

REGULAR COUNCIL
July 15, 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.

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

MOVED by Bruner and **SECONDED** by Rodriguez to **approve the Consent Agenda as presented; Item #1-1.** - Regular Council Minutes of **July 1, 2019**; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes of **June 10, 2019** and **June 25, 2019**; Planning & Zoning Commission Minutes of **June 25, 2019**; Library Commission Minutes; WWTP Design Review Committee of **April 18, 2019** and **May 23, 2019** and **June 20, 2019**; **Item #1-2.** - The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **Item #1-3.** - **Final and Preliminary Plat Approvals:** **1)** Subdivision Plat Final Approval for Kinghorn Place Subdivision No. 1 on the west side of Northside Blvd. north of Ustick Rd. (A portion of the SE 1/4 of Section 33, T4N, R2W, BM – 54 single family dwellings on 17.01 acres for 3.17 lots/acre) for Kent Brown representing Trilogy Idaho (SPF 090-19); **2)** Subdivision Plat Final Approval for Sonata Pointe Subdivision No. 3 on the south side of W. Lone Star Rd. west of Lone Star Middle School (57 single family residential lots on 15.92 acres, 3.58 dwelling units per gross acre - situated in the NE 1/4 of Section 30, T3N, R2W, BM) for JUB Engineers representing Trilogy Development (SPF 091-19); **3)** Subdivision Plat Final Approval for Southern Ridge Subdivision No. 6 south of Southern Ridge No. 5 (Located in the S 1/2 of Section 1, T2N, R2W, BM - 58 dwelling units on 14.72 acres for 3.25 dwelling units per gross acre) for Kent Brown for Southern Ridge Properties (SPF 092-19); **4)** Subdivision Plat Final Approval for Mattingly Creek Subdivision at 2008 W. Orchard Ave. (A 3.5-acre portion of the SE 1/4 of the SW 1/4 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 Red Letter Day LLC represented by Bob Taunton, Taunton Group LLC (SPF 093-19); **Item #1-4.** - **Authorize Public Hearings:** **1)** Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) for a 2.92 acre or 127,195 sq. ft. portion of Lot 19 of Midway Subdivision in the NE 1/4 of the SW 1/4 of Section 8, T3N, R2W, BM for Thiel & Thiel, LLC (ZMA 109-19); **2)** Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located in a portion of the SW 1/4 of the SE 1/4 of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split (ANN 125-19); **3)** Modification of Annexation and Zoning Commercial and Residential Development Agreements between Centennial Development LLC and the City of Nampa recorded 6/1/2006 as Inst. No. 200642352 amending Exhibit “B” Conceptual Plan changing the BC zoned area use from a conceptual Commercial/Office plan to a Public Storage Facility plan and amending the Commercial Development Agreement to apply only to the 13.34 acre BC zoned area situated in a portion of Lots 15 and 16 of Cortland Place located in the SE 1/4 of the SE 1/4 of Section 2, T3N, R2W BM – for Jeff Likes (DAMO 030-19). **Planning and Zoning Commission recommended denial of the Modification of Annexation and Zoning Commercial and Residential Development Agreement;** **4)** Modification of Annexation and Zoning Development Agreement Canyon County Lake Estates, LLC and the City of Nampa recorded 1/26/2006 as Inst. No. 200604068 amending Exhibit “B” Conceptual Plan changing use from a conceptual Neighborhood Commercial/Office plan to a Public Storage Facility plan, and

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Conditional Use Permit for Public Storage Facility in a BN (Neighborhood Business) Zoning District at 905 S. Middleton Rd. (A 4.81-acre portion of the NE ¼ of the NE ¼ of Section 31, T3N, R2W, BM) for Jeff Hatch representing Marc Ikebasu (DAMO 031-19); **Item #1-5. - Authorize to Proceed with Bidding Process: 1)** Parks and Recreation advertise and accept request for Proposals for a beverage contract; **2)** Council authorize Engineering Division to proceed with the formal bid process for the FY19 Signal Equipment Procurement Zone B1; **Item #1-6. - Authorization for execution of Contracts and Agreements: 1)** Authorize Mayor to Sign Landlord's Consent to Leasehold Deed of Trust, Security Agreement and Fixture Filing with Assignment of Leases and Rents Agreement with Key Bank for Lot 0120 at Nampa Municipal Airport; **Item #1-7. - Monthly Cash Report: 1)** June 2019; **Item #1-8. - Resolutions: 1)** Destruction of Human Recourse Records; **2)** Destruction of Parks and Recreation Records; **Item #1-9. - License for 2019: a) Renewal Alcohol: 1)** None; b) *New Alcohol: 1)* None; **Miscellaneous Items: 1)** Republic Services Annual Price Adjustment. 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):** ❖

- Rick Werntz, 7699 Edgebrook Drive – Illegal Fireworks – sale of – fines
- Margie Potter, 403 12th Avenue South – New board members – Captain Silvia Skrugs and Captain Ricky Skrugs – Chick Filet contribution to the Salvation Army, Back to School August 1 and 2

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

- None

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

- Mayor Kling – Snake River Stampede Days – lunch breaks for the Special Council meetings of July 16 and 17 2019 (changing the times)
- Councilmember Levi gave a shout out to the Nampa Senior Center and the volunteers

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

- None

❖ (4) Staff Communications ❖

Item #4-1. – Darrin Johnson Parks and Recreation & Ynfinity Sigman, Nampa High School presented the following staff report:

Experience Midway – On Saturday, July 27 our department will be holding an event at Midway Park. The event will give the community the opportunity to talk to staff and hear about the future for Midway Park. The community is invited to come out and see the progress of Midway Park including the new playground and pickleball courts. In addition, we will be offering fee pickleball lessons.

Ynfinity Sigman will handle most of the communication at the council meeting and share information with the Nampa City Council about the upcoming event. Ynfinity, is overseeing the marketing and communication of the “Experience Midway” event as a volunteer. This is Ynfinity’s Senior project for Nampa High School, and we are happy to have her spending part of her summer with us as we strive to serve the community.

Nampa Parks & Recreation Department is excited to invite the community to experience Midway Park on Saturday, July 27 at 10:00 a.m. The event celebrates the completion of Phase 1A of the park in Nampa.

Midway Park is located at the corner of Midway Road and Smith Avenue in Nampa. This 52-acre property will be the largest park in Nampa when completed. The first part of Phase 1 includes four baseball/softball fields and a parking lot which opened in the Fall of 2017. The first phase is now completed which includes six outdoor pickleball courts and a large new playground for all ages to enjoy.

The July 27 event will include free pickleball lessons for all ages, the opportunity to learn more about the next phases of the park. You won’t want to miss playing on the new interactive playground!

The first phase of construction started in 2016 and was created with the focus of meeting the needs of Nampa’s youth baseball/softball programs, along with other programs offered at the park throughout the year. Future developments in upcoming years will include a fitness trail, splash pad, multi-purpose field and more baseball/softball fields.



EXPERIENCE

Midway PARK

Midway is the newest and soon to be biggest up and coming park in Nampa. The park offers pickleball courts, baseball/softball fields, and a new interactive playground.

- *Play on the new playground*
- *Free pickleball lessons for all ages*
- *Learn more about the future development*



JULY 27 • 10AM-NOON

MIDWAY PARK

(LOCATED AT THE INTERSECTION OF MIDWAY RD AND SMITH AVE)

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

Nampa Transportation Advisory Group – Public Works staff is in the process of developing a Nampa Transportation Advisory Group

The purpose of the group is to provide guidance to the City of Nampa on how best to develop Nampa's transportation system

The group will work on high level objectives and commit time to learn about the transportation system and related technology. Focus areas will be on system planning, funding options and ways to educate and collaborate with citizens about transportation

A priority goal will be placed on implementing the objectives within the Transportation Master Plan (TMP) and Fiscal Year 2019 Transportation Funding Plan

Those who participated in the TMP open house events shall assist in developing a key stakeholder list for the group

Staff will provide ongoing updates to Council and welcomes input or suggestions

Potential Partnership with NNU in Civil Engineering Program - The Public Works Department has recently learned that Northwest Nazarene University (NNU) is considering adding Civil Engineering to its Department of Physics and Engineering program. Staff is very interested in collaborating with NNU in job and internship opportunities and has taken steps to meet with NNU staff (see Exhibit A) and Nampa's Human Resources about this potential partnership.

❖ **(5) New Business** ❖

Item #5-1. - Mayor Kling presented the request to **award the bid and authorize the Mayor to sign contract** for the **Airport Sewer Extension** to Big Bite in the amount of **\$41,820.50**.

Tom Points presented a staff report explaining that in December 2019, Nampa City Council, authorized Nampa Airport Staff to submit grant applications and certifications to the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) for grant funding.

Staff received preliminary grant funding in the amount of \$718,722.36 from the FAA to construct taxi lanes (AIP-31).

The construction is anticipated to begin in August of 2019.

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363 feet of sewer main line must be extended prior to the taxi lane pavement installation. The sewer construction must be completed with city funds. The FAA grant will not cover this portion of the work.

Public Works solicited bid quotes from two contractors to install the sewer line. The apparent low bidder is Big Bite Construction with a bid of \$41,820.50 (see Exhibit A).

Construction costs will be covered from FY19 Airport operations budget cost savings (snow removal).

Staff recommends award of the bid for the Airport Sewer Extension project.

MOVED by Bruner and **SECONDED** by Haverfield to **award the bid and authorize the Mayor to sign contract for the Airport Sewer Extension to Big Bite in the amount of \$41,820.50.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

Item #5-2. - Mayor Kling presented the request to **approve** the requested **Right-of-Way Encroachment** for the **Greater Life Church** property located at **504 S Diamond Street** and allow the Mayor to sign the attached Encroachment Agreement.

Tom Points presented a staff report explaining that the Greater Life Church, located at 504 S Diamond Street, is requesting a right-of-way encroachment agreement for site improvements including repair of existing stairs to the basement level of the structure and relocation of an exterior pedestrian ramp (see Exhibit A-1). The following facts are associated with this request:

- The existing stairs and ramp in question currently encroach into the public right-of-way without an active agreement. Approving the request for an encroachment agreement at this time will correct existing code compliance related to encroachments within the public right-of-way.
- The City of Nampa does not own or maintain any utilities within the area of existing/requested encroachment.
- The amount of encroachment into the public right-of-way will not increase as a result of the requested agreement.
- Legal has reviewed and approved the standard encroachment agreement.
- Given the above facts, the Engineering Division supports this request.

MOVED by Haverfield and **SECONDED** by Rodriguez to **approve the requested Right-of-Way Encroachment** for the **Greater Life Church** property located at **504 S Diamond Street** and allow

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the Mayor to sign the attached Encroachment Agreement. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-3. - Mayor Kling presented the request to **authorize** the **Mayor** and **Public Works Director** to **sign** the **Contract** with ACS to provide design-build services for the Pressure Irrigation Supervisory Control and Data Acquisition (SCADA) projects (FY19) in the amount of **\$80,589.00** (T&M N.T.E.).

Tom Points presented a staff report explaining that as part of the Nampa City's Asset Management program, Engineering and Waterworks are developing Supervisory Control and Data Acquisition (SCADA) improvements for the city-wide Pressure Irrigation (PI) system.

The project will add SCADA to critical PI sites to remotely monitor and record pump operations and water use data.

City of Nampa Consultant, Advanced Control Systems (ACS) was selected for this work and with the use of a design-build document prepared by the Nampa City Attorney (see Exhibit C). This document was used due to the specialized materials and work to be performed. SCADA systems are unique as a product.

The SCADA improvements were selected to be installed at four main pump stations Creekside, Midland Park, Kensington II and Lava Springs stations (see Exhibit A).

Four pump stations will be upgraded with control panels, antenna, cables, and radios to begin collection of data.

ACS provided a scope of work and labor estimate for design-build services in the amount of \$80,589.00 (T&M N.T.E.) to complete design, installation, programming and commissioning of the four sites (see Exhibit B).

The project has an approved FY19 Water Division budget of \$216,000.

Design will begin immediately, and construction will take place in the fall of fiscal year 2019.

Engineering staff recommends authorization of the Design-Build Construction Agreement with ACS for the SCADA projects.

MOVED by Bruner and **SECONDED** by Skaug to **authorize** the **Mayor** and **Public Works Director** to **sign** the **Contract** with **ACS** to provide design-build services for the **Pressure Irrigation Supervisory Control and Data Acquisition** (SCADA) projects (FY19) in the amount

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of **\$80,589.00** (T&M N.T.E.). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-4. - Mayor Kling presented the request to **authorize** the **Mayor** to **Sign Federal Aviation Administration Grant Offer** and Sponsor Certifications for Airport Improvement Program (AIP-31) Construct Hangar Taxi lanes and Taxiways at Nampa Municipal Airport.

Tom Points presented a staff report explaining that in December 2018 the Federal Aviation Administration (FAA) requested a grant application and sponsor certifications for AIP-31 (*Airport Improvement Program*).

AIP-31 is for the Construct Hangar Taxi lanes and Taxiway project at the Nampa Municipal Airport (see vicinity map, Exhibit A)

- The project is anticipated to take one month to complete
- Construction is scheduled to begin August 5, 2019

The total anticipated project cost is \$718,722.36

- FAA grant is 90% \$646,850.00
- State grant is 5% \$ 35,936.12
- City match is 5% \$ 35,936.24

Grant match is from the approved fiscal year 2019 Nampa Municipal Airport budget.

In December 2018, Nampa City Council authorized the Mayor to sign the FAA Grant Application and Sponsor Certifications for AIP-31.

On June 25, 2019, the Airport Commission met to review the grant offer and sponsor certifications.

Recommendation was made to request Nampa City Council authorize the Mayor to sign the FAA Grant Offer and Sponsor Certifications for Grant AIP-31 (see Exhibit B).

MOVED by Hogaboam and **SECONDED** by Haverfield to **authorize** the **Mayor** to sign **Federal Aviation Administration Grant Offer** and Sponsor Certifications for Airport Improvement Program (AIP-31) Construct Hangar Taxi lanes and Taxiways at the Nampa Municipal Airport. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-5. - Mayor Kling presented the request for the **appointment** of **Nathan Cleaver** to **Board of Appraisers** as Citizen at Large.

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Tom Points presented a staff report explaining that due to an open seat, a press release was issued on June 12, 2019, seeking a new citizen at large for the City of Nampa's Board of Appraisers (BOA). Interested Nampa residents were invited to apply.

The BOA is comprised of three (3) City of Nampa staff, as well as three (3) citizens at large who are appointed by the Mayor and confirmed by the Nampa City Council. Citizens serve on a rotational basis with staggered four-year terms. The Board recommends all water, sewer and irrigation rates, charges and/or fees, conduct hearings, and hear appeals from Nampa utility customers. BOA decisions must be presented to Council for approval.

One application was received and reviewed by two Public Works Department staff members. Staff is pleased to make a recommendation for Nathan Cleaver, P.E., (see Attachment 1) to serve as a citizen at large for the BOA. Nathan is a good citizen, engaged in the community, and a good steward of funds in Nampa.

If you concur with staff's recommendation of Nathan Cleaver to serve as a citizen at large for the Board of Appraisers, we respectfully ask your appointment before Nampa City Council for confirmation.

MOVED by Rodriguez and **SECONDED** by Hogaboam to approve the **appointment of Nathan Cleaver to the Board of Appraisers as a Citizen at Large**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

❖ (7) Unfinished Business

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

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS **3500 E. GREENHURST ROAD**, COMPRISING APPROXIMATELY 1.33 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE **ANNEXED** INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE RD (TWO-FAMILY (DUPLEX) RESIDENTIAL) ZONE; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF

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IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Roberta Konzek)

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 **4450** and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, **VACATING** THE TEN (10') FOOT **PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT**, LOCATED ALONG THE WEST AND SOUTH SIDES OF LOT 2, BLOCK 2, WITHIN THE **BROADMORE COMMERCIAL PARK FIRST ADDITION SUBDIVISION** PLAT, AND OF THE FIVE (5') FOOT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT, LOCATED ALONG THE WEST SIDE OF LOT 1, BLOCK 2 OF SAID SUBDIVISION, LOCATED IN THE CITY OF NAMPA, IDAHO, MORE PARTICULARLY DESCRIBED BELOW, AND 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 Richard Evans representing AgEquity, LLC)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Bruner and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4451** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-3. – The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, **VACATING** THE REMAINING TWENTY-TWO (22') FOOT PORTION OF THE THIRTY-TWO (32')

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FOOT **GREENBELT EASEMENT** RUNNING ALONG THE EASTERLY BOUNDARY OF THE PROPERTY COMMONLY KNOWN AS **1024 AUGUSTA DRIVE**, IN THE CITY OF NAMPA, IDAHO, WHICH PORTION IS MORE PARTICULARLY DESCRIBED BELOW, AND 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 Bryan Crookham)

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 **4452** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-4. – The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, **VACATING** A TWENTY-FIVE (25') FOOT WIDE BY APPROXIMATELY 1,569 FOOT LONG UNDEVELOPED PORTION OF THAT CERTAIN **RIGHT-OF-WAY** KNOWN AS **WILSON 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 Heartland Townhomes Property Management LLC)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Hogaboam and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4453** and directed the Clerk to record it as required.

MOTION CARRIED

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

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AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL **AMENDING ORDINANCE NO. 4435** OF THE CITY OF NAMPA, PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, ON THE 6TH DAY OF MAY 2019, BY AMENDING EXHIBIT A OF SAID ORDINANCE TO FIX CLERICAL ERRORS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

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 **corrected Ordinance No. 4435** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 8-1. 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)**
- 8-2. 1st reading of ordinance for Annexation and Zoning to BC at 0 Star Rd (Parcel R3036301200) on the south side of Ustick Road, east of Star Road, for access to Nampa City utilities for a mixed-use development. (A 4.72-acre parcel situated in the NW ¼ Section 5 T3N R1W BM, Tax 99106 in Lot 4) for Matt Garner representing JABR, LLC (Justin Reynolds and Alan Bean). (ANN-00112-2019) **(PH was 4-15-2019)**
- 8-3. 1st reading of Ordinance for Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) and Conditional Use Permit for a Towing Business at 3315 Caldwell Blvd. (A .9 acre or 39,204 sq. ft parcel being Tax 4-A in Block 1, Portner Subdivision in the NW ¼ Section 7 T3N R2W BM), for Byron Healy. (ZMA-00106-2019, CUP-00138-2019) **(PH was 6-17-2019)**

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❖ (9) Executive Session ❖

Item #9-1- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (j) to consider labor contract matters authorized under section 67-2345A [74-206A] (1)(a) and (b), Idaho Code.

MOVED by Haverfield and **SECONDED** by Rodriguez to **adjourn** into **executive session** at 6:45 p.m. pursuant to Idaho Code 74-206 (1) (j) to consider labor contract matters authorized under section 67-2345A [74-206A] (1)(a) and (b), Idaho Code. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Mayor Kling conclude the executive session at 7:16 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (j) to consider labor contract matters authorized under section 67-2345A [74-206A] (1)(a) and (b), Idaho Code.

❖ (6) Public Hearings ❖

Item #6-1. - Mayor Kling opened a **public hearing** for **annexation and zoning** to RS6 (Single Family Residential – 6,000 sq. ft.) at **TBD High Ave.** (A .84 acre or 36,438 sq. ft. portion of the SE ¼ of the SE ¼ of Section 20, T3N, R2W, BM) for **Mark and Alina Kondratyuk** for construction of single-family homes (ANN 120-19)

Mark Kondratyuk, 318 Cemetery Road, Middleton presented the request.

Councilmember Haverfield asked a question.

Principal Planner Rodney Ashby presented the following staff report explaining that the request is for annexation and zoning to RS 6 (Single Family Residential – 6,000 sq. ft.) for parcel #1612701000, at the western terminus of High Ave approximately one-hundred-thirty feet (130') west of N Joseph Dr in Nampa, Idaho for construction of 2 single-family homes. To construct two single-family homes in an in-fill development.

General Information

Planning and Zoning History: The property is a .84-acre portion of a 19.2-acre enclaved area. The applicant has requested annexation and zoning in order to split the parcel into two (2) lots and construct a single-family home on each lot. The Nampa Planning & Zoning Commission, during their regularly scheduled public hearing of 6/11/2019, voted to recommend approval of the above referenced request, with the following conditions:

Generally:

1. Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by Nampa City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the Nampa City’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property; and,

Specifically:

1. A recorded cross access/shared driveway, and utility easement will be required that details each parties’ responsibilities for maintenance of the shared access.
2. Each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance. Owner may opt out have services stubbed to each parcel at his own expense ahead of building permit application and issuance.
 - a. Owner option to have utility stubs constructed prior to building permits. This will require inspection by Nampa City Engineering and or Nampa City Plumbing inspectors.
3. Access (west end of High Avenue) shall be improved with curb, gutter, sidewalk/drive approach, storm drainage designed and connection to existing catch basin, and necessary asphalt.
4. A license agreement shall be obtained from the Nampa & Meridian Irrigation District regarding the Joseph Drain.

Status of Applicant: Owner. **Annexation Location:** 0 Lone Star Rd; a .84 acre or 36,438 sf portion of the SE ¼ of the SE ¼ of Section 20, T3N, R2W, BM). **Proposed Zoning:** RS 6 (Single Family Residential – 6,000 sq., ft.). **Total Size:** Approximately .84 acre or 36,590 sf. **Existing Zoning:** County R2 (Medium Density Residential). **Comprehensive Plan Designation:** Medium Density Residential. **Surrounding Land Use and Zoning:** North- Single Family Residential, City RS 6 - South- Enclaved Single Family Residential, County – R2 - East- Single Family Residential, City- RS 6 - West- Enclaved Single Family Residential, County – R2. **Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits at its north and east boundaries. The parcel is part of a 5-parcel, 19.2-acre enclaved area. **Existing Uses:** Vacant parcel next to Joseph Drain.

Special Information

Public Utilities: 6” water main in High Ave. - 8” sewer main in High Ave. - 2” irrigation line on north and east property line. **Public Services:** Police and fire already service city incorporated

areas near the location. **Physical Site Characteristics:** Existing rural residential parcel used for agricultural purposes and no other development. **Transportation:** Access to the property is from High Ave. When split, both properties are proposed to be access via a common/shared drive. A shared use agreement is anticipated. **Correspondence:** No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to RS 6. The Nampa Highway District #1 had no comment. The City of Nampa Engineering Division did not oppose the application, but requested the following conditions, as outlined in their May 28, 2019 memo (attached exhibit):

1. Record a cross access maintenance agreement for shared drive.
2. Each parcel shall be provided each city utility prior to development.
3. Access shall be from the west end of High Avenue, and shall be improved with curb, gutter, sidewalk/drive approach, storm drainage designed and connection to existing catch basin, and necessary asphalt.

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:

- 1) The requested annexation parcel connects with the city limits along its north and east boundaries. The parcel is part of a 5-parcel 19.2-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 owner requested annexation and zoning to RS 6 to develop the property as two separate parcels with single-family homes on each parcel.

Recommended Conditions of Approval

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

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1. A recorded cross access/shared driveway, and utility easement will be required that details each parties' responsibilities for maintenance of the shared access.
2. Each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance. Owner may opt out have services stubbed to each parcel at his own expense ahead of building permit application and issuance.
 - a. Owner option to have utility stubs constructed prior to building permits. This will require inspection by Nampa City Engineering and or Nampa City Plumbing inspectors.
3. Access (west end of High Avenue) shall be improved with curb, gutter, sidewalk/drive approach, storm drainage designed and connection to existing catch basin, and necessary asphalt.

Councilmembers Haverfield asked questions.

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

Applicant gave additional information.

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

MOTION CARRIED

MOVED by Levi and **SECONDED** by Hogaboam to **approve the annexation and zoning** to RS6 (Single Family Residential – 6,000 sq. ft.) at **TBD High Ave.** (A .84 acre or 36,438 sq. ft. portion of the SE ¼ of the SE ¼ of Section 20, T3N, R2W, BM) for **Mark and Alina Kondratyuk** for construction of single-family homes with staff conditions and authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-2. - Mayor Kling opened a **public hearing** for **annexation and zoning** to RML (Limited Multiple-Family Residential) at **1111 E. Iowa Ave.** (A .34 acre or 14,938 sq. ft. portion of NE ½, SE ¼ Section 34, T3N, R2W, BM) for Anthony Sparks for construction of a Fourplex. The Planning and Zoning Commission recommended RD Zoning (ANN 121-19)

Marla Carson, 725 East 2nd Street, Meridian presented the request.

Councilmember Levi asked a question.

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Planning and Zoning Director Norm Holm presented the following staff report explaining that the request is for annexation and zoning to RML (Limited Multiple-Family Residential) at 1111 E. Iowa Ave. for Anthony Sparks for construction of a Fourplex. Applicant indicates that his purpose is to improve the property with a fourplex in-line with the neighboring and surrounding properties.

General Information

Planning and Zoning Commission Recommendation: The Planning & Zoning Commission voted to recommend to the Nampa City Council denial of the requested RML zoning proposal and recommended approval of the Annexation with Zoning to RD instead, subject to the below specified conditions. **Zoning and Planning History:** Presently situated in the County with Single Family Residential use. **Status of Applicant:** Owner. **Annexation Location:** 1111 E. Iowa Ave. (A portion of NE ½, SE ¼ Section 34, T3N, R2W, BM. **Requested Zoning:** RML (Limited Multiple-Family Residential), but the Commission voted to recommend denial of the RML zoning request and approval of RD (Two-Family) Residential zoning for the parcel. **Total Size:** Approximately .34 acre or 14,938 sq. ft. **Existing Zoning:** County R2 (Medium Density Residential). **Comprehensive Plan Designation:** Employment Center, but surrounded on north, west, and south sides by Medium Density Residential. Interpreted to be stretchable to be in the Medium Density Residential classification. **Surrounding Land Use and Zoning:** North- Single Family Residential; RD (Two Family Residential) - South- Single Family Residential; RS6 (Single Family Residential – 6,000 sq. ft.) - East- Single Family Residential; Enclaved County R2 (Medium Density Residential) - West- Fourplexes; RD. **Applicable Regulations:** For a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits on its west and south sides. The parcel is part of a rather large enclaved area enclosed in the city by the annexation of S. Powerline Rd. **Existing Uses:** Single family residential parcel with single family dwelling.

Special Information

Public Utilities: 8” water main in E. Iowa Ave. - 8” sewer main in E. Iowa Ave. - No city irrigation service directly available to the parcel. **Public Services:** Police and fire already service city incorporated areas near the location. **Physical Site Characteristics:** Larger residential parcel with single family dwelling. **Transportation:** Access to the property is from E. Iowa Ave.

Correspondence and Public Hearing Testimony: No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to RML. Arly and Tiffany Wilson of 1119 E. Iowa Ave. expressed their opposition to annexation and zoning to RML or RD. They were mostly concerned about additional traffic, complaints to Police concerning problems with fourplexes, trespassing of apartment dwellers, and trash accumulation. They recommended single level structures only.

Staff Findings and Discussion

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The location is interpreted as being stretchable to be considered Medium Density Residential on the comprehensive plan future land use map.

The requested RML zone is not an eligible zone under the existing Medium Density Residential comprehensive plan land use setting. The actual residential density for a fourplex on the subject property after the E. Iowa Ave. right-of-way dedication would be 14.52 units/acre which is substantially beyond the allowable residential density for the Medium Density Residential setting of up to 9 units/acre. The most appropriate zone for this annexation request is therefore RD Two Family Residential, as recommended by the Planning and Zoning Commission.

If the Nampa City Council accepts the Planning and Zoning Commission recommendation for RD zoning rather than RML zoning the following findings are suggested:

- 1) The requested annexation parcel connects with the city limits on its west and south lines.
- 2) The parcel is part of a rather large enclaved area enclosed in the city by the annexation of S. Powerline Rd.
- 3) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed with RD zoning.
- 4) The property owner requested annexation and zoning to RML for the establishment of a fourplex on the property.
- 5) The proposed RML zoning does not conform with the city's comprehensive plan future land use map for medium density residential land use.
- 6) The RD (Two Family Residential) zone does conform with the city's comprehensive plan future land use map for medium density residential land use and would allow for the construction of a triplex rather than a fourplex on the subject property.

Recommended Conditions of Approval

Staff recommends that the Nampa City Council accept the Planning and Zoning Commission recommendation for approval of the Annexation and Zoning to RD rather than RML subject to the following engineering required conditions:

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- 1) At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current Nampa City Policy and Master Plans. These improvements will include, but not be limited to-
 - a. Sewer main and service(s)
 - b. Water main and service(s)
 - c. Pressure Irrigation main and service
 - d. Storm drainage-both on and off-site
 - e. Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
- 2) Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
 - a. Domestic Well - the Idaho Department of Water Resources
 - b. Septic Systems – Southwest District Health Department
 - c. Copies of all related documents certifying that the well and septic systems have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.
- 3) Right-of-way dedication – Required
 - a. East Iowa Avenue - Functional Classification is a local road. Thirty-feet (30’) for half of a future sixty-foot (60’) right-of-way
- 4) At time of development or redevelopment, full frontage improvements are required and will include, but not be limited to-
 - a. Curb, gutter, and sidewalk
 - b. Pavement widening and striping as required
 - c. Landscaping as required
 - d. Storm drainage
- 5) If parcel is divided, each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance.

Mayor and Councilmembers asked questions and made comments.

No one appeared in favor of the request.

Those appearing in opposition to the request were: Arley Wilson, 1119 E Iowa Avenue; Tiffany Wilson, 1119 E Iowa Avenue.

The applicant presented a rebuttal to the items that were brought up.

Mayor and Councilmembers asked questions and made comments.

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Nampa City Attorney, Maren Erickson, gave the legal action that council could approve or deny.

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Hogaboam to **deny the request for the RML zoning and approve the annexation and zoning** to RD at **1111 E. Iowa Ave.** (A .34 acre or 14,938 sq. ft. portion of NE ½, SE ¼ Section 34, T3N, R2W, BM) for Anthony Sparks for construction of a Fourplex with staff recommendations and authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Skaug, Hogaboam, Haverfield voting **YES**. Councilmembers Bruner, Levi voting **NO**. The Mayor declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Hogaboam to **adjourn the meeting** at 8:02 p.m. The Mayor declared the

MOTION CARRIED

Passed this 5th day of August 2019.

MAYOR

ATTEST:

NAMPA CITY CLERK