260,000
Total	\$ 2,930,244

Revised funding summary:

Approved FY17 Design & UPRR Agreement	\$ 398,208.00
Approved FY18 Wastewater Amendment	\$ 2,409,509.00
<u>Reallocation of FY18 Sewer Budget</u>	<u>\$ 122,527.00</u>
<i>Total estimated funding</i>	<i>\$ 2,930,244.00</i>

To reallocate the Sewer budget, the FY18 Aerial Sewer project budget will be decreased by \$122,527.00. Additional Aerial Crossing projects will be proposed in FY19.

Engineering recommends authorizing approval of the Work Change Directive 1 and subsequent Change Order.

MOVED by Skaug and **SECONDED** by Bruner to **authorize the Mayor to approve Work Change Directive 1** and subsequent Change Order with **Blue Sky Construction** in the estimated

Regular Council
February 5, 2018

amount of **\$260,000** as requested. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #27 – The following Resolution was presented:

Michael Fuss presented a staff report explaining that the information pertaining to the proposed 2018 domestic and irrigation water miscellaneous fees increase was provided to the Board of Appraisers (BOA) on December 19, 2017 (*see BOA Meeting Minutes under February 5, 2018, Council Agenda Consent Items*)

Staff reported to the BOA that on March 1, 2016, new irrigation rates and fees methodology went into effect because of the 2015 Water Utilities Cost of Service Study. The 2016 domestic and irrigation water miscellaneous fees increase was significant

The following index options were recommended by staff for the 2018 domestic and irrigation water miscellaneous fees to slow rate increase projection:

- A. CPI¹ (Consumer Price Index) increase of 2.5%. (average increase from March 1, 2016, thru November 01, 2017)
- B. ENR¹ (Engineering News-Record) increase of 3.3% (average increase from January 1, 2017, thru November 30, 2017)
- C. ENR¹ (Engineering News-Record) increase of 6.1% (average increase from March 1, 2016, thru November 30, 2017)

Overall, using an index for annual increases was favored by Board members

A motion was made, and seconded, in favor of CPI increase of 2.5% for 2018 domestic and irrigation water miscellaneous fees. The motion passed

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, IMPLEMENTING AN INCREASE IN THE MISCELLANEOUS FEES CHARGED BY THE CITY OF NAMPA FOR DOMESTIC WATER AND IRRIGATION.

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**. Mayor Kling declared the resolution passed, numbered it, **5-2018**, and directed the clerk to record it as required.

MOTION CARRIED

Item #28 - The following Resolution was presented:

Regular Council
February 5, 2018

Michael Fuss presented the following staff report explaining that in accordance with Idaho Code section 50-1807, the Mayor and City Council are to meet on or before the second Wednesday of February of each year to make an estimate of the necessary funds to maintain the City's irrigation system and services

Information pertaining to the proposed 2018 pressurized irrigation rate increase was provided to the Board of Appraisers (BOA) on December 19, 2017 (*see BOA Meeting Minutes under February 5, 2018, Council Agenda Consent Items*)

The good news and bad news is total 2017 revenue from irrigation rates has exceeded projections by \$393,162, for total annual revenue of \$4,125,409. However, revenue increases have afforded the City to make several needed improvements to the irrigation system

The total revenue from 2017 matches the projected revenue with ongoing 4.5% increases (as projected in 2015 Water Utilities Cost of Service Study) equal to that expected in 2020. But it was further reported to the BOA that utility construction costs are up about 15%

BOA members were asked what their recommendation would be moving forward with the proposed 2018 irrigation rate increase:

- D. Take no increase.
- E. Continue with recommended annual COS 4.5% increase.
- F. Lower to CPI¹ (Consumer Price Index) increase of 2.5%. This rate would somewhat follow the plan for small, annual increases.
- G. Lower to ENR¹ (Engineering News-Record) Index increase of 3.3%. This rate would somewhat follow the plan for small, annual increases.

A motion was made, and seconded, in favor of ENR Index increase of 3.3% for 2018 irrigation rates. The motion passed

Today's request is to meet statutory requirements by resolution (see Attachment 1) and ensure pass through of any underlying irrigation districts' changes.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, IMPLEMENTING AN INCREASE IN THE RATES CHARGED BY THE CITY OF NAMPA FOR IRRIGATION WATER AND THE PASS THROUGH OF UNDERLYING IRRIGATION DISTRICTS RATES TO THE CUSTOMERS OF THE CITY OF NAMPA.

MOVED by Haverfield and **SECONDED** by Rodriguez to **pass** the resolution as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the resolution passed, numbered it, **6-2018**, and directed the clerk to record it as required.

MOTION CARRIED

Item #29 - The following Resolution was presented:

Michael Fuss presented the following staff report explaining that the information pertaining to the proposed 2018 pressurized irrigation rate increase was provided to the Board of Appraisers (BOA) on December 19, 2017 (*see BOA Meeting Minutes under February 5, 2018, Council Agenda Consent Items*)

BOA members were asked what their recommendation would be moving forward with the proposed 2018 irrigation rate increase:

- H. Take no increase.
- I. Continue with recommended annual COS 4.5% increase.
- J. Lower to CPI¹ (Consumer Price Index) increase of 2.5%. This rate would somewhat follow the plan for small, annual increases.
- K. Lower to ENR¹ (Engineering News-Record) Index increase of 3.3%. This rate would somewhat follow the plan for small, annual increases.

Subsequently, consideration was requested by the Board to also move to increase 2018 irrigation hookup fees by the same percentage determined for the 2018 irrigation rate increase

- o The question was raised about using an index increase for irrigation hookup fees as specific calculations were previously used
 - Legal counsel advised it was reasonable for the City to base its increase using an index, with the understanding that a cost of service study would be performed on a regular basis

A motion was made, and seconded, in favor of ENR Index increase of 3.3% for 2018 irrigation hookup fees. The motion passed.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, IMPLEMENTING AN INCREASE IN FEES CHARGED BY THE CITY OF NAMPA FOR IRRIGATION WATER HOOKUP FEES.

MOVED by Haverfield and **SECONDED** by Bruner to **pass** the resolution as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the resolution passed, numbered it, **7-2018**, and directed the clerk to record it as required.

MOTION CARRIED

Item #30 – The following Ordinance was read by title only:

AN ORDINANCE ESTABLISHING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 164 FOR THE CITY OF NAMPA, CANYON COUNTY, IDAHO, FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS TO THE CITY'S SIDEWALKS, PEDESTRIAN RAMPS, DRIVE APPROACHES, CURBS, GUTTERS AND OTHER RELATED STREET

Regular Council
February 5, 2018

IMPROVEMENTS IN THE DISTRICT; PROVIDING THE KIND AND CHARACTER OF THE PROPOSED IMPROVEMENTS; PROVIDING THAT SAID DISTRICT SHALL BE CONSIDERED A MODIFIED DISTRICT PURSUANT TO SECTION 50-1705, IDAHO CODE; DESCRIBING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY THEREIN TO BE BENEFITED BY THE IMPROVEMENTS TO BE MADE; PROVIDING FOR THE TOTAL ESTIMATED COSTS AND EXPENSES OF IMPROVEMENTS TO BE LEVIED AND ASSESSED AGAINST THE SAID LOTS AND LANDS TO BE BENEFITED BY SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS ASSESSED AGAINST THE SAID LOTS AND LANDS; PROVIDING FOR THE APPOINTMENT OF THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS HEREBY ORDERED AND THE PREPARATION AND FILING OF AN ASSESSMENT ROLL AND A LOCAL IMPROVEMENT DISTRICT REPORT PURSUANT TO THE PROVISIONS OF SECTION 50-1712, IDAHO CODE; PROVIDING A PROCEDURE FOR THE FILING, CERTIFICATION, NOTICE OF HEARING AND CONFIRMATION OF SAID ASSESSMENT ROLL, AND FOR THE NOTICE AND PAYMENT OF ASSESSMENT INSTALLMENTS SO CONFIRMED; CREATING CERTAIN FUNDS AND DOCKETS; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

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 Hogaboam, Bruner, Rodriguez, Haverfield voting **YES**. Councilmember Levi voting **NO** and Councilmember Skaug **ABSENT**. The Mayor declared the ordinance duly passed, numbered it **4360** and directed the clerk to record it as required.

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Rodriguez to **adjourn** the **meeting** at 9:28 p.m. The Mayor declared the

MOTION CARRIED

Passed this 20th day of February 2018.

MAYOR

ATTEST:

Regular Council
February 5, 2018

CITY CLERK