

REGULAR COUNCIL
March 4, 2019

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

Clerk made note that Councilmembers Rodriguez, Bruner, Hogaboam, Levi, Haverfield, Skaug were present. Councilmember Hogaboam came in 15 minutes late.

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

Mayor Kling amended the agenda by removing item #3-1. Traveling Table Food Pantry Presentation – Claudia Dina and item #4-3. Facilities Update by Patrick Sullivan and by amending item #7-1. by removing the word reappointment (both were new appointments).

MOVED by Haverfield and **SECONDED** by Rodriguez to **approve the Consent Agenda with the above mentioned amendment;** Regular Council Minutes of **February 19, 2019;** Special Council Minutes of **February 19, 2019** and Special Council Minutes (Comp Plan) of **February 21, 2019;** Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes; Planning & Zoning Commission Minutes of **February 12, 2019;** Library Commission Minutes; **bills paid;** The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals:** **1)** Final Plat Approval for Sunny Ridge at White Hawk Subdivision at the southwest corner of E Greenhurst Rd and Sunny Ridge Rd (18 fourplex lots and 1 duplex lot on 8.36 acres for 8.85 dwelling units/gross acre – A portion of Lots 2 and 3 of Asselin’s Subdivision, situated in Government Lot 3 of Section 3 T2N R2W BM) for JUB Engineers, representing TG Development; **Authorize Public Hearings: 1)** Proposed Nampa City Code Text Amendments to Sections of Nampa City Code Titles 6, 7, 9 and 10 as follows: **a)** Amendment of Title 6, Chapter 2, Section 20, pertaining to Canine Licensing. **b)** Amendment of Title 7, Chapter 2, Section 16, pertaining to parking of vehicles in specified places. **c)** Amendment of Title 9, Chapter 1, Section 9, pertaining to the parking of an “unauthorized dwelling unit” on public rights-of-way(s). **d)** Amendment of Title 10, Chapter 1, Section 2: Definitions; adding and/or transferring to said section definitions of/for: “Appropriate Historic Hues”, “As Built Roof”, “Building Expansion”, striking “Congregate Residence”, adding “Early Twentieth Century Architecture”, “Façade Improvements”, striking “Foster Daily Care Home”, adding “Historic Storefront Pattern”, “Historic Structure”, “Original Architectural Character”, “Original Building”, “Pedestrian Amenities”, “Photometric Test Report”, supplementing the definition of “Recreational (Hobby) Vehicle/Trailer”, adding “Rehabilitation”, “Remodel”, “Residential Infill Subdivision”, deleting “Story”, adding “Structure, Contributing”, “Structure Non-Contributing”, “Traditional Building Materials”, “Traditional Building Width”, “Transparency”, augmenting “Vision Clearance”. **e)** Amendment of Title 10, Chapter 1, Section 5, regarding conformance of projects to entitlements issued. **f)** Amendment of Title 10, Chapter 1, Section 18 regarding vision triangles. **g)** Amendment of Title 10, Chapter 1, Section 19 refining existing standards for self/mini-storage projects in RP and BN Zones. **h)** Amendment of Title 10, Chapter 2, Section 10 regarding requests for reconsideration. **i)** Amendment of Title 10, Chapter 3, Section 2 regarding professional offices, medical/dental offices and non-professional/non-medical office types. **j)** Amendment of Title 10, Chapter 4, Section 5 correcting GB 2 Zone regulations

for minimum property size relating to non-multiple family dwellings. **k)** Amendment to Title 10, Chapter 4, Section 9 clarifying required development improvements, landscaping requirements, and eliminating a berming requirement and landscaping code relevant to the railroad in the GB 2 Zone. **l)** Amendment to Title 10, Chapter 4, Section 10 requiring enclosures for trash receptacles. **m)** Amendment of Title 10, Chapter 8, Section 5 to include a limited number of varying refinements. **n)** Amendment to Title 10, Chapter 8, Section 6 to add a RS4 zoning designation with associated standards. **o)** Amendment of Title 10, Chapter 15, Section 9 deleting definitions being moved to Title 10, Chapter 1, Section 2. **p)** Amendment of Title 10, Chapter 15, Section 6 deleting and revising references to definitions. **q)** Amendment of Title 10, Chapter 16, Section 11 regarding trash enclosure screening. **r)** Amendment of Title 10, Chapter 21, Section 3 pertaining to the number of dogs kept on a property in coordination with contemplated changes to Title 6, Chapter 2, Section 20. **s)** Amendment of Title 10, Chapter 22, Section 4 to clarify parking requirements for multi-structure developments. **t)** Amendment of Title 10, Chapter 22, Section 5 to clarify provisions pertaining to Site Improvement Permits. **u)** Amendment of Title 10, Chapter 22, Section 6 to clarify requirements appertaining to the P-2 parking district, single-family dwellings, two through multiple-family parking requirements, and offices. **v)** Amendment of Title 10, Chapter 22, Section 7 eliminating loading space [docks] unilateral installation requirement. **w)** Amendment of Title 10, Chapter 23, Section 2 to add definitions. **x)** Amendment of Title 10, Chapter 23, Section 8 to address abandonment of billboard signs. **y)** Amendment of Title 10, Chapter 23, Section 20 to allow two subdivision identification signs per entry. **z)** Amendment of Title 10, Chapter 24, Section 2 to improve grammar. **aa)** Amendment of Title 10, Chapter 25, Section 15 repealing and re-enacting the section to improve formatting and grammar, clarify scope and effect of modifications to CUP. **bb)** Amendment of Title 10, Chapter 27, Section 2 providing requirements for filing of applications to re-plat or convert common lots. **cc)** Amendment of Title 10, Chapter 27, Section 4 respecting master communities, infill developments, RS 4 developments, new requirements for infill and standard subdivisions (including in RS 4 Zones), qualifying regulations for “infill” subdivisions, short plat allowance and effectiveness clarifications. **dd)** Amendment of Title 10, Chapter 27, Section 6 path/bikeway inter and intra-connectivity requirements. **ee)** Amendment of Title 10, Chapter 27, Section 12 regarding correcting or amending plats including situations affecting common properties. **ff)** Amendment of Title 10, Chapter 29, Section 3 clarifying manufactured home dimension requirements and adjusting grammar. **gg)** Amendment of Title 10, Chapter 33, Section 4 to authorize the City of Nampa Forester to participate in and reviewing commercial plans submitted to the City of Nampa for permit(s); **Authorize to Proceed with Bidding Process: 1)** None; **Authorization for execution of Contracts and Agreements: 1)** Authorize Piggyback Purchase of Chip and Fog Sealing Oils from Idaho Asphalt Supply, at an Estimated Cost of \$327,000.00, for Street Division; **2)** Authorize Immediate Piggyback Purchase of 7,000 Gallons of Traffic Paint from Ozark Materials LLC, Contract T019-01, at an Estimated Cost of \$66,430.00, for Street Division; **Monthly Cash Report: 1)** None; **Resolutions: 1)** Disposal of Library Property; **License for**

2018: 1) Sizzler Steakhouse, 201 Caldwell Boulevard, on-premise beer and wine; **Costco**, 16700 North Market Place, off-premise beer and wine; **IOU Sushi**, 2107 North Cassia, on-premise beer, wine and liquor; **Shari's Management Corp**, 1807 Caldwell Boulevard, on-premise beer and wine; **Nampa Aerie #2103 FOE, Eagles**, 118 11th Avenue North, on-premise beer, wine and liquor; **Miscellaneous Items:** 1) None. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the MOTION CARRIED

❖ **(2) Proclamation** ❖
Item #2-1 - None

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

- Joan Frazier, talking about Smoking at the Library
- Debbie Holm, 114 Meyer Avenue, talking about Smoking at the Library

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

- Nick Schlader, Nampa Basketball Academy, talking about getting City of Nampa support for a basketball tournament June 22, 23

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

- Councilmember Rodriguez, introduced Kathleen Pinkston and Sarah Tish that are attending NNU

❖ **(3) Agency/External Communications** ❖

Item #3-1. – Traveling Table Food Pantry Presentation – Claudia Dina was postponed until the March 18, 2019 Council meeting

Item #3-2. – Idaho Policy Institute – Presentation on the Treasure Valley Survey

Jeff Lyons, School of Public Service at BSU and Idaho Policy Institute gave the following results of a BSU/Treasure Valley Survey (results for residents of Nampa)

7. Thank you for that information, now I want to focus on getting your views about issues occurring in the Treasure Valley. Would you say that the Treasure Valley is growing too fast, too slow, or about right.

		Frequency	Percent
Valid	Too Fast	101	68.7
	Too Slow	3	2.0
	About right	38	25.9
	DK/Refused	5	3.4
	Total	147	100.0

8. How would you rate the performance of your city government when it comes to handling growth issues-excellent, good, fair or poor?

		Frequency	Percent
Valid	Excellent	2	1.4
	Good	37	25.2
	Fair	62	42.2
	Poor	36	24.5
	DK/Refused	10	6.8
	Total	147	100.0

9. Overall, do you think your local government has enough funding to deal with growth?

		Frequency	Percent
Valid	Yes, does have adequate funding	32	21.8
	No, does not have adequate funding	92	62.6
	DK/Refused	23	15.7
	Total	147	100.0

10. Traffic congestion on freeways and major roads.

		Frequency	Percent
Valid	Not a problem	4	2.7
	Somewhat of a problem	37	25.2
	Big problem	106	72.1
	DK/Refused	0	0.0
	Total	1037	100.0

11. Population growth and development

		Frequency	Percent
Valid	Not a problem	19	12.9
	Somewhat of a problem	57	38.8
	Big problem	64	43.5
	DK/Refused	7	4.8
	Total	147	100.0

12. The availability of affordable housing

		Frequency	Percent
Valid	Not a problem	12	8.2
	Somewhat of a problem	46	31.3
	Big problem	84	57.1
	DK/Refused	5	3.4
	Total	147	100.0

13. Availability of well-paying jobs

		Frequency	Percent
Valid	Not a problem	19	12.9
	Somewhat of a problem	64	43.5
	Big problem	58	39.5
	DK/Refused	6	4.1
	Total	147	100.0

14. Would you support efforts to slow down the pace of land development, even if this meant having less economic growth.

		Frequency	Percent
Valid	Yes	77	52.4
	No	45	30.6
	DK/Refused	25	17.0
	Total	147	100.0

Item #3-3. – Saint Alphonsus – presentation of a Grant to the Mayors Teen Council

Robin Navert (Director of Development of Nampa Health Foundations for Saint Alphonsus) with Women of Vision along with Travis Leach, Annie Fertusco, Carrie Child and Trish Gross presented the Mayor’s Teen Council with a \$3,000 grant check.

❖ (4) Staff Communications ❖

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

Street Division Snow Removal Update – Street Division crews continued winter maintenance activities on Friday, February 20, continuing through Wednesday, February

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27, by applying salt brine and salt. The following highlights labor hours and material expenditures:

FISCAL YEAR 2019 TOTALS

Task and/or Material	Hours	Gallons	Yards
Overtime	266.50		
Regular Hours	505.50		
Water Issues			
Total Hours	772.00		
Brine		74,161	
Sand			
Salt			715

Snow/Water Event No. 9

Report for February 26-27, 2019

Task and/or Material	Hours	Gallons	Yards
Overtime	8.75		
Regular Hours	50.00		
Water Issues			
Total Hours			
Brine		1,650	
Sand			
Salt			54

Snow/Water Event No. 8

Report for February 20-21, 2019

Task and/or Material	Hours	Gallons	Yards
Overtime			
Regular Hours	176.5		
Water Issues			
Total Hours			
Brine		23,180	
Sand			
Salt			113

Snow/Water Event No. 7

Report for February 8-10, 2019

Task and/or Material	Hours	Gallons	Yards
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Overtime	197.75		
Regular Hours	0.00		
Water Issues			
Total Hours			
Brine		14,830	
Sand			
Salt			237

***Snow/Water Event No. 6
 2019***

***Report for January 16,
 2019***

Task and/or Material	Hours	Gallons	Yards
Overtime	0.00		
Regular Hours	80.00		
Water Issues			
Total Hours			
Brine		9,150	
Sand			
Salt			80

***Snow/Water Event No. 5
 2019***

***Report for January 15,
 2019***

Task and/or Material	Hours	Gallons	Yards
Overtime	0.00		
Regular Hours	80.00		
Water Issues			
Total Hours			
Brine		6,320	
Sand			
Salt			68

Snow/Water Event No. 4

Report for January 7, 2019

Task and/or Material	Hours	Gallons	Yards
Overtime	0.00		
Regular Hours	20.00		
Water Issues			
Total Hours			

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Brine		1,860	
Sand			
Salt			20

Snow/Water Event No. 3

Report for December 26-27, 2018

Task and/or Material	Hours	Gallons	Yards
Overtime	0.00		
Regular Hours	90.00		
Water Issues			
Total Hours			
Brine		5,880	
Sand			
Salt			117

Snow/Water Event No. 2

Report for December 10, 2018

Task and/or Material	Hours	Gallons	Yards
Overtime	1.00		
Regular Hours	9.00		
Water Issues			
Total Hours			
Mag Chloride		5,600	
Sand			
Salt			

**Snow/Water Event No. 1
 2018**

Report for November 30 - December 3,

Task and/or Material	Hours	Gallons	Yards
Overtime	59.00		
Regular Hours			
Water Issues			
Total Hours			
Mag Chloride		5,691	
Sand			
Salt			26

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Idaho Transportation Department I-84 Widening Project-Karcher Road Overpass Improvements - The Idaho Transportation Department (ITD) is working to widen I-84 between Karcher Road and Franklin Boulevard. To accommodate additional lanes along I-84 the Karcher Road Overpass must be replaced.

Improvements to the Karcher Road Overpass include shoulder widening, a sidewalk on the north side of the overpass, and improved drainage facilities.

A preconstruction meeting with the contractor, Concrete Placing Company, representatives from ITD, and Nampa staff was held February 19, 2019.

Construction is anticipated to begin in March 2019, with an estimated project duration of 150 calendar days.

During construction the overpass will be closed with a detour put in place. The detour route includes using the Karcher Connector, and the Karcher/Midland Overpass to Caldwell Boulevard

- Prior to the Karcher Road Overpass being closed, an emergency access must be completed from the eastbound on-ramp at the Karcher Midland Interchange to Keim Lane (see Exhibit A)

Construction updates and information regarding the ITD I-84 widening project can be found at <https://itdprojects.org/projects/i-84-karcher-to-franklin/>

Item #4-1. – Chief of Staff, Bobby Sanchez, presented the following updates:

City of Nampa Crow Management Program Update – Danica Delay, Clay Cox, Darrin Johnson and Lt. Paul Nicholosi are member of the Crow Management Program.

Background

The American crow population in the City of Nampa has increased steadily within the last two years culminating in 2019 with two distinct roost locations in the vicinity of Fred Meyer and Walmart (12th Avenue) The population of these large winter congregations of crows is estimated to between 2-4k in size. When large numbers of crows congregate, they can cause a variety of nuisance problems. Depending on where they choose to roost, there can be an accumulation of dropping on sidewalks, cars, and buildings. The loud and raucous calling as birds arrive at night and depart in the pre-dawn hours can be disturbing. In some rare cases, crows can cause physical damage to trees and other property where they are roosting. During the last year, these crow roosts have resulted in an increased number of requests

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from local business owners and community members for assistance in managing the crow population.

In efforts to efficiently and effectively address the numerous challenges associated with managing the crow population, the City of Nampa formed a Crow Management Committee in April of 2018. The committee was tasked with developing humane, non-lethal, and environmentally sound approaches to managing crow populations to include methods of displacing them to areas where they will pose less of a hazard. The committee is currently comprised of community members, student interns, subject matter experts, and city staff representing municipal government, the Department of Fish & Game, and Boise State University. The organizational structure of the committee reflects a team approach to crow management by the formation and implementation of volunteer groups to conduct community outreach (inform, educate, and engage), data collection, displacement, and exploring options for long term solutions such as establishing save havens or sanctuaries.

As a critical step toward developing a crow management plan for FY 2019: the Crow Management Committee conducted multiple meetings with key local officials and stakeholders to discuss crow management options in terms of the scope of the problem, state and federal regulations, projected program costs, the potential limitations and effectiveness of various hazing methods, and public acceptance of proposed methods. Management options considered were as follows: public information and education, habitat management (tree thinning and removal), and roost dispersal (non-lethal hazing).

The Plan & Our Progress

In May of 2018, the Crow Management Committee conducted a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis, determined SMART (Specific, Measurable, Realistic, and Time Driven) goals, planning timelines focused on developing a crow management plan that would mitigate crow roosts within the Downtown Nampa area. The plan is comprised of five (5) phases:

Educate/Inform/Engage, Pre-treatment, Data Collection & Displacement, Analysis & Assessment, and After-Action Review.

As of this report, the committee is mid-way through the implementation of our Fiscal Year (FY) 2019 crow management plan.

Highlights of the FY 2019 crow management plan include the following:

Phase I - Educate/Inform/Engage (August-November). Our intent was to inform, educate, and provide status updates which emphasize program goals and expected outcomes. During this phase, the committee accomplished the following key tasks:

- Developed a link and website at <http://cityofnampa.us/crows>

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- Created a crow management trifold for business and community members
- Conducted national, regional, and local media interviews
- Community Engagement:
 - o Mayor's Open House, Third (3rd) Wednesday of every month, 4-6pm.
 - o Meetings with local business

Phase II - Pretreatment (November). In November 2018, our pre-treatment team, in coordination with local business, ensured the placement of reflective devices, decoys, noise makers in vicinity of likely crow roost locations in anticipation of the arrival of the winter crow roost. In addition, our team, as part of a pilot test, applied Methyl Anthranilate (MA) on the roof top of the Nampa Civic Center and included the existing trees of the Civic Center campus.

MA is used as a fragrance or flavoring in many types of foods including; soda, ice cream, candy and gelatin. It comes from natural sources such as concord grapes and the blossoms of gardenias and jasmine. MA exceeds US Food Chemical Codes (FCC) specifications and is classified as Generally Recognized as Safe (GRAS). In general, all birds are affected by MA but a key part of the pilot test was to see how the American Crow would respond to the treatment. Our pilot test produced marginal results with no substantial evidence that MA would be an effective method of preventing crows from roosting in specific locations.

Phase III - Data Collation & Displacement (December-February). During this phase, our data collection focused on recording metrological, climate, and behavior data at the two (2) primary roost locations: Fred Meyer and Walmart. The data collected will be analyzed and assessed in phase IV (4) of the crow management program.

Our displacement teams conducted a pilot test using handheld infrared lasers, drones, and noise makers in order to determine the effectiveness of these devices in moving crows from one location to another. In general, our findings suggest that the handheld lasers are the most effective method of displacing crows, followed by noise makers, and drones.

Our Next Step

In the next coming months (March-May) our efforts will shift significantly toward phase IV analysis and assessment followed by phase V - After Action Review. Our intent during these phases is to fully analyze and assess the data collected in order to determine effectiveness of displacement techniques, a greater understanding of patterns of behavior regarding winter crow roosts, and the feasibility of establishing a hybrid of natural/manmade environments for long term save havens or sanctuaries. Our after-action review process will create the space for us to reflect upon what went well, what needs to be improved, and what should be changed within the context of creating a crow management program for FY 2020.

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Point of Contact

The point of contact for this memorandum is Bobby Sanchez, (sanchezb@cityofnampa.us and 208-468-5411).

Sister Cities Committee Update –

Background

The City of Nampa and Tizapan el Alto, Mexico, began a sisterhood relationship codified in a signed agreement between the two municipalities on August 15, 2002. On March 1, 2018, both administrations expressed a renewed commitment to strengthen the sister city relationship. Toward that end, the City of Nampa convened a committee on October 28, 2018 comprised of citizens from Nampa, local business owners, Nampa School District, state agencies, and the Office of the Consul General Mexico (Boise) to explore and advise the Mayor and City Council on the best way forward. Since that time, this committee held two (2) meetings to discuss several frameworks and concepts, to include a vision promoting a vibrant sister city relationship with Tizapan el Alto, Mexico.

Significant highlights of these meetings include the following:

- a. Drafting of a mission statement: The voluntary forging of ties to encourage cultural understanding, friendship and exchange, as well as more practical applications, like trade agreements and business partnerships.
- b. The establishment of a six (6) person executive committee for the purpose of providing a leadership structure and framework for governing the efforts of the larger sister city committee toward the attainment of established goals and objectives.
- c. The committee agreed to conduct a “join planning effort” with Tizapan el Alto for the purpose of developing a plan where both cities will honor and celebrate Hispanic Heritage month occurring in October 2019. In the near term, select representatives of the committee will conduct a video teleconference with the Office of the Mayor and Tizapan el Alto during the week of March 4-8, 2019.
- d. The committee acknowledged the need for healthcare subject matter expertise within committee membership as well as the necessity to begin reaching out to local non-profits such as Hands of Hope in order to begin dialogue and discussion around the delivery of medical supplies to Tizapan el Alto, Mexico.
- e. The committee agreed to develop and submit a proposal to the Mayor and City Council for the development of a commission, as a part of the City Boards & Commissions structure, to oversee a broader sister city program.

Recommended Action

Staff recommends the establishment of a commission to be comprised of members from the local community to oversee the sister city program within the City of Nampa. A sister city

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commission will provide the structure, authority, communications, decision making, and budgeting processes required to ensure a sustainable and vibrant sister city program.

Point of Contact

The point of contact for this memorandum is Bobby Sanchez, (sanchezb@cityofnampa.us and 208-468-5411).

Item #4-3. - Facilities Update – Patrick Sullivan was postponed until the March 18, 2019, Council meeting.

❖ **(5) Unfinished Business** ❖

Item #5-1. – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, **AMENDING TITLE 3, CHAPTER 7, SECTIONS 3-7-4 AND 3-7-5**, OF THE NAMPA CITY CODE, RELATING TO THE CITY OF **NAMPA'S DEVELOPMENT IMPACT FEES**; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Building 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 Rodriguez and **SECONDED** by Hogaboam to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4420** and directed the Clerk to record it as required.

MOTION CARRIED

Item #5-2. – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL ADDING **TITLE 6, CHAPTER 1, SECTION 6-1-6** TO THE NAMPA CITY CODE, PERTAINING TO THE **PROHIBITION OF SMOKING AT LIBRARY SQUARE**; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Mayor & Council Department)

The Mayor declared this the first reading of the Ordinance.

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

Mayor and Councilmembers asked questions and made comments.

Councilmember Hogaboam withdrew his motion and the second did not wish to withdraw his motion.

Councilmembers made more comments.

MOVED by Hogaboam and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Rodriguez, Hogaboam voting **YES**. Councilmembers Bruner, Levi, Haverfield, Skaug voting **NO**. The Mayor declared

MOTION FAILED

Councilmembers discussed having an item on the Nampa Development Corporation agenda asking for no smoking signs to be placed around the Library.

❖ **(9) Public Hearings** ❖

Item #9-1. - Mayor Kling opened a **public hearing** for Dale Tackett of **1907 S Elder Street** has requested a **variance** to City of Nampa Zoning Ordinance **Fence Code Section 10-1-8 (D)** which allows a solid/closed non-vision perimeter fence up to a height of 36 inches (3 ft) in the front yard. Mr. Tackett has constructed a 72 inch (6 ft) high solid/closed non-vision fence from the front of his dwelling to within approximately 12 ft of the front property line, and has requested that it be allowed to remain, due to the fact there are unique site and other circumstances between 1907 S Elder St and the neighboring property that justify the fence remain in the front setback area at the 72 inch (6 ft) height.

Dale Tackett, 1907 South Elder presented the request.

Senior Planner Kristi Watkins presented the following staff report explaining that the request is for Dale Tackett, homeowner to Obtain a Variance for the fence height requirements pursuant to Nampa Zoning Ordinance Section 10-1-8: D1), Mr. Tackett has constructed a seventy-two (72) inch (6') high solid/closed non-vision fence from the front of his dwelling to within approximately 12' of the front property line and requests that it be allowed to remain for the property listed below... pertaining to 1907 S Elder Street, Nampa; A .314-acre portion of land identified as Parcel # R2521400000 located in the P & F

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Thompson Sub Lot 4 Block 2, Section 34, T3N, R2W, BM, Canyon County (hereinafter the "Property")...

General Site Information

Existing Zoning: RS6 (Single-Family Residential) Zone. **Surrounding Zoning & Land Uses:** **North - RS6;** residential; **South - RS12;** residential; **East - RS6;** residential; **West -RS8.5;** residential.

Public/Agency Comment or Correspondence: Email from City Nampa Code Enforcement Department, authored by Carol Shackelford, states that there are two (2) cases currently open on this property and Mr. Tackett is working with Code Enforcement to bring his property into compliance. (One of the two noted cases is in reference to the fence height in question with this application). Other agencies responded with no comment or issue with this request.

Conclusion of Law & Findings of Fact

Whether the Council votes to deny or approve the Variance request, the statements cited in this report as being from 10-24-2 below, in bold type, are the Conclusions of Law that must be used and supported by further Findings of Fact to either justify approval or denial of the request.

Applicable Regulations: Chapter 1-8 addresses fences and walls. Chapter 24 sets forth criteria to use when reviewing (a) Variance request(s).

Code Regulations

Fences and Walls for Residential Districts (10-1-8-D):

1. Interior Lots: Solid/closed non-vision perimeter fences up to a height of thirty-six inches (36"), or open vision fences to a height of forty-eight inches (48"), may be built in the required front yard (setback area) from the setback line/mark to the inside of an existing sidewalk or to the inside of a proposed, future sidewalk.

Perimeter fences up to a height of seventy-two inches (72") may be built from a point behind the front of the dwelling unit to and along the rear property line...

Variance Purpose Statement (10-24-1):

"The Council is empowered to grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of zoning as

would result from a literal interpretation and enforcement of certain of the regulations prescribed by this Title.

“A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of 1) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and 2) the characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street location or traffic conditions.

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

10-24-2: ACTION:

- A) The Council may grant a Variance with respect to fences and walls, site, area, width, frontage, depth, coverage, front yard, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the Variance was applied for or in modified form if, on the basis of application, investigation and evidence submitted, the Council makes the following findings (*read, “Conclusions of Law”*):
1. Literal interpretation and enforcement of the regulation would [would not] result in a practical hardship or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance for the property.
 2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which [do] do not apply generally to other properties classified in the same zoning district.
 3. Literal interpretation and enforcement of the regulation would [would not] deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
 4. Granting of the variance [will] will not constitute a grant of special privilege inconsistent with the limitations on other properties and improvements in the vicinity.
 5. Granting of the variance [will] will not be detrimental to public health, safety or materially injurious to properties or improvements in the area.

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Additionally, “[t]he Council may grant variances for the waiver of required front yards, fences, walls or hedges, based on a substitute plan which provides equal safety or aesthetics qualities by other means.” The substitute plan must:

1. Provide adequate vision clearances for vehicles, both those passing on the street and those leaving the development site; and,
2. Not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

Analysis

This is a request for a Variance in order to obtain permission to keep a six foot high (72”) non-vision fence in place where it extends beyond the front corner of the dwelling unit into the front yard along the interior lot line. (Code listed above states...”Perimeter fences up to a height of seventy-two inches (72”) may be built from a point behind the front of the dwelling unit...”).

The applicant has noted in a letter attached to the Variance application form, that he would like to keep a screening fence to provide privacy and safety between the neighbors.

According to Code Enforcement, this fence was reported by the neighbor, but seems appropriate to maintain the height of the fence to reduce interaction between the neighbors. After the complaint was made in January of this year, the applicant obtained a fence permit from the city and began the process of applying for this variance.

Upon inspection, the location of the fence on the interior property line is located approximately 12’ from the front property line and does not encroach into the required 7 ½’ vision triangle for the applicant’s or neighbor’s driveways.

The setback of the fence as proposed and the benefits of leaving it in place are not of great concern to city staff.

Condition(s) of Approval

Should the Council vote to approve the Variance Permit, the following draft Approval Condition(s) is/are proposed for consideration:

1. Comply with any other applicable agency (e.g., City Building Safety, City Engineer, Southwest District Health, Fire Department, etc.) requirements as they may pertain to the Variance request.

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Those appearing in favor of the request were: Sue Schanbeck, 1918 Fern Street; Steve Vogt, 7285 7th Street South; Tim Mayer, 1922 South Elder; Becky Tackett, 1907 South Elder Street; James W Brent, 1903 South Fern Street.

Those appearing in opposition to the request were: Jeanette Wolf, 1915 South Elder Street; David Wolf, 1915 South Elder Street.

Applicant made closing comments.

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

MOTION CARRIED

MOVED by Skaug and **SECONDED** by Bruner to **approve** the **variance** to City of Nampa Zoning Ordinance **Fence Code Section 10-1-8 (D)** which allows a solid/closed non-vision perimeter fence up to a height of 36 inches (3ft) in the front yard. Mr. Tackett has constructed a 72 inch (6ft) high solid/closed non-vision fence from the front of his dwelling to within approximately 12 foot of the front property line, and has requested that it be allowed to remain, due to the fact there are unique site and other circumstances between 1907 S Elder St. and the neighboring property that justify the fence remain in the front setback area at the 72 inch (6ft) height. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #9-2. - Mayor Kling opened a **public hearing** for **appeal** of **Planning and Zoning Commission denial** of a **Conditional Use Permit** CUP-00129-2018 for a **72 Unit Apartment Project** (three 24-Unit buildings) in a BC (Community Business) zoning district at 16056 N Merchant Way. (A 3.06-acre portion of the SW ¼ of Section 9 T3N R2W BM) for James R Wylie.

James Renny Wylie presented the request.

Planning and Zoning Director, Norm Holm, presented the following staff report explaining that the request is for an appeal of the Planning and Zoning Commissions denial of a Conditional Use Permit for a 72-unit apartment project in a BC zoning district at 16056 North Merchant Way for James R Wylie.

Planning and Zoning Commission Decision: The Planning and Zoning Commission found

the following concerning the CUP application:

- 1) The location, size and design of the proposed 72-Unit Apartment Project will not be reasonably compatible with and will adversely affect the livability or appropriate development of the surrounding neighborhood.
- 2) The location, design, and site planning of the proposed 72-Unit Apartment Project will not be as attractive as the nature of its use and location and setting warrants.
- 3) The proposed 72-Unit Apartment Project will not enhance the successful operation of the surrounding area in its basic community function.

Consequently, the Commission concluded to deny the requested Conditional Use Permit for a 72-Unit Apartment Project. The Commission expressed concern over the apartments in relation to their location and compatibility with the adjoining Machine Shop adjacent to the east at 16050 North Merchant Way. The Commission considered the testimony of the Machine Shop owners concerning the noise and other disruptions emanating from their property being incompatible with residential apartment living on the proposed apartment property.

General Information

Status of Applicant: Owner. **Existing Zoning:** BC (Community Business). **Location:** 16056 N. Merchant Way. **Size of Property:** A 3.06-acre portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, T3N, R2W, BM or 133,294 sq. ft. parcel. **Surrounding Land Use and Zoning:** North-Treasure Valley Market Place, BC; South- Interstate 84 then Industrial uses, BC then IL (Light Industrial); East- Advantage Machine and Hydraulic, IL; West- Interstate 84 then Industrial uses, BC then IL. **Comprehensive Plan Designation:** General Commercial. **Zoning & Planning History:** Annexed and zoned BC by the applicant/owner in 2007.

Applicable Regulations: Section 10-25-13: ACTION ON APPEALS BY COUNCIL: The council, at the next duly held meeting, shall set a date and time for a public hearing on any appeal of the planning and zoning commission's grant of a CUP and notify affected parties and property owners within three hundred feet (300') of the property made the subject of the appeal. The commission or planning staff shall submit to the council a report setting forth reasons for the commission's action. Alternatively, members of the commission shall be present at the council's public hearing to represent the commission's position on the matter. The council, after said public hearing, shall render its decision within fifteen (15) calendar days after the filing of such appeal. The council may by resolution affirm, reserve or modify any decision, determination or requirements of the commission, but before granting any item which was denied by the commission or before changing any of the conditions imposed

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by the conditions in the use permit, the council shall make written findings of facts setting forth wherein the commission findings were in error. (Ord. 4282, 9-19-2016)

Section 10-5-2 SCHEDULE OF DISTRICT LAND USE CONTROLS allows Apartments by conditional use permit in BC districts. Chapter 25 sets forth the criteria of approval. These criteria require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Use: Vacant land available for development. **Description of Proposed Land Uses:** The applicant proposes to construct a 72-Unit Apartment Project consisting of three 24-unit 3 story buildings; including fifty-four 2 bedroom, 2 bath units; nine 3 bedroom, 2 bath units; and nine 1 bedroom, 1 bath units. **Parking:** The project info indicates 144 regular parking spaces with 3 handicapped spaces for a total of 147. It appears that at least 50% of the parking would be covered.

Special Information

Public Utilities: 12" water main along the northerly property boundary, 12" water main along the southerly property boundary; 10" sewer main along the northerly property boundary 16" irrigation main along the northerly property boundary. **Public Services:** All available. **Transportation:** The Apartment complex proposes access from N. Merchant Way on the south and on to the west. **Physical Site Characteristics:** Undeveloped, vacant lot. **Environmental:** Apartments are ideally located within proximity of commercial/industrial employment areas and arterial streets. **Aesthetics/Landscaping:** The apartment project proposes to be aesthetically attractive and landscaped compatible with the commercial, professional, and health care facilities located in the area (see attached drawings from the applicant).

Public input: Owners and employees of Advantage Machine and Hydraulic (16050 N Merchant Way) attended the January 23, 2019, Planning and Zoning Commission public hearing expressing opposition to the apartment complex based on possible noise, unsightly complaints, and possible thefts and property damage from adjacent apartment dwellers.

No written correspondence has been received from any area property owners, businesses or residents either for or against the construction of the Apartment project at the subject location.

Staff Findings and Discussion

The location is reasonable for an Apartment Project because of its proximity to commercial, industrial, professional, and health care facilities in the area. From a land use standpoint, the

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location is shown on the comprehensive plan for general commercial land use and the requested Apartment Project use is an eligible conditional use in the BC zone.

With regards the conditional use permit, use of the property for an Apartment Project could be compatible with the surrounding commercial and professional neighborhood with the establishment of specified conditions of approval designed to mitigate the concerns of adjacent industrial property owners.

If the City Council votes to uphold the Planning and Zoning Commission denial of the CUP, the following findings are recommended:

- 1) The location, size and design of the proposed 72-Unit Apartment Project will not be reasonably compatible with and will adversely affect the livability or appropriate development of the surrounding neighborhood.
- 2) The location, design, and site planning of the proposed 72-Unit Apartment Project will not be as attractive as the nature of the use and its location and setting warrants.
- 3) The proposed 72-Unit Apartment Project will not enhance the successful operation of the surrounding area in its basic community function.

If the City Council votes to grant approval of the appeal and approve the CUP, the following findings are recommended:

- 1) The location, size and design of the proposed 72-Unit Apartment Project will be reasonably compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.
- 2) The location, design, and site planning of the proposed 72-Unit Apartment Project will be as attractive as the nature of the use and its location and setting warrants.
- 3) The proposed 72-Unit Apartment Project will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

Suggested Conditions of Approval

If the City Council votes to grant approval of the appeal and approve the CUP, the following Planning and Engineering conditions are recommended:

- 1) The applicant shall install a solid CMU block wall and evergreen landscape screen adjacent the easterly property line to mitigate concerns raised by the adjacent machine shop business.
- 2) The applicant shall provide lease agreement notice to apartment tenants regarding possible noise and unsightly appearance of the existing adjacent machine shop business on the east.

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- 3) All requirements of the Nampa fire and building departments regarding apartment use shall be satisfied.
- 4) The conditional use permit is issued for the life of the buildings as apartments.
- 5) Applicant will be required to do frontage improvements including, but not limited to, curb, gutter, road widening, and sidewalk.
- 6) At time of permit application and issuance, owner will pay the standard applicable fees.

Those appearing in favor of the request were: Mike Pena, 5700 East Franklin Road; Jerrod Wallgren, 1212 12th Avenue South.

Those appearing in opposition to the request were: Dale Bradburn, 3221 North Lilyturf; Andy Bloomquest, 17077 No Lyonsdale Place; Carl Bloomquist, 115 North Jefferson Street; Darel Rothside, 11621 Alama Lane.

The applicant presented a rebuttal.

Mayor and Councilmembers asked questions and made comments of the applicant and the City Attorney.

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Hogaboam to **approve** the **variance** as presented with staff recommendations and ADA compliance for parking lot need to be satisfied working with staff for handicap parking spaces with a minimum of 6 as required by the American of Disabilities Act, handicap spaces will be provided on both sides of the building so there will be equal access on all fronts, tree islands need 90 feet, included in the landscaping would be the Colorado and the Australian white pine be 3 inch caliper at planning to provide the buffer, the adjoining property owners rights are protected, a tot lot be placed between the two building on the east property line, and up to 15 bicycle spaces. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (5) Unfinished Business ❖

Item #5-4. – The following Ordinance was read by title:

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AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL **REMOVING CERTAIN STANDARDS AND PROCESSES FROM VARIOUS SECTIONS OF TITLE 10, CHAPTERS 4, 9, AND 16**, OF THE NAMPA CITY CODE; CONSOLIDATING AND RELOCATING THE REMAINING STANDARDS AND PROCESSES FOR BUILDING **DESIGN REVIEW** BY ADDING TITLE 10, CHAPTER 34, SECTIONS 10-34-1 THROUGH 10-34-10, INCLUSIVE, OF THE NAMPA CITY CODE, ENTITLED "DESIGN REVIEW"; 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 and approve **item #5-5 approval of the summary of publication**. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4421** and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, **VACATING** A TEN (10) WIDE FOOT PORTION OF THE EASTERN SIDE OF THAT CERTAIN RIGHT OF WAY COMMONLY KNOWN AS **S. GARLAND STREET** AND A TEN (10) FOOT WIDE PORTION OF THAT CERTAIN RIGHT OF WAY COMMONLY KNOWN AS NORTHERN SIDE OF E. HAWAII AVENUE IN NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH. (Applicant Ken Franklin representing Shervik Family Trust)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and **SECONDED** by Hogaboam to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4422** and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO TO PROVIDE BC (COMMUNITY BUSINESS) ZONE DESIGNATION FOR CERTAIN LANDS, COMMONLY KNOWN AS THE SECOND PARCEL WEST OF **11460 W. KARCHER** ROAD, NAMPA, IDAHO, COMPRISING APPROXIMATELY 0.67 ACRES, MORE OR LESS; DETERMINING THAT SAID ZONING IS IN THE BEST INTEREST OF THE CITIZENS AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF NAMPA, IDAHO; REZONING SAID PROPERTY FROM RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) TO BC (COMMUNITY BUSINESS); PROVIDING FOR RECORDATION; INSTRUCTING THE CITY ENGINEER TO DESIGNATE SAID PROPERTY AS BC (COMMUNITY BUSINESS) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Jeremiah Jenkins)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Bruner and **SECONDED** by Haverfield to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4423** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 6-1. 1st reading of ordinance for Annexation and Zoning to Light Industrial at 58 and 0 N. Kings Rd. for construction of Storage Units (A combined 3.87 acre or 168,577 sq. ft. portion of the South Half of the NW ¼ of the SW ¼ of Section 24, T3N, R2W, BM) for Cody Lane-Trek Investment Group (**PH was 9-17-2018**)
- 6-2. 1st reading of ordinance for Annexation and Zoning to RD (Two-Family Residential) for Mattingly Creek Subdivision at 2008 W. Orchard Ave. (A 3.5-acre portion of the SE ¼ of the SW ¼ of Section 17, T3N, R2W, BM – 11 Two Unit Single Family Residential Attached lots on 3.5 acres for a total of 22 dwelling units on 3.5 acres or 6.29 dwelling units/gross acre) for Pontifex Capital, LLC represented by Bob Taunton, Taunton Group LLC (ANN 105-18) (**PH was 1-22-2019**)

- 6-3. 1st reading of ordinance for modification of an Annexation and Zoning Development Agreement (Ord. 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B - Commitments and Conditions, and introducing an Exhibit C - Preliminary Plat for Laguna Farm Apartments pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53-acre property in a GB2 (Gateway Business 2) zoning district in Government Lot 1 and the NE ¼ of the NW ¼ of Section 7, T3N, R1W, BM - for Kent Brown representing FIG Laguna Farms LLC (DAMO 027-18) **(PH was 2-4-2019)**
- 6-4. Annexation and Zoning to IL (Light Industrial) at 0 Cherry Lane (Parcel R30839011A0) for construction of a Warehousing facility (Tax 03066 – 24.39-acre portion of the south half of the SE ¼ of Section 4 T3N R2W BM), for Richard Evans (ANN-00109-2018). **(PH was 2-19-2019)**

❖ **(7) New Business** ❖

Item #7-1. - Mayor Kling presented the request for **appointment** of **Tim Rigsby** and amendment of the **reappointment to appointment** of **Bruce Purcell** to the **Nampa Bicycle and Pedestrian Advisory Committee**.

MOVED by Levi and **SECONDED** by Hogaboam to **approve** the **appointments** of **Tim Rigsby** and **Bruce Purcell** to the **Nampa Bicycle and Pedestrian Advisory Committee**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #7-2. - Mayor Kling presented the request to **approve** the **use agreement** between the **Nampa Farmers Market** and the **Parks and Recreation Department** as proposed.

Parks and Recreation Director, Darrin Johnson, presented a staff report explaining that the Nampa Farmers Market has requested to hold their 2019 market at Lloyds Square in downtown Nampa. The first event date is scheduled for Saturday, April 20, 2019. The market will continue every Saturday through October 26, 2019.

MOVED by Haverfield and **SECONDED** by Rodriguez to **approve** the **use agreement** between the **Nampa Farmers Market** and the **Parks and Recreation Department** as proposed. 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 #7-3. - Mayor Kling presented the request to **authorize** the **Mayor** and **Parks and Recreation Director** to **sign an agreement** with **KB Prints** to supply shirts as described in the terms and conditions of the attached agreement.

Darrin Johnson presented a staff report explaining that the Nampa Parks and Recreation Department is requesting the approval of a two-year agreement for the service of providing shirts for Parks and Recreation Department programs. The shirts are used for sports leagues, special events and other city related activities.

Included in the council packet is a bid tally sheet illustrating information of all bidders. KB Prints, a Nampa Company, is the apparent low bidder. Staff recommends Nampa City Council approve KB Prints for the shirt bid award and authorize the Mayor and the Nampa Parks and Recreation Director to sign the attached agreement.

MOVED by Bruner and **SECONDED** by Haverfield to **authorize** the **Mayor** and **Parks and Recreation Director** to **sign an agreement** with **KB Prints** to supply shirts as described in the terms and conditions of the attached agreement. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #7-4. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign an agreement** to use **CDBG funding** for the **purchase** of a portion of the **Stoddard Railway**, Sherman Ave. North to 2nd Street South, that is in size 1.71 acres, for the amount of **\$124,209**.

Darrin Johnson presented a staff report explaining that the staff brought information to a previous council meeting (September 17, 2018) regarding the desire to purchase a section of the Stoddard Rail Line located between Sherman Avenue North to Second Street South. At the September meeting City Council approved the action to sign a letter of intent to purchase property for a future pedestrian pathway. The letter of intent allowed time for staff to perform due diligence on the property. At this time the property has been inspected, surveyed and appraised for value.

The completed survey lists the subject property at 1.71 acres. An exhibit is attached that shows the location of the property. The final cost of the property is \$124,209.00. The price reflects the square foot appraised value price that was completed by an appraiser hired by the City of Nampa.

With this agreement, the City of Nampa will obtain the lease between the Union Pacific Railroad and Treasure Valley MFG and Recycling. The lease fee that will be coming back to the City of Nampa is \$3,000 annually.

The funding for the purchase of this property comes from a CDBG grant that was awarded to parks and recreation for a future pedestrian pathway.

MOVED by Haverfield and **SECONDED** by Levi to **authorize** the **Mayor** to **sign** an **agreement** to use **CDBG funding** for the **purchase** of a portion of the **Stoddard Railway**, Sherman Ave. North to 2nd Street South, that is 1.71 acres for the amount of **\$124,209**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #7-5. - Mayor Kling presented the request to **authorize** the **addition of Alta Planning and Design to 2018-2019 Request for Qualifications First Choice Hiring Roster**, and **authorize** the **Mayor** and **Public Works Director** to sign Miscellaneous Professional Services Term Agreement, and **authorize** the **Mayor** and **Public Works Director** to **sign Task Order** for Scope of Work with Alta Planning and Design for **Bike and Pedestrian Master Plan** update in the amount of **\$59,939.00**; time and material is not to exceed (T&M NTE) for Engineering Division.

Tom Points presented a staff report explaining that a high-quality, non-motorized transportation network is the hallmark of desirable communities that are pleasant in which to live, work and play. The City of Nampa's Bike and Pedestrian Plan, adopted by Council in 2012, has been a giant step forward in Nampa realizing its walking and biking potential

Spearheaded by the Nampa Bike and Pedestrian Committee, the Bike and Pedestrian Master Plan has been a catalyst to launch the following improvements:

- Establishment of a Bike and Pedestrian Advisory Committee
- Helped secure \$15 Million in multimodal grant funding
- Installation of more than 5 miles of public pathways
- Student safety improvements at 9 Nampa schools
- 7 HAWK Pedestrian Beacon Crossings
- 10 Rapid Flashing Beacon Crossings
- Lloyds Square downtown pathway improvements
- Frontage and pathway improvements to Nampa High School
- 5 miles of bike lanes
- 5 miles of shared-use bike lanes
- 2 miles of sidewalk and hundreds of pedestrian ramps
- Lighting, signage and striping improvements throughout Nampa

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The current master plan is based largely on data from 2008-2009. Improvements since that time need to be incorporated into an updated plan. Council approved funds in the fiscal year 2019 budget to accomplish a long list of additional plan improvements. A total of \$60,000 is budgeted; \$30,000 from the Parks Department and \$30,000 from the Street Division.

Alta Planning and Design (Alta) completed the 2012 Bike and Pedestrian Master Plan for the City of Nampa. To build upon the good work already underway, a small steering committee determined to select Alta for the master plan update. Qualification Based Selection (QBS) requirements in Idaho law allow a local government to negotiate a new contract with a firm for a previously awarded or associated project

Alta did not submit its Statement of Qualification (SOQ) for consideration during the city's 2018-2019 Request for Qualifications (RFQ) for consultant hiring rosters. As the selection process has passed, additional consultants can be considered for addition to the city's first choice consultant hiring roster. Alta has submitted its SOQ (see Exhibit A) for consideration. The Bike and Pedestrian Advisory Committee, Parks Department and Engineering Division recommend adding Alta to the first choice roster

Alta's Scope of Work (SOW) and budget (see Exhibit B) accomplish many important items for the City's bike and pedestrian system. Notable among them are:

- Initiate a substantial public involvement effort
- Design an off-road pathway system for future expansion
- Reconfirm or modify the existing plan's major policy directives
- Provide a project priority list and estimates to pursue grant funding
- Design and include a mechanism for prioritizing pathway, bicycle and pedestrian projects

The Bike and Pedestrian Advisory Committee, Parks Department, Engineering Division, and Planning and Zoning Department recommend:

- Adding Alta Planning and Design to the City's first choice hiring roster, and
- Authorizing Miscellaneous Professional Services Term Agreement, and
- Authorizing Task Order for SOW to update the Bike and Pedestrian Master Plan

MOVED by Haverfield and **SECONDED** by Bruner to **authorize** the **addition** of **Alta Planning and Design** to **2018-2019 Request for Qualifications First Choice Hiring Roster**, and **authorize** the **Mayor** and **Public Works Director** to sign Miscellaneous Professional Services Term Agreement, and **authorize** the **Mayor** and **Public Works Director** to **sign Task Order** for Scope of Work with Alta Planning and Design for **Bike and Pedestrian Master Plan** update in the amount of **\$59,939.00** - time and material not to

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exceed (T&M NTE) for Engineering Division. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #7-6 – The following Resolution was presented:

Tom Points presented a staff report explaining that the City of Nampa applied for and received Transportation Alternatives Program funding to extend the Stoddard Pathway between Amity Avenue and Sherman Avenue (see Exhibit A).

Improvements include an extension of the Stoddard Pathway, flashing beacon installation across Amity Avenue, restrooms, parking lot, pressure irrigation installation and pedestrian improvements.

The State/Local Agreement must be executed between the City and the State. The Agreement includes the following key points (see Exhibit B):

- *Section I – General:*
 - This is a streamlined SLA which combines both Project Development and Construction contractual requirements—typically separated into two SLA’s
- *Section II – City Requirements:*
 - The City of Nampa will pay \$3,957 upfront for ITD administration fees which can be applied toward the City of Nampa match
 - The City of Nampa will pay all costs of all design and construction and be reimbursed by ITD at 92.66%
 - The City of Nampa, in cooperation with ITD, shall select a consultant, advertise for bids and let construction contract
 - All project cost overages to be paid by the City of Nampa. Note: The scope of the project will be adjusted to fit within budget, including contingency
- *Section III – State Requirements:*
 - The State shall enter into an agreement with the Federal Highway Administration covering 92.66% of the costs, up to \$499,499 maximum

The estimated project costs are \$539,066. Funding is as follows:

TAP Federal Grant (92.66%)	\$ 499,499
City of Nampa Match FY19 Parks (7.34%)	\$ 39,567
Total	\$ 539,066

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The project was programmed in COMPASS' Transportation Improvement Program for design in FY2020 but has been accelerated for design in FY2019.

The Parks Department has budgeted in their FY2019 budget to cover administrative fee to the State.

Council approval of the State/Local Agreement will facilitate getting this important pathway extension project designed in FY19.

THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE **STATE**, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE **STATE** AND THE **CITY OF NAMPA**, HEREAFTER CALLED THE **CITY**, FOR CONSTRUCTION OF STODDARD PATH EXT PH 2 (AMITY TO SHERMAN).

MOVED by Rodriguez and **SECONDED** by Haverfield to pass the **resolution** as presented and approve the State-Local Agreement (Design & Construction) and authorize the Mayor to sign the agreement. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **17-2018** and directed the clerk to record it as required.

MOTION CARRIED

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

Tom Points presented a staff report explaining that as part of the changes to the Street Impact Fee the required street frontage requirements of new developments needs to be updated.

Under the current code the developer is required to install the street frontage improvements on all streets adjacent to this development to the ultimate build-out, including

- Curb and gutter
- Sidewalk
- Pavement widening
- Storm drain facilities (ponds, swales or seepage beds)

Under the proposed code the developer would be responsible to install the following street frontage improvements on

- Local roadways
 - Curb and gutter
 - Sidewalk
 - Pavement widening

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- Storm drain facilities (ponds, swales or seepage beds)
- Collector roadways
 - Sidewalk
 - Turning lanes as called for in a Traffic Impact Study
- Arterial roadways
 - Sidewalk
 - Turning lanes as called for in a Traffic Impact Study

The higher impact fees would then be used to construct growth related improvements identified in the capital improvement plan proposed in the impact fees.

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL **AMENDING TITLE 9, CHAPTER 3, SECTION 9-3-1**, NAMPA CITY CODE, PERTAINING TO MINIMUM IMPROVEMENT REQUIREMENTS FOR **DEVELOPMENT AND CONSTRUCTION UPON LAND ADJACENT TO PUBLIC RIGHTS OF WAY**; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Engineering 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 Hogaboam and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules and **approve item #7-8 approval of summary of publication**. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4424** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-9. - Mayor Kling presented the request to **award** the **bid** and **authorize** the **Mayor** to **sign contract** for **Locust Lane Irrigation Supply Project Well House & Components** with Irminger Construction.

Tom Points presented a staff report explaining that as part of the Public Works Asset Management Program and according to the 2014 Irrigation System Master Plan, Engineering identified the need to construct a new groundwater supply source to the pressure irrigation system in southwest Nampa.

This project includes the completion of a well house, pump, motor, piping and electrical components and will complete all phases of this project. The production well was completed

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in September with a 24-hour test providing a minimum of 1250 gpm from the testing period (Exhibit A). Water right approval with IDWR is finalized.

The City received three (3) bids. Irminger Construction is the lowest responsive bidder at \$728,697.00 (See Exhibit A).

Estimated costs are summarized below:

Consulting	\$ 245,554
Property, Test Well (complete)	\$ 139,188
Production Well (complete)	\$ 177,152
<u>Well House & Components</u>	<u>\$ 728,697</u>
Total	\$ 1,290,591

Approved budget for the project comes from FY19 + FY18 rollover funds in the amount of \$589,285. Additional funds are needed as the well pump quote increased, SCADA was added from original estimate, larger gravel area for fire access & electrical cost increase. Staff has identified use of budgetary contingency, and removal of one smaller project, Birch Irrigation Pipe project, as the source for additional funds needed.

Funding FY18	\$ 589,285
Funding FY19	\$ 561,894
Contingency, Birch Irrigation Pipe Project	<u>\$ 139,412</u>
	\$ 1,290,591

Keller Associates and staff have reviewed the bids and recommend award to Irminger Construction.

MOVED by Rodriguez and **SECONDED** by Bruner to **award** the **bid** and **authorize** the **Mayor** to **sign contract** for **Locust Lane Irrigation Supply Project Well House & Components** with Irminger Construction. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #7-10. - Mayor Kling presented the request for **discussion regarding sending letter** of support for **HB 217 - Urban Renewal**.

Mayor Kling presented the following report on HB 217 - Urban Renewal:

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2905A, IDAHO CODE, TO REVISE A PROVISION REGARDING AN ELECTION, TO PROVIDE FOR CERTAIN IMPROVEMENTS, TO DEFINE A TERM, TO REVISE A DEFINITION, AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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SECTION 1. That Section 50-2905A, Idaho Code, be, and the same is hereby amended to read as follows:

50-2905A. ELECTION NECESSARY FOR EXPENDITURES ON CERTAIN PROJECTS.

(1) Notwithstanding any other provision of this chapter, on and after ~~July 1, 2016~~ the effective date of this act, it shall be unlawful for an urban renewal agency to expend revenue collected under this chapter on project costs when ~~the amount of revenue collected under this chapter contributes to fifty one percent (51%) or more of the total project cost and the project is for construction or remodel of a municipal building that will not be subject to property taxation or, or a multipurpose sports stadium complex~~, unless such construction project is first approved in an election by ~~sixty five percent (65%)~~ sixty five percent (65%) of the participating qualified electors residing within the borders of the qualified municipality. An election pursuant to this section shall be in accordance with the provisions of chapter 1, title 34, Idaho Code. The provisions of this subsection shall not apply to infrastructure or belowground improvements necessary or ancillary to a municipal building constructed or remodeled pursuant to this subsection including, but not limited to, water, sewer, storm drainage, electrical, natural gas, telecommunication, or other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, parking, or unoccupied auxiliary structures.

(2) For purposes of this section, the following terms shall have the following meanings:

- (a) "Multipurpose sports stadium complex" means a place or venue for outdoor sports, concerts, or other events that consists of a field or stage either partly or completely surrounded by a tiered structure de-signed to allow spectators to stand or sit and view the event.
- (b) "Municipal building" means only a structure owned, leased, or operated by a municipality for the public's benefit that is not subject to property taxation. Municipal buildings include, but are not limited to, an administrative building, city hall, library, courthouse, public safety or law enforcement buildings, other judicial buildings, fire stations, jails, and detention facilities;
- (~~b~~c) "Project costs" shall have the same meaning as provided in section 50-2903(14), Idaho Code.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

MOVED by Skaug and **SECONDED** by Haverfield to **authorize the Mayor to draw up a letter to submit to the legislation.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (8) Executive Session ❖

Item #8-1- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

Item #8-2- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

MOVED by Rodrigues and **SECONDED** by Bruner to **adjourn** into **executive session** at 10:00 p.m. pursuant to Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. 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 Skaug to **conclude the executive session** at 11:10 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student and Idaho Code 74-206 (1) (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. 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 Skaug to **adjourn** the **meeting** at 11:11 p.m. The Mayor declared the

MOTION CARRIED

Passed this 18th day of March 2019.

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MAYOR

ATTEST:

CITY CLERK