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 Haverfield and SECONDED by Bruner to approve the Consent Agenda as presented; Item #1-1. - Regular Council Minutes of November 4, 2019; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes of October 14, 2019; Planning & Zoning Commission Minutes of October 22, 2019; Library Commission Minutes; Council on Aging minutes of October 8, 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 Final Plat Approval for Fall Creek Subdivision No. 4 in an RS-7 (Single Family Residential – 7000 sq. ft) zoning district at the southeast corner of Ustick Rd and Madison Ave. (64 Single Family Residential dwellings on 18.75 acres for a 3.41 average dwelling units per gross acre – Located in a portion of Government Lot 2 and a portion of the NE ¼ of Section 3 T3N R2W BM), for Kent Brown representing Challenger Development (SPF-00108-2019); 2) Subdivision Plat Short Approval for Arbor Court Subdivision in a RS6 (Single Family Residential – 6000 sq. ft.) zoning district at 424 W Greenhurst Road (4 Single Family detached lots on .658 acres for 6.08 average dwelling units per gross acre - A part of the SW ¼ SE ¼ Section 33, T3N, R2W, BM) for Lindquist Properties LLC (SPS-00025-2019); Item #1-4. - Authorize Public Hearings: 1) Zoning Map Amendment from RD (Two-Family Residential) to BC (Community Business) at 1511 7th St. So. (A .11 acre or 4,792 sq. ft. part of the NE ¼ of Section 27, Township 3 North, Range 2 West, BM being the SE 50 ft of Lots 1 and 2, Block 5, Interstate Additions) for Dr. Brian Thomas, Nampa First Church of the Nazarene for a Medical and Counseling Clinic (ZMA 113-19); 2) Annexation and Zoning to RMH (Multiple-Family Residential) for Townhomes at 622 N. 44th Street (A 2.02-acre parcel located in the NE ¼ NE ¼ of Section 24, T3N, R2W, BM, Canyon County, Idaho) for Mason and Associates representing Sun Peak Development LLC (ANN-00133- 2019); Item #1-5. - Authorize to Proceed with Bidding Process: 1) None; Item #1-6. - Authorization for execution of Contracts and Agreements: 1) None; Item #1-7. - Monthly Cash Report: 1) None; Item #1-8. - Resolutions: 1) None; Item #1-9. - License for 2019: a) Renewal Alcohol: 1) None; b) New Alcohol: 1) None; Miscellaneous Items: 1) None. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the MOTION CARRIED

❖ (2) Proclamation ❖

Item #2-1 – Small Business Saturday

Whereas, the government of Nampa, Idaho, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States...
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represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and

Whereas, small businesses employ 47.3 percent of the employees in the private sector in the United States; and

Whereas, 94% of consumers in the United States value the contributions small businesses make in their community; and

Whereas, 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

Whereas,

Whereas, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

Whereas, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

Whereas, Nampa, Idaho supports our local businesses that create jobs, boost our local economy and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday

Now Therefore, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim Saturday November 30th, 2019 to be:

“SMALL BUSINESS SATURDAY”

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 4th day of November in the year of our Lord two thousand nineteen.

Jay Snyder, Main Street Manager explained that on Saturday November 30 Nampa will be participating and celebrating the 10th Anniversary of Shop Small Saturday, established in 2010 Shop Small Saturday is designed as a day to show our collective support as small independent
businesses and pay attention to the valuable and distinct contributions that they make to our community and into our local economy.

**Mayor Kling** asked if there was any Nampa Residents wishing to speak on any agenda item (5 persons limit) or any non-agenda item (5 persons limit) (3 minutes limit). Comments related to Zoning and Land Use matters may only be made during properly noticed public hearings:

- None

**Mayor Kling’s and Council Comments**

- **Mayor**
  - Congratulation to Sandi Levi, Darl Bruner and Jacob Bower
  - November 30, 2019 Christmas Tree Lighting Downtown
  - Market Downtown – Lloyds Square
- **Councilmember Bruner**
  - Mayors CUP basketball game with CWI

**(3) Agency/External Communications**

**Item #3-1.** – Census Presentation – The Road to 2020

Why we do a Census

**Article 1, Section 2 of the US Constitution**
The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

Key Purpose is Apportioning the US House of Representatives

Why does the 2020 Census Matter?

**Power**
- Congressional representation
- Reapportionment & redistricting

**Money**
- $675 billion distributed annually
- Funding distributed based on population

**Idaho**
- In 2010 over $2.4 billion each year to the State
- $1,473 approx. per Idahoan counted

**Federal Funding**
Census data informs how $675 billion is distributed annually among local, state, and tribal governments for programs like:
- Transportation
- Job training centers
- Schools (Title 1 Grants, National School Lunch Program, Head Start/Early Head Start)
- Senior and Foster Care Centers
- Housing (Section 8 housing choice vouchers)
- Medical Assistance Programs (Medicaid, Medicare)

**Impact to Idaho**

360,000 +
Estimated net undercount in 2020 based on 2010 Census

$1,473
Potential per person Federal funds available
$531+ Million  
Amount of Money we stand to lose annually

New Ability to Self-Respond starting March 23, 20202

We are making it easier to respond with technology.

- For the first time, people will have multiple ways to self-respond – online, by phone, or by mail – and full choice to opt for the mode with which they feel most comfortable.

- The Census Bureau will be encouraging individuals nationwide to respond whenever and wherever they are. This includes the ability for folks to respond on the go or at community events, even if they do not have the unique Census ID sent to their address.

Mailing process still being finalized in end-to-end test.

**Hard-to-Count Populations**
Where you can help
♦ Identify community organizations in your city that work directly with hard-to-count populations and who we can partner with to conduct outreach
♦ Incorporate census outreach and education efforts into your existing community engagements
♦ Collaborate with Idaho’s diverse stakeholders to deliver tried and tested messages

Recruiting
Recruiting Information for All Positions
www.census.gov/fieldjobs
www.usajobs.gov
www.2020census.gov/jobs
1-888-658-5564 (RCC recruiting hotline)

Contact Recruiting Associate to attend recruitment events in your area.

Item #3-2.- Health Nampa Impact Coalition – Jean Munchie and Tom Patterson presented the following presentation 2C Kids Succeed:

Adverse Childhood Experiences (ACEs)

A traumatic event in a child’s life from birth to 18 that can have a lasting effect well into adulthood.
“A strong graded relationship was found between the breadth of exposure to abuse or household dysfunction during childhood and multiple risk factors for several of the leading causes of death in adults.”

---

ACEx Pyramid

- **ABUSE**
  - Physical
  - Emotional
  - Sexual

- **NEGLECT**
  - Physical
  - Emotional

- **HOUSEHOLD DYSFUNCTION**
  - Mental Illness
  - Incarcerated Relative
  - Mother treated violently
  - Substance Abuse
  - Divorce
ACEs in Idaho

- Most commonly reported ACEs are poverty, divorce and broken homes, substance use and mental illness.
- Only four states have a higher prevalence of children with three or more ACEs than Idaho.
- US data for kids with score of 3 or more is 11%; Idaho is 15%.
- Idaho is in the early process of collecting more broad ACEs data.

Economic Impact is Significant

Pair of ACEs
Risk factors don’t have to be predictive factors with enough protective factors.

Resilience is the ability to cope when things go wrong. Resilience can also be described as bouncing back, or forward, after difficult times.

**Resilience Can be Built**

Key ingredient: The relationships children have with others who care about them.

- Social connections
- Knowledge of adolescent development
- Concrete support in times of need
- Cognitive and social-emotional competence
- Reduce stressors
- Safe, stable and nurturing environments

**Imagine what we can do together.**

Canyon County initiative that will serve as a catalyst to build healthy and resilient communities where resilient children can grow and thrive.

**(4) Staff Communications**

Mayor Kling moved the two staff reports around.

**Item #4-2.** – Police Chief Joe Huff presented updates on the following topics:

**International Police Chief Conference** – About two or three weeks ago I had the opportunity to go to the International Police Chief Conference and wanted to express my gratitude to the Council for letting me go there. There was three of us from the Police Department that went, Captain Shankel, Lieutenant McGuire and I; it was a first-class conference. I got to hear a class from the United States Attorney Bill Barr, the FBI Director and the President Trump was the keynote speaker. Got some great ideas and some programs that we are going to implement here at the City.

**New lieutenant** – On November 24 Jamie Burns will be our 5th and final lieutenant and that will make us fully staffed. He will oversee our community service officers, school resource program, the department range, animal control officers, our volunteers and our chaplain.

**Item #4-1.** – Public Works Director Tom Points and Deputy Public Works Director Nate Runyan presented a staff report to update the council on current projects as follows:
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Snow and Ice Control Plan – City staff held a kickoff meeting on October 28th to review and discuss the attached (see Exhibit A) City of Nampa Snow and Ice Control Plan (Plan). The Plan is intended to provide City staff, the public, and elected officials a guide to snow and ice control within the City. When winter conditions begin, the Plan provides a place to start but allows flexibility for staff to change and modify its response and communication when conditions warrant. It focuses on Street Division efforts but provides guidance when additional resources are needed, e.g., hired contractors and other Public Works Divisions. The Plan also creates a link between Streets Division and Parks Department efforts. A quick reference guide for Nampa citizens is also incorporated in the Plan which outlines City procedures, response, and communication to winter weather related conditions of City streets.

Water: Domestic and Irrigation Systems Updates -

*Domestic and Irrigation Main Line Asset Management*
As part of the Public Works Department Asset Management Program, pipe condition examinations are made on an ongoing basis. Results are mapped in the GIS system and tracked in the NEXGEN asset management software. This aids in the decision-making process for identifying annual pipe replacement. If pipe conditions warrant, immediate replacement can take place. These steps are also utilized when replacing valves and fire hydrants in the various zones.

*2019 Irrigation Season Water Quality Improvements*
Staff have received several inquiries regarding what utility customers gained by the 2016 irrigation rate increase. While the increase was based on funding the overall irrigation master plan, the following list provides some real improvements customers could have observed this season (for a map of these improvements, see Exhibit B):

1. Filter upgrades made to two irrigation pump stations:
   - Midland Park
   - Creekside
   These upgrades improve irrigation water quality. To date, there are eleven pump stations equipped with filters throughout the City.

2. Domestic intertie and backflow preventer for drought resiliency:
   - Well 11
   This domestic connection will be available to augment the irrigation supply. Currently there are six domestic interties within the system.

3. SCADA (Supervisory Control and Data Acquisition) installation on four irrigation pump stations:
   - Midland Park
   - Creekside
   - Lava Springs
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- Kensington 2

4. Continuation of pump rehabilitation/replacement maintenance program which included nine pump stations.

5. Completed transmission pipeline portion of the Midland Boulevard supply.

6. Completed Locust Lane Irrigation Pump Station; service began in August 2019.

7. Since 2016, the City has invested more than $500,000 per year in water quality upgrades with positive results and feedback from irrigation customers:

![](Irrigation Water Quality Complaints.png)

**Domestic Main Line Breaks for Fiscal Year 2019**
In fiscal year 2019 there was 24 domestic main line breaks; seven were contractor caused and 17 were caused over time by wear and tear. Domestic main line breaks are treated as emergency repair because often roadway damage and/or customer water service is impacted. Water Division staff respond to emergency repairs 7 days a week, 24 hours a day to complete needed repair and return service to customers. Domestic water main breaks for fiscal year 2019 are shown in the attached map (see Exhibit C).

**Irrigation Main Line Breaks for Fiscal Year 2019**
In fiscal year 2019 there was 19 irrigation main line breaks; one was contractor caused and 18 were caused over time by wear and tear. Water Division crews work diligently to make repairs in a timely manner; however, these repairs can take up to three business days as irrigation breaks are not considered emergencies. Irrigation main line breaks for fiscal year 2019 are shown in the attached map (see Exhibit D).

**Domestic Water Production**
In fiscal year 2019, 2,190,028,370 gallons were delivered:

**Irrigation Water Production**

In fiscal year 2019, 7,945,147,447 gallons were delivered:
Wastewater Program Update –

Funding

The cost of the Wastewater Treatment Plant (WWTP) Upgrades Phase II Project is estimated to be approximately $189,900,000.00 with an anticipated completion date of fall 2025. The project includes the following capital improvements:

- Construction of a new tertiary filtration facility
- Construction of a new aeration basin and blower building
- Construction of Final Clarifier No. 4, return activated sludge and waste activated sludge piping and pumping
- Construction of a struvite mitigation system
- Construction of an ultraviolet disinfection system
- Expansion of anaerobic digestion capacity and solids thickening and dewatering facilities
- Construction of pumping and conveyance of recycled water

In December 2018, the Idaho Department of Environmental Quality (IDEQ) committed $165 million from the Clean Water State Revolving Fund (CWSRF) loan program for the City’s WWTP Upgrades Phase II Project. IDEQ and the City entered into a loan agreement for the first installment, in the amount of $37,000,000 at 1.68 percent interest.

Earlier this month the City received the second installment of the CWSRF loan from IDEQ in the amount of $24 million, bringing the total loan issuance to $61 million. The remaining loan installments will align with the WWTP Upgrades Phase II capital expenditures.

Class A Recycled Water Program

The IDEQ published the City of Nampa’s Class A Recycled Water Draft Reuse Permit (Permit) on October 15, 2019. The public comment period is set to close November 29, 2019. The Permit includes industrial and irrigation uses for the Class A Recycled Water. The Permit limits for Class A Recycled Water, delivered to the Phyllis Canal, has a no temperature limit, 0.35 mg/l phosphorus limit, and 30 mg/l nitrogen limit. City staff have been working on public outreach for the past few months to inform the organizations that usually comment on these permits. Staff met with the Concerned Citizens of Canyon County, cities in the Treasure Valley, Riverside Irrigation District, Idaho Water Users Association, Environmental Protection Agency, Trout Unlimited, Idaho Conservation League, Lower Boise Watershed Council and Boise River Enhancement Network. If Nampa is successful in obtaining the Permit, it will be the first city in the state of Idaho to receive a reuse permit for discharge to a canal. The Permit and instructions to provide comments can be located on the IDEQ website at [https://www.deq.idaho.gov/news-public-comments-events/public-comment-opportunities](https://www.deq.idaho.gov/news-public-comments-events/public-comment-opportunities).
WWTP Phase II/III – Group F Design Build Project

On June 3, 2019, City Council unanimously approved the recommended project packaging and delivery approach of the WWTP Phase II Upgrades.

The largest project, Project Group F - Recycled Water System, will be delivered as a progressive design-build project and has an estimated cost of $100 million. The Group F Request for Qualifications (RFQ) was issued on September 30, 2019. Five design-build consultant teams submitted their Statement of Qualifications (SOQ) before the deadline of November 7, 2019. The teams are:

- CH2M Hill Engineers, Inc. (Jacobs)
- IMCO General Construction, Inc.
- Alberici/RSCI Joint Venture
- M.A. Mortenson Company
- Slayden Construction Group, Inc.

The SOQs will be reviewed by an evaluation committee consisting of the Mayor, City Council members, City staff, City legal counsel, and Nampa citizens. A recommendation to short-list three of the five firms will be made to City Council in December 2019. The approved short-listed firms will be requested to provide a second, more detailed proposal for additional review by the evaluation committee. Final recommendation will then be made to City Council in April 2020 to enter into an agreement to begin the Project Group F - Recycled Water System progressive design-build project with the selected consultant.

(5) New Business

Mayor Kling moved the following item on the agenda.

City Attorney Doug Waterman explained that this item is not a public hearing, I believe that there is going to be a staff report and then we are going to hear from the entity that is within 300 feet of the proposed license location. The license being issued here is governed by both city and state code, city code 5-2-11 says in part location and distance from schools and churches shall comply with title 23 state code. Title 23 of state code says no license shall be issued for any place that beer is sold or dispensed to be consumed on the premises that is within 300 feet of a school or church or any other place of worship measured in a straight line to the nearest entrance to the licensed premises except with the approval of the governing body of the municipality. Neither city code nor state code provides any particular criteria for when a waiver is appropriate the waiver is entirely discretionary in general however, it seems the law was passed by state legislator to avoid adverse consequences, there is an exception there the specific circumstances help to mitigate the adverse consequences.
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**Item #5-4.** - Mayor Kling presented the request to **authorize approval** of a **waiver** to allow a **beer and wine license** within 300 feet of a church or school for Hutchings Enterprises LLC dba **H & M Meats** located at **215 14th Avenue South**.

Economic Development Director Beth Ineck presented a staff report explaining that there are 5 churches within the downtown historic district occupying both historic church buildings and general commercial space. With the historic zero lot lines and a denser development pattern it makes it more difficult to achieve 300-foot buffers than it would in areas like our general commercial corridors on the Boulevard. In addition, during our community outreach and strategic planning the number one thing we continued to hear is a desire for more dining and entertainment establishments.

Mr. Hutchings, H & M Meat owner, we have basically created a small restaurant called the block, the purpose of the block was two things for us. (1) it was an opportunity to give Nampa another option that was service easy and family friendly (2) to create a way for my employees to have more hours during the day.

David Ferdinand spoke for the Bible Pentecostal Church and explained that the board met yesterday and unanimously voted to drop any and all action. They feel that it would be possibly a detriment to the church in regarding any future action that they might like to have with the city of Nampa toward the church or the property during the pending remodel or sale of the building. As in the past 9 years the church wants to remain a good neighbor to everybody.

Councilmembers asked questions and made comments.

**MOVED** by Bruner and **SECONDED** by Rodriguez to **deny the request for a waiver for H & M Meats**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

♦ **(6) Public Hearings** ♦

**Item #6-1.** - Mayor Kling opened a **public hearing** for **modification** of **First Amendment** to a **Development Agreement** between **Nampa North, LLC** and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a
portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC. The Planning and Zoning Commission recommended approval (DAMO 033-19).

Stephanie with KM Engineering LLP presented the request

Senior Planner Kristi Watkins presented the following staff report explaining that the request is for a modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary; pertaining to a 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM, Canyon County, Nampa, also referred to as Parcel #R3038701000 (hereinafter the “Property”)… for Nampa North, LLC, owner/KM Engineering, Kirsti Grabo.

**History:**

2005 – Annexation and Zoning to RS 8.5, Ordinance # 3522 (including a development agreement) - Approved and Effective 12/5/2005.

8/15/2017 – Rezone, Development Agreement Modification & Preliminary Plat for Lost River Subdivision – Rezone from RS 8.5 to GB 2, Ordinance #4354 – Approved and Effective 12/18/2017.

**Development Agreement Modification**

Criteria to guide the Council regarding a proposed Development Agreement Modification, in deciding whether to allow a Development Agreement Modification, are absent from state statute or City ordinance. Thus, approving -- or not -- this application becomes a purely discretionary matter/decision on the part of the City in reaction to this DA contract modification application. In other words, whether to approve or approve with some alterations is thus a subjective decision for the Council to make.

Attached, is a copy of Ordinance 4354 recorded on December 29, 2017 as Instrument # 2017-056504 which contains the Development Agreement referenced by this report. The request is to replace the portion of the previous Development Agreement that described the GB 2 zoned area of the development.
As per the applicant’s narrative, they would like “to revise the entitlement for the GB 2 portion of the project to accommodate a combination of single family attached residential product (townhomes) and 4-plexes.”

An approved Development Agreement, associated with an approved development plan, building style and type, and, density is already assigned to the Property (Ord. # 4354). That entitlement still runs with the land. The present application before the Council proposes a change to the original Agreement, including replacing the approved concept site plan (i.e., parking lot and building layout, building design/elevations) with the four-plex layout (as shown in the preliminary plat) and the townhome layout for the GB 2 zoned portion of the property.

The applicant will be required to prepare a new Development Agreement document for Council’s review prior to the adoption of the ordinance that will/would enact the Development Agreement Modification.

**Waiver Request**

The applicant is also requesting a waiver to modify the setback requirements in conjunction with these applications.

<table>
<thead>
<tr>
<th>GB 2 Zone</th>
<th>Current Setbacks</th>
<th>Proposed Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking and Building Setback Along Arterial or Collector Road</td>
<td>35’</td>
<td>35’</td>
</tr>
<tr>
<td>Parking and Building Setback Along Local Road (Front Setback)</td>
<td>15’</td>
<td>10’</td>
</tr>
<tr>
<td>Rear (Alley)</td>
<td>15’</td>
<td>15’</td>
</tr>
<tr>
<td>Interior Side Setback</td>
<td>5’</td>
<td>0’</td>
</tr>
<tr>
<td>External Side Setback for Interior Units</td>
<td>None Specified</td>
<td>3’</td>
</tr>
<tr>
<td>External Side Setback for End Units</td>
<td>None Specified</td>
<td>5’</td>
</tr>
</tbody>
</table>

“These proposed setbacks are common to developments of this nature and we do not foresee any negative impacts of the requested changes. As the townhome units will be rear loaded via the alley, the front setbacks do not need to accommodate driveways. Further, utility easements will be maintained in the alleyways for the townhomes and within the shared parking areas and /or between buildings for the 4-plexes.”
Further details are provided in the applicant’s narrative. Nampa City Council, by code 10-27-2H, has the right of approval for any waiver requests.

As this is a unique project and new product type for Nampa, staff supports the request for waiver of these setback requirements.

**Agency Comments in regard to the Development Agreement Modification**

Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package [received by noon November 13, 2019] is hereafter attached.

1. On September 12, 2019, an email from Eddy Thiel, Nampa Highway District #1, stated that NHD #1 has no comment; and,

2. On September 16, 2019, Neil Jones with the Nampa Building Department made a note in the EnerGov permitting program indicating they will require a top of foundation wall or finish floor elevation, on the construction drawings; and,

3. An email, dated September 17, 2019, authored by Cody Swander, Nampa Parks Department stating that Parks has no requests; and,

4. A September 24, 2019 letter from the Nampa & Meridian Irrigation District authored by David Duvall indicating that they have no comment on this phase of the Project; and,

5. A September 24, 2019 memorandum from the Nampa City Planner, Doug Critchfield in regard to the landscape plan with the following comments:
   a. Add to Keynote 8: For all developer and builder unspecified trees: Use Class I or Class II trees; and,
   b. Street Tree Requirements on Cherry Lane: A total of 52 deciduous Class I or Class II trees are required within the 25’ required landscaped buffer area. The plan specifies 36 deciduous trees in the buffer; and,
   c. Please resubmit landscape plans for approval; and,  
   *(Landscape Issues are Resolved and Approved)*

6. A September 26, 2019 memorandum from the Nampa City Engineering Division, GIS Section, authored by Alex Main indicating that changes are needed to include the name N Hounslow Way on Plat pages PP1.1 and P1.2; and,
An October 13, 2019, memorandum from the Nampa City Engineering Division, authored by Caleb Laclair indicates:

**Engineering Preliminary Plat Comments**

1. This subdivision is a part of the already approved Lost River Subdivision Preliminary Plat. This application is subject to all previous comments and conditions from the original Preliminary Plat.
2. The proposed subdivision changes the use of a portion of the original plat from commercial to attached single-family residential. The total number of residential units increases by approximately 30 from the original plat. An update to the Traffic Impact Study shall be provided to account for the change in land use and number of units and to verify if there are any corresponding additional traffic impacts.
3. The City’s water and sewer systems have adequate capacity to serve this property.
4. The originally planned irrigation well has been eliminated in favor of a new regional surface water irrigation pump station to be constructed in conjunction with the Spring Hollow Ranch and Silver Star Subdivisions. This pressure irrigation pump station shall be operational prior to the City Engineer signature of the Final Plat. Applicant shall work with the Spring Hollow Ranch and Silver Star Subdivision Developer’s to coordinate schedule and pressure irrigation system connection.
5. The project is proposing all onsite pressure irrigation main be private as all landscaping is intended to be maintained by the Homeowner’s Association. As a result, the CC&R’s shall clearly define that the City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment.
6. The Final Plat shall reflect public utility, cross access, shared parking, and drainage easements. Maintenance for all common access, parking, landscaping, irrigation, and drainage facilities shall be clearly defined in the CC&R’s, and the CC&R’s shall be referenced by note on the Final Plat.
7. Storm water calculations shall be updated to reflect the change in land use and drainage facility locations.

**Engineering Conditions of Approval**

1. Project is subject to all comments and conditions from the original Preliminary Plat application (SPP-00012-2017).
2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/reevaluation, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.
3. Utilities shall be constructed to and through the site at the time of property development/reevaluation, and at the sole expense of the Developer.
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4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

5. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.

6. Applicant shall provide an update to the projects Traffic Impact Study to account for the change in land use and increase in residential units. The Developer will be responsible to address all project triggered traffic mitigation, if any.

7. The required regional surface water irrigation pump station shall be fully operational prior to the City Engineer signature of the Final Plat

8. The Development CC&R’s shall be reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the Final Plat. The CC&R’s shall be referenced by note on the face of the Final Plat and recorded concurrent with the plat. The CC&R’s shall include language indicating:
   - The City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment. The HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City.
   - Maintenance responsibility all common access, parking, landscaping, irrigation, and drainage facilities.

8. P & Z Minutes dated October 22, 2019, pertaining to the 4-plex lots on the northwest side of the property. Increase setbacks and enhance landscaping. These items have been resolved according to the revised rendering. See P & Z minutes pages 12-15 and the revised rendering on page 32 of this staff report.

9. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

**Recommended Conditions of Approval**

Should the Commission vote to approve the Preliminary Plat request and recommend to the City Council that they approve the requested Development Agreement Modification application, Staff would recommend that the Commission consider imposing the following Condition(s) of Approval against the requests/Applicant(s):

**Development Agreement Modification/Rezone Based:**

1. Provide a new Development Agreement document, to include RECITALS, CONDITIONS and EXHIBITS:
   a. Concept for development layout, density, etc.,
i. Show setback dimensions on the concept plan to indicate the setbacks for construction of the future four-plex buildings; and,

**Plat Based:** Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

2. Place the four-plex structures 20’ feet from the south property line, as identified on the concept plan recorded in the Development Agreement; and, *(RESOLVED, see attached rendering)*

3. Provide enhanced landscaping along the southerly property line on the inside of the proposed six-foot fencing on the lot that includes the four-plex buildings; and, *(RESOLVED, see attached rendering)*

4. Provide revised street names as per memo from Alex Main; and,

5. Provide top of foundation wall or finish floor elevation, on the construction plans prior to final plat approval; and,

6. Project is subject to all comments and conditions from the original Preliminary Plat application (SPP-00012-2017).

7. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

8. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.

9. The required regional surface water irrigation pump station shall be fully operational prior to the City Engineer signature of the Final Plat

10. The Development CC&R’s shall be reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the Final Plat. The CC&R’s shall be referenced by note on the face of the Final Plat and recorded concurrent with the plat. The CC&R’s shall include language indicating:

   a. The City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment. The HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City.

   b. Maintenance responsibility all common access, parking, landscaping, irrigation, and drainage facilities.; and,

11. Provide a shared access agreement for the entire site; and,

12. Notes Correction(s): Developer’s engineer shall correct any spelling, grammar, punctuation and/or and numbering type errors that may be evident on the plat face and/or in the proposed plat development notes.
13. <Any other condition(s) as the Council sees fit to impose…>

Councilmembers asked questions and made comments.

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

The applicant representative answered Councils questions.

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 Skaug and SECONDED by Haverfield to approve the modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC with staff recommended 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 #6-2. - Mayor Kling opened a public hearing for development agreement Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition) for Dena and Jason Baker for a Legal Office. The Planning and Zoning Commission recommended approval subject to a Development Agreement to prohibit any of the otherwise allowed RP zone permitted uses determined by the Commission not to be compatible with the adjoining single-family residential land uses, as well as prohibiting all otherwise allowed Conditional Uses in the RP Zone (ZMA 112-19).

Dena Baker, 1324 11th Avenue South presented the request.

Councilmembers asked questions and made comments of the applicant.
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Councilmember Hogaboam asked if he needs to recuse himself because he is a member of the surrounding area. (no need to recuse himself)

Kristi Watkins presented the following staff report explaining that the request is for Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) for Dena and Jason Baker. Applicant states: “The property borders commercially zoned property. I would like the opportunity to operate my legal practice out of this property.” The applicant also indicated that besides herself 1 additional attorney and 2 other people for a total of 4 persons would be employed on the property. The applicant also indicates that around 5-8 persons would be present on the property most of the time, with an estimated occasional maximum of 10 persons.

General Information

Planning and Zoning Commission Recommendation: Approval, subject to the establishment of a Development Agreement to prohibit otherwise allowed RP zone permitted uses determined by the Planning and Zoning Commission not to be compatible with the adjoining single-family residential land uses, as well as prohibiting all code allowed Conditional Uses for the RP Zone.

Planning & Zoning History: Originally constructed and utilized as a single-family residential dwelling. The applicant and her husband use the dwelling as their primary residence and Mrs. Baker’s legal office would be conducted therein.


Applicable Regulations: Rezones or zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood. This requested zoning map amendment from RS6 to RP is reasonable as it complies with the adjoining General Commercial designation to the east under the map note: “The mapped boundary between two adjoining land use designations is considered flexible and may be interpreted as being stretchable to include the abutting parcels in the direction of either designation.”
## Residential Professional (RP) District Land Uses:
*(From Section 10-3-2 Schedule of District/Zone Land Use Controls)*

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Conditional Uses (CUP’s)</th>
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<tbody>
<tr>
<td>Advertising</td>
<td>Airport, heliports, landing fields, etc.</td>
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<tr>
<td>Animals, agricultural kept as pets2,4</td>
<td>Ambulance service</td>
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<tr>
<td>Animals, defined as pets</td>
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<tr>
<td>Arboretum</td>
<td>Bed and breakfast</td>
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<tr>
<td>Art gallery</td>
<td>Community center (subject to chapter 1 of this title)</td>
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<tr>
<td>Automobile parking lot/garage, private2</td>
<td>Convenience store</td>
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<tr>
<td>Bank/credit union</td>
<td>Dwelling, multiple family</td>
</tr>
<tr>
<td>Barber or beauty shop, day spa, nail salon</td>
<td>Exhibition hall</td>
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<td>Botanical garden</td>
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<td>Church or religious facility</td>
<td>Kennel, noncommercial</td>
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<tr>
<td>Civic &amp; religious facility</td>
<td>Library</td>
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<tr>
<td>Civic &amp; Cultural Accessory use or building1</td>
<td>Conditional Uses (CUP’s)</td>
</tr>
<tr>
<td>Commercial Accessory use or building1</td>
<td>Meeting hall</td>
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<tr>
<td>Commercial planned unit development (subject to chapter 26 of this title)</td>
<td>Mortuary and funeral</td>
</tr>
<tr>
<td>Communication, Utility, Transportation Accessory use or building1</td>
<td>Museum or planetarium</td>
</tr>
<tr>
<td>Construction trade/sales office (carpet, tile, fixtures, etc.)</td>
<td>Nursing home, assisted living center/home, retirement home, convalescent, geriatrics, Alzheimer’s care, hospice, group care home (9+ beds) or rest home</td>
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<td>Daycare/day nursery (commercial)3</td>
<td>Recreational vehicle park</td>
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<td>Drugstore or pharmacy</td>
<td>Restaurant (not drive-in, drive-through or walk-up)</td>
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<tr>
<td>Dwelling (combined with a business)2</td>
<td>Storage (including for RVs) space rental (open to the general public for business)</td>
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<tr>
<td>Dwelling, as place of occupancy for no more than 2 registered sex offenders living therein</td>
<td>Travel agency</td>
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<tr>
<td>Dwelling, condominium</td>
<td>Treatment center - alcoholism/ chemical dependency2</td>
</tr>
<tr>
<td>Dwelling, congregate residence</td>
<td>Utility owned building, structure or use</td>
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<tr>
<td>Dwelling, duplex (two-family)</td>
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<tr>
<td>Dwelling, fourplex (four-family)</td>
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<tr>
<td>Dwelling, single-family (move-on house)4</td>
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<tr>
<td>Dwelling, single-family attached, 2-unit, zero lot line5</td>
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<tr>
<td>Dwelling, single-family attached, 3 - 4-unit, zero lot line5</td>
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<td>Dwelling, single-family attached, multi-unit, zero lot line5</td>
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<tr>
<td>Dwelling, single-family including legal “group residences” as defined by this title and Idaho Code (1 per lot/parcel)4</td>
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<tr>
<td>Dwelling, triplex (three-family)</td>
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<td>Employment</td>
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<td>Finance and investment</td>
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<tr>
<td>Permitted Uses</td>
<td>Conditional Uses (CUP’s)</td>
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<td>-------------------------------------------------------------------------------</td>
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<tr>
<td>Flower gardening</td>
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<tr>
<td>Fraternity, sorority, dormitory, residence hall</td>
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<tr>
<td>Gardening (for home consumption)</td>
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<td>Golf course and country club</td>
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<td>Governmental emergency building (i.e., fire or police stations, including</td>
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<td>combined stations and satellite versions)</td>
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<td>Governmental office building or facility</td>
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<tr>
<td>Governmental water, pressure irrigation and/or sewer lift stations (including</td>
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<td>combined facilities and satellite versions thereof)</td>
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<td>Historic site or monument</td>
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<td>Home occupation (subject to chapter 1 of this title)</td>
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<td>Home occupation daycare (7 - 12 children)</td>
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<td>Insurance and related</td>
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<td>Laboratory, biochemical and X-ray</td>
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<tr>
<td>Laboratory, medical and dental</td>
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<td>Manufactured home (subject to chapter 29 of this title)</td>
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<td>Medical clinic and related services</td>
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<td>Park, playground or open space (subject to chapter 1 of this title)</td>
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<td>Pharmaceutical supply business</td>
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<td>Planned unit development (residential as subject to chapter 26 of this title)</td>
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</tr>
<tr>
<td>Planned unit development (subject to chapter 26 of this title)</td>
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<td>Professional office</td>
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<td>Real estate, title and related</td>
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<td>Recreation facility, indoor</td>
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<tr>
<td>Residential Accessory dwelling, attached</td>
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<tr>
<td>Residential Accessory dwelling, detached</td>
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<tr>
<td>Residential Accessory use or building (uninhabitable)</td>
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<td>School, academic/vocational, commercial (subject to chapter 1 of this title)</td>
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<td>School, public/nonprofit (subject to chapter 1 of this title)</td>
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<tr>
<td>Service &amp; Office Accessory use or building</td>
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<tr>
<td>Shelter or temporary home for care or lodging</td>
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</tr>
<tr>
<td>Sporting, Recreation, Amusement Accessory use or building</td>
<td></td>
</tr>
</tbody>
</table>
Regular Council  
November 18, 2019

<table>
<thead>
<tr>
<th>Storage (including for RVs) space (used exclusively inside an approved subdivision or PUD for residents therein as an amenity, not open to the general public for business, and not held/operated as a private business enterprise by a developer or other party)</th>
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</thead>
<tbody>
<tr>
<td>Studio (artist, interior decorator, photographer, etc.)</td>
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<tr>
<td>Swimming pool, indoor or outdoor public</td>
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<tr>
<td>Tennis court, indoor or outdoor public</td>
</tr>
<tr>
<td>Tourist information center</td>
</tr>
<tr>
<td>Veterinary</td>
</tr>
<tr>
<td>Welfare and charitable distribution</td>
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</tbody>
</table>

**Special Information**

**Public Utilities:** 8” sewer main situated in the adjoining alley to the east side of the property. - 6” water main situated in the adjoining alley to the east side of the property. - 4” irrigation main situated in the adjoining alley to the east side of the property and 12” irrigation main situated in 14th St. So. to the south side of the property. **Public Services:** All present.

**Transportation:** The property has frontage on 11th Ave. So. with driveway access and off-street parking to the existing garage structure from 14th St. So. Additional off-street parking may need to be provided prior to building/occupancy permit issuance for the legal office use. Enough yard area exists to the back of the lot off 14th St. So. for provision of more off-street parking.

**Environmental:** The rezone could influence the adjoining single-family residential property owners by reason of the additional traffic in the neighborhood generated by legal office clients.

**Correspondence:** No written correspondence has been received from any area property owners, resident or business owners regarding opposition to or support for the requested rezone from RS6 to RP either previously for the Planning and Zoning Commission hearing or for the City Council hearing.

**Staff Findings and Discussion**

Other parcels have been rezoned to the west of the alley between 12th Ave. So. and 11th Ave. So. from RS6 to BC previously at two locations between 11th St. So. and 14th St. So. If approved the subject parcel of this rezone from RS6 to RP would become the third area zoned to allow commercial or professional uses to the west of the alley at 11th Ave. So.

The City Council must determine if it is appropriate to further permit by this rezone an expansion of non-residential uses into the older single family established neighborhood west of the alley.

- One could argue that the requested rezone to RP it is an inappropriate encroachment of the existing RP zoning along both sides of 12th Ave. So. further west into the older established
single-family residential area. Under this interpretation the requested zoning map amendment would not comply with the existing Medium Density Residential Comprehensive Plan future land use map designation and the General Commercial designation would not be considered stretchable to include the area.

b. One could argue that the requested rezone to RP it is an appropriate extension of the existing RP zoning along both sides of 12th Ave. So. further west. Under this interpretation the requested zoning map amendment complies with General Commercial designation under the stretchable allowance as provided for on the Comprehensive Plan future land use map. (The Commission recommended approval under this option subject to a development agreement.)

If the City Council votes to accept the Planning Commission recommendation and votes to approve the rezone the following findings are suggested:

1) Rezone of the subject property to RP is reasonably necessary in order to allow the applicant to utilize the home for the establishment their legal practice.
2) Rezone of the subject property to RP is in the interest of the property owner and is interpreted to conform to the adopted comprehensive plan designation of General Commercial under the stretchable allowance provided for on the Comprehensive Plan future land use map.
3) The proposed Legal Practice use on the subject property will be reasonably compatible with the existing commercial/office uses already established in the 11th Ave. So./12th Ave. So. area.
4) Section 10-2-5 allows a rezone or zoning amendment application to be processed in connection with the execution of a development agreement. Through such agreements a property owner or developer may make written commitments concerning the use or development of a subject parcel in exchange for the change of zoning requested. Commitments made under such agreements are in addition to the regulations provided for in the zoning district by ordinance and are established to assure compatibility of the resulting land uses with the surrounding area. A development agreement could be used to prohibit any of the otherwise allowed RP zone permitted uses felt by the Planning Commission and City Council not to be compatible with the adjoining single-family residential land uses.

**Recommended Conditions of Approval**

If the City Council accepts the Planning and Zoning Commission recommendation to approve the zoning map amendment from RS6 to RP, the following conditions of approval are also recommended:

1) Establishment of a Development Agreement to prohibit otherwise allowed RP zone permitted uses determined by the Planning and Zoning Commission not to be compatible with the adjoining single-family residential land uses, as well as prohibiting all stated Conditional Uses
for the RP Zone. (Please see the highlighted permitted land uses in the above listings for the Residential Professional (RP) district that staff and Commission recommends being prohibited under the recommended development agreement.)

2) The Building Department requires permits and will require that the house be converted from residential to commercial for the office with all ADA requirements (ramp, doorways, restrooms, parking, accessible route, etc.).

Mayor Kling asked questions and made comments.

Councilmembers asked questions and made comments.

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

The applicant made comments to the questions that were asked.

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

MOTION CARRIED

MOVED by Rodriguez and SECONDED by Skaug to approve the development agreement Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition) for Dena and Jason Baker for a Legal Office. The Planning and Zoning Commission recommended approval subject to a Development Agreement to prohibit any of the otherwise allowed RP zone permitted uses determined by the Commission not to be compatible with the adjoining single-family residential land uses, as well as prohibiting all otherwise allowed Conditional Uses in the RP Zone concerning the parking in the side and the back if possible with staff conditions and authorize the City Attorney to draw the appropriate ordinance.

Councilmembers had discussion.

MOVED by Rodriguez and Councilmember Skaug did not second the motion and then Councilmember Bruner seconded the motion to amend the motion that in this zone the only approval will be to this business only any other business or entity would not be recommended at this time and approve the development agreement Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition)
for **Dena and Jason Baker** for a Legal Office concerning the parking in the side and the back if possible with staff conditions and authorize the City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with Councilmembers Hogaboam, Levi, Haverfield, Bruner, Rodriguez voting **YES**. Councilmember Skaug voting **NO**. The Mayor declared the **MOTION CARRIED**

♦ (5) New Business ♦

**Item #5-1.** - Mayor Kling presented the request to **authorize Facilities** to sign a **change order** for the **demolition** of the **bank drive through canopy** at Nampa Development Services Building (approved in FY20 budget)

Director of Building and Safety Patrick Sullivan presented the staff report explaining that as part of the remodel at the Nampa Development Services Center, Facilities Development has identified an opportunity to demolish the existing bank drive through canopy in order to provide additional parking and provide a continuous drive through lane connecting the parking areas on both sides of the canopy structure.

The primary reasons to demolish the structure is to expand the parking area and avoid future maintenance on the unused drive through canopy. We have determined that the structure will not easily accommodate a one level enclosed expansion to the building within the footprint of the canopy and costs to retrofit the canopy into office space would be higher than building a new addition in the future. The additional parking is necessary to accommodate both personal and city service vehicles.

The cost for demolition would be within the existing FY20 remodel budget and avoid the cost of re-roofing the 3,250 square foot structure and future maintenance costs. Facilities have requested a change order request for the demolition work and roofing credit. The estimated cost projection for demolition of the canopy including the roofing credit is estimated to be under $60,000. The change order will not require an extension to the remodel contract and will be within the original FY20 remodel budget.

This issue has been reviewed by the City Attorney’s Office and the Mayor.

**MOVED** by Bruner and **SECONDED** by Hogaboam to **approve the request** to issue a **change order** to **Excelsior Construction Company** to provide a credit for **re-roofing and demolishing** the **drive through canopy** at the Nampa Development Services Center Building, not to exceed the amount of **$60,000**. 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 **canvass** of votes from the **November 5, 2019** election.

<table>
<thead>
<tr>
<th>Nampa Municipal District No 002 Seat 2</th>
<th>Voting Statistics</th>
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</thead>
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<td>CO. TOTAL</td>
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Total # absentee ballots cast: 736
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<th>Jeff Comiles</th>
<th>Michael S. Gabbe</th>
<th>Santel Levi</th>
<th>Total Number of Registered Voters</th>
<th>Number Election Day Registrants</th>
<th>Total Number of Registered Voters</th>
<th>Number of Ballots Cast</th>
<th>% of Registered Voters That Voted</th>
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<td>32</td>
<td>104</td>
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<td><strong>1,679</strong></td>
<td><strong>1,007</strong></td>
<td><strong>3,678</strong></td>
<td><strong>37,792</strong></td>
<td><strong>439</strong></td>
<td><strong>38,231</strong></td>
<td><strong>7,053</strong></td>
<td><strong>18.4%</strong></td>
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Total # absentee ballots cast: 736
# Regular Council
November 18, 2019

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<tr>
<th>Nampa Municipal District No 002</th>
<th>Voting Statistics</th>
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<tr>
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<tr>
<td><strong>Precinct</strong></td>
<td><strong>Total Number of Registered Voters as of Cut-off Date</strong></td>
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<td>29-11</td>
<td>52</td>
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<td>154</td>
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<tr>
<td>82-13</td>
<td>181</td>
</tr>
<tr>
<td><strong>CO. TOTAL</strong></td>
<td><strong>3,749</strong></td>
</tr>
</tbody>
</table>

Total # absentee ballots cast: 736
MOVED by Haverfield and SECONDED by Rodriguez to approve the results of the November 5, 2019 election. 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 for discussion on whether to recommend the City Attorney draft and ordinance prohibiting the use of handheld electronic devise while operating a motor vehicle in the City of Nampa.

Councilmember Skaug presented a staff report explaining that the he was opposed to this type of thing until about two weeks ago and I was walking out of the donut shop and a lady had her cell phone up on top of her steering wheel and about ran me over and about a year or so ago that same thing happened to me at a red light. I represent a lot of people that get hit by people that are texting and driving and that is already prohibited, and I am seeing people when I go down the freeway in the slow lane using their hand-held electronic devices. I am in favor of this probation as an infraction for the City of Nampa to act on it.

Councilmember Bruner said that he is in favor of this ordinance passing as long as it can be enforced, that we are consistent with municipalities in our area.

Chief Huff said that honestly it is such a new law. I have read that I believe it is 4 cities in Idaho, I have their ordinances. I would assume it would be like the texting you have to observe it going on. My personal opinion right now would be to give it 6 to 8 months and see how some of the other cities are basically if the juice is worth the squeeze on it. I agree with Councilman Bruner that there is confusion on the laws right now you can drive in Canyon County with an open container of alcohol but once you drive into the Nampa city limits you can’t have an open container. I would like to see it from the state legislature that it is adopted statewide.

We do have a law on the books inattentive driving for that type of incident. It is a lot easier burden to prove. I don’t have to have someone to admit, if I wasn’t there to watch the accident happen or we didn’t have a wittiness, someone is looking down and changing the radio station and doesn’t have enough time to stop and rear ends a car or hits a car I can write them for the inattentive.

We have not enforced the texting that much this year. In 2019 year to date as of this afternoon we have only written 13 tickets. Following to close we have written 259 tickets and inattentive or careless driving we have written 230 tickets.

Councilmembers asked the chief questions.

Councilmember Levi looked up in the DMV Idaho handbook and under cellphones which is an area that they talk about distracted driving. In Idaho reading, writing, sending or receiving a
Regular Council  
November 18, 2019

written communication text messaging while driving is illegal and considered an infraction. It is already covered and taken care of there. I followed it up and spoke with Corporal Fryburghouser at the DMV he used to be a traffic officer and he said when you sign that to get your driver’s license in implies that you will follow the rules of the road. I would like to wait and see what happens in the future with some of our surrounding areas that are putting this into effect.

Councilmember Rodriguez asked the Chief questions on inattentive driving is when a person is not attentively driving and that involves a lot of issues, not paying attention to what you are doing. That is a misdemeanor you can have a complainant sign on that so if continue with an ordinance for the City of Nampa the only way to enforce that is you. (correct) Under the inattentive driving you could act on that. We have this on the books already. Questions were asked about the money comes back to the city.

Chief Huff made some comments and answered questions of council.

Mayor Kling made comments and said that the citizens seem to be in support of.

Councilmember Hogaboam said that he does not support the ordinance. There seems to be a lot confusion on what is being allowed. I would not like the use of the GPS system with tapping the location that you need. I support the spirit in which Councilman Skaug brings this to our attention and I also respect Chief Huff. I hope that the state legislator can do something, and I do want to protect my wife from tapping.

MOVED by Skaug and SECONDED by Bruner to direct the city attorney to make an ordinance consistent with the Meridian code that they just passed. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Skaug voting YES. Councilmember Hogaboam, Levi, Haverfield voting NO and the Mayor voted NO to break the tie. The Mayor declared the motion carried.

Item #5-5. and #5-6. – The following Ordinance was read by title and approve the summary of publication:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE UNDERLYING IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AND CHANGING THE BOUNDARIES THEREOF; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY. (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.
Regular Council  
November 18, 2019

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

MOVED by Haverfield and SECONDED by Bruner to pass the preceding Ordinance under suspension of rules and approve the summary of publication. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it 4471 and directed the Clerk to record it as required.  
MOTION CARRIED

Item #5-7. – The following Resolution was presented:

Tom Points presented a staff report explaining that the Environmental Compliance Division (ECD) as part of the City’s MS4 permit currently requires parties performing activities that disturb more than two cubic yards of soil to obtain an Erosion and Sediment Control Permit.

Upon recent review of surrounding jurisdictions policies regarding the threshold for requiring an Erosion and Sediment Control Permit it was determined that they have changed their requirements to allow up to ten cubic yards of soil to be disturbed before a permit is needed.

ECD has reviewed the impacts to the City that changing our requirements to be in line with those of the surrounding jurisdictions and recommends adopting this change.

A RESOLUTION OF THE CITY OF NAMPA, IDAHO, AN IDAHO MUNICIPAL CORPORATION, MODIFYING THE REQUIREMENT FOR AN EROSION AND SEDIMENT CONTROL PERMIT FOR SOIL DISTURBANCES OF TEN (10) CUBIC YARDS OR MORE INSTEAD OF TWO (2) CUBIC YARDS OR MORE.

MOVED by Haverfield and SECONDED by Rodriguez to pass the resolution amending the Erosion and Sediment Control Permit requirements from two cubic yards to ten cubic yards as outlined in Appendix C of the Engineering Process and Policy Manual. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the resolution passed, numbered it 54-2019 and directed the clerk to record it as required.  
MOTION CARRIED

Item #5-8. – The following Resolution was presented:

Tom Points presented a staff report explaining that the City of Nampa applied for and received Transportation Alternatives Program funding to extend the Grimes Pathway between Birch Lane and Karcher Road as well as between Franklin Road and 11th Avenue, (see Exhibit A).

Improvements include an extension of the Grimes Pathway, installation a crosswalk, pedestrian improvements, a bike pump station, and improved signage.
The State/Local Agreement must be executed between the City and the State. The Agreement includes the following key points, (see Exhibit B):

The City will pay $3,500 upfront for ITD administration fees which can be applied toward City match

The City will pay all costs for design. Construction will be reimbursed by ITD at 92.66%

The City, in cooperation with ITD, shall select a consultant, advertise for bids and let construction contract

All project cost overages to be paid by the City of Nampa. Note: The scope of the project will be adjusted to fit within budget, including contingency

The State shall enter into an agreement with the Federal Highway Administration covering 92.66% of the costs, up to $244,993.00 maximum

The estimated project costs are $264,400.00. Funding is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>TAP Federal Grant (92.66%)</td>
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<tr>
<td>City Match FY19 Parks (7.34%)</td>
<td>$19,407</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$264,400</strong></td>
</tr>
</tbody>
</table>

The project is programmed in COMPASS’ Transportation Improvement Program for construction in FY20.

The Parks Department has budgeted $20,000 to account for the match portion of the project construction costs.

Council approval of the State-Local Agreement will facilitate getting this important pathway extension project designed in FY20.

THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF NAMPA. HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF GRIMES CITY PATHWAY.

MOVED by Bruner and SECONDED by Haverfield to pass the resolution and approve the State/Local agreement (Design and Construction) and authorize the Mayor to sign the agreement. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the resolution passed, numbered it **55-2019** and directed the clerk to record it as required.

**MOTION CARRIED**
Item #5-9. - Mayor Kling presented the request for Council to award the bid and authorize the Mayor to sign contract for the Iowa Avenue Pedestrian Activated Crosswalk & Midland & Blaine Avenue Hawk Pedestrian Signal project. (Council must declare its reason for rejecting the apparent low bid of Hawkeye Construction) (approved in FY20 budget)

Daniel Badger presented a staff report explaining that through multiple funding applications the City was awarded Federal Funds to design and construct multimodal transit improvements around the City of Nampa.

Funding is through the Federal Transit Authority (FTA) Grant Program and administered by Valley Regional Transit (VRT). A subrecipient agreement amendment was awarded which included funds for project Key No. 19855 (Iowa Avenue Pedestrian Activated Crosswalk and the Midland Boulevard & Blaine Avenue HAWK Pedestrian Signal), (See Exhibit A, Vicinity Map).

Total estimated design and construction cost for Project 19855 is $579,000 with the federal allocation being $463,200 (80%) and the City’s match portion being $115,800 (20%). Two project sites are included as follows:

- Key No. 19855: Iowa Ave. Pedestrian Activated Crosswalk & Bike Lane - construct a Pedestrian Activated Crosswalk across W. Iowa Avenue, near Owyhee Elementary and construct pavement markings and signage for bike facilities along Iowa Avenue.
- Key No. 19855: Midland Blvd Pedestrian Hybrid Beacon & Blaine Avenue Bike Boulevard - construct a High-intensity Activated Crosswalk (HAWK) for the Midland Blvd crosswalk at Blaine Avenue and construct pavement markings and signage for bike facilities along Blaine Avenue.

The City’s match will be paid out of FY20 Streets Budget which were rolled over from the FY19 budget.

Construction is anticipated to begin in June 2020 with completion in August 2020.

The City received two bids for the Iowa Avenue Pedestrian Activated Crosswalk & Midland Boulevard & Blaine Avenue HAWK Pedestrian Signal project. The low bidder Hawkeye Construction failed to include the required listing of subcontractors; therefore, the lowest responsive bidder is Paul Construction, Inc. with a bid amount of $516,016.00. All necessary public bidding requirements appear to be satisfied. (See Exhibit B, Bid Tabulation)

Estimated project costs:

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<th>Description</th>
<th>Amount</th>
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<tbody>
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<td>Design &amp; Construction Inspection Services</td>
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<tr>
<td>Construction</td>
<td>$516,016.00</td>
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<tr>
<td><strong>Total Estimated Costs</strong></td>
<td><strong>$600,801.00</strong></td>
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</table>
The project as bid contains $50,000 the Miscellaneous Site Work bid item. This amount is a contingency for work outside of the scope of the bid that may arise during construction. The Engineering Division in managing the project will not authorize over $28,199 of work to be performed from the Miscellaneous site work bid item in order to stay within the project budget.

Engineering recommends awarding the contract to the lowest responsive bidder, Paul Construction, Inc., in the amount of $516,016.00.

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

Councilmembers asked questions.

MOVED by Haverfield and SECONDED by Skaug to award bid and authorize the Mayor to sign contract for the Iowa Avenue Pedestrian Activated Crosswalk & Midland & Blaine Avenue Hawk Pedestrian Signal project, Key Number 19855 with Paul Construction, Inc., in the amount of $516,016.00 knowing that they were not the low bidder since there was only two was non responsive by not providing the subcontractors that is required in a public works bid request they are not being considered for this award. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED

Item #5-10. - Mayor Kling presented the request to authorize the Task Order with Mountain Waterworks for professional services on the Irrigation Water Quality & Pump Station Evaluation project. (approved in FY20 budget)

Tom Points presented a staff report explaining that the City of Nampa has been installing filters at pump site locations to address water quality problems within the City’s pressurized irrigation system. Size and type of filters have been recommended within a Water Quality Report from 2014.

The project includes evaluating the Lava Springs, and Kensington II pump stations to determine a filter best suited for each site and design the site upgrades, (Exhibit A).

Mountain Waterworks has provided a Scope of Work to provide design services for irrigation filter upgrades at identified pump station sites, pump station improvements in the amount of $55,685 (Exhibit B)
The Irrigation Water Quality & Pump Station Evaluation project has an approved FY20 Water Division budget of $255,000:

Engineering Division has reviewed the Scope of Work and recommends approval of the task order for FY20 tasks to Mountain Waterworks in the amount of $55,685.

MOVED by Bruner and SECONDED by Haverfield to authorize the Mayor and Public Works Director to sign Task Order with Mountain Waterworks for professional services on Irrigation Water Quality & Pump Station Evaluation project in the amount of $55,685 (T&M NTE). The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Item #5-11. - Mayor Kling presented the request to authorize the Mayor and Public Works Director to sign contract with Core & Main LP for the Waterworks Materials Restock FY20 project. (approved in FY20 budget)

Tom Points presented a staff report explaining that the Waterworks Division performs the required maintenance and repairs for both the Domestic and Pressure Irrigation distribution systems.

Many of the repairs are due to mainline breaks and require immediate repair and therefore Waterworks needs to have the necessary materials on hand.

The Waterworks Division has identified a list of materials they need to re-stock their inventory.

The City solicited formal bids for the project and one (1) supplier responded. The apparent low bidder was Core & Main LP in the amount of $241,961.35.

The Waterworks FY2020 budget for this item is $200,000.00. Waterworks has identified additional funds from their Pipes & Fittings Budget to be used to cover the additional $41,961.35 required.

Engineering works directly with Operations for verification of delivery, invoicing and contract management.

Engineering Division staff recommend approval of the bid and award to Core & Main LP.

MOVED by Rodriguez and SECONDED by Haverfield to authorize the Mayor and Public Works Director to sign contract with Core & Main LP for the Waterworks Materials Restock FY20 project in the amount of $241,961.35. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED
Item #5-12. - Mayor Kling presented the request to authorize addition of DKS Associates to 2018-2020 Request for Qualifications First Choice Hiring Roster and Authorize Mayor and Public Works Director to Sign Miscellaneous Professional Services Term Agreement with DKS Associates.

Deputy Public Works Director Jeff Barnes presented a staff report explaining that the City of Nampa Public Works, Nampa Police, and Information Technologies (IT) Departments have partnered to develop a concept proposal introducing Intelligent Transportation System (ITS) and Video Managing and Monitoring System (VMMS) technology in the City.

The Public Works Department (PWD) will leverage ITS industry-tested traffic signal technologies to increase corridor capacity without the need of new and costly roadway infrastructure such as additional lanes. The PWD Street Division maintains 60 traffic signals in the City. ITS will provide central software and video monitoring to increase traffic progression along congested corridors. Operations staff can remotely monitor signal timing to reduce response times and improve overall level of service.

The Nampa Police Department (NPD) will utilize VMMS to improve response time to incidents and enact crime prevention strategies. Live feed video along corridors will provide incident and traffic monitoring for both the NPD and PWD. Video management software includes analytics to recognize crime locations and trends.

The Nampa Information Technology (IT) Department is providing policy oversight on how to deploy the new technologies and connecting these technologies to the City’s network.

DKS Associates is uniquely qualified to help design and deploy the ITS and VMMS system for the City. DKS have helped develop systems throughout the Northwest including Portland, Oregon; Bellevue, Washington, and the Treasure Valley.

DKS did not submit its Statement of Qualifications (SOQ) for consideration during the City’s 2018-2019 Request for Qualifications (RFQ) for consultant hiring rosters. As the selection process has passed, additional consultants can be considered for addition to the City’s first choice consultant hiring roster. DKS has submitted its SOQ (see Exhibit A) for consideration.

DKS’ SOQ describes their qualifications, project management team and pertinent experience.

The City’s PWD, NPD, and IT staff recommend adding DKS Associates to the 2018-2020 RFQ First Choice Hiring Roster and implementing the City’s Miscellaneous Professional Services Term Agreement in order to negotiate future scopes of work for consultant services with DKS.
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- On March 18, 2019, Council approved the renewal of Miscellaneous Professional Services Term Agreements for an additional fiscal year (2020)

MOVED by Haverfield and SECONDED by Rodriguez to authorize addition of DKS Associates to 2018-2020 Request for Qualifications First Choice Hiring Roster and authorize the Mayor and Public Works Director to sign Miscellaneous Professional Services Term Agreement with DKS Associates. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Item #5-13. - Mayor Kling presented the request to authorize the Mayor to sign and submit Letter of Support for the City's Class A Recycled Water Reuse Permit.

Tom Points presented a staff report explaining that the On March 18, 2019, City Council authorized Public Works Department to file the Class A Reuse Permit Application with the Idaho Department of Environmental Quality (IDEQ).

Benefits of the Recycled Water Program:
- Community Consensus: Identified by citizens as the best decision for Nampa, aligning with the City’s core values and benefiting the community
- Collaboration: Strengthening partnership with Pioneer Irrigation District; meeting water needs together since 1901
- Cost Savings: Reduced treatment costs, an innovative solution that meets all regulatory requirements and provides additional water for the City
- Conservation: The right water for the right use; nutrients left in the water are beneficial for irrigated areas and water is used locally rather than being sent downstream
- Commerce: Paving the way for future economic development; recycled water use can be expanded for industrial and commercial purposes

IDEQ published the City of Nampa’s draft reuse permit for public comment on October 15, 2019. The public comment period is scheduled to close on November 29, 2019. During the comment period interested parties can file comments on the draft permit.

The Wastewater Program Management Team have prepared comments on the draft permit, that have been included as Attachment A in the City’s Letter of Support (see Exhibit 1). The comments include:
- The City supports the proposed recycled water effluent limits at the discharge to Phyllis Canal for use as agricultural and municipal irrigation supply augmentation
The City of Nampa supports no discharge temperature limit. Phyllis Canal is an agricultural and municipal irrigation source. The intended uses are not affected by water temperature.

The City of Nampa supports a total nitrogen limit of 30 mg/l. These limits are consistent with requirements for non-groundwater recharge Class A recycled water.

The City of Nampa supports a total phosphorus limit of 0.35 mg/l. Changing the receiving water for the City’s phosphorus load during the summer months from Indian Creek to the Phyllis Canal removes phosphorus from the Indian Creek and Lower Boise River system and provides an opportunity for the phosphorus to be beneficially used as the irrigation water is applied to crops and lawns. The proposed limit also allows for economical filtration design with consistent operation throughout the year.

The City of Nampa supports the 10-year permit term. This permit term coincides with the City’s National Pollutant Discharge Elimination System permit timing.

IDEQ will prepare responses to the comments, finalize the reuse permit, and issue the permit to the City of Nampa within 30 days of close of comment period.

Public Works staff reviewed the comments, and the Letter of Support, and recommend submitting the letter to IDEQ.

MOVED by Bruner and SECONDED by Haverfield to authorize the Mayor to sign and submit the Letter of Support for the City’s Class A Recycled Water Reuse Permit. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED.

Item #5-14. - Mayor Kling presented the request to authorize the Mayor and Public Works Director to sign a Task Order for Scope of Work with Brown and Caldwell for Nampa Wastewater Program Fiscal Year 2020 Phase II Upgrades Owner's Advisor Services. (approved in FY20 budget)

Tom Points presented a staff report explaining that the Nampa Wastewater Program (Program) was established to upgrade the Nampa Wastewater Treatment Plant (WWTP) to meet the strict water quality limits in its National Pollutant Discharge Elimination System (NPDES) permit. Program management services are necessary to lead and organize the planning, design, and other activities for the future upgrades needed at the WWTP within the required permit compliance schedule.

The City has retained Brown and Caldwell to serve as Program Manager and Owner’s Advisor for the Program. Based on previous years’ successful performance as Wastewater Program Manager and intimate knowledge of City operations, staff recommends the continued services from Brown and Caldwell for the duration of the Phase II Upgrades.
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Staff has negotiated a scope of work and fee with Brown and Caldwell for fiscal year 2020 Owner’s Advisor Services (Exhibit A). The scope of work includes the following elements:

- Program management services including project consultant coordination and reporting, regular meetings with City staff and other program team members, and program schedule management
- Support for upcoming public involvement and education activities related to the Program; including the continuation of quarterly Design Review Committee meetings and supporting regular updates to the City Council on the Phase II Upgrades
- Support for Phase II funding, financing and rate studies, including State Revolving Fund (SRF) loan administration and compliance, and applying for grants to fund work related to the Phase II Upgrades
- Evaluate the feasibility of an Enhanced Wetlands Project as a means of offsetting phosphorus removal requirements
- Support the reapplication of the City’s National Pollutant Discharge Elimination System (NPDES) permit by performing an analysis of historical plant data. Continuation of support and training of City staff to develop requisite annual reports per the City’s NPDES and reuse permit
- Continuation of final design management services for Phase II final design including project consultant coordination and report, and monthly tracking of risk, budget, and schedule for Project Groups D and E
- Support for overall tracking and control of Phase II Upgrades including updating monthly dashboard of financials for Program, schedule, risk, and develop high-level reporting structure for subconsultants

City staff and Brown and Caldwell have agreed upon the scope of work and fee of $393,609.00 for the Nampa Wastewater Program Fiscal Year 2020 Phase II Upgrades Owner’s Advisor Services.

Funding is proposed through the Wastewater Division fiscal year 2020 budget.

MOVED by Rodriguez and SECONDED by Hogaboam to authorize the Mayor and Public Works Director to sign task order for the attached scope of work for consultant services with Brown and Caldwell for Nampa Wastewater Program Fiscal Year 2020 Phase II Upgrades Owner’s Advisor Services in the amount of $393,609.00 T&M NTE (time and material not to exceed). The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED
Item #5-15. - Mayor Kling presented the request to authorize the Mayor and Public Works Director to Sign Task Order for Scope of Work with Brown and Caldwell for Fiscal Year 2020 Environmental Compliance Division Technical Support Services. (approved in FY20 budget)

Tom Points presented a staff report explaining that the Environmental Compliance Division (ECD) is responsible for everyday activities of the National Pollutant Discharge Eliminated System (NPDES) related programs and supports City operations for mitigating risk associated with environmental compliance.

Currently, Brown and Caldwell are providing technical consultant services for ECD operations associated with overall program and stormwater activities.

Staff anticipates receiving a new Municipal Separate Storm Sewer System (MS4) NPDES permit in fiscal year 2020.

Technical support from Brown and Caldwell is needed to maintain permit compliance programs, assist with permit negotiations, and provide monitoring data analysis and interpretation.

Staff has negotiated a scope of work and fee with Brown and Caldwell for fiscal year 2020 ECD technical support (Exhibit A). Elements of the scope of work include:

- General Compliance
  - ECD Ongoing Support
  - Airport Regulatory Compliance
  - Permit Negotiations
  - Year 10 Annual Monitoring Report
- Nampa Stormwater Program
  - Monitoring and Data Integration
  - Stormwater Management Plan
  - Post Construction Stormwater Management
  - Nampa Stormwater Advisory Group
  - MS4 Pollutant Loading Estimates to Impaired Waters

City staff and Brown and Caldwell have agreed upon a scope of work and fee of $136,493.00 for fiscal year 2020 ECD Technical Support Services.

Funding is proposed through the ECD fiscal year 2020 budget.

MOVED by Bruner and SECONDED by Rodriguez to authorize the Mayor and Public Works Director to sign task order for the attached scope of work with Brown and Caldwell for fiscal year 2020 Environmental Compliance Division Technical Support Services in the amount of...
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$136,493.00 T&M NTE (time and material not to exceed). The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED

Item #5-16. - Mayor Kling presented the request authorization to submit applications for streets FY20 grant funding. (legal review not required)

Tom Points presented a staff report explaining that annually, the City competes for federal grant dollars to enhance transportation safety, add capital infrastructure and help augment funding shortfalls

Strategically selecting projects and competing for funding is a collaborative process. The grant planning team is made up of staff from the following departments: Finance, Planning, Parks, Streets, Economic Development and Engineering. The group also coordinates with ITD, COMPASS Regional Planning, Police, Nampa School District, NNU and other stakeholders.

In the past several years, the City has received over $25 million in state and federal transportation grant dollars. The following are an example of some grant projects completed or funded:

- Amity Road Improvements (Chestnut to Kings)
- Stoddard Pathway Crossing & Parking Lot on Greenhurst Road
- Middleton Road/Flamingo Avenue signalized intersection
- Middleton Road/Smith Avenue signalized intersection
- Middleton Road/Lone Star Road signalized intersection
- Nampa High School Frontage and Safety Improvements
- 12th Avenue HAWK Pedestrian Signals (at 11th Avenue S & Sherman Avenue)
- Signal safety and efficiency upgrades at 8 intersections
- Traffic safety improvements at 8 schools in Nampa
- Cherry Lane Road Rebuild (Franklin to 11th Avenue N.
- Lloyds Square downtown multi-use pathway improvements
- Greenhurst Rebuild (Southside to Marcum)
- Stoddard City Pathway (Iowa-Sherman)
- Grimes City Pathway at McDonagh Park
- Franklin Road/Industrial Improvements
- Franklin Blvd./Karcher Roundabout

The following grant programs are available or upcoming in FY20:

- Local Highway Safety Improvement Program (LHSIP)—for safety improvement projects at high accident locations
- Transportation Alternatives Program (TAP)—for transportation improvements benefiting non-motorized users
Federal Aid Bridge Program—to replace or rehab bridges longer than 20’ and with a sufficiency rating less than 50

Surface Transportation Program Urban (STP-U)—for transportation improvements within the Nampa urbanized area (administered through COMPASS Regional Planning)

COMPASS Development & Implementation Grants—to help identify, develop and implement possible grant projects for future funding.

The City is constantly updating its priority project list to take advantage of additional funding sources that come available.

Staff requests the following projects be submitted for grant funding in FY20 (see Exhibit A.)

A small number of grant projects may require additional City match dollars from the General Fund. Staff recommends continuing with application process for the above-mentioned projects.

MOVED by Hogaboam and SECONDED by Bruner to authorize staff to submit FY20 transportation grant projects for funding including City match dollars (typically 7.34%). The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Item #5-17. - Mayor Kling presented the request to authorize Task Order with Keller Associates for project design services on Zone F Sewer & Gravity Rehabilitation. (approved in FY20 budget)

Tom Points presented a staff report explaining that the Engineering Division, as part of the Public Works Asset Management Program, identified the following wastewater pipelines for rehabilitation and repair (see Exhibit A)

1. Approximately 12,000 feet of 8” pipe
2. Approximately 1,900 feet of 18” pipe
3. Approximately 1,500 feet of 24” pipe

The improvements, identified by the City Wastewater Department, will proactively repair the deteriorated pipe and broken pipes. These pipes have been deemed to need repair to prevent ground water infiltration and leakage.
Engineering interviewed three consultants for professional services. Keller Associates scored highest based on their pipeline design experience, understanding of the existing site conditions, desire to innovate (for efficiency and cost savings), and public involvement strategies.

Keller Associates submitted a scope of work (Attachment A) in the amount of $216,605.00. The estimated project costs are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design consulting (FY20 Sewer funds)</td>
<td>$141,835.00</td>
</tr>
<tr>
<td>Construction Inspection (FY19 Water funds)</td>
<td>$74,770.00</td>
</tr>
<tr>
<td>Estimated construction cost</td>
<td>$1,200,000.00</td>
</tr>
<tr>
<td><strong>Total estimated cost</strong></td>
<td><strong>$1,416,605.00</strong></td>
</tr>
</tbody>
</table>

Project design is scheduled and funded in FY20 (Wastewater budget). Construction is scheduled for FY20 and will be funded under this year’s budget.

Engineering Division has reviewed the Scope of Work and Labor Estimate and recommends approval.

MOVED by Bruner and SECONDED by Rodriguez to authorize the Mayor and Public Works Director to sign Task Order and Contract for Professional Services between the City of Nampa and Keller Associates for the Zone F Sewer and Gravity Irrigation Projects (Design) in the amount $216,605.00, Time and Materials Not to Exceed. 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 OF THE CITY OF NAMPA, IDAHO, TO PROVIDE RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) ZONE DESIGNATION FOR CERTAIN LANDS, COMMONLY KNOWN AS 409 S. MIDLAND BOULEVARD, NAMPA, IDAHO 83686, COMPRISING APPROXIMATELY 0.71 ACRES, MORE OR LESS; DETERMINING THAT SAID ZONING IS IN THE BEST INTEREST OF THE CITIZENS AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF NAMPA, IDAHO; REZONING SAID PROPERTY FROM RA (SUBURBAN RESIDENTIAL) TO RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET); PROVIDING FOR RECORDATION; INSTRUCTING THE CITY ENGINEER TO DESIGNATE SAID PROPERTY AS RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.  (Applicant Christopher K Shultze)

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 Bruner 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 4472 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, IDAHO, DETERMINING THAT THAT CERTAIN RIGHT-OF-WAY, COMMONLY KNOWN AS LAKE LOWELL AVENUE, LYING BETWEEN MIDDLETON ROAD TO THE EAST AND MIDWAY ROAD TO THE WEST, COMPRISING APPROXIMATELY 3.03 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE CITY LIMITS OF NAMPA, CANYON COUNTY, IDAHO, AND THAT SAID RIGHT-OF-WAY SEGMENT SHOULD BE ANNEXED INTO THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AND BE ASSIGNED A ZONING DESIGNATION CORRESPONDING TO ADJOINING PRIVATE LANDS; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215.  (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Skaug and SECONDED by Haverfield to pass the preceding Ordinance under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting
YES. The Mayor declared the ordinance duly passed, numbered it 4473 and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 1713 E. IOWA AVENUE, COMPRISING APPROXIMATELY 16.79 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 RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) ZONE; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Kent Brown)

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 Bruner 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 4474 and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 1700 E. IOWA AVENUE, COMPRISING APPROXIMATELY 0.37 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 RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) ZONE;
DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Ronald and Janette Hanson)

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 4475 and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 10, CHAPTER 1, SECTION 10-1-19, OF THE NAMPA CITY CODE, PERTAINING TO PROFESSIONAL PUBLIC MINI-STORAGE FACILITY DESIGN REGULATIONS; AMENDING TITLE 10, CHAPTER 3, SECTION 10-3-2, OF THE NAMPA CITY CODE, CONTAINING THE LAND USE TABLES FOR THE CITY OF NAMPA; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Planning and Zoning Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Hogaboam and SECONDED by Bruner to pass the preceding Ordinance under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Haverfield, Bruner Hogaboam voting YES, Councilmembers Rodriguez, Levi, Skaug voting NO and the Mayor cast a YES vote to break the tie. The Mayor declared the ordinance duly passed, numbered it 4476 and directed the Clerk to record it as required.
MOTION CARRIED

Item #7-6. and #7-7. – The following Ordinance was read by title and approve the summary of publication:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL CHANGING THE HEADING OF NAMPA CITY CODE TITLE 10, CHAPTER 33; AMENDING TITLE 10, CHAPTER 33, SECTION 10-33-01 OF THE NAMPA CITY CODE, PERTAINING TO THE DESCRIPTION AND PURPOSE OF THE CORRIDOR BEAUTIFICATION AND LANDSCAPING PROVISIONS OF THE NAMPA CITY CODE; AMENDING TITLE 10, CHAPTER 33, SECTION 10-33-02 OF THE NAMPA CITY CODE, PERTAINING TO GENERAL LANDSCAPING REQUIREMENTS; AMENDING TITLE 10, CHAPTER 33, SECTION 10-33-03 OF THE NAMPA CITY CODE, PERTAINING TO THE DEFINITION OF CORRIDORS; AMENDING TITLE 10, CHAPTER 33, SECTION 10-33-04 OF THE NAMPA CITY CODE, PERTAINING TO CORRIDOR LANDSCAPING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Planning and Zoning Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and SECONDED by Hogaboam to pass the preceding Ordinance under suspension of rules and approve the summary of publication. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it 4477 and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-8. – The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 700 W. MARIAH AVENUE, COMPRISING APPROXIMATELY 7.44 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 RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) 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
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TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Nick Babak)

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 Bruner 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 4478 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 Ordinances 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. (ANN 121-19) (PH was 7-15-2019)

8-2. 1st reading of Ordinances for Annexation and Zoning to BC (Community Business) for .525 acres or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd.; Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for 2.24 acres or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot B at 1414 E. Karcher Rd. for Dean Anderson. (ANN 122-19, ZMA 107-19) (PH was 8-5-2019)

8-3. 1st reading of Ordinances for Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located at 1460 Lake Lowell Ave in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split. (ANN 125-19) (PH was 8-19-2019)

8-4. 1st Reading of Ordinance for Vacation of the road right-of-way in the Amended Plat of Elmwood Place Addition lying between Lot B - 523 18th Ave. No., and Lot C – 611 18th Ave. No. for Ludmila and Viktor Dudlya (VAC 041-19). (PH was 9-3-2019)

8-5. 1st Reading of Ordinance for Annexation and Zoning to IL (Light Industrial) zoning district for manufacturing facilities at 39 N. Picard Lane (A 7.83 acre or 341,054 sq. ft. portion of SE ¼ of Section 24, T3N, R2W, BM - Tax 19044 in the S ½) for Tom Hines (ANN 127-19) (PH was 9-16-2019)
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8-6. 1st Reading of Ordinance for Annexation and Zoning to RS6 Single Family Residential – 6,000 sq. ft.) at 700 W. Mariah Ave. (A 7.44-acre portion of Lots 7, 8, and 9 of Home Acres Subdivision No. 14 lying within the NE ¼ SW ¼ of Section 33, T3N, R2W, BM) for Nick Babak for The Promised Land Subdivision. (ANN 128-19) (PH was 10-7-19)

❖ (9) Executive Session ❖

Item #9-1- None

MOVED by Hogaboam and SECONDED by Rodriguez to adjourn the meeting at 9:12 p.m. The Mayor declared the

MOTION CARRIED

Passed this 2nd day of December 2019.

____________________________________
MAYOR

ATTEST:

___________________________________________
NAMPA CITY CLERK