

REGULAR COUNCIL
February 18, 2020

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

Mayor Kling gave Jean Mutchie the oath of office.

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

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

The Mayor amended the agenda by amending item #5-18 Council Award Bid and Authorize Mayor to Sign Contract for the Construction of the Nampa Wastewater Treatment Plant Phase II Upgrades Project Group D - Primary Digester No.5 with The Ewing Company, Inc., in the Amount of \$6,425,581.94 by removing the contingency in the amount of \$325,000 that was in the council packet writeup; also removing item #5-24. Authorize Mayor to sign Memorandum of Understanding Between the City of Nampa and Nampa Highway District No. 1 to Design and Construct a Roundabout at the Intersection of Idaho Center Boulevard and Cherry Lane (approved by legal) which was the same as item #5-11 and that we will be moving item #5-7. 1st reading of ordinance amending Title 4 Chapter 7 of the Nampa City Code to incorporate a cloud-based reporting software for fire protection systems inspections to the beginning of the agenda.

MOVED by Haverfield and **SECONDED** by Bruner to **approve the Consent Agenda with the above-mentioned amendments; Item #1-1.** - Regular Council Minutes of **February 3, 2020**; Airport Commission Minutes of **January 13, 2020**; Arts & Historic Preservation Commission; Bicycle and Pedestrian Advisory Committee; Board of Appraisers; Building and Site Design Standards Committee Minutes of **November 18, 2019**; Building and Fire Code Advisory and Appeals Board; Council on Aging Minutes of **December 10, 2019** and **January 14, 2020** and **January 31, 2020**; Crow Management; Golf Commission; Housing Authority; Impact Fee Advisory Committee; Library Board of Trustees; Nampa Housing Authority Minutes of **January 8, 2020**; Nampa Planning and Zoning Commission Minutes of **January 14, 2020** and **January 28, 2020**; Venue Management Advisory Commission Minutes of **December 19, 2019**; Wastewater Design Review Commission; **Item #1-2.** - The Nampa City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **Item #1-3.** - **Final and Preliminary Plat Approvals: 1)** Final Plat for Southern Ridge Subdivision No. 7 south of Southern Ridge No. 5 (Located in the SW ¼ of the SE ¼ of Section 1, T2N, R2W, BM - 50 dwelling units on 12.53 acres for 3.99 dwelling units per gross acre) for Kent Brown representing HDP Southern Ridge Properties LLC (SPF-00120-2019); **Item #1-4.** - **Authorize Public Hearings: 1)** Zoning Map Amendment from RP (Residential Professional) to BC (Community Business) for a Used Auto Sales Lot at 924 16th Avenue South (A Lot 12 in Block 31 of Waterhouse Addition and a portion of 10th Street South (formerly Ash Street) as shown on the official plat of Waterhouse Addition – Comprising .31 acres or 13,504 sq. ft.) for James Newell (ZMA- 00115-2019); **2)** Annexation with Zoning to IL (Light Industrial) or IH (Heavy Industrial) for fifteen parcels totaling 355.67 acres in the area located between Cherry Lane on the south, Ustick on the north, Midland Blvd. on the west and Northside Blvd. on the east within Section 4, T3N, R2W, BM, Nampa, Canyon County, Idaho for the City of Nampa on behalf of eight property owners (ANN-00143-2019) Planning and Zoning Commission recommended Annexation and IL (Light Industrial) zoning district

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Owner	Parcel #	Address	Acres	Comp Plan	Zoning Request	Short Legal Description
Kinghorn Myrtice Life Estate	R30835010	0 W Ustick Road	38.36	Heavy Industrial	Heavy Industrial	04-3N-2W NE LT 2 E OF RR LS E 1.82 ACRES, LT 3 E OF RR
Johnson Shirley Family Trust	R30836011	0 Northside Blvd	60.2	Heavy Industrial	Heavy Industrial	04-3N-2W NE TX 96099 LS TX 11313 IN N1/2 SE1/4
Tuft Wayne LLC	R3083601	0 Northside Blvd	0.586	Heavy Industrial	Heavy Industrial	04-3N-2W SE TX 04770 & TX 04771 IN NESE
Tuft Wayne LLC	R30837011	0 Northside Blvd	8.77	Heavy Industrial	Heavy Industrial	04-3N-2W NE TX 04256 LS TX 07719 IN SENE
Tuft Wayne LLC	R30836012A	0 Northside Blvd	10.38	Heavy Industrial	Heavy Industrial	04-3N-2W NE N1/2 SE LYING E OF RR & W OF TX 96101
Tuft Wayne LLC	R30837	0 Northside Blvd	18.94	Heavy Industrial	Heavy Industrial	04-3N-2W NE TX 096101 IN S1/2 NE & N1/2 SE
Tuft Wayne LLC	R30836012	0 Northside Blvd	36.44	Heavy Industrial	Heavy Industrial	04-3N-2W NE S1/2 NE & N1/2 SE LYING W OF RR
JAG Investments LTD	R30855	0 Midland Blvd	16.73	Light Industrial	Light Industrial	04-3N-2W SW N 1/2 NESW LYING E OF CENTERLINE OF NOBLE SLOUGH DRAIN
JAG Investments LTD	R30862	17400 Midland Blvd	16.89	Light Industrial	Light Industrial	04-3N-2W SW N 1/2 NWSW LS TX 96729
JAG Investments LTD	R30863	17540 Midland Blvd	79.64	Light Industrial	Light Industrial	04-3N-2W NW S1/2 NW LESS TX 26
Corey Barton	R30837011A	0 Northside Blvd	9.77	Heavy Industrial	Heavy Industrial	04-3N-2W NE TX 07719 IN SENE
Adler Industrial	R30864	9641 Ustick Road	36.86	Heavy Industrial	Heavy Industrial	04-3N-2W NE LTS 2 & 3 LESS TX 19 W OF RR
Brad Miller, Adler Industrial	R30864010	9687 Ustick Road	0.72	Heavy Industrial	Heavy Industrial	04-3N-2W NW TAX 19 IN LOT 3
Brad Miller, Adler Industrial	R30865	9753 Ustick RD	7.28	Heavy Industrial	Heavy Industrial	04-3N-2W NW LT 4 N & E OF NOBLE SLOUGH DRAIN IN NWNW
JRL Properties LP	R30836011A	0 Northside Blvd	5.00	Heavy Industrial	Heavy Industrial	04-3N-2W NE TX 11313 IN SENESE
Total Acres			346.566			

Item #1-5. - Authorize Public Comment Period: **1)** None; **Item #1-6.** - Authorize to Proceed with Bidding Process: **1)** None; **Item #1-7.** - Authorization for execution of Contracts and Agreements: **1)** None; **Item #1-8.** - Monthly Cash Report: **1)** January 2020; **Item #1-9.** - Resolutions: **1)** None; **Item #1-10.** - License for 2020: a) *Renewal Alcohol:* **1)** None; b) *New Alcohol:* **1)** Craftsman Unlimited Haircuts, 16572 N Midland Boulevard, Nampa, ID on-premise beer, wine and liquor by the drink; **Miscellaneous Items:** **1)** None. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

MOTION CARRIED

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❖ **Legislative Updates (an invitation has been extended to the Nampa Legislators to speak on legislative action that potentially impacts the City of Nampa)** ❖

- **Legislator Brent Crane**
 - Texting Ban Bill (3)
 - Electing Council by Districts
 - Property Tax Freeze

Mayor and Council asked questions and made comments

- **Finance Director Doug Racine**
 - Property Taxes - Growth
 - Fund Reserves - Source
 - Total Revenues
- **Chief of Staff Rick Hogaboam**
 - Impact Fees Collected
 - Growth

Police Chief Joe Huff explained that a year ago at budget time there were 123 sworn police officers. Council authorized 9 new positions, 5 of those positions were hired in October 2019 and we deferred the other 4 until April of 2020. I have 3 full job offers of the 4 positions and 1 conditional job offer. In 52 days, these officers are scheduled to come to work. (2 of these offers are for out of state officers)

Two weeks ago, we asked permission to move forward on the COPS grant for officers and now want to know if we should keep moving forward with the process. (continue on with the grant process)

Mayor and Councilmembers asked questions and made comments.

❖ **(4) Staff Communications** ❖

Item #4-1. – Fire Chief Kirk Carpenter introduced Ron Johnson the new Fire Marshal and Chief of Operations Chris King who presented Aaron Powers with the Fire Fighter of the year award. This an annual award that is nominated by the firefighters.

The mental health amongst first responders across the Nation are a big concern.

Aaron Powers took it upon himself to develop new program and run it with great passion and purpose.

❖ (5) New Business ❖

Item #5-7. – The following Ordinance was read by title:

Fire Chief Kirk Carpenter explained that the ordinance was for a new program that is web based that will assist in the life safety of our community is the end goal.

The one thing that Nampa doesn't have currently within our Fire Department as you all know we are short staffed and we manually monitor our compliance of our safety systems which includes sprinkler systems, alarms systems those are inspected upon installation and certified and then it is up to the business to make sure that they stay in compliance.

We do receive some reporting from certain companies but if we were actually monitor the actual percentage of compliance it would be impossible right now with the amount of personnel that we have. We do have technology now and watching and learning from the communities around us we know that there are programs that we can use that will take the main bulk of the load from the fire department but give us the same data.

This will help enact and enforce compliance when needed. It notifies us. We have identified an Idaho based company that has the tools that we are looking for and that is LIV – Life Safety Inspection Vault.

Brent Crane, Crane Alarm Service explained that we have used compliance engines for a number of years in other jurisdictions. It started in Boise for us, we go all over the state of Idaho.

On an annual basis we are required to inspect the fire alarm systems for our customers, submit a report to the customer, whether it passed its inspection or not and also submit a report to the fire department. If there are deficiencies, it failed to pass then our client has an obligation to get those deficiencies fixed and they usually contract with us or someone else to fix those.

What has happened here in the City of Nampa is that we will submit that to City of Nampa and the customer. It is very difficult for the city to maintain that because they have a lot of people coming in.

What LIV does for them or Brycer either one, what it does specifically, LIV is probably a little more advanced than Brycer is it provides them with a dash board where they can see the systems that were inspected, there can see the ones that are deficient. This is a life safety issue because this building is not compliant so then they can stop by that building and tell them that they are not in compliance do you have any plans to get it fixed. They can work with the business.

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LIV does this for fire alarms, fire sprinklers and fire extinguishers. When I met with Elijah from Nampa Fire Department, I told him my one piece of advice is that we as a business will pay a fee for this service and we will pass that fee along to our customer. The sprinkler guys will do the same thing the difference with LIV and Brycer is LIV is going to do fire extinguishers that have to be inspected on an annual basis and then every 6 years we have break them down and make sure that the gaskets are good in them and make sure the chemical that is there is working and the pressurize it again.

LIV will track those fire extinguishers as well, that is a nice thing to have. However, they are going to charge for that. That is where you will see a lot blow back on this issue, is the charging of fire extinguishers and my advise to them split amongst the fire sprinklers guys and the fire alarms guys because our inspections are very expensive and so the customers are used to paying high dollar amount.

Councilmembers asked questions.

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 4, CHAPTER 7, BY THE ADDITION OF A NEW SECTION **4-7-4**, OF THE NAMPA CITY CODE, CONTAINING PROVISIONS INCORPORATING A **CLOUD BASED REPORTING SOFTWARE FOR FIRE PROTECTION SYSTEMS INSPECTIONS**; 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 Haverfield and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4491** and directed the Clerk to record it as required.

MOTION CARRIED

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

- Jennifer Eld – 2810 Southside Boulevard
 - 120-year-old farm that is vacant field in Boise
 - Ordinance for Historic buildings - Demolition Permit

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- 1010 Southside Boulevard old Barn (historical)

❖ (6) Public Hearings ❖

Item #6-2. - Mayor Kling opened a **public hearing** for **annexation** and **zoning** to BC (Community Business) for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres at **0 Midland Boulevard** and **9778 E Cherry Lane** (A 33.13 acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM) for **Hatch Design Architecture** representing **Kiwi Enterprises, LLC** (ANN-00 135-2019)

Jeff Hatch, Hatch Design Architecture, 5119 Briar Crest Drive presented the request.

Planning and Zoning Director Norm Holm presented the following staff report explaining that the request is for annexation and zoning to BC (Community Business) for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres for the purpose of a business-industrial park at 0 Midland Boulevard and 9778 East Cherry Lane for Hatch Design Architecture representing Kiwi Enterprises, LLC.

General Information

Planning and Zoning Commission Recommendation: Approval subject to stated Findings and Conditions of Approval. **Zoning & Planning History:** The subject property has been used for minimum agricultural purposes in the past and the current owner is now seeking annexation and zoning to light BC and IL to connect to city services for a new Business/Industrial Park. **Status of Applicant:** Property owner representative. **Annexation Location and Size:** 0 Midland Blvd. and 9778 E Cherry Lane - A 33.13-acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM. Existing Zoning: AG (County Agricultural) **Proposed Zoning:** BC (Community Business) and IL (Light Industrial). **Comprehensive Plan Designation:** Existing- Business Park/Light Industrial, Proposed- Community Mixed/Industrial. **Surrounding Land Use and Zoning:** North- Agriculture and Rural Residential; County AG (Agricultural) - South- St. Luke's Medical Center; HC (Healthcare) East- Agriculture; County AG (Agricultural) - West- Rural Residential; County AG (Agricultural) **Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The subject property is contiguous with city limits to the south across W. Cherry Lane. **Existing Uses:** Undeveloped agricultural land. **Applicant Reason for Annexation and Zoning:** To connect to municipal services and development of a new Business/Industrial Park.

Special Information

Permitted and Conditional Uses BC and IL zones (click on links to view online):

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BC-<http://www.cityofnampa.us/DocumentCenter/View/10398/Community-Business-BC-District-Land-Uses>

IL-<https://www.cityofnampa.us/DocumentCenter/View/10416/Light-Industrial-IL-District-Land-Uses>

Signs allowed in the BC and IL zones (click on links to view online)

BC – <https://www.cityofnampa.us/DocumentCenter/View/10853/BC-BF-Signs>

IL – <https://www.cityofnampa.us/DocumentCenter/View/10852/IL-IH-Signs>

Public Utilities: From Engineering - The Nampa City's water and pressure irrigation systems have adequate capacity to serve this property. The City of Nampa maintains the following utilities in the vicinity of the project:

- 2" water main on south side of Cherry Lane; and,
- 12" pressure irrigation main at the intersection of Cherry Lane and the St. Luke's entry road.

Public Services: Police and fire already service city incorporated areas surrounding the location.

Physical Site Characteristics: Existing agricultural land available for development.

Transportation: From Engineering - Direct access to the property is available from W. Cherry Lane -classified as "Principal Arterial"; speed limit 45-mph. **Correspondence:** No written correspondence has been received from any area property owners, residents or business owners regarding opposition to or support for the requested annexation and zoning to BC and IL.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the comprehensive plan existing and proposed "future land use maps" as being compatible with the zoning that has been requested. If the Nampa City Council accepts the Planning and Zoning Commission recommendation and votes to approve of the annexation and zoning the following findings are suggested:

- 1) The requested annexation area is a 33.13-acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM, Canyon County, ID.
- 2) The requested zoning is BC for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres at O Midland Blvd. and 9778 E Cherry Lane.
- 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 adjacent lands to the south having been annexed, zoned, and/or developed for industrial uses.
- 4) The proposed BC and IL zoning plan conforms with the city's existing and proposed comprehensive plan future land use map for Business Park/Community Mixed Use and Light Industrial/Industrial land uses and is reasonably compatible with existing and proposed land uses in the area.

- 5) The owner/applicant requests annexation and zoning to BC and IL for connection to municipal services and development of a Business/Industrial Park.

Recommended Conditions of Approval

If the Planning & Zoning Commission votes to recommend to the Nampa City Council approval of the annexation and zoning, staff suggests the following conditions of approval as recommended by Nampa City Engineering:

- 1) Dedicate 50' of public right-of-way from Section Line along the Cherry Lane frontage.
- 2) Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to city services.
- 3) Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City of Nampa at the time of property development/redevelopment, and prior to connection to city services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
- 4) Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
- 5) Applicant/Owner shall comply with all Nampa City Codes, Policies, and Standards in place at the time of property development/redevelopment.
- 6) The designated public right-of-way width for Cherry Lane is 50' from Section Line {100' total). This right-of-way shall be dedicated as part of this annexation.
- 7) Cherry Lane is only a two-lane roadway across the project, without curb or sidewalk improvements. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development. Site access and design of all roadways shall adhere to the Nampa Engineering Division Process & Policy Manual.
- 8) Annexation of this property will trigger the need to annex the full 1/2-mile section of Cherry Lane from Midland Blvd to Ten Lane due to current agreement with Nampa Highway District No. 1. A portion of Cherry Lane along the frontage of the St. Luke's property was de-annexed in 2018 as part of Ordinance No. 4396. This description has been provided to the applicant and shall be included within the property annexation legal description if approved by Council. In addition, the prescriptive Cherry Lane right-of-way east of the property to Ten Lane shall also be included in the annexation. The Nampa Engineering Division has prepared a legal description for this portion of the roadway and is attached hereon.
- 9) Development of the property will require extension of the 12" pressure irrigation main across the project frontage.
- 10) The Nampa City's wastewater treatment facility has adequate capacity to serve this property. However, sewer conveyance infrastructure is not directly available to the property. This property is included in the Purdam Sewer Basin and is intended to sewer back to the main line in Ustick Road near Northside Blvd. The City of Nampa is currently working with the Nampa

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Development Corporation to extend sewer main west in Ustick Road to improve development potential of industrial ground in this area of the City of Nampa. However, the sewer will still be more than 3,000-feet from the project site after this extension occurs. The City of Nampa owns a 12" sewer line located near the intersection of Cherry Lane and the St. Luke's entry road. However, it is unlikely this main will be able to support gravity sewer service to the entire property due to site grades. The applicant may utilize this main to serve what area is feasible via gravity. The Engineering Division would not oppose temporary use of individual septic systems as allowed by Southwest District Health Department until such time that gravity sewer is available from the Purdam Trunk. However, site design shall accommodate eventual gravity connection to the Nampa City's system.

Councilmembers asked questions of staff.

Those appearing in favor of the request were: Connie Runia, 6396 Bennett; Jerry Dickerson, 3615 South Raintree Drive; Hugo Castillio, 101 11th Avenue South; Norm Brown, Mark Bollis Real Estate, 839 South Bridgeway Place, Eagle; David Whaley, 758 West Heatherwood; David Broome, 17400 Midland Boulevard.

Those appearing in opposition to the request were: Nicole Nicholson, 18574 Emerald Lake (not in attendance at the time of the PH); Wayne Nicholson, 18574 Emerald Lake Avenue (not in attendance at the time of the PH); Kathy Meyers, 9802 Cherry Lane; Rick Gibson, 17192 Midland Boulevard; Sandy Miller, 17100 Midland Boulevard.

The applicant answered questions that were brought up in the public comment period and from staff.

Councilmembers asked questions of the applicant and of staff and made comments.

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **approve the annexation and zoning** to BC (Community Business) for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres at **0 Midland Boulevard and 9778 E Cherry Lane** (A 33.13 acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM) for **Hatch Design Architecture** representing **Kiwi Enterprises, LLC** with staff recommendation of approval and a ten foot landscape buffer not allowing any asphalt along the western boundary line with a 6 foot site obscuring fence with a landscape buffer on the eastside of the fence and authorize the Nampa City Attorney draw up the appropriate ordinance. The Mayor

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asked for a roll call vote with Councilmembers Mutchie, Levi, Bower, Bruner, Haverfield voting YES. Councilmember Rodriguez voting NO. The Mayor declared the
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Item #6-3. - Mayor Kling opened a **public hearing for amendment** of Title 10, Chapter 21 Animal Zoning Regulations, Sections 10-21-01 through 10-21-05, inclusive, pertaining to zoning regulations applicable to the keeping of animals; and Amendment of Title 10, Chapter 24 Variance, Sections 10-24-01 through 10-24-05, inclusive, pertaining to the scope and procedure for obtaining a variance. Zoning Text Edits are for the purpose of adding additional clarity and increasing the readability of Title 10, Chapters 21 and 24 for the City of Nampa. (ZTA-00014-2019 and ZTA-00015-2019)

Principal Planner Rodney Ashby presented the following staff report explaining that the request is for and amendment of Title 10, Chapter 21 Animal Zoning Regulations, Sections 10-21-01 through 10-21-05 inclusive, pertaining to zoning regulations applicable to the keeping of animals; and Amendment of Title 10, Chapter 24 Variance, Sections 10-24-01 through 10-24-05, inclusive, pertaining to the scope and procedure for obtaining a variance. Zoning Text Edits are for the purpose of adding additional clarity and increasing the readability of Title 10, Chapters 21 and 24 for the City of Nampa.

Correspondence

Planning & Zoning Commission recommended approval with the following changes:

- Change section 10-21-3 Agricultural Animals as Pets, as follows-
 - Certain animals normally ~~defined~~/classified as "agricultural" per this ~~title~~ may be kept, ~~in limited quantity~~, as pets on single-family residential properties within the residential zones (RA, RS, RD, RML, RMH and RP) ~~as specified in the table in section 10-3-2 of this title and also~~, in accordance with the following provisions:
 - Said animal(s) shall not include ~~certain animal types identified/classified or otherwise defined as "agricultural" by virtue of this title including bees (regulated separately under the apiary section), roosters, peacocks, peafowls,~~ horses (see ~~miniature types as noted below~~), goats, sheep, donkeys, mules, llamas, alpacas, emus, ~~ostriches,~~ rneas, or some types of birds or fowl, including: turkeys, chicken roosters, ostriches, peafowl, or any other fowl whose calls are audible over similar distances or qualify as a nuisance as defined in 10-21-3E of this chapter except as specifically allowed by this Chapter.
- Change the table under 10-21-3: Agricultural Animals as Pets, to the following-

Chickens (n No r Roosters), <u>pigeons, or doves</u>	10
Ducks <u>and other small birds or fowl</u>	<u>23</u>

kept for non-commercial purposes	
Miniature horses/pygmy goats	1
Potbellied pigs	2 See subsection D of this section
Rabbits or similar (e.g., chinchills)	<u>4</u>

Applicable Regulations

Section 10-2-3 D Conclusions of Law Pertinent to Proposed Zoning Ordinance Text Amendments: Before the commission recommends a text (content) amendment to the zoning ordinance, and, before the Nampa City Council approves any proposed zoning code amendment(s), the Commission and the Nampa City Council must individually find and conclude: 1. That the proposed amendment(s) is, are or would be reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.

Staff Analysis

The proposed ordinances, changing NCC 10-21 and 10-24 are attached as exhibits. Most of the changes are to simplify or clarify the intent of the code. The following is a summary of changes beyond just clarification and simplification of wording.

10-24-01:

- Clarification of the need for an applicant to show an undue hardship caused by characteristics of the site, rather than a hardship in general to the applicant
- Clarification that Council may approve a variance as long as it isn't in conflict with the public interest.

10-24-02:

- Elimination of the definition of a variance, repeated multiple times.
- Reformatting for ease of understanding conditions that must occur if a variance is granted for specific purposes.

10-21-02:

- Clarification that when calculating the minimum square footage for open area for farm animals, buildings, structures, or covered enclosures should be excluded.
- Clarification that when agricultural animals qualify as pets, 10-21-3 supersede the regulations in 10-21-02.

10-21-03

- Clarification that animal enclosures and pens regulations do not apply to perimeter fencing.

10-21-04

- Authority is given to the Planning Director to utilize other agencies appropriate to deal with enforcing the codes for apiaries.

10-21-05

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- Removal of unnecessary wording that is already incorporated in other parts of the Animal Regulations chapter of the Nampa Zoning Code.

Staff Recommended Findings

The following findings are recommended by staff:

- 1) Section 10-2-3 D. of Nampa City Code provides the standards for amending the city's zoning ordinance.
- 2) The proposed Ordinance Amendments are appropriate because they are "reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan." Nampa City Code § 10-2-3-D.
- 3) The proposed Ordinance Amendments are in harmony with the City of Nampa's comprehensive plan—Nampa 2035.
- 4) The proposed Nampa City Code Text Amendments would also help achieve Nampa 2035 Comprehensive Plan's Land Use Goal 7: Update the City of Nampa's Land Use Ordinances, and Objective 13 and the associated 2 Strategies regarding amending the Zoning and Subdivision Ordinances.

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

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

MOTION CARRIED

MOVED by Levi and **SECONDED** by Mutchie to approve the **amendment** of Title 10, Chapter 21 Animal Zoning Regulations, Sections 10-21-01 through 10-21-05, inclusive, pertaining to zoning regulations applicable to the keeping of animals; and Amendment of Title 10, Chapter 24 Variance, Sections 10-24-01 through 10-24-05, inclusive, pertaining to the scope and procedure for obtaining a variance. Zoning Text Edits are for the purpose of adding additional clarity and increasing the readability of Title 10, Chapters 21 and 24 for the City of Nampa as presented and with recommended findings authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-1. - Mayor Kling opened a **public hearing** for **creation** of **Local Improvement District (LID) 168** for improvements for constructing sidewalks, pedestrian ramps, drive approaches, curbs, gutters and other related improvements. (voluntary)

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Nampa City Engineer Daniel Badger presented the following staff report explaining that the LID 168 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 6,042 parcels.

Resolution of Intent number 07-2020 was passed by Nampa City Council January 21, 2020.

Notice of public hearing on this resolution was published in the Idaho Press Tribune for 3 consecutive weekly issues starting on February 2, 2020.

Engineering has completed the following:

- Notified the 43 voluntary property owners of this public hearing via letters and newspaper publication.

\$200,000.00 is the total estimated cost for the improvements. An estimated \$150,000.00 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.

Mayor and Councilmembers asked questions and made comments.

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

MOVED by Bruner 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 Bruner and **SECONDED** by Rodriguez to **authorize** the creation of the sidewalk LID 168 and authorize the Nampa City Attorney to draw the appropriate ordinance.

Finance Director Doug Racine explained that the City of Nampa fronts the money for Local Improvement Districts (LID) so the homeowners can pay us back over time. That becomes a bit of an accounting challenge. Most of the people pay us back but when they don't pay us back, we have very limited recourse on collecting the money other than turning it in for a tax sale, which we generally choose not to do. We end up with a certain amount of bad debts on the LID's.

Just keep in mind that this is a use of general funds, if we go into a legislative problem that we are cramped down this takes money out of our reserves.

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Councilmember Rodriguez asked if the motion could be amended and voiced his concerns.

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

MOTION CARRIED

❖ (2) Proclamation ❖

Item #2-1 - None

❖ Mayor Kling's and Council Comments ❖

- **Mayor and Chief of Staff**
 - Boards and Commission Council Liaison update – we will come back next month and try and finalize the assignments

❖ (3) Agency/External Communications ❖

Item #3-1. - None

❖ (4) Staff Communications ❖

Item #4-3. – Finance Assistant Director – City of Nampa's Budget Officer Ed Karass presented a staff report to update the council on current projects as follows:

I am here this evening to present two operational policies: a citywide purchasing policy and a position control policy. Both policies are a part of the work-in-progress to compile a Comprehensive Manual of Financial and Administrative Procedures for the City of Nampa. These policies and procedures will, if adhered to by all city employees no matter where they sit in the organization, help to ensure the continued financial stability of the city sustaining operations into future years.

Each policy sets forth expectations for accountability by providing a documented set of procedures to ensure consistency in applying the policies across all city departments. They are the roadmap for the Nampa City's day-to-day financial and administrative operations; ensure compliance with laws and regulations; guide decision-making; streamline internal processes; and ultimately being a vehicle for accountability and trust between city government and the citizens we serve.

Purchasing Policy – Ensures a responsive public purchasing system streamlining procurement practices to reflect marketplace and industry standards, provide fair and open participation in procurements from qualified and competent suppliers, contractors, and consultants in accordance with City of Nampa, State of Idaho, and Federal requirements with the highest integrity and

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transparency possible, being good stewards of the taxpayers' trust by seeking the best value in all purchases, upholding the highest ethical and professional standards by Nampa City Officials, ensuring fairness, equality, and economic inclusion, and establishes an internal contract review committee to ensure transparency in the contracting process.

Position Control Policy – This policy establishes a mechanism whereby the City of Nampa can adequately monitor and control the positions approved and budgeted for staffing purposes. An accurate and consistent Position Control system is critical to avoiding budgetary over-expenditure, is essential in providing decision-making information in support of the City of Nampa's Human Resources, financial planning, and management of the growing liability associated with employee costs.

Position Control links Human Resources, Budget, and Department functions to facilitate the ongoing accountability and effective fiscal management as an integral part of filling positions. The system provides reporting and analytics to support City-wide policy decision making.

To Facilitate the position control process the Mayor has established the Position Control Committee to review all city department position requests including, requests for new positions, reclassifications, reorganizations, salary changes, application of cost – of – living increases, and other such actions that are subject to final action by the Mayor.

Each review will be three pronged. From the human resources perspective does the job content warrant a salary adjustment; from the budget perspective is the funding from an ongoing source and sustainable; and from the Mayor's Office perspective is the proposed change or position addition an organizational necessity to meet a core legally mandated city service.

Councilmembers made comments.

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

Wastewater Program Update –
Phase I Upgrades Construction Update

On September 8, 2015, Nampa City Council requested the Wastewater Program Management Team (WPMT) provide bimonthly reports on Phase I Upgrades construction progress. Phase I Upgrades were designed to meet the Wastewater National Pollutant Discharge Elimination System (NPDES) permit interim phosphorus limits that go into effect May 1, 2020. This staff report serves as the final update on Phase I Upgrades, which reached final substantial completion on November 25, 2019.

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The \$38 million Phase I Upgrades Project is 100% complete. Project Group A - Liquid Stream Upgrades started in June 2015 and completed in summer 2018. Project Group B - Solids Handling Upgrades started in June 2017 and completed in September 2019. Project Group C - Primary Digester No. 4, started in October 2018 and completed in December 2019. Contractors and construction managers have been demobilized from the site. Staff will present a video the day of this staff report showing the improvements completed at the wastewater treatment plant (WWTP) during the Wastewater Phase I Upgrades project.

Project Group A – Liquid Stream Upgrades

- Notice to Proceed issued June 2, 2015
- Primary Effluent Pump Station Substantial Completion issued August 10, 2016
- Aeration Basin No. 3 and Appurtenances Substantial Completion issued August 1, 2018
- The Contract Time Completed is currently 100% complete
- The Contract Work Completed is currently at 100%

Project Group B – Solid Handling Upgrades Status

- Notice to Proceed issued June 19, 2017
- Project Substantial Completion issued August 14, 2019
- The Contract Time Completed is currently 100% complete
- The Contract Work Completed is currently at 100%

Project Group C – Primary Digester No. 4 Status

- Notice to Proceed issued October 15, 2018, for administrative activities
- Construction Notice to Proceed issued November 12, 2018
- Project Substantial Completion issued November 25, 2019
- The Contract Time Completed is currently at 100%
- The Contract Work Completed is currently at 100%

Nampa WWTP Phase I Upgrades: Financial Report

Phase I Upgrades were completed within the project budget. The following table shows final financials for Phase I Upgrades:

Contract	Original Budget	Current Budget	Change Order Rate	Spent	Percent Spent
Project Group A – Ewing ^a	\$12,494,000	\$14,071,194	11.2%	\$14,071,194	100%
Project Group A Contingency	\$ 1,500,000	-\$ 77,194			
<i>Project Group A Total</i>	<i>\$13,994,000</i>	<i>\$13,994,000</i>		<i>\$14,071,194</i>	<i>101%</i>
Project Group B – JC Contractors ^a	\$11,255,000	\$11,785,306	4.5%	\$11,785,306	100%
Project Group B Contingency	\$ 500,000	-\$ 30,306			

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<i>Project Group B Total</i>	<i>\$11,755,000</i>	<i>\$11,755,000</i>		<i>\$11,785,306</i>	<i>100%</i>
Project Group C – Ewing	\$ 3,311,094	\$ 3,425,532	3.5%	\$ 3,336,975	97% ^b
Project Group C Contingency	\$ 150,000	\$ 35,562			
<i>Project Group C Total</i>	<i>\$3,461,094</i>	<i>\$ 3,461,094</i>		<i>\$ 3,336,975</i>	<i>96%</i>
PHASE I UPGRADES TOTAL	\$29,210,094	\$29,282,032	8.3%	\$29,193,475	100%

^a Overall project authorization was not exceeded. Savings in other contracts resulted in finishing under the original project budget.

^b Work is complete, but invoices are still being processed.

Overall, the Phase I Upgrades were completed under the City of Nampa’s budget. Construction costs were estimated at \$30.1M, including the Nampa City Council allocated contingencies. Final costs were approximately \$800K lower than the budgets established at the beginning of construction. The total program costs, which include both engineering and construction, also finished under budget with a total cost of \$36.6M and a budget of \$38.7M.

Design Review Committee

The Design Review Committee (DRC) was appointed to oversee the Phase II Upgrades preliminary design process. The DRC is comprised of members of the public, key industrial representatives, and Nampa City Council members. Since September 2018 the DRC has participated in twelve meetings. Through these meetings the DRC was presented with decisions including technology selections, biosolid beneficial uses, biogas recovery for use and sale, recycled water reuse, and the project packaging and delivery approach. Going forward, the DRC will receive quarterly updates on the progress of the design and construction of the Phase II Upgrades. The City of Nampa appreciates the continued commitment of the DRC to develop cost effective and reasonable design assumptions to ensure that the WWTP Upgrades are sustainable, promote economic opportunity, and protect the environment.

Phase II Upgrades Construction Update

See attached Exhibit A, “Nampa Wastewater Program Phase II Upgrades,” report dated February 18, 2020.

Mayor and Councilmembers asked questions and made comments.

Item #4-4. – Building and Safety Director Patrick Sullivan presented a staff report to update the council on current projects as follows:

Construction Update on Nampa Development Building – The Nampa Development Services Center Building project. We are about a month from substantial completion of the tenant improvements.

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If you recall Engineering, Public Works have moved into the second floor of the building and we are remodeling the first floor and the basement of the building which is approximately 22,000 square feet.

After the next 30 days we will reach substantial completion, a couple weeks of installing new and reused furniture that came with the building and then we will start moving people in the middle of April. With those moves nearing completion by the middle of May.

We were able to add parking and revise curbs around the building, take out some landscaping right next to the building and add approximately 18 stalls. We are still going to be taking down the canopy and will be able to add another 10 stalls which we need in order to accommodate all the employees of the building plus all of the service vehicles we need to park there and still maintain at least 20 visitor parking spots.

477,000 worth of the work was appropriated from the general fund to reroof the building and replace all of the rooftop equipment and all of the coils and piping in the building. We will have a new HVAC system and a new roof on the building.

Councilmembers asked questions.

The Mayor explained that the Finance Department, Accounts Payable and the Clerks Office will move across the hall. HR will be in the old Clerks and Finance area.

❖ (5) New Business ❖

Item #5-1. - Mayor Kling presented the request for **appointment** of **Kelsey Parra** and **Chasity Emerson** to the **Nampa Bike & Pedestrian Advisory Committee**.

MOVED by Haverfield and **SECONDED** by Bruner to **approve** the **appointment** of **Kelsey Parra** and **Chasity Emerson** to the **Nampa Bike & Pedestrian Advisory Committee**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-2. - Mayor Kling presented the request for a **Second Amendment** to **American Cleaning Janitorial Contract** to add services at the (approved by legal) (approved in FY20 budget).

Building Safety & Facilities Director Patrick Sullivan presented a staff report explaining that the request is for The Nampa Development Services Center remodel is nearing completion and Facilities Development has identified the need to provide Janitorial Services. The thirty-

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five thousand square foot office building will accommodate over eighty Nampa City employees upon completion of the remodel and full occupancy of the building.

Facilities has been unable to hire an approved FY20 custodial position for this location. Due to lack of time left to hire for the position; the most cost-effective solution for this location is to contract for the janitorial work.

The current contract with American Cleaning Service Co. for the Nampa Public Library will be amended to include this additional location. Funding will come from an approved and unfilled custodian position in the FY20 budget.

Documents have been reviewed and approved by Legal.

American Cleaning Service Co. has proposed a price increase from the current year's contract of an additional \$4,296.01 per month to include this location.

The remainder of FY20 will be pro-rated for 5.5 months of service. The existing contract amount with the NDSC contract amendment is as follows:

- o FY20 Nampa Public Library (existing contract amount) \$101,290.20
- o FY20 Nampa Development Services Center (Contract Amendment) \$23,628.06
- o Total contract amount after amendment \$124,918.26

The Proposer provides all management, supervision, labor, materials, supplies, and equipment, and will plan, schedule, coordinate and assure effective performance of all services described herein. The contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued.

MOVED by Bruner and **SECONDED** by Bower to **authorize** the **Mayor Kling** to **sign** the **contract second amendment** with **American Cleaning Services Co.** for **Janitorial Services** for the City of Nampa, Nampa Public Library, Downtown Garage and Nampa Development Services Center not to exceed **\$124,918.26**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-3. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** a **professional services contract agreement** for **building inspection services** in an amount not to exceed **\$100,000** with **SAFEbuilt, LLC** for the *Amazon Fulfillment Center* Construction Project.

Patrick Sullivan presented a staff report explaining that the request is for contract approval for commercial building inspection services for the Amazon building project. This contract replaces an earlier contract in the amount of \$49,000 with less scope of work.

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The contract is with SAFEbuilt, LLC, 3755 Precision Drive, Suite 140, Loveland, CO 80538.

Compensation to the service provider shall be paid on a time and materials basis not to exceed \$100,000.

These services will be funded by the Amazon Fulfillment Center Project building permit fee and reconciled with a budget amendment to the FY20 building safety enterprise fund budget.

This issue has been reviewed by the Nampa City Attorney and the Mayor.

Councilmembers asked questions.

MOVED by Haverfield and **SECONDED** by Mutchie to **approve** the **contract terms** and **authorize** the **Mayor** to **sign a professional services contract agreement** for building inspection services in an amount not to exceed **\$100,000** with **SAFEbuilt, LLC** for the Amazon Fulfillment Center construction project. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-4. - Mayor Kling presented the request to **adopt** the *City of Nampa's Community Development Block Grant Program Year 2020 Application Guidelines*.

Community Development Program Manager Matthew Jamison presented a staff report explaining that some of the changes were updating dates and deadlines, volunteer labor rates. We tried to streamline the process a little bit to make the initial application easier. Once they are approved then we will have a more substantial list of things that need to provide. We tried to simplify the amount of staff time that is required for City of Nampa applications.

MOVED by Bruner and **SECONDED** by Haverfield to **approve** the **revisions** and **adopt** *City of Nampa's Community Development Block Grant Program Year 2020 Application Guidelines*. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-5. - Mayor Kling presented the request to **authorize** the **Mayor** and the **Parks and Recreation Director** to **sign a contract** with **Cascade Enterprises** for the construction of Phase 1b for Midway Park in the amount of **\$1,104,000**. (Budgeted in Park Impact Fees FY20) (approved by legal)

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Parks and Recreation Director Darrin Johnson presented a staff report explaining that the Nampa City Council approved funding in the FY 2020 budget for Midway Park Phase 1B. Funding for the park development comes from park impact fees.

Midway Park Phase 1B will include a large picnic shelter, bathrooms, .5-mile asphalt fitness/walking trail, hardscape, scoreboards for the baseball complex and electrical for amenities in Phase 1A and 1B.

A formal sealed bid process took place and the opening was held on January 14, 2020. Two bids were received, and the low bidder was Cascade Enterprises for \$1,104,000.

This project will fit into the current budget and it should be noted that the current Park Impact Fee Fund Balance is approximately \$3,900,000.

On July 27, 2019 we held an open house at Midway Park to communicate and get feedback about the upcoming construction of Phase 1B. We also had the opportunity to show the progress made in the first phase of construction. Community members, the Mayor and several council members attended the event and got updated information.

Attached are photos from the July 27th open house, the engineer's recommendation of award and the Standard Form Agreement.

MOVED by Bruner and **SECONDED** by Haverfield to **authorize the Mayor and Parks and Recreation Director to sign a contract with Cascade Enterprises** for the construction of Phase 1b for Midway Park in the amount of **\$1,104,000.00**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-6. - Mayor Kling presented the request for **discussion** concerning **Nampa Farmers Market's** request to waive user fees for **Lloyd Square Rental**.

Darrin Johnson presented a staff report explaining that at the Nampa City Council meeting held on February 3, 2020 Julie Bonsall, a board member of the Nampa Farmers Market, requested the City of Nampa waive all lease and permit fees associated with reserving Lloyd Square for their 2020 Farmers Market Season. The season lasts for approximately 28 weeks and in previous years, the Farmers Market has always paid to use Lloyd Square Park according to the fee structure approved by Nampa City Council. Because we recognize the value, we offer a 30% discount on reservation fees to all non-profits.

Staff is aware that Farmers Market has requested a waiver of fees. Even though our staff recognizes the benefits the market provides to our community, we did not approve a waiver of all fees because we have expenses associated with the events. It is our desire to be consistent and fair as we work

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with and reserve park areas for several non-profit groups. These other non-profit groups also have the best interest of our community in mind.

Cleaning bathrooms each Saturday, routine maintenance and the expense of trash collection are just some of the expenses incurred by the City of Nampa. Garbage fees alone are about \$44.00 dollars each week. We have already ratified an agreement with the Nampa Farmers Market for the next two years. The agreement is attached, and the summary of costs are listed below.

Agreement Fees for 2020 & 2021 Season

2019 Rates (extended through 2020 for Farmers Market)

Full price \$150

Farmers Market fee **\$105/day** - with **30% off**

Concession Permit Fees: \$250 for all vendors per year

2021 Rates

Full price \$200

Farmers Market fee **\$140/day** – with **30% off**

Concession Permit Fees: \$250 for all vendors per year.

We are working on the signage for parking.

Councilmembers asked questions and made comments.

The Council agreed to not waive the fees for the Farmers Market.

Item #5-8. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** the **agreement** with **Life Safety Inspection Vault** for a cloud-based reporting software for fire protection systems inspections.

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

MOTION CARRIED

Item #5-9. – The following Ordinance was read by title:

Economic Development Director Beth Ineck presented a staff report explaining that the when we were going through some of the commission work that Rick described we realized that this is the only commission that has term limits on it and one of the challenges with this commission particularly is part of our certified local government from the state preservation office and we have

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very specific requirement for the makeup and composition of that board. We only have so many architects and lawyers in Nampa to solicit for participation in that and the expertise that are required and so we wanted to make sure that we have the opportunity if we have willing members on the commission that want continue to serve beyond just two terms that we allow that.

In addition the state provides grant funding through their sources for commission members to attend training both National trainings as well as state wide trainings so we are able to invest dollars into our commission members and their education in being involved in this commission and we would hate to lose that expertise and knowledge in a shorter period of time.

Councilmembers asked questions.

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 2, CHAPTER 10, SECTION **2-10-2**, OF THE NAMPA CITY CODE, PERTAINING TO **COMMISSION, MEMBERSHIP, TERMS OF OFFICE, AND VACANCIES OF THE NAMPA ARTS AND HISTORIC PRESERVATION COMMISSION**; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Mayors Office)

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 Mutchie 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 **4492** and directed the Clerk to record it as required.

MOTION CARRIED

Item #5-10. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** the "First Addendum to Memorandum of Understanding (MOU)" for Amazon. (approved by legal)

Tom Points presented a staff report explaining that the Project Bronco developer is requesting to establish an addendum to the Memorandum of Understanding (MOU) that was executed on June 28, 2019 (Attachment 1).

The purpose of the addendum is to remove approximately 800' of the northerly most improvements along Star Road that were identified in the original MOU due to insufficient available right-of-way along the Sorrento Lactalis, Inc. property, and instead provide in-lieu payment of \$247,583.60 for said removed improvements.

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The improvements moved to the in-lieu payment generally consist of adding a second north and south bound lane between Treasure Valley Way and the railroad tracks

Section 2.1 of the original MOU allows for in-lieu payment in the event “right-of-way is not available for any required Improvement(s).”

The Nampa Engineering Division has reviewed the request along with the provided cost estimate for the improvements to be removed and supports in-lieu payment.

The Nampa City Attorney has reviewed the drafted language of the “First Addendum to Memorandum of Understanding” (Attachment 2).

Councilmembers made comments and asked questions.

MOVED by Haverfield and **SECONDED** by Rodriguez to **authorize** the **Mayor** to **sign** the “**First Addendum to Memorandum of Understanding**” (Attachment 2) for **Amazon** on behalf of the City of Nampa. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-11. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign Memorandum of Understanding** (MOU) between City of Nampa and **Nampa Highway District #1** for intersection improvements at **Idaho Center Boulevard** and **Cherry Lane**.

Tom Points presented a staff report explaining that the intersection of Idaho Center Boulevard and Cherry Lane is in significant need of improvement. The all-way stop controlled intersection is experiencing extended delays and congestion due to increasing traffic volumes. Five-year accident data reveals an increasing number of injury and property damage related crashes (Exhibit A).

The north leg of the intersection is within Nampa Highway District No. 1 (NHD) right-of-way; the south, east and west legs of the intersection are within the City of Nampa (City) right-of-way.

In a spirit of cooperation and coordination, NHD and the City are proposing to enter into a Memorandum of Understanding (MOU) to design and construct a roundabout at the intersection.

The MOU has been drafted and agreed to by both the NHD and the City (Exhibit B).

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A general summary of the MOU is for the City of Nampa to assume ownership of, manage, and bear all project related costs. The City of Nampa will also assume responsibility for and bear the costs of continued operation and maintenance of the intersection improvements.

The NHD will review recommended concept alternatives and reimburse the City of Nampa 25% of the cost, not to exceed \$625,000 without prior NHD approval and amendment to the MOU.

Total estimated cost for the project is \$2.5 million and is as follows:

Approved fiscal year 2019 Street Division (Design)	\$ 75,000
Impact Fees	\$ 201,615
NHD (Per MOU)	\$ 625,000
Proposed LHSIP Grant (Applied for in January 2020)	<u>\$ 1,598,385</u>
<i>Total estimated cost</i>	<i>\$ 2,500,000</i>

The City of Nampa can remove themselves from the obligations of this agreement if appropriate funding for the project per Item 5 of the MOU.

A recent Local Highway Safety Improvement Program (LHSIP) application was submitted by the City of Nampa and NHD for grant funding for the project.

Preliminary design and right-of-way planning are currently underway as the City of Nampa has executed a task order with HDR Engineering, Inc.

NHD and City of Nampa staff have reviewed and agree with the conditions identified within the MOU to design and construct a roundabout at the intersection of Idaho Center Boulevard and Cherry Lane.

MOVED by Bruner and **SECONDED** by Rodriguez to **authorize** the **Mayor** to sign **Memorandum of Understanding** between the City of Nampa and **Nampa Highway District No. 1** to design and construct a roundabout at the intersection of Idaho Center Boulevard and Cherry Lane. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-12. - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign contract** for the **Middleton Road Rebuild** project with **Granite Excavation, Inc.** (approved in FY20 budget)

Tom Points presented a staff report explaining that each year the City of Nampa funds a major road rebuild project utilizing streets pavement management plan.

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The Engineering Division, as part of the Public Works Asset Management Program, identified the need to rebuild Middleton Road between Greenhurst Road and Roosevelt Avenue, approximately 1.5 miles. (Exhibit A, Vicinity Map).

The Middleton Road Rebuild project includes rebuilding the roadway as well as constructing irrigation, sewer, and water mains within sections of the project.

The project will be separated into two phases (Irrigation Improvements) and (Road Rebuild).

The Irrigation Improvements phase is currently under construction as it includes all time critical work related to irrigation improvements. These improvements must be completed prior to irrigation season and include irrigation boxes, culverts, installing roadside ditches, tiling ditches and constructing outfall locations at the Deer Flat Nampa Canal.

The Road Rebuild phase will include all other work items including approximately 4575 linear feet of roadway reconstruction, minor widening to accommodate a center turn lane and wider shoulders, and underground utility improvements.

The City of Nampa received four bids for the Middleton Road Rebuild – Greenhurst Road to Roosevelt Avenue project. The lowest responsive bidder is Granite Excavation, Inc. with a bid amount of \$1,666,943.50 (see Exhibit B, Bid Tabulation).

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

Design	\$	226,973.00
Estimated Construction (Irrigation Improvements)	\$	258,767.48
Estimated Construction (Road Rebuild)	\$	1,666,943.50
<u>Estimated Construction, Engineering & Inspection (CE&I)</u>	<u>\$</u>	<u>137,172.00</u>
*Estimated Total Project Costs	\$	2,289,855.98

ROW Acquisition is not included within the estimated total project costs above. Please note that the project is still within budget with ROW acquisition costs included.

Engineering recommends awarding the contract to Granite Excavation, Inc. in the amount of \$1,666,943.50.

MOVED by Bruner and **SECONDED** by Rodriguez to **award the bid and authorize the Mayor to sign a contract for the Middleton Road rebuild project with Granite Excavation, Inc.** in the amount of **\$1,666,943.50**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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Item #5-13. - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign contract** for the Zone F Sewer Rehab FY20 Priority Areas project with **Pipeline Inspection Services, Inc.** (approved in FY20 budget)

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

The Zone F Sewer Rehab FY20 Priority Areas project includes approximately 677 linear feet of existing sewer main to be lined and 403 linear feet of storm drain to be lined. There are also several locations where sewer and storm drain mains need point repairs and lining prior to irrigation season due to infiltration of groundwater.

Phase one of the project consists of the priority areas that need to be completed prior to irrigation season due to infiltration issues. These locations are identified as follows (see Exhibit A).

1. State Street at Lake Lowell Storm Drain Lining
2. Ord Boulevard Sewer Point Repair and Lining

Keller Associates, Inc. completed design of the Zone F Sewer Rehab FY20 Priority Areas and the project and the City of Nampa sent out as a quote.

The City of Nampa received 1 bid for the Zone F Sewer Rehab FY20 Priority Areas project. The lowest responsive bidder is Pipeline Inspection Services, Inc. with a bid amount of \$90,444.00 (see Exhibit B).

Zone F Sewer Rehab FY20 Priority Areas project has an approved FY20 Wastewater \$115,000 and an approved FY20 Streets budget of \$136,000.

Design	\$ 23,500
Construction Estimate	\$ 90,444
Construction Engineering & Inspection	\$ 5,000
Total	\$118,944

Engineering recommends awarding the contract to Pipeline Inspection Services, Inc. in the amount of \$90,444.00.

MOVED by Rodriguez and **SECONDED** by Bruner to **award** the **bid** and **authorize** the **Mayor** to **sign** a **contract** for the *Zone F Sewer Rehab FY20 priority areas project* with **Pipeline Inspections Services, Inc.** in the amount of **\$90,444.00**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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Item #5-14. - Mayor Kling presented the request to **award the bid and authorize the Mayor to sign contract** for the *Flamingo Avenue Waterline Replacement* project with **Cougar Excavation** in the amount of **\$684,608**.

Tom Points presented a staff report explaining that since Labor Day weekend Water Division staff have responded to two waterline breaks on Flamingo Avenue between Cassia Street and Burnett Drive, the waterline has since been taken out of service.

Since 2014 including the two breaks this month there have been five mainline breaks in this section. The breaks appear to be due to deficiencies in the workmanship of the installation, i.e. not bedded properly, larger than standard pipe deflections.

The project includes installing a new water main within Flamingo Avenue between Middleton Road and Cassia Street, upgrading water services and installing storm drain improvements at the Elijah Drain (see Exhibit A).

Construction is scheduled for the Spring of 2020 with storm drain improvements at the Elijah Drain needing to be completed prior to irrigation season.

The City of Nampa received five bids for the Flamingo Avenue Waterline Replacement project. The lowest responsive bidder is Cougar Excavation with a bid amount of \$684,608.00.

Estimated project costs are summarized below:

Design & Testing	\$ 90,230
Construction Inspection (In House)	\$ 0
Construction	<u>\$684,608</u>
Total	\$774,838

Replacement of this line was not budgeted in the FY20 Water Division budget. Staff evaluated funding options and will reallocate \$331,000 from the Elevated Water Tank project, \$200,000 from the Coyote Springs Well project and \$243,838 from Waterworks Contingency to fund the Flamingo Avenue Waterline Replacement project. The remaining waterworks contingency amount is \$97,162.

Based on the water model the Coyote Springs Well is not needed at this time and the timeline for construction of the Elevated Water Tank is not anticipated to expend all budgeted funds within the fiscal year.

Engineering recommends awarding the contract to Cougar Excavation, in the amount of \$684,608.00.

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MOVED by Bruner and **SECONDED** by Bower to **award the bid and authorize the Mayor to sign a contract** for the *Flamingo Avenue waterline replacement project* with **Cougar Excavation** in the amount of **\$684,608**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-15. - Mayor Kling presented the request to **authorize the Engineering Division** to proceed with the **formal bidding process** for Irrigation Water Quality FY20 project. (approved in FY20 budget)

Tom Points presented a staff report explaining that in FY14, Water Division experienced water quality problems within the city pressurized irrigation (PI) system, including accumulation of sediment in piping, valves, pumps and customer complaints of plugged filters and sprinkler heads.

In FY15, SPF Water Engineering (SPF) was contracted to prepare a Water Quality Report based on water quality sampling data and proven best management practices for improving irrigation water quality.

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

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

The sampling report identified the need for flush points in the pipeline system and automated filter units on ditch water pump station.

In FY18 and continuing in FY19 & FY20, the City of Nampa hired Mountain Waterworks Inc., to perform design and construction inspection of the installation of filters at two (2) irrigation pump stations.

The Irrigation Water Quality FY20 project includes filter additions, pipe modifications and appurtenances at the Lava Springs and Kensington II pump stations (See Exhibit A).

Construction is planned to begin in Spring 2020.

The project is in the FY20 Irrigation Budget in the amount of \$374,235.

3. Design	\$ 40,440
4. Construction Estimate	\$ 318,550
5. Construction Engineering & Inspection (CE&I)	<u>\$ 15,245</u>
6. Total	<u>\$ 374,235</u>

Engineering staff recommend proceeding with the formal bidding process.

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MOVED by Haverfield and **SECONDED** by Bower to **authorize the Engineering Division** to proceed with the formal bidding process for **Irrigation Water Quality FY20 project** (approved in budget). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-16. - Mayor Kling presented the request to **reject the bid** for the Orchard Avenue & Elijah Drain Culvert Replacement project

Tom Points presented a staff report explaining that as part of the City of Nampa’s ongoing Asset Management Program, all culverts and bridges in the city are inspected and prioritized for maintenance.

In FY20, the City of Nampa plans to replace the Elijah Drain culvert at Orchard Avenue (see Exhibit A, vicinity map).

The culvert crossing consists of a 72-inch diameter aluminum corrugated metal pipe, CMP, that is 319 feet long. The CMP is currently in poor condition and exhibits heavy rusting and pitting as well as perforations along the crown of the culvert exposing backfill material. The new culvert is 84-inch diameter, increasing its capacity and removes the danger of road collapse and flooding.

The City of Nampa received one bid for the Orchard Avenue & Elijah Drain Culvert Replacement project. The apparent low bidder is Cougar Excavation with a bid amount of \$480,854.00. The bid received was \$127,940, over engineers estimate.

Engineering Division believes that, due to the short construction window, the project was not bid by more potential bidders which caused higher prices.

Project costs are summarized below:

Design & Testing	\$ 41,680.50
Estimated Construction Inspection	\$ 0.00
Construction Estimate	<u>\$352,914.00</u>
Total	<u>\$394,594.50</u>

Engineering recommends rejecting all bids and delaying the project to the fall to extend the construction window to get a more competitive bid.

MOVED by Bruner and **SECONDED** by Bower to **reject bid for the Orchard Avenue and Elijah Drain culvert replacement**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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MOTION CARRIED

Item #5-17. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign**, (1) Agreement to *Waive First Right of Refusal* and *Terminate Lease* with **DMC Air, LLC** dated January 1, 2017, and (2) Nampa Municipal Airport Land Lease Agreement with Jonathan D. Miller and David P. Miller effective February 28, 2020, for Lot **2268**. (approved by legal)

Tom Points presented a staff report explaining that on January 1, 2017, DMC Air, LLC (Daryn Colledge) signed a 20-year land lease for Lot 2268 (see vicinity map, Exhibit 1).

On January 29, 2020, Airport staff received a letter from DMC Air, LLC (Lessee) offering Nampa Municipal Airport first right of refusal.

The Lessee also made known they had received an offer to purchase the land lease, with improvements, from Jonathan D. Miller and David P. Miller.

On February 4, 2020, the Miller's submitted a lease application.

On February 5, 2020, Lessee signed and returned the termination agreement.

- The termination agreement is contingent upon the sale of the land lease with improvements

On February 12, 2020, the Miller's signed and returned the Land Lease Agreement and Memorandum of Lease.

On February 10, 2020, the Nampa Airport Commission moved to recommend that Nampa City Council authorize the Mayor to sign the Agreement to Waive First Right of Refusal and Terminate Lease with DMC Air, LLC (see Attachment A) dated January 1, 2017, and sign new Nampa Municipal Airport Land Lease Agreement (see Attachment B) with Jonathan D. Miller and David P. Miller effective February 28, 2020, for Lot 2268.

MOVED by Haverfield and **SECONDED** by Mutchie to **authorize** the **Mayor** to **sign**, (1) Agreement to Waive First Right of Refusal and Terminate Lease with DMC Air, LLC dated January 1, 2017, and (2) Nampa Municipal Airport Land Lease Agreement with Jonathan D. Miller and David P. Miller effective February 28, 2020, for Lot 2268. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-18. - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign Contract** for the Construction of the Nampa Wastewater Treatment Plant Phase II Upgrades Project Group D - Primary Digester No.5 with **The Ewing Company, Inc.**, in the amount of

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\$6,425,581.94. (approved by legal) (approved in FY20 budget) This item had a request for contingency in the amount of \$325,000. Public Works has requested that the contingency be removed

Tom Points presented a staff report explaining that the This bid award request is the first of four contracts before Nampa City Council tonight for the Wastewater Treatment Plant (WWTP) Phase II Upgrades Project Group D. The other three contracts will follow and are listed under New Business for the Project Group D.

The Wastewater Treatment Plant (WWTP) Phase II Upgrades Project Group D includes construction of a new primary digester, modifications to existing process piping, a new waste gas flare system, relocation of existing waste gas flare equipment, new yard piping, civil grading and paving, site and equipment electrical work to support the new process facilities, and instrumentation and controls to support the new process facilities.

The WWTP Phase II Upgrades Project budget is \$189.9 million, of which \$165 million will be funded with the Idaho Department of Environmental Quality (IDEQ) Clean Water State Revolving Fund (SRF) loan. The project is to be completed by the fall of 2025. The Phase II Project has four construction contracts that are planned to be released between 2020 and 2025:

- Project Group D – Primary Digester No. 5 and Waste Gas Burner (2020)
- Project Group E – Laboratory and Administration Building Renovation (2020)
- Project Group F – Recycled Water System: new Aeration Basin No. 4, new blower building and blowers, new tertiary filtration pump station, new tertiary filtration, new Final Clarifier No. 4, replacement of the WAS and RAS pumps, new class A UV disinfection, new irrigation reuse pump station and force main, new industrial reuse pump station and force main, new internal mixed liquor recycle pumps, replace final clarifier mechanisms, replace post aeration basin structure and blower, new digested sludge storage tank, solids facility expansion, mechanical control center replacements, and demolition of trickling filters/secondary clarifier (2020)
- Project Group G – Headworks and Primary Clarifier (2023-2025, to be determined)

Council provided consent to bid for Project Group D on December 16, 2019. The advertisement for bid began on January 7, 2020, and bids for construction were publicly opened on January 28, 2020, at 2:00 p.m. local time at Nampa City Hall.

Five contracts are necessary to perform the construction phase of Project Group D:

- Special Equipment Procurement – Waste Gas Burner for flaring biogas was awarded by City of Nampa Council December 2, 2019
- Construction Contract – Procurement of equipment, installation, and construction work

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- Software Integration Service – New process equipment controls and programming for communications with existing wastewater plant supervisory controls and data acquisition
- Services During Construction – Engineer of Record for inspection and technical support
- Owner’s Advisor Services – Construction management and field Inspection support

The City of Nampa received four (4) bids for the Project Group D construction contract (Exhibit A).

The low bidder JC Constructors, Inc., failed to include the required listing of electrical subcontractors; therefore, the lowest responsive bidder is The Ewing Company, Inc., with a bid amount of \$6,425,581.94. All necessary public bidding requirements appear to be satisfied

Construction Costs Breakdown:

Base Bid Items	\$ 6,213,000.00
Varec Biogas, Inc. (contract awarded 12.02.19)	\$ 200,549.00
Sales tax for Varec Biogas, Inc. Equipment	\$ 12,032.94
<i>Total</i>	<i>\$ 6,425,581.94</i>

Estimated Project Costs:

Design Consultant Fees	\$ 641,510.00
Construction Contract	\$ 6,425,581.94
Project Contingency Allocation	\$ 325,000.00
Estimated Systems Integration Services	\$ 227,715.00
Estimated Services During Construction	\$ 402,438.00
<u>Estimated Owner’s Advisor Services</u>	<u>\$ 661,067.00</u>
<i>Total</i>	<i>\$ 8,683,311.94</i>

Project Group D total budget is \$12,396,041.00. The wastewater fund will incur project expenses and reimburse itself from the proceeds of the IDEQ Clean Water SRF loan.

Wastewater fiscal year 2020 budget for construction of Project Group D is \$9,195,724.00.

Contractor will be required to provide necessary bonds, insurance certificates, and other documents as required before the agreement can be executed and the notice to proceed can be issued.

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Brown and Caldwell, Stantec Consulting, and City of Nampa staff have reviewed the bids and recommend awarding the contract to the lowest responsive bidder, The Ewing Company, Inc., in the amount of \$6,425,581.94.

The City of Nampa's legal counsel recommends award to The Ewing Company, Inc., the lowest responsive bidder.

Pursuant to Idaho Code § 67-2805(2)(a)(ix), if the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of public works construction to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all persons who have submitted a competing bid.

Nampa WWTP Phase II Upgrades Contingency

Construction at the Nampa WWTP is challenging due to need for the facility to be fully functional throughout construction. Given the size and complex nature of Project Group D, the ability to quickly respond to situations will be important throughout the construction process.

City of Nampa staff and the Wastewater Program Management Team (WPMT) have established a contingency of \$325,000.00 for the Project Group D construction. If needed, this amount will be used to authorize change orders throughout the construction process.

City of Nampa staff and the WPMT will continue to provide regular updates to the Nampa City Council on the use of the contingency funds.

MOVED by Haverfield and **SECONDED** by Bower to **award the bid and authorize the Mayor** to sign contract for the construction of the Nampa Wastewater Treatment Plant Phase II Upgrades Project Group D - Primary Digester No.5 with **The Ewing Company, Inc.**, in the amount of **\$6,425,581.94**. Further, pursuant to Idaho Code § 67-2805(2)(a)(ix), the Nampa City Council must declare its reason for rejecting the apparent low bid of JC Constructors, Inc. The reason for rejecting the apparent low bidder is as follows: Pursuant to Idaho Code, and as confirmed by the Idaho Supreme Court in *Neilsen & Co. v. Cassia & Twin Falls City*. Joint Class A Sch. Dist. 151, 96 Idaho 763 (1975), the failure to list subcontractors is a non-waivable deficiency in a bid response, and, therefore, the Nampa City Attorney's Office recommends that the bid of JC Constructors, Inc., be rejected for failure to comply with the bid instructions requiring that specialty electrical subcontractors be identified in the bid response and Idaho Code § 67-2310(1) and (6) which require bidders "to name subcontractors or list the valid contractor's license number for plumbing, HVAC or electrical work...". The Mayor asked for a roll call vote with Councilmembers Rodriguez, Mutchie, Levi, Bower, Haverfield voting **YES**. Councilmember Bruner voting **NO**. The Mayor declared the

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MOTION CARRIED

Item #5-19. - Mayor Kling presented the request to **authorize** the **Mayor and Public Works Director** to sign, (1) Professional Services Agreement, and (2) Task Order with **CH2M Hill Engineers, Inc.**, for the Nampa Wastewater Phase II Upgrades Project Group D Software Integration Services. (approved in FY20 budget)

Tom Points presented a staff report explaining that this request to execute a Professional Services Agreement and Task Order with CH2M Hill Engineers, Inc. is the second of four contracts before Nampa City Council tonight for the Wastewater Treatment Plant (WWTP) Phase II Upgrades Project Group D (PGD).

The Nampa Wastewater Treatment Plant (WWTP) is now preparing for construction of Phase II Project Group D Primary Digester No. 5. This project is expected to begin construction in March 2020. Software Integration Services are necessary to provide a Supervisory Control and Data Acquisition (SCADA) system and multiple fiber optic communications networks.

The City of Nampa has requested that CH2M Hill Engineers, Inc., develop a scope of services to provide Software Integration Services (SIS) for the PGD.

CH2M Hill Engineers, Inc., successfully completed the SIS for the new pieces of equipment with various control instruments and software during the construction of Phase I Upgrades.

Staff has negotiated a scope and fee with CH2M Hill to perform SIS for the Wastewater Phase II Upgrades PGD. The scope (Exhibit A) will provide services specific to PGD and proposes the following elements:

- Software development including workshops to define software functions, PLC (programmable logic controller), location assignment, and software loop descriptions
- Software programming assistance including graphics development, witnessed factory software acceptance testing, software configuration files, and a preliminary operator training manual
- Configuration and testing of networks, including SCADA (supervisory control and data acquisition), power and security networks
- Startup services including site acceptance testing and network testing, startup for SCADA, PLC networks, HMI (human-machine interface) and historian, and SCADA program operations and maintenance manual development

Estimated Project Costs:

Design Consultant Fees	\$ 641,510.00
Construction Contract	\$ 6,425,581.94
Project Contingency Allocation	\$ 325,000.00

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Estimated Systems Integration Services	\$ 227,715.00
Estimated Services During Construction	\$ 402,438.00
<u>Estimated Owner's Advisor Services</u>	<u>\$ 661,067.00</u>
<i>Total</i>	<i>\$ 8,683,311.94</i>

Wastewater fiscal year 2020 budget for construction of PGD is \$9,195,724 project. The Wastewater fund will incur project expenses and reimburse itself from the proceeds of the Idaho Department of Environmental Quality (IDEQ) Clean Water State Revolving Fund (SRF) loan.

City of Nampa staff and CH2M Hill Engineers, Inc., have agreed upon the scope of work and overall fee for the Nampa Wastewater Phase II Upgrades Project Group D Software Integration Services in the amount of \$227,715.00 T&M NTE (time and material not to exceed).

MOVED by Haverfield and **SECONDED** by Bruner to **authorize** the **Mayor** and **Public Works Director** to **sign**, (1) Professional Services Agreement, and (2) Task Order with **CH2M Hill Engineers, Inc.**, for the Nampa Wastewater Phase II Upgrades Project Group D Software Integration Services in the amount of **\$227,715.00** T&M NTE. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-20. - Mayor Kling presented the request to **authorize** the **Mayor** and **Public Works Director** to sign, (1) Professional Services Agreement, and (2) Task Order with **Stantec Consulting Services, Inc.**, for the Nampa Wastewater Phase II Upgrades Project Group D Services During Construction. (approved in FY20 budget)

Tom Points presented a staff report explaining that the This request to execute a Professional Services Agreement and Task Order with Stantec Consulting Services, Inc. is the third of four contracts before Nampa City Council tonight for the Wastewater Treatment Plant (WWTP) Phase II Upgrades Project Group D.

The Nampa Wastewater Treatment Plant (WWTP) is preparing for Project Group D construction for Phase II Upgrades. The construction of this project is expected to begin in March 2020 and involves the installation of a new waste gas flare, relocation of the existing waste gas flare, Primary Digester No. 5, and improvements to the piping in the digester control building.

In May 2019, the City of Nampa selected Stantec Consulting Services, Inc., to perform the final design for the project.

Staff is requesting that Stantec perform Services During Construction (SDC) for Project Group D given their role in project final design and knowledge of project requirements. These services are provided to supplement those performed by the construction manager.

Staff has negotiated a scope and fee (Exhibit A) with Stantec for Project Group D SDC. The primary elements are as follows:

- Support to administering and monitoring contractor compliance with bid documents for PGD
- Review of submittals and requests for information to ensure conformance of work with the intent of the contract documents as well as change management assistance to the construction manager
- Inspections during construction to ensure conformance with the contract documents, including site visits by the design team to evaluate integrity of the design concept and offsite equipment testing
- Support to startup activities such as on-site support for testing and commissioning, warranty performance review services, and development of final project operations and maintenance manual

Estimated Project Costs:

Design Consultant Fees	\$ 641,510.00
Construction Contract	\$ 6,425,581.94
Project Contingency Allocation	\$ 325,000.00
Estimated Systems Integration Services	\$ 227,715.00
Estimated Services During Construction	\$ 402,438.00
<u>Estimated Owner's Advisor Services</u>	<u>\$ 661,067.00</u>
<i>Total</i>	<i>\$ 8,683,311.94</i>

Wastewater fiscal year 2020 budget for construction of PGD is \$9,195,724. The Wastewater fund will incur project expenses and reimburse itself from the proceeds of the Idaho Department of Environmental Quality (IDEQ) Clean Water State Revolving Fund (SRF) loan.

City of Nampa staff and Stantec have agreed upon a scope of work and overall fee for the Nampa Wastewater Phase II Upgrades Project Group D SDC in the amount of \$402,438 T&M NTE (time and material not to exceed).

MOVED by Rodriguez and **SECONDED** by Haverfield to **authorize** the **Mayor** and **Public Works Director** to sign, (1) Professional Services Agreement, and (2) Task Order with **Stantec Consulting Services, Inc.**, for the Nampa Wastewater Phase II Upgrades Project Group D Services During Construction in the amount of **\$402,438** T&M NTE. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #5-21. - Mayor Kling presented the request to **authorize** the **Mayor** and **Public Works Director** to **sign**, (1) Professional Services Agreement, and (2) Task Order with **Brown and**

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Caldwell for the Nampa Wastewater Phase II Upgrades Owner's Advisor Services for Project Group D and Project Group E. (approved in FY20 budget)

Tom Points presented a staff report explaining that this request to execute a Professional Services Agreement and Task Order with Brown and Caldwell (BC) is the fourth of four contracts before Nampa City Council tonight related to the Wastewater Treatment Plant (WWTP) Phase II Upgrades Project Group D.

Building on BC's previous success on the Wastewater Phase I Upgrades, Public Works staff recommend BC continue to provide Owner's Advisor Services for Wastewater Phase II Upgrades Project Group D (PGD) and Project Group E (PGE). BC was requested to include PGE in the scope of services to capture the efficiency of having BC onsite for both projects at the same time, estimated saving of \$23,815.

Wastewater Phase II Upgrades PGD and PGE are planned to start construction in March 2020 and May 2020, respectively.

Staff has negotiated a scope and fee with Brown and Caldwell for PGD and PGE Owner's Advisor Services. The Scope of Services (Attachment 1) includes the following primary elements:

- Resident engineering services which include field observations, schedule monitoring, pay application approval, and change management
- General submittal and RFI (Request for Information) review. Non-technical submittals and RFIs will be responded to by the construction manager. Technical submittals and RFIs will be responded to by the engineer and coordinated through the construction manager
- Construction change management
- Code required special inspections and material testing. This will be performed by a specialty subcontractor which will be managed as part of the resident engineering services
- Provide and maintain a Construction Management Information System. This system will be internet based and the clearinghouse for construction documentation including submittals, RFIs, financials, etc.
- Startup services including the support of contractor's field testing and equipment/startup efforts, coordination with operations and maintenance staff throughout the startup process, and oversight of training for City of Nampa staff as required by contractor and equipment vendors

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The budget for PGD and PGE is \$15,835,602. Below are the estimated project costs:

PGE Design Consultant Fees	\$ 207,233.00
PGE Estimated Construction Cost	\$ 2,500,000.00
PGE Project Contingency Allocation	\$ 125,000.00
PGD Estimated Systems Integration Services	\$ 108,366.00
PGE Services During Construction	\$ 164,832.00
PGE Owner's Advisor Services	\$ 212,002.00
PGD Design Consultant Fees	\$ 641,510.00
PGD Construction Contract	\$ 6,425,581.94
PGD Project Contingency Allocation	\$ 325,000.00
PGD Estimated Systems Integration Services	\$ 227,715.00
PGD Estimated Services During Construction	\$ 402,438.00
<u>PGD Estimated Owner's Advisor Services</u>	<u>\$ 661,067.00</u>
<i>Total</i>	<i>\$12,000,744.94</i>

The Wastewater Division budget will incur project expenses and reimburse itself from the proceeds of the Idaho Department of Environmental Quality (IDEQ) Clean Water State Revolving Fund (SRF) loan.

The Wastewater fiscal year 2020 budget for PGD and PGE is \$10,942,706. The remaining budget for PGD and PGE is in the Wastewater program overall budget and will be requested in the fiscal year 2021 Wastewater budget.

City of Nampa staff and Brown and Caldwell have agreed upon a scope of services and overall price for Nampa Wastewater Program Phase II Upgrades Owner's Advisor Services for the PGD and PGE in the amount of \$873,069 T&M NTE (time and material not to exceed).

MOVED by Rodriguez and **SECONDED** by Bower to **authorize** the **Mayor** and **Public Works Director** to sign, (1) Professional Services Agreement, and (2) Task Order with **Brown and Caldwell** for the Nampa Wastewater Phase II Upgrades Owner's Advisor Services for Project Group D and Project Group E in the amount of **\$873,069** T&M NTE. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #5-22. – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 8, CHAPTER 9, SECTION **8-9-2**, OF THE NAMPA CITY CODE, CONTAINING THE **SCHEDULE OF ACRONYMS APPLICABLE TO THE CITY CODE GOVERNING WASTEWATER PRETREATMENT**; AMENDING TITLE 8, CHAPTER 9, SECTION 8-9-3, CONTAINING DEFINITIONS APPLICABLE TO THE CITY CODE GOVERNING

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WASTEWATER PRETREATMENT; AMENDING TITLE 8, CHAPTER 9, SECTION 8-9-4, CONTAINING GENERAL REGULATIONS FOR WASTEWATER PRETREATMENT AND DISCHARGE; AMENDING TITLE 8, CHAPTER 9, SECTION 8-9-6, CONTAINING PROVISIONS RELATED TO THE ADMINISTRATION OF WASTEWATER PERMITS AND REQUIREMENTS FOR THE APPLICATION AND REGULATION OF SAID PERMITS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Wastewater Treatment Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and **SECONDED** by Mutchie 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 **4493** and directed the Clerk to record it as required.

MOTION CARRIED

Item #5-23. - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign Contract** for the Street Division Restroom Construction and Sewer Extension with **Wright Brothers, LLC**. (budget reallocation)

Tom Points presented a staff report explaining that the Street Division facilities are at capacity. Over 30 men share one small restroom in the administration building.

Facilities Development, in partnership with the Public Works Department Street Division, selected CTA Architects Engineers to submit a scope of work to design a 350 square foot restroom facility in the warm shed to the east of the administration building. The project will include the extension of a sewer line through the parking lot (Exhibit A).

The new restroom will provide additional accommodations for existing staff and future growth based on the fiscal year 2019 Street Division Workforce Plan.

The construction estimate was \$50,000 to \$70,000.

The bid package was solicited, and the City of Nampa received four (4) bids. The apparent low bidder is Wright Brothers, LLC for \$68,798.00 (Exhibit B).

Construction funding is as follows:

Savings from distributor truck purchase in FY20	\$50,000
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<u>FY20 Streets Operational Budget</u>	<u>\$18,798</u>
Total	\$68,798

Staff has reviewed the apparent low bid and recommends awarding the bid to Wright Brothers, LLC for the Street Division Restroom Construction and Sewer Extension project.

MOVED by Haverfield and **SECONDED** by Rodriguez to **award the bid and authorize the Mayor** to sign contract for the **Street Division Restroom Construction** and Sewer Extension with **Wright Brothers, LLC** for **\$68,798.00**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #5-24. - Authorize Mayor to sign Memorandum of Understanding Between the City of Nampa and Nampa Highway District No. 1 to Design and Construct a Roundabout at the Intersection of Idaho Center Boulevard and Cherry Lane (approved by legal) **was removed because it was a duplicate to item #5-11.**

Item #5-25. - Mayor Kling presented the request to **authorize staff** to move forward with a **roundabout design** at the **Midland Boulevard** and **Lake Lowell Avenue** intersection.

Tom Points presented a staff report explaining that the concept design for the Midland Boulevard and Lake Lowell Avenue Intersection is underway. Staff is seeking authorization to proceed with a roundabout design.

A public open house was held on January 23, 2020, seeking design input for the Midland and Lake Lowell intersection, Midland Boulevard and West Iowa Avenue Intersection, and Lake Lowell Avenue Rebuild (Midland Boulevard to 12th Avenue Road) projects. A survey was conducted at the meeting asking people's preference for a roundabout versus a signal at the intersections. Most of the attendees favored a roundabout over a traffic signal (64 for roundabout, 32 for signal), even considering the additional cost of the roundabout.

Nampa supports installation of roundabouts where appropriate and cost effective. Public feedback during the Fiscal Year 2019 Transportation Master Plan Update showed enthusiastic support for existing and future roundabouts.

Other pros and cons of a roundabout include:

- 90% fewer fatality crashes
- 75% fewer serious injury crashes
- 10-14% fewer bicycle and pedestrian crashes
- Improves the appearance of the intersection—islands are landscaped
- 30-50% increase in traffic capacity, less delay waiting at stops and signals

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- Quieter with less noise from stopping and accelerating of vehicles
- No signal maintenance, equipment upgrades and lower electrical costs
- Usually higher initial construction and right-of-way costs
- In peak traffic times, may be difficult to find a gap to enter the roundabout
- Not usually suitable for high traffic intersections such as state highways
- Can be confusing to navigate for those unfamiliar with roundabouts

In the case of Middleton and Lake Lowell, a roundabout is an appropriate option, and will save approximately \$150,000 in operational costs over a 15-year period. But the initial cost is \$500,000 more than a traffic signal due to increased construction and right-of-way costs. The \$500,000 additional cost could pay for a quarter mile of three-lane roadway rebuild elsewhere.

Total estimated cost for the project is \$1.7 million. Impact fees will account for 55% of project costs.

Considering the safety features, efficiency benefits, and public support a roundabout is proposed for the final design.

Engineering is seeking design authorization from Council to move forward with a roundabout design at the intersection of Midland and Lake Lowell (Exhibit A).

Mayor and Councilmembers asked questions and made comments.

MOVED by Haverfield and **SECONDED** by Rodriguez to **deny** the **request** to move **forward** with the **roundabout design** at **Midland** in **favor** of a **signalized intersection**. The Mayor asked for a roll call vote with Councilmembers Bruner, Rodriguez, Haverfield voting **YES**. Councilmembers Mutchie, Levi, Bower voting **NO** and the Mayor cast a **YES** vote to break the tie. The Mayor declared the

MOTION CARRIED

Item #5-26. - Mayor Kling presented the request to **authorize** a **budget amendment** for **Street Division** to Proceed with Purchase of One (1) **Asphalt Emulsion Trailer** Utilizing Informal Bid Process (FY20 budget amendment)

Jeff Barnes presented a staff report explaining that the City of Nampa's chip sealing campaign is performed under ideal weather conditions that only exist during a narrow time frame. This time frame is used by all jurisdictions for the same reason during the "chipping season".

In an effort to improve the condition of Nampa's roadways, the Street Division has set a goal to double the annual chip seal area starting in fiscal year 2020.

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In order to double the chip sealing area, certain logistical hurdles must be overcome. To address these hurdles, Street Division staff is requesting to procure an asphalt emulsion trailer to hedge against supply and demand delivery delays for asphalt oil while also increasing staff flexibility for work schedules.

The trailer acquisition was planned for fiscal year 2021. However, with the new chip seal goal, staff is requesting a budget amendment to procure the trailer one year early.

Public Works would utilize the informal bidding process, as allowed by Idaho state law, in order to take delivery prior to the chip seal campaign start date of June 1, 2020.

Return on Investment: With ownership of the asphalt emulsion trailer, freight charges are expected to be reduced by \$32,000 per year. It is reasonable that freight savings would pay for this unit in approximately three years. Over a 30-year life cycle the Street Division would save approximately \$865,000 at today's cost.

Staff requests a budget amendment for this purchase out of the Street Division special revenue fund balance. The estimated cost for the truck is approximately \$98,000.

MOVED by Haverfield and **SECONDED** by Mutchie to **authorize a budget amendment** for Street Division to proceed with the purchase of one (1) asphalt emulsion trailer, not to exceed the estimated cost of \$98,000, utilizing the informal bid process. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-27. - Mayor Kling presented the request to **authorize staff to Proceed with Advertisement of Request for Qualifications** to Develop a National Environmental Policy Act (NEPA) Environmental Assessment (EA) for the **SH-45 Realignment**, and 2) **authorize the Mayor and Public Works Director** to sign *Task Order* with **HDR Engineering, Inc.**, for I-84B Right-of-Way Swap Analysis (approved in FY20 budget) (approved by legal)

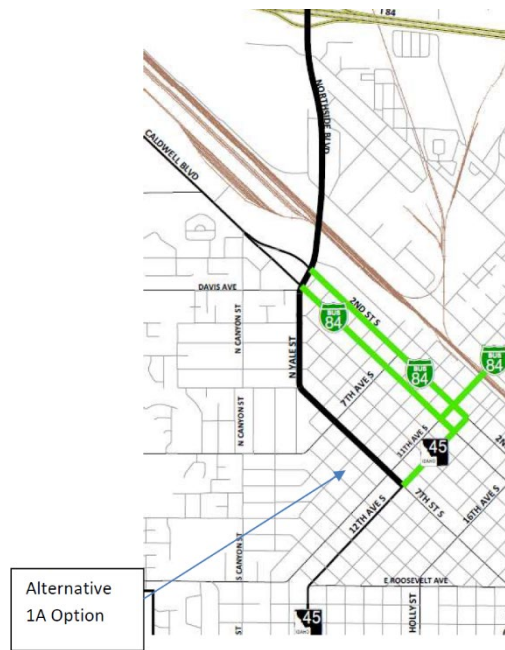
Tom Points presented a staff report explaining that the City of Nampa has been exploring the possibility of realigning State Highway 45 (SH-45) through its jurisdiction for decades.

In 2011 the Nampa Development Corporation (NDC) hired URS Consultants to complete the Downtown Nampa Traffic Alternatives Analysis (adopted by Council and NDC in 2012) which explored nearly two dozen ways to direct traffic effectively throughout downtown. Its number one conclusion was that SH-45 needed to be removed from downtown Nampa.

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In 2014, Council authorized URS to complete a concept plan for the preferred realignment (Alternative 1A Option). The preferred realignment used 7th Street South, Yale Avenue and Northside Boulevard to connect northbound traffic to I-84 (see Exhibit A). Alternative 1A provided the most direct route with the greatest reduction in delay times and improvements in safety

In 2019, Idaho Transportation Department (ITD) requested the City of Nampa prepare a benefit-cost analysis for Alternative 1A. ITD uses benefit-cost ratios as one very important prioritizing criteria as they prepare their five-year construction programs. To calculate this ratio requires an assessment of travel time savings as major components of benefit. **The analysis shows a 30 to 1 benefit-cost ratio with a \$1 billion dollar benefit to Nampa residents in travel times savings over 20 years.** The total estimated cost for the Alternative 1A Option is \$30 million



The benefit-cost report was shared with and well received by ITD. Interest has been expressed multiple times in the realignment since 2012, including a formal presentation to the ITD Board.

The City of Nampa is relying on ITD’s commitment to fund most of the \$30 million-dollar project. In addition, ITD would take ownership of two miles of local roads on Alternative 1A alignment including 7th Street South, Yale Avenue and Northside Boulevard (to I-84). To incentivize ITD’s participation, the City of Nampa is considering taking ownership of 8.25 miles of I-84 Business Loop right-of-way including Caldwell Boulevard from Homedale Road to 11th Avenue South (including 2nd and 3rd Streets South between Northside Boulevard and 11th Avenue South), 11th Avenue South between 3rd Street South and Garrity Boulevard, and Garrity Boulevard from 11th Avenue South to I-84.

Eliminating I-84B through the City of Nampa would significantly reduce ITD’s financial commitment to roadways that are essentially local streets. To the City of Nampa’s benefit, this trade would build the \$30 million-dollar SH-45 Realignment, save \$1 billion in travel time, significantly reduce traffic through downtown including the Library Square area, and expand the capacity of the downtown area for economic development and safe pedestrian walkability.

The next steps are to, (1) release a Request for Qualifications (RFQ) to develop an National Environmental Policy Act (NEPA) Environmental Assessment (EA) for the SH-45 realignment

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(Exhibit B), and (2) approve a scope of work with HDR Engineering, Inc., to evaluate the right-of-way swap financial and operational benefits and impacts to the City of Nampa (Exhibit C). The NEPA EA assessment is essential to secure federal funding and reviews items such as land impacts, air quality, social impacts and noise considerations. The HDR study will help identify the costs, benefits, and fiscal impacts of the proposed swap to confirm it is in the best interest of the City of Nampa.

Funding in the amount of \$225,000 is available through approved fiscal year 2020 Street/Impact Fee Budget. Additional funding will be needed to complete the total EA and will be proposed in 2021. Also, ITD participation will be requested.

Staff recommends moving forward with advertisement of the RFQ, and to approve the negotiated scope of work with HDR in the amount of \$42,000 T&M NTE (time and material not to exceed).

MOVED by Bruner and **SECONDED** by Haverfield to **authorize staff** to proceed with advertisement of Request for Qualifications to develop a National Environmental Policy Act (NEPA) Environmental Assessment (EA) for the SH-45 realignment, and **authorize the Mayor** and Public Works Director to sign Task Order for attached scope of work with **HDR Engineering, Inc.**, for the I-84B Right-of-Way Swap Analysis in the amount of **\$42,000** T&M NTE. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (7) Unfinished Business ❖

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

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, MODIFYING FOR THE SECOND TIME THE **ANNEXATION & ZONING DEVELOPMENT AGREEMENT** TO WHICH A PORTION OF THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE **LOST RIVER SUBDIVISION**, NAMPA, CANYON COUNTY, IDAHO, LYING APPROXIMATELY ONE QUARTER MILE EAST OF CAN-ADA ROAD, ON THE NORTH SIDE OF CHERRY LANE, AND COMPRISING APPROXIMATELY 7.96 ACRES, MORE OR LESS, IS SUBJECT, DESCRIBED IN ORDINANCE NO. 3522, APPROVED ON DECEMBER 5, 2005, AND RECORDED ON JANUARY 5, 2006, AS INSTRUMENT NO. 200600606, RECORDS OF CANYON COUNTY, IDAHO, AS AMENDED BY THAT CERTAIN “AMENDMENT TO DEVELOPMENT AGREEMENT,” DESCRIBED IN ORDINANCE NO. 4354, APPROVED ON DECEMBER 18, 2017, AND RECORDED ON DECEMBER 29, 2017, AS INSTRUMENT NO. 2017-056504, RECORDS OF CANYON COUNTY, IDAHO, SO AS TO ALLOW FOR A MIX OF FOUR-PLEXES AND SINGLE-FAMILY ATTACHED TOWNHOMES, RATHER THAN A MIX OF FOUR-PLEXES AND COMMERCIAL LOTS ON THE PORTION OF THE PROPERTY ZONED AS GB 2 (GATEWAY BUSINESS 2), AND

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AMENDING EXHIBIT “C,” CONDITIONS OF APPROVAL, AS NECESSARY; DIRECTING THE CITY PLANNING DIRECTOR TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant KM Engineering, LLP representing Nampa North LLC)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Bruner, Levi, Rodriguez, Haverfield voting **YES**. Councilmembers Mutchie, Bower **ABSTAINED**. The Mayor declared the ordinance duly passed, numbered it **4494** and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS **8626 BIRCH LANE**, COMPRISING APPROXIMATELY 3.02 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE **ANNEXED** INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE **IL (LIGHT INDUSTRIAL) ZONE**; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Phil Horton)

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 Rodriguez and **SECONDED** by Haverfield to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Bruner, Levi,

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Bower, Haverfield, Rodriguez voting **YES**. Councilmember Mutchie **ABSTAINED**. The Mayor declared the ordinance duly passed, numbered it **4495** and directed the Clerk to record it as required.

MOTION CARRIED

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

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

❖ **(9) Executive Session** ❖

Item #9-1- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (i) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

MOVED by Haverfield and **SECONDED** by Rodriguez to **adjourn** into **executive session** at 11:37 p.m. pursuant to Idaho Code 74-206 (1) To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Rodriguez to **conclude the executive session** at 12:10 a.m. during which discussion was held regarding Idaho Code 74-206 (1) To engage in

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communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Rodriguez to **adjourn** the **meeting** at 12:11 a.m. The Mayor declared the

MOTION CARRIED

Passed this 2nd day of March 2020.

MAYOR

ATTEST:

NAMPA CITY CLERK