

REGULAR COUNCIL

May 21, 2018

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

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

**MOVED** by Bruner and **SECONDED** by Haverfield to **approve the Consent Agenda as presented**; Regular Council Minutes of **May 7, 2018** and **Special Council Meeting of May 7, 2018**; **Bicycle and Pedestrian Advisory Committee Minutes**; **Board of Appraisers Minutes**; **Airport Commission Minutes of April 9, 2018**; **Planning & Zoning Commission Minutes of April 24, 2018**; **Library Commission Minutes**; **IT Steering Committee Minutes**; **department reports, bills paid**; The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals**: 1) None; **Authorize Public Hearings**: 1) Zoning Map Amendment from RS-6 (Single Family Residential – 6,000 sq ft) to RD (Two Family Residential) at 935 Sunny Lane. (A .48 acre part of Lot 10 of Hilty's Subdivision, according to the plat thereof filed in Book 3 of Plats at Page 6, lying North and East of the Phyllis Canal, being a portion of the SW ¼ Section 21 T3N R2W BM) for Arnold and Sondra Shryock; 2) Annexation and Zoning to IL (Light Industrial) for Industrial Development at 0, 16764 and 16914 Northside Blvd, and 8707 Cherry Lane. (A 75.61 acre parcel located in the NW ¼ Section 10 and the NE ¼ of Section 9 T3N R2W BM), for Kent Brown representing Volante Investments LLLP; **Authorize to Proceed with Bidding Process**: 1) Council authorization for Engineering to proceed with the formal bidding process for the Manhole & Valve Collar Adjustment Project for 2018; **Authorization for execution of Contracts and Agreements**: 1) Authorize Mayor to Sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with John and Anita McIntyre; (2) Nampa Municipal Airport Land Lease Agreement, and (3) Memorandum of Lease for Recording with Robert Gordon, with effective date of May 21, 2018, for Lot 2374 at Nampa Municipal Airport; 2) Authorize Mayor to Sign Nampa Municipal Airport Land Lease Agreement, and Memorandum of Lease for Recording with T-Craft Aero Club, Inc., for Lot 0260 at Nampa Municipal Airport; **Monthly Cash Report**: 1) Memo; 2) April Bank Balances; **Resolutions**: 1) Disposal of Wastewater Property; 2) Disposal of Wastewater Scrap; 3) Disposal of Facilities Property; 4) Disposal of Clerks Property; **License for 2018: Alcohol**: **Slick's Bar**, 525 East Karcher Road, on-premise beer, wine and liquor; **Centennial Golf Course**, 2600 Centennial Drive, on-premise beer and wine; **Pantera Market & Restaurant**, 1802 North Franklin Boulevard, on-premise beer; **Red Hawk Golf Course**, 12225 South Hunter Drive, on-premise beer and wine; **Hispanic Cultural Center**, 315 Stampede Drive, on-premise beer and liquor; **Whiskey River**, 1314 1<sup>st</sup> Street South, on-premise beer and liquor; **Agave Cantina**, 1516 1<sup>st</sup> Street South, on-premise beer and liquor; Lane 23, 209 11<sup>th</sup> Avenue North, on-premise beer and wine; **Boise Fry Company**, 224 12<sup>th</sup> Avenue South, on-premise beer, wine and liquor; **Wingstop**, 2025 12<sup>th</sup> Avenue South, on-premise beer; **Messenger Pizza**, 1224 1<sup>st</sup> Street South, on-premise beer and wine; **Wingers**, 16250 North Marketplace Boulevard, on-premise beer, wine and liquor; **Chonies**, 306 North Kings Road, on-premise beer, wine and liquor; Best Western Peppertree, 205 3<sup>rd</sup> Street South, on-premise beer wine and liquor; **Campos Market**, 3302 Caldwell Boulevard, off-premise beer and wine; **Fairfield Inn & Suites**, 16150 North Merchant Way, on-premise beer and wine; **The Getaway**, 512 12<sup>th</sup> Avenue Road, on-premise beer, wine and liquor; **El Riconcito**, 824 1<sup>st</sup> Street South, on-premise beer; **Hong King Restaurant**, 117 12<sup>th</sup> Avenue South, on-premise beer, wine and liquor; **Kmart**, 1813 Caldwell Boulevard, off-premise beer and wine; **Garrity 66**, 4426

Regular Council  
May 21, 2018

Garrity Boulevard, off-premise beer and wine; **Sushi Sushi**, 16734 North Marketplace Boulevard, on-premise beer and wine; **Outback**, 2011 West Karcher Road, on-premise beer, wine and liquor; **Fred Meyer**, 50 2<sup>nd</sup> Street South, off-premise beer and wine; **Howard's Tackle Shop**, 1707 Garrity Boulevard, off-premise beer and wine; **Chapala**, 2117 12<sup>th</sup> Avenue Road, on-premise beer, wine and liquor; **Chapala**, 525 Caldwell Boulevard, on-premise beer, wine and liquor; **Costco**, 16700 North Marketplace Boulevard, off-premise beer and wine; **The Griddle**, 1124 Caldwell Boulevard, on-premise beer and wine; **Jacksons Food Store**, 100 Caldwell Boulevard, off-premise beer and wine; **Jacksons Food Store**, 11950 West Karcher Road, off-premise beer and wine; **Jacksons Food Store**, 4315 Garrity Boulevard, off-premise beer and wine; **Jacksons Food Store**, 927 Caldwell Boulevard, off-premise beer and wine; **Jacksons Food Store**, 2513 Caldwell Boulevard, off-premise beer and wine; **Jacksons Food Stores**, 1407 Franklin Boulevard, off-premise beer and wine; **Jacksons Food Store**, 612 Northside Boulevard, off-premise beer and wine; **Jacksons Food Store**, 224 22<sup>nd</sup> Avenue South, off-premise beer and wine; **The Tower Grill**, 15 Municipal Drive, on-premise beer, wine and liquor; **McArthur's**, 1652 Garrity Boulevard, on-premise beer and liquor; **The 102 Bar**, 102 11<sup>th</sup> Avenue North, on-premise beer, wine and liquor; **Destination 112**, 112 13<sup>th</sup> Avenue South, on-premise beer, wine and liquor; **Pacific Sushi**, 624 12<sup>th</sup> Avenue South, on-premise beer and wine; **Burnt Lemon**, 732 Caldwell Boulevard Suite A, on-premise beer; **El Cafetal Columbian Restaurant**, 3116 Garrity Boulevard, on-premise beer and wine; **Miscellaneous Items**: 1) None. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

**MOTION CARRIED**

**Item #12a** - Proclamation for the Salvation Army – Mayor Kling read the following Proclamation in full.

**Whereas**, since its founding in Great Britain in 1865, The Salvation Army has provided humanitarian and spiritual guidance to people throughout the world. The Salvation Army continues their compassionate tradition of helping wherever there is hunger, disease, destitution, and spiritual need; and

**Whereas**, The Salvation Army has been helping the citizens in the Treasure Valley for more than 131 years and the community of Nampa since 1905; and

**Whereas**, The Salvation Army serves all who come to us regardless of race, color, creed, or sex; and

**Whereas**, The Salvation Army works for social betterment of the poor; the Army raises funds through practical, skilled and cost-effective ways, with those funds supporting social services to meet the endemic needs and specific crises worldwide; and

**Whereas**, The Salvation Army strives to serve God through service to humanity; and

Regular Council  
May 21, 2018

**Whereas**, The Salvation Army plays a critical role in responses to disasters, locally and globally, including being the first on the scene at the World Trade Towers on 9/11 and making a commitment to help rebuild communities after Hurricanes Katrina, Harvey and Maria; and

**Whereas**, in 1954, President Dwight D. Eisenhower declared the observance of National Salvation Army Week and President George W. Bush proclaimed through the week of May 20th as National Salvation Army Week in 2001; and

**Whereas**, The Salvation Army is committed to “Doing the Most Good” with contributions of money, time, and resources.

**Now Therefore**, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim the week of May 14-20, 2018 as:

#### **SALVATION ARMY “FIGHT FOR NAMPÀ” WEEK**

In the City of Nampa, I encourage each citizen of Nampa to join me in celebrating the achievements and service of the Salvation Army.

Major Halverson with the Salvation Army addressed the council on what the Salvation Army does for the community.

**Item #12b** – Proclamation for VFW Buddy Poppies Days - Mayor Kling read the following Proclamation in full.

**Whereas**, The annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

**Whereas**, VFW Buddy Poppies are assembled by disabled veterans and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

**Whereas**, The basic purpose of the annual distribution of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to “Honor the Dead by Helping the Living.”

**Now Therefore**, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim May 24, 25 and 26 as

#### **“VFW BUDDY POPPIES DAYS”**

Regular Council  
May 21, 2018

In the City of Nampa. I urge the citizens of this community to recognize the merits of this cause by contributing to its support through your donations for Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead. I also urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

Commander Dan Ragland and Louzinda Randolph explained to the council how the program works locally.

Mayor Kling asked if there was anyone wishing to speak on any agenda item were: No one spoke on an agenda item

Mayor Kling asked if there was anyone wishing to speak on any item that was not on the agenda: Elizabeth Rutherton, 33 North Moab Park Way – “no parking” signage to be placed at Lonestar Road between Midland and Blue Star Roads due to semi parking along the street (**Public Works Director Michael Fuss will look into the situation**); Rick Steer, 725 Parkside Way – construction at Pascoe and Horizon Road (**Public Works Director Michael Fuss had staff look at the contract and it is the cities annual water main improvement project and it is all over town, they have been asked to clean up and it is my understanding that they have made the area safe in that area**)(**Mayor Kling explained that we would send someone out to Horizon and Pascoe**).

**Item #14** - Tim Savona and James Brown gave the following presentation on the Civic Center: Tim Savona explained that May is the one-year anniversary at the Civic Center the objective was to provide a quick update on business, where we are one year in and where we think that we are going. It is just not about the money at the end of the day, that is where we are focused and hired to manage and take care and I am please to report that we are in a good spot. The last couple of years we have had some challenges, we are projecting a loss this year in the neighborhood of \$375,000, which year over year is a pretty significant change to the tune of roughly \$300,000. Financially things are healthy at the Civic Center. It is not all about money, we take a customer service and client first approach, we weigh heavy on that throughout the team and staff and would like to think that those results are taking form. We rely on tried and true practices of our company Spectra Venue Management establishing our roots and foundation to drive revenues up and manage the money responsibly. So, what we don't do, we don't make cuts and run on the cheat, we focus on driving more business and improving customer satisfaction, which in turn positively effects the bottom line. James and his team has done an amazing job over the last year we have really reshaped and reorganized a lot of stuff and he deserves a lot of credit, he is the one running that day to day and we appreciate all that he is doing we are proud of where we are.

James Brown explained a couple of things that we have done we have welcomed back twelve events that previously left for various reasons most of those were venue driven. We have

Regular Council  
May 21, 2018

proactively reached out and worked hard to earn their business back, some of those people are the Musettees, Nampa Association of Realtors, Scorpion Entertainment, Studio C Dance to just name a few. We have a in house marketing team that delivers thousands of dollars in revenue to our bottom line and then they also help out our clients and our shows achieve successes. This is the new way of doing business, it is the Spectra way that they have brought to the Civic Center. We have also established a new protocol to gain additional revenues but not increasing the rates. Conference business is growing, we are looking forward to that. We relate that to the hotel and we also relate that to focusing on booking these type of events. Previously we were not doing a job, or not doing a good job responding to competitively to some of the RFP. In 2017 we had 11 conferences, in 2018 we increased that to 15 conferences and already in 2019 we have ten that have booked and we are even looking at other ones, so we are on the right track on that. We also completely moved away from taking risks. We pride ourselves in customer service and go with the Spectra moto that if we treat customers right then the financials will take care of themselves. We have also unrolled a company wide customer service program called GREAT and that stands for G- Great; R – Relate; E – Explore; A – Address; and T- Thank the clients. I just want to say it has been an interesting year, a learning year for me here at the Nampa Civic Center and our team has really stepped up and with the help of Tim Savona and Spectra Venue Management. We are on the right track and we are very responsible for what we are doing and look forward to our future.

**Item #15 - Pending Ordinances (Postponed Due to Lack of Supporting Documentation)**

- a) 1st Reading of Ordinance for Annexation and Zoning to BC for a Storage Facility at 2105 N. Middleton Rd. for Hatch Design Architecture, Jeff Hatch representing Don Vandegrift **(PH was 02-20-2018)**
- b) 1st Reading of Ordinance for Modification of Zoning Development Agreement Between Needs Kotch LLC and the City of Nampa recorded 8/15/2007 as Inst. No. 2007056433 Amending Bella Commons Phase 1 Changing Lot 4, Block 1 from a Commercial Lot to a Multiple-Family Residential lot to Match the Existing Neighborhood, Zoning Map Amendment from BN-PUD to RMH-PUD for Summit Development Representing Conquest Properties LLC **(PH was 3-19-2018)**
- c) 1st Reading of Ordinance for Annexation and Zoning to IL for Self-Storage at 908 W. Karcher Rd. for Civil Site Works Representing Charles and Carmela Ham **(PH was 3-19-2018)**
- d) 1st Reading of Ordinance for Vacation of the 40 ft Right-of-Way Running South 628.62 ft from Wagon Rd Along the Eastern Boundary of Canyon County Parcel R24705000; and Vacation of the Westerly 110 ft of the 40 ft Right-of-Way of Wagon Rd Traversing Canyon County Parcel R24705000, for Matt Schultz of Schultz Development, Representing Rocky Mountain District Christian Missionary Alliance **(PH was 4-2-2018)**
- e) 1st Reading of Ordinance for Modification of Zoning Development Agreement Amendment Between Regal Development LLC and the City of Nampa Recorded 11/7/2008 as Inst. No.

Regular Council  
May 21, 2018

2008059426 Amending and Reinstating the Original Development Agreement for Pheasant Meadows Subdivision to Include a New Preliminary Plat and Additional Annexed Property to Expand the Subdivision to 101 Buildable Lots and 10 Common Lots on 30.3 Acres, and Annexation and Zoning to RS 7 at 0 S. Happy Valley Rd. for Matt Schultz Representing Second Chance Equity Partners and Rocky Mountain District of Christian Missionary Alliance **(PH was 4-2-2018)**

- f) 1st Reading of Ordinance for Resolution for a Comprehensive Plan Future Land Use Map Amendment from Light Industrial to High Density Residential at 1010 Southside Blvd. for Mason and Associates representing Mark Sparrow **(PH was 4-16-2018)**
- g) 1st Reading of Ordinance for Annexation and Zoning to RML at 1010 Southside Blvd. for Mason and Associates representing Mark Sparrow **(PH was 4-16-2018)**
- h) 1st Reading of Ordinance for Annexation and Zoning to RS7 at 0 Ventura Drive for Connection to City Water for Mihaela Teodorescu **(PH was 5-7-2018)**
- i) 1st Reading of Ordinance for Zoning Map Amendment from RA to RS-6 at "0" N Midland Blvd for Blake Wolfe representing Norm and Debbie Peck **(PH was 5-7-2018)**

**Item #26 - Mayor Kling opened a public hearing for Northwest Nazarene University Revenue Bond Issuance.**

Steve Emerson presented the request.

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

Councilmember Bruner recused himself from the voting of the item.

Councilmember Haverfield explained that he had talked to legal due to the fact that he is the architect on the project and was directed that he does not need to recuse himself.

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

**MOTION CARRIED**

**MOVED** by Skaug and **SECONDED** by Hogaboam to **affirm that Northwest Nazarene University Revenue Bond issuance as presented**. The Mayor asked all in favor say aye with Councilmembers Haverfield, Levi, Rodriguez, Hogaboam, Skaug voting **AYE** and Councilmember Bruner **RECUSED**. The Mayor declared the

**MOTION CARRIED**

**Item #18 – The following Resolution was presented:**

Regular Council  
May 21, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, IDAHO, APPROVING THE **ISSUANCE OF THE PUBLIC FINANCE AUTHORITY REVENUE BONDS** (*NORTHWEST NAZARENE UNIVERSITY*), SERIES 2018 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT AND EQUIPPING OF CERTAIN EDUCATIONAL FACILITIES AND OTHER MATTERS RELATED THERETO.

**MOVED** by Rodriguez and **SECONDED** by Haverfield to **pass** the **resolution** as presented. Mayor Kling asked for a roll call vote with Councilmembers Skaug, Levi, Hogaboam, Haverfield, Rodriguez voting **YES**. Councilmember Bruner Recused himself. Mayor Kling declared the resolution passed, numbered it **23-2018**, and directed the clerk to record it as required.

**Item #27** - Mayor Kling opened a **public hearing** for **Modification of Zoning Development Agreement** between **Eldorado Development, Inc.** and the City of Nampa recorded 3/9/2006 as Inst. No. 200616758 changing the Concept Plan and Approval Conditions for a revised Fourplex Development, at **2507 Sunny Ridge Rd.** for a 8.36 acre 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, LLC.**

Wendy Scheriff, JUB Engineers presented the request.

Norm Holm presented the following staff report explaining that the request is for a modification of an annexation and zoning development agreement between Eldorado Development Inc. and the City of Nampa recorded 3/09/2006 as Instrument No. 200616758 (Ord. no. 3538) [by] amending the original Development Agreement and plat of Eldorado Heights Subdivision, including substitution of a new preliminary plat [layout] exhibit which features 19 building lots and 3 common lots on 8.36 gross/aggregated acres of land referenced hereafter; for a 8.36 acre parcel of land addressed as of 2507 Sunny Ridge Road for JUB Engineers as applicant/engineer and representative on behalf of TG Development LLC.

**Abbreviated History:** As explained by the Applicant: "In 2006, a Development Agreement was approved by the City of Nampa as part of the Rezone application for Eldorado Heights Subdivision. The DA for Eldorado Heights Subdivision included a conceptual plan (Exhibit B) and Conditions of Approval (Exhibit C) that were specific to the multi-family [4-plex] development that was proposed for [as] Eldorado Heights." The current application proposes to amend that Agreement and proposes a new plat on the Property by a different developer.

The Nampa City Planning and Zoning Commission, during their regularly scheduled public hearing of April 24, 2018, after reviewing the application associated with this report, a staff report, and, receiving public testimony, voted to recommend approval of the Development Agreement

Regular Council  
May 21, 2018

Modification request. The Commission subsequently voted to approve the Preliminary Plat Approval request. The Commission made its recommendation and approval contingent upon, and subject to, adherence with the following conditions of approval:

**Development Agreement Modification Based:  
(Recommended to Council)**

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

**Plat Based:  
(As Required by the Commission)**

2. Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:
  - a. Those listed in an April 17, 2018 memorandum from the Nampa Engineering Division authored by Daniel Badger (1 page – copy transmitted to Applicant's representative); and,
  - b. That noted in a March 09, 2018 memorandum from the Nampa Planning & Zoning Department, authored by Karla Nelson (1 page – copy transmitted to Applicant's representative) save as may be required otherwise by City Engineering; and,
  - c. Those noted in a February 15, 2018 letter from the Nampa & Meridian Irrigation District authored by Greg Curtis (1 page – copy transmitted to Applicant's representative); and,
3. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,
4. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat; and,



Regular Council  
May 21, 2018

5. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council...

### **Development Agreement Modification**

Development Agreements are land use contracts [and treated as contracts by Idaho’s Supreme Court versus a form of zoning related entitlement] authorized in state code in the Local Land Use Planning Act section (Title 67) thereof.

Criteria to guide the Commission and Council regarding the requested Development Agreement Modification(s) are absent from state statute or City ordinance. Thus, approving - or not – that aspect of the application package becomes a purely subjective matter/decision on the part of the City in reaction to the Development Agreement contract modification application associated with this report.

Attached hereto is a copy of Ordinance no. 3538 -- the [original] Development Agreement bears on the Property. The basic nature of the amendments proposed to said Agreement are as aforementioned and would spurn language amendments in the “RECITALS” and “EXHIBITS” and “CONDITIONS” sections of this report.

### **FYI – 2018 Subdivision Statistics**

<b>Overall Property Area-</b>	8.96 acres
<b>Net Buildable Property Area-</b>	6.61 acres
<b>Total, Proposed RD Res. Lot Count-</b>	19
<b>Total Proposed RD Common Lot Count-</b>	3
<b>Total Proposed RD Building Lot Count-</b>	22

### **Regarding “RD Building Lots”:**

**Min. Allowed RD Bldg. Lot Size-** 7,000 sq. ft. for 1 or 2-unit structures/10,500 for 3 units/14,000 for 4 units

**Min. Proposed Project RD Bldg. Lot Size-** 11,664 sq. ft. per Applicant's engineer (duplex lot)

**Min. Allowed Avg. RD Bldg. Lot Size-**n/a

**Proposed Avg. RD Bldg. Lot Size-**n/a

**Periphery Compatibility Applicability** n/a

**Min. Req. St. Frontage RD Zone-** n/a

**Min. Allowed RD Bldg. Lot Widths-**50’ @ the 20’ front setback mark

**Min. Allowed RD Bldg. Lot Depths-**n/a

**Total Open Area:** 1.75 acres or 21% of Project

**Plat Development Data/Notes:** See plat sheets

### **Recommended Condition(s) of Approval**

Regular Council  
May 21, 2018

Should the Council vote to approve the requested entitlement application for the Property as proposed by the Applicant, then Staff would suggest that the Council consider imposing the following [non-plat related] Condition(s) of Approval against the application package request submitted by the Developer/Applicant:

**Development Agreement Modification Based:**

1. That the Owner/Developer, [shall] enter into a Modified Development Agreement (contract) with the City of Nampa for the Property. The Agreement shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the properties as contemplated by the Developer and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Developer's request(s).
2. Any other condition(s) as the Commission concludes benefit(s) the Application package and should be adopted by the City's Council...>

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

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

**MOVED** by Hogaboam and **SECONDED** by Rodriguez to **approve the Modification of Zoning Development Agreement** between **Eldorado Development, Inc.** and the City of Nampa recorded 3/9/2006 as Inst. No. 200616758 changing the Concept Plan and Approval Conditions for a revised Fourplex Development, at **2507 Sunny Ridge Rd.** for a 8.36 acre 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, LLC** with staff conditions and authorize the City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the MOTION CARRIED

**Item #28** - Mayor Kling opened a **public hearing** for **annexation and zoning** to **IL** (Light Industrial) at **9546 Cherry Lane** (A 3.8 acre or 165,380 sq. ft. parcel of land situated in the SE 1/4 of the SW 1/4 of Section 4, T3N, R2W, BM) for **Daniel French**.

Daniel French, 9546 Cherry Lane presented the request.

Regular Council  
May 21, 2018

Norm Holm presented the following staff report explaining that the request is for annexation and zoning to IL (Light Industrial) for operation of a home builder carpet and cabinet showroom located at 9546 Cherry Lane for Daniel French.

### **General Information**

**Planning and Zoning Recommendation:** Approval subject to recommended conditions. **Zoning & Planning History:** The property has been used for Agricultural Use in the past. The applicant was not in attendance at the March 13, 2018 hearing opening so the Commission voted to continue the hearing to the March 27, 2018 meeting. That meeting was cancelled due to a lack a Commission quorum to conduct business and the public hearing re-advertised for this April 24, 2018 public hearing. **Status of Applicant:** Owner; **Annexation Location:** 9546 Cherry Lane; **Total Size:** 3.8 acre or 165,380 sq. ft.; **Existing Zoning:** AG (County Agricultural); **Proposed Zoning:** IL (Light Industrial); **Comprehensive Plan Designation:** Light Industrial; **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. This parcel is contiguous with city limits across Cherry Lane and along a portion of its eastern property line.; **Existing Uses:** Rural residential/agricultural land use. **Applicant Reason for Annexation and Zoning:** For operation of a Home Builder Carpet and Cabinet Showroom.

### **Special Information**

**Public Utilities:** 12” water line in Ten Lane and Cherry Lane to east of property, No available sewer lines, No available irrigation lines, **Public Services:** Police and fire already service city incorporated areas surrounding the location. **Physical Site Characteristics:** Existing agricultural/rural residential property. **Transportation:** Access to the property is from Cherry Lane. **Correspondence:** No correspondence has been received from any area property owners, residents or business owners regarding opposition to or support for the requested annexation and zoning to IL.

### **Staff Findings and Discussion**

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested. If the Planning & Zoning Commission votes to recommend approval of the annexation and zoning to the City Council the following findings are suggested:

- 1) The requested annexation area is contiguous with city limits across Cherry Lane and along a portion of its eastern property line.

Regular Council  
May 21, 2018

- 2) 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 have been annexed, zoned, and/or developed for industrial purposes.
- 3) The proposed zoning conforms with the city's comprehensive plan future land use map for Light Industrial land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The applicant desires annexation for operation of a Carpet and Cabinet Showroom for his home building business.

**Recommended Conditions of Approval**

If the City Council votes to approve the annexation and zoning staff suggests conditions of approval as recommended by City Engineering be required, as follows:

Access and Right-of-Way

- 1) Right-of-way dedication required.
  - a) Cherry Lane: Functional classification for this section of Cherry Lane is an arterial. Width of right-of-way dedication shall be fifty-feet (50') for half of a future one-hundred-foot (100') right-of-way.

General:

- 1) At time of development or re-development of the site, full frontage improvements are required and will include, but not be limited to-
  - a) Curb, gutter, and sidewalk
  - b) Pavement widening and striping.
  - c) Landscaping as required
  - d) Storm drainage, on-site retention whether public or private.
- 2) In addition, at time of development, it may be required that all necessary and required public utilities are extended, at owner's expense, including but not limited to the domestic water main and service(s), and pressure irrigation main and service(s) to and through the project in accordance with current City policy. For any public mains, thorough site will require dedication of easements to City over and around the utility in accordance with City's policy, at widths determined with review and approval of development plans.
  - a) Domestic Water: Existing 12-inch main in right-of-way of Cherry Lane.
  - b) Pressure Irrigation: Not currently available. May require installation of a "Dry Line" for future, size to be determined.
  - c) Sewer: Exists at the intersection of Northside Boulevard and Ustick Road.

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

Regular Council  
May 21, 2018

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

**MOVED** by Bruner and **SECONDED** by Haverfield to **approve the annexation and zoning to IL** (Light Industrial) at **9546 Cherry Lane** (A 3.8 acre or 165,380 sq. ft. parcel of land situated in the SE 1/4 of the SW 1/4 of Section 4, T3N, R2W, BM) for **Daniel French** with staff conditions and authorize the City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the **MOTION CARRIED**

**Item #29** - Mayor Kling opened a **public hearing for annexation and zoning to RS 6** (Single Family Residential - 6,000 sq. ft.) and **Subdivision Preliminary Plat Approval for Silverwood Subdivision** on the south side of **Lone Star Rd.** between 2201 and 2117 Lone Star Rd. (A 5.75 acre portion of the North 1/2 of the NW 1/4 of Section 29, T3N, R2W, BM - 26 Single Family Residential lots on 5.75 acres or 4.52 lots/gross acre) for **JUB Engineers representing Trilogy Development**.

Wendy Scheriff, JUB Engineers presented the request.

Norm Holm presented the following staff report explaining that the request is for annexation and zoning for RS-6 (Single Family Residential – 6,000 sq ft, minimum lot size) in order to facilitate build-out of a 27 lot detached, single family residential subdivision on the land area referenced hereafter appertaining to some 5.75 acres of land located on the south sides of Lone Star road between 2201 and 2117 Lone Star Road for JUB Engineers as the applicant and engineers representing Trilogy Development LLC.

**Abbreviated History:** The Nampa City Planning and Zoning Commission, during their regularly scheduled public hearing of April 24, 2018, after reviewing application associated with this report, a staff report, and, receiving public testimony, voted to recommend approval of the above referenced Annexation request. The Commission subsequently voted to approve an associated Preliminary Plat Approval request. The Commission made their recommendation for annexation approval and their plat approval contingent upon, and subject to, Applicant/Project adherence with the following conditions of approval:

As pertaining to the requested annexation/zoning: N/A

As pertaining to the requested Project/Subdivision approval:

1. Generally, Applicant/Development shall:

Regular Council  
May 21, 2018

Comply with all City department/division or outside agency requirements pertinent to this matter (copies hereto attached).

2. Specifically, the Applicant/Development shall:
  - a. Comply with requirements listed in the March 19, 2018 memorandum from the Nampa Engineering Department authored by Daniel Badger (1 page -- copy transmitted to Applicant's representative); and,
  - b. Comply with requirements listed in the March 05, 2018 memorandum from the Nampa Engineering Department, GIS Section, authored by Alex Main (1 page – copy transmitted to Applicant's representative); and,
  - c. Comply with the requirement stated in the January 29, 2018 email printout authored by Neil Jones (1 page – copy transmitted to Applicant's representative); and,
  - d. Comply with the requirements expressed in the February 15, 2018 letter from the Nampa & Meridian Irrigation District authored by Greg Curtis (1 page – copy transmitted to Applicant's representative); and,
3. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the Development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,
4. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a/the final plat(s) of/for the Project; and,
5. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council...

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

**(PERTAINING TO THE APPROXIMATELY 5.75 ACRES OF LAND REQUESTED TO BE ANNEXED AND ZONED):**

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

1. **Surrounding Zoning:**

That City RS 6 zoning is overlaid on lots and parcels immediately abutting the circumference of the Property save at its northeast corner and on its west side (see attached “Zoning Vicinity Map”. The Property is enclaved by City incorporated properties and the City’s Impact Area; and,

**2. Immediately Surrounding Land Uses:**

That single-family residential housing (both City subdivision and rural in character), open land, an elementary school and church surround to lie nearby the Property; and,

**3. Reasonable:**

That the Developer may argue that consideration for annexing the Property from the County and zoning the same to RS 6 is reasonable given that: a) the City has received an [acceptable] application to amend its official zoning map as endorsed by the Property’s owner; and, b) annexation is a legally recognized legislative act long sanctioned under American administrative law; and, c) within the City of Nampa, the quasi-judicial act of assigning zoning is a long standing (and code sanctioned) practice; and, d) the Property is eligible by law for annexation and zoning; and, e) that the Property abuts City residentially zoned (RS 6) and used land on all sides (i.e., the proposed annexation is not a “shoe string” connection proposal); and, f) City utility services are available to the Property; and, g) emergency services are available to the Property; and, h) that the Property lies along a street classified as a “minor arterial” right-of-way; and, i) that development has been occurring in the general 3-mile area around the Property; and, j) that the Property is enclaved; and, that the City’s Council authorized a lot size exception in May of 2017 [although that approval does not provide pre-approval of the plat proposed in conjunction with the annexation]...

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

**4. Public Interest:**

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

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

Among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Included in our zoning regulations, therefore, are development standards governing allowable land uses, building architecture, building setbacks, building

heights, provision of parking and service drives, property landscaping, signage controls, street lighting regulations, etc.; and,

**6. Comprehensive Plan:**

The Comprehensive Plan “setting” that overlays the area is intended as a guiding document to community growth. Each community (and county) in Idaho is required to have a development plan by state law. Associated therewith is a “Future Land Use Map” that, in the case of the application package made the subject of this report, designates the Property (in its entirety – both the County parcel and City parcel) as being within a “Medium Density Residential” (MDR) “setting” [a term coined by Staff to distinguish the Future Land Use Map’s color coded, designated areas from the zones/land use districts employed by the City’s adopted zoning map].

The “Medium Density Residential” (MDR) setting contemplates or recognizes a pre-mapping arrangement of houses [up to 9.0 dwelling units per acre]. Accordingly, the proposed emplacement of a single-family housing based residential zone (and by extension giving room for the uses allowed or conditionally thereby) over the Property should not be construed to be a “spot zone”.

To the southwest of the MDR is an area of High Density Residential set aside

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

**7. Services:**

Emergency services are available to the Property. City public utilities (i.e., sewer, water and pressure irrigation) are also or may be made available to the Property; and,

**8. Public/Agency/City Department Comments:**



Regular Council  
May 21, 2018

Any correspondence from agencies/City departments or the citizenry regarding the northwest Property's application package is hereafter attached.

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

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

**In summary, the Property may be annexed from the County and zoned RS 6, but nothing compels the Council to annex the Property and assign the requested zone as/when it acts in its legislative and quasi-judicial capacities, following the Commission's action(s) in voting on the annexation and zoning assignment and subdivision plat approval requests for the Property as petitioned for/by the Applicant.**

**Note(s):** Staff has provided the Council with all of the relevant report/packet documentation or visual information available to us at the time this report was generated save that provided to Engineering for their review (e.g., soils report, drainage calculations, etc.). One Board member from the adjoining Stillwater Subdivision to the east of the Project to discuss their concerns about the Development and to understand the process of review and the criteria that bear on the plat. Aspects that pertain to code compliance were discussed and affirmed and the Fire Department and Engineering both had representatives conveniently nearby who also talked with the citizen.

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

#### **FYI – Preliminary Plat Data**

Platting of the Project will serve to divide the land. It must be done in accordance with state law, Nampa City Code § 10-27, Nampa City Code § 10-08, Nampa City Code § 10-33, and, in

Regular Council  
May 21, 2018

cooperation with the City's currently adopted Engineering Design and Specification manuals. Accordingly, Plat review was done to analyze the Project's compliance to relevant standards....

**Silverwood Subdivision [proposed] Statistics:**

**Overall Site Area-** ~5.75 acres  
**Total, Proposed RS 6 Lot Count-** 27  
**Total Common Lot Count-** 1  
**Total Building Lot Count-** 26

**Regarding "RS 6 Building Lots": Min. Allowed RS 6 Bldg. Lot Size-** 6,000 sq. ft.

**Min. Proposed RS 6 Bldg. Lot Size-** 6,000 sq. ft. standard

**Min. Allowed Avg. RS 6 Bldg. Lot Size-** 8,000 sq. ft. weighted

**Min. Proposed Avg. RS 6 Bldg. Lot Size-** 8,064 sq. ft. per Applicant's engineer (non-weighted as approved by Council on 5/17 – see attached letter)

**Periphery Compatibility Cross Check: Silverwood Lots 3, 4, 10 of Block 3 vs. Lot 6 of Block 10 and Lots 7 & 12 of Block 10 Stillwater No. 2-**

- Lots 3 & 10 of Block 3 were deficient in area and are now corrected
  - a. Lot 4 of Block 3 is adequately sized

**Silverwood Lots 10-13 of Block 2 vs. Lots 12 & 13 of Block 9 Stillwater Subd. No. 2-**

- a. Lots 10-13 of Block 2 are adequately sized

**Silverwood Lots 9 & 10 of Block 2 vs. Lots 18-21 of Block 7 Camden Heights Subd. No. 2-**

- a. Lots 9 & 10 of Block 2 are adequately sized

**Min. Req. St. Frontage RS 6 Zone-** 22'

**Min. Allowed RS 6 Bldg. Lot Widths-**50' @ 20' setback mark

**Min. Allowed RS 6 Bldg. Mean Lot Depths-**80'

**Plat Development Data/Notes:** See plat sheets

**Recommended Condition(s) of Approval**

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

**As pertaining to the requested Annexation/Zoning:**

N/A; However, if the Council wishes to "lock-in" a/the particular subdivision plat design proposed by the Applicant, then consideration of the following possible approval condition should be afforded:

1. That the Applicant/Development:

Regular Council  
May 21, 2018

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

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

Those appearing with questions and concerns were: Mike Dulin, 5 South Shumway.

Councilmembers asked question of Mr. Dulin.

The applicant presented a rebuttal to some of the concerns brought forward.

Councilmembers asked question of the applicant.

**MOVED** by Haverfield 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 Rodriguez and **SECONDED** by Bruner to **approve** the annexation and zoning to RS-6 by JUB Engineers applicant representing Trilogy Development with conditions by staff and with the speed bump, fence and berm and the park shared expenses.

MOTION WAS RESINDED

Michael Fuss asked for some clarification on the speed hump. We need to clarify a few things, it shouldn't be a speed bump but a speed hump in our current policy there is the ability for neighborhoods to request thru the Neighborhood Traffic Calming Policy, where neighborhoods can participate, city participates at 25%, neighborhoods have to fill out certain petitions, agree to the locations all of those type of things. I am not a hundred percent certain what the condition is so I would like some clarification on that, who pays, who has to chase down all of the signatures, all of that kind of stuff.

**MOVED** by Rodriguez to amend that motion concerning the speed humps to allow the city to continue the investigation to determine the factors of putting those in.

MOTION WAS RESINDED

Mayor Kling suggested that the development agreement cover all of the concerns that have been brought forward.

Regular Council  
May 21, 2018

Councilmembers were confused on the motion.

**MOVED** by Rodriguez and **SECONDED** by Bruner to **approve JUB representing Trilogy development for annexation and zoning with conditions provided by staff with the fence that is going to be put up and the speed humps and shared expense on the park.**

MOTION WAS RESINDED

Councilmembers had discussion and made comments.

Michael Fuss asked if staff could work with the applicant to ferret these things down into something that can be described more completely, I think that there are a lot of valid requests, I think that we have heard staffs interest in find speed humps and fences. I know that the applicant is concerned about the cost of things, whether it is a yes or no do they continue to go forward on the annexation or not.

**MOVED** by Rodriguez and **SECONDED** by Haverfield to **table a decision until June 4, 2018 council meeting.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

**Item #30** - Mayor Kling opened a **public hearing** for **annexation and zoning to IL** (Light Industrial) for proposed lot split and **Auto Repair at 29 N. Happy Valley Rd.** (A 1.492 acre or 65,000 sq. ft. portion of the North 1/2 of the SE 1/4 of Section 24, T3N, R2W, BM) for **Rogelio H. Gallegos.**

Rogelio & Maria Gallegos, 29 North Happy Valley Road presented the request.

Norm Holm presented the following staff report explaining that the request is for annexation and zoning to IL (Light Industrial) for a proposed lot split and auto repair at 29 North Happy Valley Road for Rogelio H. Gallegos.

### General Information

**Planning and Zoning Recommendation:** Approval subject to recommended conditions. **Zoning & Planning History:** The southerly building has been used for Hillcrest Meat Packing for many years with the adjacent residence to the north. This item was advertised to be heard at the March 27, 2018 meeting. That meeting was cancelled due to a lack a Commission quorum to conduct business and the public hearing re-advertised for this April 24, 2018 public hearing. **Status of Applicant:** Owner. **Annexation Location:** 29 N. Happy Valley Rd., a portion of the North 1/2 of the SE 1/4 of Section 24, T3N, R2W, BM. **Total Size:** 1.492 acres or 65,000 sq. ft. **Existing Zoning:** RR (County - Rural Residential). **Proposed Zoning:** IL (City - Light Industrial).

Regular Council  
May 21, 2018

**Comprehensive Plan Designation:** Light Industrial. **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. This parcel adjoins the airport/city limits along its' southerly boundary. **Existing Uses:** Former site of Hillcrest Meat Packing, etc. **Applicant Reason for Annexation and Zoning:** For Lot Split and Auto Repair.

### **Special Information**

**Public Utilities:** 12" water line in N. Happy Valley Rd., No available sewer lines. No available irrigation lines. **Public Services:** Police and fire already service city incorporated areas surrounding the location. **Physical Site Characteristics:** Existing developed industrial/rural residential property. **Transportation:** Access to the property is from N. Happy Valley Rd. **Correspondence:** No correspondence has been received from any area property owners, residents or business owners regarding opposition to or support for the requested annexation and zoning to IL.

### **Staff Findings and Discussion**

From a land use standpoint, the location is shown on the comprehensive plan "future land use map" as being compatible with the zoning that has been requested. If the Planning & Zoning Commission votes to recommend approval of the annexation and zoning to the City Council the following findings are suggested:

- 1) The requested annexation area adjoins the city limits along its' southerly boundary.
- 2) 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 have been annexed, zoned, and/or developed for industrial purposes.
- 3) The proposed zoning conforms with the city's comprehensive plan future land use map for Light Industrial land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The applicant desires annexation for consideration of a proposed lot split and establishment of an auto repair shop on the site.

### **Recommended Conditions of Approval**

If the City Council accepts the Planning and Zoning Commission recommendation and votes to approve the annexation and zoning staff suggests the following conditions of approval as recommended by City Engineering:

- 1) As parcel lies within the Nampa Airport's Air Runway Protection Zone (RPZ), owner is required to meet building height restrictions as dictated by the Nampa Municipal Airport's manager meeting FAA criteria.

Regular Council  
May 21, 2018

- 2) Change of use and development of the site will require full frontage improvements including, but not limited to-
  - a) Curb, gutter, and sidewalk
  - b) Pavement widening and striping.
  - c) Landscaping as required
  - d) Storm drainage, both on-site retention and off-site public drainage.
- 3) In addition, at time of development, it may be required that all necessary and required public utilities are extended, at owner's expense, including but not limited to the domestic water main and service(s), and pressure irrigation main and service(s) to and through the project in accordance with current City policy. For any public mains, thorough site will require dedication of easements to City over and around the utility in accordance with City's policy, at widths determined with review and approval of development plans.
  - a) Domestic Water: Existing 12-inch main in right-of-way of Happy Valley Road.
  - b) Pressure Irrigation: Not currently available. May require installation of a "Dry Line" for future, size to be determined. Required landscape irrigation to be provided via either a dedicated domestic water meter, or another source acceptable to the City.
  - c) Sewer: Not available currently. Continued use of a private septic system will be allowed with SWDH approval.
- 4) Right-of-way dedication required.
  - a) Happy Valley Road: Functional classification is an arterial. Right-of-way width dedication shall be fifty-feet (50') for half of a future one-hundred-foot (100') right-of-way.

Councilmembers asked question of staff.

The applicant asked questions and explained what they have already done.

Michael Fuss answered questions of council and of the applicant.

Mayor Kling made comments.

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

**MOVED** by Levi and **SECONDED** by Skaug to **continue the public hearing until the June 18, 2018 council meeting for annexation and zoning to IL** (Light Industrial) for proposed lot split and **Auto Repair at 29 N. Happy Valley Rd so the applicant can continue to work with staff.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #31** - Mayor Kling opened a **public hearing for annexation and zoning to RA** (Suburban Residential) for connection to city sewer at **8250 Cherry Lane** (A 2.51 acre or 109,337 sq. ft.

Regular Council  
May 21, 2018

parcel of land being the East 165 feet of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 3, T3N, R2W, BM) for **Boone Seal**.

The applicant was not in attendance of the meeting.

Norm Holm presented the following staff report explaining that the request is for annexation and zoning to RA (Suburban Residential) for connection to city sewer at 8250 Cherry Lane for Boone Seal.

### **General Information**

**Planning and Zoning Recommendation:** Approval subject to recommended conditions. **Zoning & Planning History:** The applicant has requested annexation and zoning to connect the property to city sewer service. This item was advertised to be heard at the March 27, 2018 meeting. That meeting was cancelled due to a lack a Commission quorum to conduct business and the public hearing re-advertised for this April 24, 2018 public hearing. **Status of Applicant:** Owner. **Annexation Location:** 8250 Cherry Lane. **Proposed Zoning:** RA (Suburban Residential). **Total Size:** 2.51 acres or 109,337 sq. ft. **Existing Zoning:** County AG (Agricultural). **Comprehensive Plan Designation:** Medium Density Residential. **Surrounding Land Use and Zoning:** North-Single Family Residential, RS 6; South- Single Family Residential, RS 6; East- Enclaved Rural Residential; County AG; West- Single Family Residential, RS 6; **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. This property is a part of a 11-parcel approximately 23-acre enclaved area. **Existing Uses:** Rural residential parcel with single family dwelling, horse barn, and corral.

### Special Information

**Public Utilities:** 12” water main in Cherry Lane; 8” sewer main in Cherry Lane 6” irrigation adjacent west property line; **Public Services:** Police and fire already service city incorporated areas surrounding the location. **Physical Site Characteristics:** Existing rural residential parcel with single family residence, horse barn and corral. **Transportation:** Access to the property is from Cherry Lane. **Correspondence:** No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to RA.

### **Staff Findings and Discussion**

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested. If the Planning & Zoning Commission recommends approval of the requested annexation and zoning the following findings are suggested:

Regular Council  
May 21, 2018

- 1) The requested annexation is part of a 11-parcel 23-acre enclaved area.
- 2) 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 have been annexed and developed.
- 3) The proposed zoning conforms with the city's comprehensive plan future land use map for medium density residential land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owners' septic system has failed and they desire annexation to connect the property to city sewer service.

**Recommended Conditions of Approval**

Staff suggests the Commission recommends approval of the Annexation and Zoning to the City Council subject to the following engineering required conditions of approval:

- 1) Right-of-way dedication required.
  - a) Cherry Lane: Functional classification for this section of Cherry Lane is an arterial. Width of right-of-way dedication shall be fifty-feet (50') for half of a future one-hundred-foot (100') right-of-way.
  - b) Access is existing not changes proposed.
- 2) Owners enter into a curb, gutter, sidewalk, and road widening deferral agreement with the City. Owners to provide legal description of property for attachment to deferral agreement. City will record.

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

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

**MOTION CARRIED**

**MOVED** by Hogaboam and **SECONDED** by Hartfield to **approve the annexation and zoning to RA (Suburban Residential) for connection to city sewer at 8250 Cherry Lane (A 2.51 acre or 109,337 sq. ft. parcel of land being the East 165 feet of the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 3, T3N, R2W, BM) for Boone Seal with staff conditions and authorize the City Attorney to draw the appropriate ordinance**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**



Regular Council  
May 21, 2018

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

**Total Fleet Management Plan** – The following provides a brief history and summary of the development of the Public Works Department (PWD) Total Fleet Management Plan (Fleet Plan), which has proven to be successful not only for this department, but for other City departments.

In 2014-2015 Nampa embarked on a new way of doing business for total fleet management. The PWD fleet was aging and honestly quite disjointed. Furthermore, those responsible for the maintenance of the fleet had little say in the equipment selection or purchase. The Fleet Division, led by Fleet Superintendent Doug Adams, looked across the industry sector to see how others were investing in fleet. Staff often heard of some great plans but most, if not all, avoided the plans when the economy contracted. Many current fleet plans are based on the car rental business where fleets are kept within the warranty period. However, in a declining economy the fleet was kept longer and plans began to fall apart. Nampa's talented Fleet Division staff, and PWD asset management culture challenged the norm. The PWD Fleet Plan pushes the limit on equipment use, ownership, and available parts. It also considers the critical nature of the many public services provided. A summary of the plan components is:

- The primary factor is parts availability
  - Average light duty vehicle age on U.S. highways is 11.6 years
  - Average age of City fleet is 13.4 years
  - Plan recognizes best business practices of private sector parts distributors
  - Aftermarket and dealer repair support drops dramatically after 10 years
- Vehicles are segregated by class:
  - Class 1 – Light duty cars and pickups
  - Class 2 – Light equipment, ¾ ton pickup
  - Class 3 – 1 ton and specialty work trucks
  - Class 4 – Heavy truck and light construction equipment
  - Class 5 – Heavy construction equipment
  - Class 6 – Trailers
- City fleet is categorized into two sub-divisions: Critical and Non-Critical
- For an asset to be categorized as “critical,” a very specific set of rules must be applied:
  - If the asset is down for two weeks, is level of service affected?
    - Can the asset be borrowed from another division?
    - Can the asset be rented?
  - Is the asset specific to a specialization, where as a replacement is difficult to obtain (i.e., police, fire vehicles, vac truck, snow plow, etc.)?
- If ALL the above controls are not met, then the asset is not considered critical
- Utilizing the Fleet Plan, emotion is removed from the budgetary process. Assets are replaced based upon need, not wants

Regular Council  
May 21, 2018

- Asset replacement is guided by an estimated lifecycle per class as well as efforts to maintain budgetary cost smoothing year over year
- If the Fleet Plan is not funded, the discussion becomes one of service level, not procurement

In 2016 the PWD Fleet Plan was expanded to include Nampa Police Department (NPD) fleet, much of which is critical in nature. The NPD Fleet Plan focused on meeting level of service and balancing out purchases to create a more predictable fleet delivery model. Today, all procurement of police vehicles is handled by the Fleet Division with input on operational needs from the NPD.

In 2017, due to the success of PWD and NPD Fleet Plans, the Parks Department Fleet Plan was developed. The age and condition of the Parks fleet has brought on new challenges and a new way at looking at Parks operations. New equipment was evaluated, and a total overhaul of Parks fleet was necessary. 2019 is the second year of a 5-year plan of Parks equipment replacement.

Staff believes that the Total Fleet Management Plan has been a tremendous success. The attached charts (see Attachment A) show a smoothing of purchases and an overall fleet capital plan. The total City fleet is being right sized, and the emotions are being taken out of the purchase decisions. To date, the following number of vehicles have been purchased and disposed of in accordance with the Fleet Plan:

Public Works		Police		Parks	
FY16 – FY18		FY17 - FY18		FY18	
Purchase	Disposal	Purchase	Disposal	Purchase	Disposal
24	41	43*	52	7	28

As shown, the Fleet Plan has reduced the total fleet by 47 vehicles.

All vehicle requests in the fiscal year 2019 budget of PWD, NPD, or Parks are in accordance with the developed Total Fleet Management Plan.

While the Fleet Plan is a tremendous success, the Fleet Division has predicted over the past several years that due to the age of the fleet not yet replaced, parts and repairs were expected to increase significantly. The current 2018 budget is beginning to show this forecast. The total general fund parts budget for fiscal year 2018 is at 6% with 38% of the year left. Fleet Division predicts without an infusion of \$50K in the fiscal year 2018 budget general fund (Police and Parks), vehicles may need to be sidelined until fiscal year 2019 and the level of service will decline.

\* Includes 28 leased detective vehicles.

*Note:* Disposal numbers include asset currently at auction, being stripped for auction, or in queue for disposal in fiscal year 2018.

Regular Council  
May 21, 2018

Fleet Superintendent Doug Adams explained to the council the issues that fleet has been having with the aging fire fleet.

**Street Division Mag Truck Tank repair -**

- It was identified in 2018 that the mag truck tank unit was near imminent failure due to severe weld corrosion. This primary equipment is used for delivering and dispersing magnesium chloride in the winter months
- In fiscal year 2018 the Street Division was authorized \$50,000 for possible tank repair and/or replacement
- Street staff contacted the tank vendor who is unable to complete repairs or fabricate a new tank. It has also been determined the tank welds has failed to the point that repair cannot be made, and replacement is needed
- Staff contacted three different local fabrication businesses. Superior Steel has been chosen as this vendor can exclusively remove the existing tank, fabricate and reinstall a new tank under budget, at a total cost of \$48,403.00

**Street Division Chip Sealing Campaign -** The City's Street Division will begin its annual chip sealing campaign in Zone C on June 4. A press release was issued on May 8 notifying Nampa citizens. A list of affected roadways and a map was included (see Attachment B). The Street Division website will be updated with work progress, along with any weather-related delays. Crews will hang door hangers to notify individual property owners when chipping is to occur on their street. With mild weather and a little luck, Street staff hopes to complete chipping, fog sealing, paint and thermoplastic applications by early August.

**ITD I-84 Business Loop-Downtown Nampa Construction Update –**

- Idaho Transportation Department (ITD) I-84 Business Loop (I-84B) roadway construction project is anticipated to begin on Sunday, June 3, starting near 2<sup>nd</sup> Street South at Library Square (see Attachment C)
- Pedestrian ramp work is currently underway on Garrity Boulevard and 11<sup>th</sup> Avenue North. When completed, crews will move on to 3<sup>rd</sup> Street South
- Potholing work to identify utility lines is anticipated to begin at Library Square and at the intersection of Northside Boulevard and 2<sup>nd</sup> Street South in mid-May
- The I-84B project will be under construction while the City's 2<sup>nd</sup> and 3<sup>rd</sup> Streets South Downtown Improvement project is underway. Traffic control will be coordinated between the two projects

Regular Council  
May 21, 2018

- The 2<sup>nd</sup> and 3<sup>rd</sup> Streets South project work hours are typically 7:00 a.m. to 5:00 p.m., and some weekends. The I-84B project will be seven days a week at night, between 8:00 p.m. to 6:00 a.m. The night work will include short-term lane restrictions
- To provide information to the traveling public, a community open house is scheduled for Thursday, May 31, from 3:00 p.m. to 6:00 p.m. at the Nampa Civic Center Casler Room
- ITD project team members will walk door-to-door to visit with businesses in the project area and invite them to the open house prior to the meeting
- Information for the community open house for the I-84B roadway construction project will be mailed, emailed, placed in the Idaho Press-Tribune, announced through media releases, social media, and displayed on ITD's website. Sandwich boards announcing the meeting will be set up throughout the project area. Fliers will also be provided to the City for distribution

**Implementing the Mercury Minimization Plan** - On April 25, 2018, correspondence (see Attachment D), along with a questionnaire (see Attachment E) was sent from the Wastewater Division to Nampa dental service providers to gather information for the City's annual progress report for its mercury minimization plan. As of today, nine questionnaires have been returned. The questionnaire is beneficial to determine the level of implementation of the final Environmental Protection Agency (EPA) dental effluent guidelines with the City's area of impact. The results will be compiled and sent to the EPA in June 2018.

Mercury minimization reporting is part of the National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ID0022063) for the City's wastewater facility. Nampa is on a ten-year compliance schedule. On October 1, 2026, the mercury effluent limit will be reduced to 0.011 µg/L, current limit is 0.024 µg/L.

**Wastewater Program Phase I Upgrades construction Update** - City Staff is providing a regular status update of Phase I Upgrades as requested by City Council. Staff and the Wastewater Program Management Team (WPMT) have been diligently tracking Project Group A and Project Group B progress to date.

*Project Group A – Liquid Stream Upgrades Status*

Since issuance of Notice to Proceed there has been considerable progress on Project Group A:

- Notice to Proceed issued June 2, 2015
- The Contract Time Completed is currently at 88%
- The Contract Work Completed is currently at 94%

Regular Council  
May 21, 2018

Key activities and milestones achieved since the update to City Council on March 5, 2018, include:

- Continued operation of three new Primary Effluent Pumps to support regular operations at the plant
- Ongoing operation of the retrofitted Aeration Basin No. 1 and Aeration Basin No. 2 system
- Began functional testing and developed punch list items for Aeration Basin No. 3
- Completed the backfilling of soil around Aeration Basin No. 3
- Submitted 1,032 submittals since the beginning of Project: Technical submittals, as well as information required for compliance to the City's State Revolving Fund (SRF) Loan with the Idaho Department of Environmental Quality (IDEQ), have been received. Staff and the WPMT strive to respond to submittals as quickly as possible. Average response time is currently 15 days

Based on the current project schedule, the following are the major work items expected to be completed in the near future:

- Completion and commissioning of Aeration Basin No. 3
- Completion of Primary Effluent Pump No.4 installation
- Contractor will continue demobilizing the site

The following photos show the progression of Project Group A work at the site:



**Figure 1 – Air pressure line connection to Aeration Basin No. 3**



**Figure 2 – Backfilling activities on the northern side of the Aeration Basin No. 3**

*Project Group B – Solids Handling Upgrades Status*

Since issuance of Notice to Proceed there has been considerable progress on Project Group B:

- Notice to Proceed issued June 19, 2017
- Contract Time Completed is currently at 53%
- Contract Work Completed is currently at 53%

Key activities and milestones achieved since the update to City Council on March 5, 2018, include:

- Construction of the Solids Handling Building is progressing. Architectural finishes such as windows and interior paint have been initiated
- The electrical conduits have been installed within the floor and nearly all of the ground floor concrete slabs for the Solids Handling Building have been poured
- Interior process piping has begun, and mechanical equipment installation has begun
- Submitted 422 technical submittals since the beginning of Project. Staff and the WPMT strive to respond to submittals as quickly as possible. Average response time is currently 15 days

Based on the current project schedule, the following are the major work items expected to be completed in the near future:

- Continuation of process piping installation in the Solids Handling Facility. This work activity is scheduled to be completed in Fall 2018



Regular Council  
May 21, 2018

- Site paving and improvements are on track to be finished by early fall 2018

The following photos show the progression of Project Group B work at the site:



**Figure 3 – Excavation for yard piping to the Solids Handling Facility**

*Financial Report*

The following table shows current financials for Phase I Upgrades Project Group A and Project Group B:



**Figure 4 – Installation of solids thickening equipment in the new Solids Handling Facility**

Regular Council  
 May 21, 2018

*Financial Report*

The following table shows current financials for Phase I Upgrades Project Group A and Project Group B:

	<b>Original Budget</b>	<b>Current Budget</b>	<b>Change Order Rate</b>	<b>Spent</b>	<b>Percent Spent</b>
Project Group A – Ewing	\$12,494,000	\$14,183,767	11.9%	\$13,388,466	94%
Project Group A Contingency	<u>\$ 1,500,000</u>	\$0			
<b>Project Group A Total</b>	<b>\$13,994,000</b>	<b>\$13,994,000<sup>a</sup></b>		<b>\$13,388,466</b>	<b>96%</b>
Project Group B - JC	\$11,255,000	\$11,443,692	1.6%	<u>\$ 6,257,966</u>	55%
Project Group B Contingency	\$ 500,000	\$ 311,308			
<b>Project Group B Total</b>	<b>\$11,755,000</b>	<b>\$11,755,000</b>		<b>\$ 6,257,966</b>	<b>53%</b>
<b>PHASE I UPGRADES TOTAL</b>	<b>\$25,749,000</b>	<b>\$25,749,000</b>	<b>7.9%</b>	<b>\$19,646,433</b>	<b>76%</b>

Overall project authorization has not been exceeded. See additional information below.

*Other Financial Updates:*

- The City has spent over 95% of the SRF Loan for Project Group A. IDEQ is not able to make additional reimbursements for projects costs until the project has been completed. Therefore, as originally planned, sewer fund rates will be used to finish the project
- It is currently projected that Project Group A will have a total project cost of approximately \$18.4M, which includes design, services during construction, and construction costs when the project is completed. This cost is less than the overall project authorization of \$18.5M. Even with the expanded project scope to address several pressing issues (i.e., installation of the fourth PEPS pump and replacement of failing air piping), the project is expected to finish under budget because of unused contingencies and savings in services during construction
- Project Group B will have an unused contingency for \$125,000 as a result of decisions by City staff, contractor, and the WPMT. The contract values shown in the table above still include this contingency as the cost savings will be captured at the end of the project

**Wastewater Program Update** - With recent direction from Council, the City’s Wastewater Program continues:

Facility Plan

- The Facility Plan was adopted by Council on February 20
- The WPMT and Staff are preparing the Environmental Information Document, which is final environmental step to secure funding through the IDEQ SRF Loan Program (provided bond vote is passed)



### Funding

- SRF Loan. The IDEQ has published its *Clean Water Intended Use Plan for Fiscal Year 2019* for public comment. Nampa is recommended for a 30-year loan of \$37M in fiscal year 2019 at an interest rate of 1.68%, with staff indications to fund 100% of the \$165M need through subsequent funding years.
  - Public Comment Period closed on April 16, 2018.
- A Letter of Support for the *Clean Water Intended Use Plan for Fiscal Year 2019*, signed by the Mayor and Council, was submitted to IDEQ within the public comment period
  - Currently, there is no additional information on public comments.
- The public bond election for debt authorization will occur May 15, 2018. An update of ongoing public educational outreach activities is included in Attachment F.

### EPA/IDEQ Interaction

- On Monday, April 9, Mayor Kling, Chief of Staff Bobby Sanchez, and Public Works Director Michael Fuss, met with Idaho EPA Administrator Jim Werntz.
  - Mr. Werntz was supportive of a collaborative effort with the City, EPA, and IDEQ to identify the hurdles, study efforts and potential solutions for the reuse permit.
- On Monday, April 30, Mayor Kling, Chief of Staff Bobby Sanchez, and Public Works Director Michael Fuss, met with IDEQ Water Quality Division Administrator Barry Burnell, and Regional Administrator Aaron Scheff.
  - IDEQ was very supportive of Nampa's program and provided further information on the SRF Loan, showing full funding of the \$165M request
  - IDEQ shared information on Idaho's reuse program.
  - Nampa identified the significant savings that could be achieved, yet appropriate water quality retained, through a reuse permit with no temperature limit and a phosphorous limit equal to the City's NPDES winter limit.
  - IDEQ expressed a willingness to have further discussions with Nampa City Council if requested.
- Next steps are to schedule a meeting with IDEQ, EPA, and the City's WPMT to further map out the reuse permit process.
- Mayor Kling and Idaho EPA staff are coordinating a May 23, 2018, meeting with EPA Regional Administrator Christopher Hladick.

### Oversight Committee

Regular Council  
May 21, 2018

- Mayor Kling requested an industry and citizen committee to assist with recommendations to Council as the design and subsequent construction of the project moves forward.
- Deputy Public Works Director Nate Runyan, and City consultant Matt Gregg, Brown and Caldwell, are developing the charter, ground rules and decision method, and criteria for the citizen committee which will be presented for Mayor Kling and Council approval.
- On April 26 representatives from The Amalgamated Sugar Company (TASCO), Admiral Beverage Corporation, and Materne Industries attended a meeting with staff to begin developing the Oversight Committee.
  - Great kickoff meeting
  - Industry is willing to help
    - Review major assumptions
    - Review decision points

#### Predesign

- Staff and City consultant, Brown and Caldwell, begin discussion of predesign contract. This contract is expected to be presented to City Council in June.

#### Next Steps

- Following the May 15, 2018, Sewer Bond vote, Attachment G outlines critical calendar dates for the October 1, 2018, sewer rate increase.

**Item #16** - Mayor Kling presented the request to have discussion on the **July 2 Council** meeting.

All councilmembers stated that they would be attending the July 2, 2018 meeting.

**Item #17** - Mayor Kling presented the request for **appointment of Alternate Voting Delegate for Association of Idaho Cities June Conference.**

**MOVED** by Haverfield and **SECONDED** by Skaug to **appoint Councilmember Victor Rodriguez as the alternate voting delegate for the Association of Idaho Cities June conference.** The Mayor asked all in favor say aye with all Councilmembers present voting **AYE.** The Mayor declared the

MOTION CARRIED

**Item #19** – Mayor Kling presented a request for **Confirmation of Results** from **May 15 Election.**

City Clerk Deborah Bishop presented a staff report explaining that the request was for the council to accept the following results of the Sewer Bond Election held on May 15, 2018:

**CANYON COUNTY RESULTS  
 PRIMARY ELECTION MAY 15, 2018**

Precinct	Nampa Special Municipal Bond		VOTING STATISTICS				
	In Favor Of	Against	Total Number of Registered Voters at Cutoff	Number Election Day Registrants	Total Number of Registered Voters	Number of Ballots Cast	% of Registered Voters That Voted
29-11	50	9	1,864	5	1,869	60	3.21%
43-11	1	5	551	0	551	6	1.09%
49-12	110	24	1,314	12	1,326	137	10.33%
50-12	195	34	889	11	900	242	26.89%
51-12	347	45	1,408	66	1,474	397	26.93%
52-12	379	45	1,641	32	1,673	427	25.52%
53-12	306	45	1,788	58	1,846	361	19.56%
54-12	248	55	1,558	16	1,574	315	20.01%
55-12	430	50	1,255	34	1,289	502	38.94%
56-12	297	58	1,166	37	1,203	372	30.92%
57-12	289	54	1,327	55	1,382	356	25.76%
59-12	358	37	1,488	62	1,550	407	26.26%
60-12	358	50	1,343	35	1,378	426	30.91%
61-12	307	44	1,304	48	1,352	368	27.22%
62-12	432	66	1,660	27	1,687	516	30.59%
69-13	284	40	1,275	42	1,317	339	25.74%
70-13	266	69	1,216	25	1,241	341	27.48%
71-13	355	44	1,108	20	1,128	413	36.61%
72-13	445	49	1,272	17	1,289	503	39.02%
73-12	368	79	1,444	39	1,483	452	30.48%
74-13	610	83	1,929	108	2,037	708	34.76%
75-13	451	77	1,383	53	1,436	547	38.09%
76-13	339	48	1,592	48	1,640	407	24.82%
77-13	314	60	1,446	38	1,484	383	25.81%
78-13	397	53	1,695	47	1,742	473	27.15%
79-13	470	66	1,619	35	1,654	548	33.13%
80-13	413	43	1,747	107	1,854	472	25.46%
81-13	354	66	1,843	25	1,868	426	22.81%
82-13	369	61	1,515	35	1,550	445	28.71%
<b>CO. TOTAL</b>	<b>9,542</b>	<b>1,459</b>	<b>41,640</b>	<b>1,137</b>	<b>42,777</b>	<b>11,349</b>	<b>26.53%</b>

Total # absentee ballots cast

1200

Regular Council  
May 21, 2018

**MOVED** by Haverfield and **SECONDED** by Skaug to **accept** the **May 15 Sewer Bond Election results** as presented. The Mayor asked all in favor say aye with all Councilmembers voting **AYE**. The Mayor declared the

MOTION CARRIED

**Item #20** - Mayor Kling presented the request to **authorize** the **Mayor** to **Sign Contract of Purchase** for, (1) 500 Additional **Meter Transmission Units** at the **Aclara Technologies, LLC** Contract Unit Price, and (2) 410 Additional **One-Inch Water Meters** at the **HD Supply Waterworks, Ltd.**, Contract Unit Price for Water Division.

Michael Fuss presented a staff report explaining that the Water Division staff continues to implement the Automated Meter Reading (AMR) System project. To continue these improvements, additional meter transmission units (MTUs) and meters need to be purchased.

Five hundred (500) MTUs, and four hundred ten (410) one-inch water meters, are needed to continue the fiscal year 2018 installation plan.

Contract prices for the units are established under the:

- o 2017 Water Meter Equipment Project contract with HD Supply Waterworks, Ltd. (Exhibit A)
- o 2015 AMR System Project contract with Aclara Technologies, LLC (Exhibit B)

The total automated meter unit purchase value is \$103,677.00. This meter purchase will be made from the Water Division's fiscal year 2018 budget.

Public Works staff reviewed the contracts and recommends approval.

**MOVED** by Skaug and **SECONDED** by Haverfield to **authorize** the **Mayor** to **sign contracts** of purchase for, (1) 500 additional meter transmission units at the **Aclara Technologies, LLC** contract unit price, not to exceed the budget amount of **\$50,500.00**, and (2) 410 additional one-inch water meters at the **HD Supply Waterworks, Ltd.**, contract unit price, not to exceed the budget amount **\$53,177.00** for Water Division. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #21** - Mayor Kling presented the request to **authorize** the **Mayor** to **Sign Federal Aviation Administration Grant Application** and Sponsor Certifications for Airport Improvement Program (AIP-30) Airport Master Plan.

Regular Council  
May 21, 2018

Michael Fuss presented a staff report explaining that the Federal Aviation Administration (FAA) is requesting a grant application and sponsor certifications for Grant AIP-30 (*Airport Improvement Program*).

AIP-30 is for the Airport Master Plan project at the Nampa Municipal Airport

- The project is anticipated to take eighteen months to complete

The total anticipated project cost is \$605,555.00 (*pending FAA final approval*)

- FAA grant is 90%                      \$545,000.00
- State grant is 2.5%                      \$ 15,138.00
- City match is 7.5%                      \$ 45,417.00

On May 14, 2018, the Airport Commission met to review the grant application and sponsor certifications for AIP-30.

Recommendation was made to request Nampa City Council authorize the Mayor to sign the FAA Grant Application (see Attachment A) and Sponsor Certifications (see Attachment B) for Grant AIP-30.

**MOVED** by Haverfield and **SECONDED** by Hogaboam to **authorize the Mayor to sign Federal Aviation Administration Grant Application and Sponsor Certifications** for Airport Improvement Program (AIP-30) Airport Master Plan. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

**Item #22** - Mayor Kling presented the request to **authorize the Mayor to Sign Amended Agreement** for the **Lease of Wastewater Treatment Capacity** and Connection Fee and Issue an Industrial Waste Acceptance Permit Addendum for 100 lbs. per day of Total Suspended Solids with an Expiration Date of March 31, 2019.

Michael Fuss presented a staff report explaining that on March 19, 2018, City Council approved an Agreement for the Lease of Wastewater Treatment Capacity with Admiral Beverage Corporation (Admiral).

In March and April 2018, Admiral exceeded the permit limit for Total Suspended Solids (TSS). The exceedance was 23.5 lbs. for the peak day limit, which also resulted in a monthly average day exceedance of 12.9 lbs.

On April 27, 2018, Admiral sent an email to inform the City they planned to submit a short-term loan petition. This would allow for them to research and identify the cause of the exceedance (Exhibit A).

Regular Council  
May 21, 2018

On May 1, 2018, Admiral submitted a Capacity Short-term Loan (30-days) request to increase the TSS limit by 35 lbs./day (Exhibit B). Admiral was granted a capacity loan on January 2, 2018, for TSS, making this the second short-term loan request in 2018. Only one short-term loan per calendar year is allowed per the City's Wastewater Industrial Incentives Policy.

Admiral would be agreeable to adding an additional 35 lbs./day of TSS to the existing lease agreement. The new capacity would be for 11 months, with an effective date of May 1, 2018. The monthly payment would be \$1,083.05, an increase of \$113.59 (Exhibit C).

Wastewater and Engineering Division staffs confirm that treatment plant capacity is available for this lease modification.

Public Works staff and the City's legal counsel have reviewed the amended agreement and recommend approval.

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **authorize** the **Mayor** to **sign amended Agreement for the Lease** of Wastewater Treatment Capacity and Connection Fee and issue an Industrial Waste Acceptance Permit Addendum for 100 lbs. per day of Total Suspended Solids with an **expiration date of March 31, 2019**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

Mayor Kling introduced the idea of items #23 and #24 and explained that this is something that Caldwell does and maybe Nampa would like to do it also.

City Attorney Maren Ericson explained how Caldwell uses the comment sections.

Councilmembers made comments on the items.

**Item #23** - Mayor Kling comments – asked if the meetings should be moved up in time because they are so long.

**Item #24** – Councilmembers comments

**Item #25** - Mayor Kling presented the request to **adjourn** into an **executive session** pursuant to Idaho Code 74-206 (1) (j) to consider labor contract matters authorized under 67-2345A (1)(a) and (b) Idaho Code.

Regular Council  
May 21, 2018

**MOVED** Hogaboam and **SECONDED** by Rodriguez to **adjourn into Executive Session** at 8:54 p.m. Pursuant to Idaho Code 74-206 (1) (j) To consider labor contract matters. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Bruner to **conclude the executive session** at 9:50 p.m. during which discussion was held regarding (j) To considered labor contracts and no decision were made. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Bruner to **adjourn the meeting** at 9:51 p.m. The Mayor declared the

MOTION CARRIED

Passed this 4th day of June 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK