

HOUSING AUTHORITY

of the
CITY of CALDWELL
P. O. Box 70
Caldwell, Idaho 83605
(208) 459-2232
September 24, 1995

S P E C I A L
C O M M I S S I O N E R S M E E T I N G
A G E N D A

1. Consideration of Agreement and other documents for additional well.
Michael Holladay
Reneé Bettis

2. Ray Crowder to consider various items:
Change Order
4-Plex update & matter of negotiation...
Masonry building up-date
Other

3. Approval to sign the 'Notice of Award" to Cope for Holladay

SPECIAL COMMISSIONERS MEETING
SEPTEMBER 27, 1995

Commissioners Present: All, less Lew Kerfoot & Dave Corwell
Others present: Ray Crowder & Reneé Bettis

1. **OASIS LANDSCAPING LETTER:** Ray Crowder shared with the commissioners a letter he had drafted to Seufert Construction. The letter was in response to Oasis Landscaping's reference to the word "modify" in the plans. He states that "we cannot modify what doesn't exist". The architect stated, in reply, that the spec's are clear and stated the following: "I believe that the plans and specifications adequately provide for the modification of the existing system. Further, it appears that Oasis was given the opportunity by the General Contractor to salvage or modify existing systems prior to their destruction during the excavation process. I cannot justify a request for additional funds based upon the facts in this matter".

2. **SECONDARY WELL SYSTEM:** Reneé Bettis brought the commissioners up to date on the progress of the well. The driller will be Pete Cope. A motion by Estella Zamora and seconded by Paul Okamura to authorize the chairman to sign the "Notice of Award" to Cope Drilling. Motion carried.
A motion by Paul Okamura and seconded by Estella Zamora to authorize the chairman to sign the contract with Cope Drilling. Motion carried.

3. **CHANGE ORDER:** A motion by Paul Okamura and seconded by Estella Zamora to approve change order #11, which includes 4 items: (1) Raise dining room lights, (2) Change electric baseboard heater to recessed wall heater in mail room, (3) Change 10 500 W. baseboard heaters to 750 W. Toe Kick heaters in certain units, (4) Add fine grading and seeding over the pressurized irrigation water line. Motion carried.

4. **ADDITIONAL 4-PLEX UNIT:** Can HAC negotiate with a contractor for the additional 4-plex? Don Downen thinks we can, but he wants to get the opinion of the Idaho Attorney General in writing first. We will consider this a next meeting. Ray Crowder has talked to the County representatives and learned that they will cooperate fully.

5. **ITEMS FOR NEXT MEETING:** Lease changes and the new street plan with names.

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Shut down opts in masonry portion
when empty. Vote on 10/4/95 meeting.

Contract changes & lease agreement

Street plan + names

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SPECIAL COMMISSIONERS MEETING

A G E N D A

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9-27-95

1. Oasis Letter

Ray explained Oasis premis.

2. A. Motion to sign "notice of award." to Chamin
Estella
Paul motion carried

B. Motion to sign contract with Cope
Chamin authorized. Paul
Estella carried.

1. Change Order #11 4,128⁰⁰
Paul
Estella Carried

2. A. Additional 4-Play

Can HAC negotiate for 4-Play
D. Pomeroy thinks we can, he wants
to check w/ attorney General of Alaska
for opinion. Disc. at next mtg.

Masonry building - Ray found that
County will cooperate fully.



**CROWDER ASSOCIATES
ARCHITECTURE & PLANNING**

102 S. 17TH STREET • SUITE 301
P.O. BOX 1767 • BOISE, IDAHO 83701-1767
(208) 342-7489
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September 25, 1995

W. T. Seufert Construction
7640 Hidden Valley Drive
Boise, Idaho 83709

Re: Farmway Village, Phase II

Dear Bill;

As indicated in my letter dated September 15, 1995, I am today issuing my written decision regarding claims made by Oasis Irrigation for "Change from blue print bid". Response from Oasis Irrigation to my letter of September 15 was received on September 22, therefore my written decision was delayed until today so that I could evaluate their response.

This letter will attempt to respond to each issue raised by the Oasis letter:

1. *"We still feel that because all of the old sprinklers have been removed, there is no way to modify it and use the existing heads, valves, main line or any other part of the old system. Therefore it is (was) necessary to install all new products and designs. I reiterate that I can not modify that which does not exist. The blue prints are clear and that is where the bid was taken from."*

Tad House, Construction Superintendent for W. T. Seufert has stated that Oasis Irrigation was given the opportunity to remove sprinkler lines, heads, etc. when construction began. He further offered to advise Oasis whenever existing sprinkler lines were cut so that repairs could be made as they occurred. He was told at that time by Oasis representatives that there was no way to salvage parts of the existing system and that Oasis intended to build a new system after construction was completed. He was told that this was the basis of the Oasis bid and the excavation could continue without further notification of Oasis.

The Housing Authority, on its own initiative, did remove sprinkler heads in the excavation areas, and salvaged those heads for its own use as replacement heads for maintaining the existing system.

The blueprints state the following, relative to the areas of discussion:

SHEET 2.00: "AREA ADJACENT TO NEW LANDSCAPE/SPRINKLER WILL BE IMPACTED BY THIS PROJECT. WHEREVER NECESSARY, EXISTING SPRINKLER LINE LOCATIONS, HEAD TYPE, ETC . ARE TO BE MODIFIED AS REQ'D BY THE NEW CONDITIONS."

SHEET 2.13: "UNDER THIS CONTRACT, THIS CONTRACTOR SHALL MODIFY EXIST. SPRINKLER LINE LOCATIONS, SPRINKLER HEAD TYPES, ETC. AS NEEDED AS A RESULT THE WORK OF THIS CONTRACT. SEE THIS SHEET, & 2.00 FOR EXTENT OF AREAS WHERE NEW LANDSCAPE & SPRINKLER SYSTEMS ARE REQ'D."

Specification Manual 02.7.0 IRRIGATION SYSTEM, Paragraph 02.7.2:
"F. Modify existing sprinkler system as required by new construction. Relocate lines, sprinkler heads, change sprinkler types as needed.

G. Maintain existing sprinkler system to allow its use on existing landscaped areas while the work of the Project is underway."

I believe that the plans and specifications adequately provide for the modification of the existing system. Further, it appears that Oasis was given the opportunity by the General Contractor to salvage or modify existing systems prior to their destruction during the excavation process. I cannot justify a request for additional funds based upon the facts in this matter.

2. *"If, as you suggest, we are responsible for the area in question as a modify, regardless of whether or not there are any parts to modify, and you verbally stated that we are responsible for 50 feet no matter what the blue prints say, (and the contract says nothing about 50 feet), then all of the areas beyond the street are not part of the modifications. Hence, the 3 long lines for sewer and water through the old sections of the project are not my responsibility. Therefore we also submitted a request for a change order on that area. Those areas are not listed on the landscape irrigation portion of the blue prints."*

At our meeting on the job site with representatives of Oasis, W. T. Seufert Construction, and the Housing Authority, I advised those present that the drawings indicate an area on the outside perimeter of the existing roadway which is approximately 50' in width. This is the area which was to be planted in grass and served by sprinkler system as a part of the original construction in 1993.

It is this existing strip which is indicated on Sheet 2.13 of the Drawings and labeled as "APPROXIMATE LOCATION EDGE OF EXISTING LAWN AREA W/EXISTING UNDERGROUND SPRINKLER SYSTEM." The KEY on Sheet 2.00 indicates areas of new landscape and sprinkler system, and indicates that areas adjacent to those new systems are to be modified as noted in item 1 above. It was not dimensioned that this strip was 50' wide, nor was it intended that the contractor preserve a 50' wide strip. Rather it was intended and indicated that the existing strip of landscape and sprinkler system was to be modified and maintained, whatever its exact width. The scale of the drawings indicate that it is approximately 50' in width. The Specification Manual states in 02.6.0 LAWNS AND PLANTING, Paragraph 02.6.2.B: "All scaled dimensions on the drawings are approximate. Before proceeding with any work, the Contractor shall carefully check and verify all dimensions and quantities, and shall immediately inform the Architect of any discrepancy."

The Specifications further state, in paragraph 02.6.5.C: "Existing Lawn - care is to be taken to avoid damage to existing lawns except in the areas of new construction. Wherever existing lawns are damaged by this construction, repair site as needed to blend with surrounding site. Reseed as needed."

As previously referenced, the Specifications also require that existing sprinkler system will be modified as needed, and will be maintained during construction to allow its use while construction is underway. These are both included in the Specification sections which apply directly to the work of Oasis.

I cannot, therefore, recommend to that Housing Authority a Change Order for work which is indicated to be a part of this project, and which should have been included in the Contractor's bid.

3. *"You have suggested that I should have looked at all the pages of the blue prints. I did not look at the framing blue prints, the electrical prints or any other parts that did not have landscaping or irrigation. I am sure the framers did not look at the landscape plans either. Hence the areas I have asked for a change order on I still need. The areas in the old section of the project are not part of the area as listed on the bid blue prints. I am not responsible for looking at other pages of the blue prints that do not relate to sprinklers and landscaping."*

Crowder Associates does not issue partial sets of drawings. Every plan holder issued plans by this office is given full sets of plans and specifications since bid documents are necessarily interrelated and interdependent. If all information were indicated on each sheet of drawings, they would be impossible to read or to understand. In addition, the architect makes no effort to determine how the work will be divided, or what subcontractor will do what portion(s) of the work.

W. T. Seufert Construction
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As you know, each supplier or subcontractor bidding a project is likely to include or exclude different portions of the work from its bid. It is not possible for the plans to separate the work so that specific sheets apply only to certain contractors or trades. Further, an experienced contractor is fully aware of trades which have the ability to impact the work for which they are responsible. It is the responsibility of bidders to review the full set of construction documents to determine where such areas of impact will occur.

As referenced above, the specifications - even those sections directly affecting the work of Oasis, clearly state that existing areas are to be maintained and repaired as required by the work of this project.

Again, I am unable to recommend approval of additional cost based upon information not shown specifically on one given sheet of the drawings. Information needed was readily available to all bidders. However, even in the absence of supporting sheets of drawings, sections which specifically applied to the work of Oasis clearly indicated that such work was included as a part of the project.

4. *I still request the change order. If you do not accept this request then direct me to the proper appeal procedures "*

For the reasons outlined above, I cannot recommend approval of the increased costs requested in the Oasis letter of August 24, 1995.

You have also requested (15 September 95) approval of a Change Order to add fine grading and seeding over pressurized irrigation line at west side of project. I will recommend to the Housing Authority approval of this item. I agree that the placement of the pressurized irrigation line was not a part of this project, and was not indicated on the Drawings. The size and location of pressurized lines was not known and could not have been known by bidders.

The Housing Authority has indicated that it would like these areas to be graded and seeded and to blend into the surrounding landscaped areas. I will, therefore, recommend approval of this item with the understanding that this represents the full cost of such repairs resulting from placement of the pressurized irrigation system.

Further, I believe that Oasis has some claim to sprinkler heads salvaged from excavation areas by the Housing Authority. While Oasis was given the opportunity to salvage those heads and elected not to do so, nonetheless those heads were a part of the existing system which the plans allowed the contractor to relocate or modify.

W. T. Seufert Construction
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Therefore, it appears to me that Oasis is entitled to those sprinkler heads which were removed from demolition areas. The Housing Authority. is entitled to be compensated for the labor expended in removal and salvage of those heads. I suggest that the Housing Authority and Oasis split equally between them those sprinkler heads which were removed from excavation areas.

Bill, this is my best judgement in this matter. As you know, the Housing Authority has no contract with Oasis, and claims cannot be made by a subcontractor directly to the Owner. I am requesting that you review the facts in this case and that you advise your subcontractor of your position in this matter. Any further action on this request should be resolved between the Contractor and subcontractor, and if necessary between W. T. Seufert Construction and the Housing Authority.

If you have any further questions in this matter, please feel free to contact me.

Sincerely,

Ray Crowder, AIA

cc: Caldwell Housing Authority ✓
RECD - Caldwell

BEFORE THE CANYON COUNTY PLANNING AND ZONING COMMISSION

IN THE MATTER OF AN APPLICATION BY)
THE HOUSING AUTHORITY OF CALDWELL)
FOR A CONDITIONAL USE PERMIT IN AN)
"A" (AGRICULTURAL) ZONE)

FINDINGS, CONCLUSION
AND ORDER

CASE #95C00025-00/9-4N-3W

FINDINGS OF FACT

I.

The applicant, THE HOUSING AUTHORITY OF CALDWELL, requested a conditional use permit to add an additional four (4) units, one four-plex of multifamily housing at the Farmway Village apartment complex in an "A" (Agricultural) Zone located at the southeast corner of Highway 44 extension and Farmway Road in the Northwest Quarter of Section 9, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

II.

The applicant initiated the proceedings by filing an application presenting the facts to the Planning and Zoning Administrator with the appropriate fees. On August 17, 1995, a public hearing was held at which time testimony was taken and a decision rendered. The request was heard under Canyon County Zoning Ordinance (CCZO) 93-002, and the Canyon County Comprehensive Plan, adopted July 29, 1975, (CP75).

III.

The CANYON COUNTY ZONING ORDINANCE 12.3(C)(12), (16), and (27) permits hearings on Public and Quasi-Public uses, Planned Unit Developments and Similar Uses in conjunction with Chapter 6. The resulting units will house agricultural workers who must qualify with Housing Authority Criteria for the units which are, at least in part, federally funded. The unit is on one parcel of land containing housing and service related buildings specifically for the residents of Farmway Village. CCZO 93-002, Section 6.1(F)(1).

IV.

The Housing Authority of Caldwell has been granted a specific amount of funds for this type of housing at the Farmway Village location and it has been determined that there is sufficient amount of funds to add an additional unit to the project which if done at this time can save dollars by combining plans, equipment and manpower at the same time that the other units are in the process of being built [APPLICANT EXHIBIT I]. The property is located on

HOUSING AUTHORITY OF CALDWELL, CASE #95C00025-00/9-4N-3W

FINDINGS, CONCLUSION AND ORDER

PAGE 1 OF 4

the southeast corner of Farmway and Highway 44. The applicant received a conditional use permit to add sixty (60) units at this location at a hearing held April 5, 1994. The land has been used as a group residential site since 1946. The site was deeded to the Housing Authority in the 1950's and has been added to since that time. The site has established housing for agricultural workers [Applicant EXHIBIT K]. CCZO 93-002, Section 6.1(F)(2).

V.

The CANYON COUNTY COMPREHENSIVE PLAN adopted July 29, 1975, addresses agricultural lands in the GENERAL PROVISIONS, under Objectives on page 3 paragraph 10; DEVELOPMENT AND COMMUNITY PATTERNS on page 5; Goals on page 6, paragraph 4; Benefits page 9 paragraph 6 and page 10 paragraph 5(j); RURAL AREA page 11; and, LAND USE pages 15, 16, 17, 18 and 19 [P&Z EXHIBIT]. CCCP75 pages 16, 18, and 19; and CCZO 93-002, Section 6.1 (F)(3).

VI.

The subject property is not within any city impact area; and, is not within the flood plain. The surrounding property is zoned agricultural. There does not appear to be any dairies within a mile of the subject property. [P&Z EXHIBIT E1-E7]. CCZO 93-002, Section 6.1(F)(4).

VII.

The complex has its own sewer system on site which is being expanded under the direction of Southwest District Health Department to facilitate the new residences. No additional wells are planned. No change is anticipated in irrigation and drainage. Idaho Power will supply electricity and US West will supply telephone service on an individual contractual basis. CCZO 93-002, Section 6.1(F)(5).

VIII.

The new unit will have eight (8) parking spaces and existing accesses will provide a means to get to these parking spaces [APPLICANT EXHIBIT M2]. The Notus Parma Highway District will require a forty (40) foot approach that is paved requiring a twelve (12) inch in diameter culvert pipe and the west approach be abandoned [APPLICANT EXHIBIT G1]. CCZO 93-002, Section 6.1(F)(6).

X.

No evidence was presented that essential public services would be negatively impacted by such use or would require additional public funding in order to meet the needs created by the requested change. The Caldwell Fire Department has determined that the expansion does

not create an increase in hardship on fire services more than what has been placed on it by the original request. A complete set of plans will be required to assure property fire hydrant placement and access prior to issuing the first building permit for the expansion. The applicant testified that six (6) inch hydrants would be used with plenty of pressure for fire fighting and that a new back-up well has been placed for emergencies. Black Canyon Irrigation District does not have any concerns about the proposal. Canyon County Sheriff George W. Nourse feels that the project is a community asset and very much needed. There have been fewer law enforcement calls because of the new construction adding to the liveability of the units and because of the building of community pride. The Caldwell School District supports the additional homes. CCZO 93-002, Section 6.1(F)(7).

X.

The applicant states that a placement list is a long one over one hundred, ten (110) people. There is a requirement that a housing request must be renewed every ten (10) days with over forty (40) people calling every ten (10) days. Low income housing in general is in great demand. The Housing Authority planned to close the old units, however, they are still in year round use because there is no where else for the people to go to live. As living conditions in the area ease, the block units will become temporary summer housing for migrant laborers. CCZO 93-002, Section 6.1(F)(8).

XI.

Published, mailed and posted notification has been performed by the staff pursuant to Canyon County Zoning Ordinance 93-002, Section 6.1(D); and all documentation is on file at the Planning and Zoning Office.

CONCLUSION OF LAW

The Commission concluded that there was a need demonstrated; there are few low income rentals available in the area; the request is tied to the agricultural community; there appeared to be no negative impacts or affects; the request is commensurate with current activities; the land has been used for this purpose since 1946; and, the applicant agreed to reroute traffic onto Highway 44 and discourage traffic flow onto Farmway. CCZO 93-002, Sections 2.1; 3.5(A)(8); 6.1(A), (F), (G); and, 12.3(A).

ORDER

IT IS ORDERED that the request by THE HOUSING AUTHORITY OF CALDWELL, for a conditional use permit to add four (4) units, one four-plex of multifamily housing at the Farmway Village apartment complex in an "A" (Agricultural) Zone is approved.

NOTICE OF APPELLATE PROCEDURE

Any aggrieved person may appeal the decision to the Board of County Commissioners within fifteen (15) days from the date of the signatures on these findings.

SIGNED THIS 21ST DAY OF SEPTEMBER, 1995.



LEE GILBERTSON, CHAIRPERSON

ATTEST: 

CYNTHIA A. EATON, RECORDING SECRETARY

BEFORE THE CANYON COUNTY PLANNING AND ZONING COMMISSION
MINUTES FOR AUGUST 17, 1995
7:00 P.M.

COMMISSIONERS PRESENT: LEE GILBERTSON (CHAIRMAN)
GERALD SCHRODER (VICE CHAIRMAN)
ALAN MILLS (SECRETARY)
GARY VEZZOSO
FRANK BUTURLA

COMMISSIONERS ABSENT: NORMAN ALDER
MIKE GOODING
JOHN WILLIAMSON
ROBERT VASQUEZ
JERRY NICHOLS (ALTERNATE)
GLENN O'DELL (ALTERNATE)
RHONDA KREN (ALTERNATE)

STAFF MEMBERS PRESENT: JERRY JONES (ADMINISTRATOR)
CYNTHIA EATON (RECORDING SECRETARY)
LEON JENSEN (ZONING OFFICER II)

A quorum of regular members was present for the meeting, therefore, Alternate Members were not called. The Chairman called the meeting to order. Commission Members and Staff were sworn. All staff reports and exhibits were submitted by Administrator Jones.

OLD BUSINESS:

ITEM #1: CASE #95C00015-00/14-2N-3W JIM SCHELHORN/SKY RANCH
CLARIFICATION OF 50 SITE BUFFER - Also requesting
WAIVERS AND IRRIGATION ON:

A request for a conditional use permit to subdivide approximately 78 acres into 33 lots in an "A" (Agricultural) Zone located approximately one half mile south of Lewis Lane on the west side of Sky Ranch Road also known as Hyslop Lane in the North Half of the Southeast Quarter of Section 14, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

MOTION: By Commissioner Schroder, seconded by Commissioner Vezzoso that a quorum of original members should be present before any discussion of the case will be taken up and the applicant's request for clarification is continued to September 7, 1995.
(Motion carried unanimously.)

ITEM #2: CASE #4Z081/02-3N-5W H. DUANE ROOT

A request for a conditional use permit to develop approximately 36 acres into 9 lots in an "A" (Agricultural) Zone located north of the Fargo Wasteway at 17471 Garnet Road approximately one half mile north of Homedale Road in the Southwest Quarter of Section 2, Township 3 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

MOTION: By Commissioner Mills, seconded by Commissioner Schroder that the request is continued to September 7, 1995 so that a recommendation can be received from the City of Homedale.
(Motion carried unanimously.)

ITEM #3: CASE #95R00013-00/24-5N-4W DAVID K. JOHNSON/KITTY KELLEY

A request for a Conditional Rezone and Conditional Use Permit to change the zoning from "A" (Agricultural) to "C-3" (Service Commercial) to conduct a vehicle sales and service facility on approximately 1.59 acres in an "A" (Agricultural) Zone located north of Galloway Road at 26252 Hop Road in the Northwest Quarter of the Southwest Quarter, Section 24, Township 5 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

MOTION: By Commissioner Vezzoso, seconded by Commissioner Schroder that the request is continued to September 7, 1995 due to the lack of a quorum of members having heard the original testimony.
(Motion carried unanimously.)

ITEM #4: ADMINISTRATIVE LOT SPLITS

A) CASE # 5L00010-00/02-4N-2W JOANN MILLER/TERRY SILSBY

A request for subdivision waivers of street lights, fire hydrants, sidewalks, concrete curb and gutter and for an ADMINISTRATIVE LOT SPLIT 12.3 (H) (3) to divide approximately 15.65 acres into three (3) parcels in an "A" (Agricultural) zone located north of Foothill Road approximately one half (1/2) mile east of Kingsbury Road in the Northeast Quarter of Section 2, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

MOTION: By Commissioner Schroder, seconded by Commissioner Mills that the request is continued to September 21, 1995 to provide the applicant with an opportunity to contact the Star Fire Department for additional information as to the suitability of the access.

(Motion carried unanimously.)

ITEM #5: CASE #95C00016-00/4-1N-2W OTTO R. ODERMOTT
A request for a conditional use permit to subdivide approximately 4.1 acres into three (3) lots in an "A" (Agricultural) Zone located at the northwest corner of Highway 45 and Bowmont Road in the Northeast one quarter (1/4) of the Northeast Quarter of Section 4, Township 1 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

MOTION: By Commissioner Gilbertson, seconded by Commissioner Schroder that the request is continued to October 5, 1995 so that the applicant can be present.

(Motion carried unanimously.)

NEW BUSINESS:

ITEM #1: CASE #95C00017-00/23-3N-3W MYRTLE M. THIEL/TYRE & SHAWNA SWAIN

A request for a conditional use permit to divide 5.14 acres into two (2) parcels consisting of one-half acre parcel and a 4.64 acre parcel for one additional building permit in an "A" (Agricultural) Zone located at 14039 Lake Avenue, Nampa in the Southeast Quarter of Section 23, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

VIEWING COMMITTEE: Commissioner Vezzoso.

WITNESSES:

IN FAVOR: Myrtle Thiel and Shawna Swain.

IN OPPOSITION: None.

MOTION: By Commissioner Vezzoso, seconded by Commissioner Schroder that the request is denied.

(Motion carried unanimously.)

ITEM #2: CASE #95C00025-00/09-4N-3W HOUSING AUTHORITY OF CALDWELL

A request for a conditional use permit to add an additional four (4) units, one four-plex of multi-family housing at the Farmway Village apartment complex in an "A" (Agricultural) Zone located at the southeast corner of Highway 44 extension and Farmway Road in the Northwest Quarter of Section 9, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

VIEWING COMMITTEE: Commissioner Vezzoso, Mills, Schroder, and Gilbertson.

WITNESSES:

IN FAVOR: Donald E. Downen, Ray Crowder, David Linden, Estella O. Zamora, and David Cornwell.

IN OPPOSITION: None.

MOTION: By Commissioner Vezzoso, seconded by Commissioner Schroder that the request is approved.

(Motion carried unanimously.)

ITEM #3: DRAFTED FINDINGS, CONCLUSIONS AND ORDER for the cases concluded during the hearing.

ITEM #4: ADMINISTRATIVE REPORT -

- A) SMITH - Wood Product facility on Highway 55 wants to expand workshop space, produces 30 to 50 percent of pallet and bin wood for agricultural use. Do you want to hear it as CUP or rezone? Applicant would prefer CUP, business not intended to go with land.

MOTION: By Commissioner Schroder, seconded by Commissioner Mills that the Commission would rather hear the case as a Conditional Rezone with a development agreement and a notification distance of 1/2 mile.

- B) Eddy Davis - Irrigation

MOTION: By Commissioner Schroder, seconded by Commissioner Vezzoso that the irrigation plan is recommended to the Board of County Commissioners for approval.

(Motion carried unanimously.)

ITEM #5: VIEWING COMMITTEE ASSIGNMENTS - FOR 9/7/95 (PRE-ASSIGNED)
CASE #95C00020-00/07-3N-2W PHIL & MARJORIE LANSING -
MOBILE HOME PARK IN NAMPA CITY IMPACT AREA

ITEM #6: NOTIFICATION DISTANCES FOR UPCOMING HEARINGS
CASE #95C00026-00/11-4N-5W RON SMITH - gravel pit
1 mile.
CASE #95C00029-00/25-5N-3W JEAN L. DESMETH/J. DEAN
ROMEY - TEMPORARY RES. FOR FAMILY MEMBER
1/4 mile.
CASE #95C00022-00/09-4N-3W TWENTY-SIX GRAZING LT.
CO. - REZONE FROM AG TO INDUSTRIAL PARK FOR
RELOCATION OF AN INDUSTRIAL CONSTRUCTION CO.
1/2 mile.

ITEM #7: COMMISSION REPORTS - none.

ITEM #8: DISCUSSION OF COMMITTEE REPORTS
1) TRANSPORTATION COMMITTEE
2) LOT SPLIT INTERPRETATION COMMITTEE
3) COMPREHENSIVE PLAN COMMITTEE
4) RIGHT TO FARM COMMITTEE -

ITEM #9: APPROVE AND SIGN THE MINUTES FOR AUGUST 3, 1995 and FCO's for David K. Johnson, Marcell & Mary Lou Davis, Paul Bromley, and Jim Schalhorn.

1) Motion on minutes - Commissioner Schroder seconded by Commissioner Vezzoso to approve carried unanimously.

2) Motion on-
Johnson - Commissioner Schroder seconded by Commissioner Vezzoso to approve carried unanimously.

Davis - Commissioner Schroder seconded by Commissioner Mills to approve carried unanimously.

Bromley - Commissioner Mills seconded by
Commissioner Schroder to approve carried
unanimously.

Schelhorn was continued until clarification can
be made by attending quorum.

ADJOURNMENT: Commissioner Gilbertson called for adjournment,
seconded by Commissioner Vezzoso carried unanimously.

SIGNED THIS 21ST DAY OF September, 1995.



LEE GILBERTSON, CHAIRPERSON

ATTEST: 

CYNTHIA A. EATON, RECORDING SECRETARY

HOUSING AUTHORITY

of the
CITY of CALDWELL
P. O. Box 70
Caldwell, Idaho 83605
(208) 459-2232
September 24, 1995

S P E C I A L C O M M I S S I O N E R S M E E T I N G

A G E N D A

1. Consideration of Agreement and other documents for additional well.
Michael Holladay
Reneé Bettis

2. Ray Crowder to consider various items:
Change Order
4-Plex update & matter of negotiation...
Masonry building up-date
Other

3. Approval to sign the "Notice of Award" to Cope for Holladay

Crowder Associates
Sept 22, 1995

Having just received your letter from Seufert on Wed. evening, this has been the first chance I have had to respond. We still feel that because all of the old sprinklers have been removed, there is no way to modify it and use the existing heads, valves, main line or any other part of the old system. Therefore it is (was) necessary to install all new products and designs. I reiterate that I can not modify that which does not exist. The blue prints are clear and that is where the bid was taken from.

If as you suggest, we are responsible for the area in question as a modify, regardless of whether or not there are any parts to modify, and you verbally stated that we are responsible for 50 feet no matter what the blue prints say, (and the contract says nothing about 50 feet), then all of the areas beyond the street are not part of the modifications. Hence, the 3 long lines for sewer and water through the old sections of the project are not my responsibility. Therefore we also submitted a request for a change order on that area. Those areas are not listed on the landscape/irrigation portion of the blue prints. You have suggested that I should have looked at all the pages of the blue prints. I did not look at the framing blue prints, the electrical prints or any other parts that did not have landscaping or irrigation. I am sure the framers did not look at the landscape plans either. Hence the areas I have asked for a change order on I still need. The areas in the old section of the project are not part of the area as listed on the bid blue prints. I am not responsible for looking at other pages of the blue prints that do not relate to sprinklers and landscaping.

I still request the change order. If you do not accept this request then direct me to the proper appeal procedures.

Sincerely

Peter, Covino, Jr.



**CROWDER ASSOCIATES
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September 25, 1995

W. T. Seufert Construction
7640 Hidden Valley Drive
Boise, Idaho 83709

Re: Farmway Village, Phase II

Dear Bill;

As indicated in my letter dated September 15, 1995, I am today issuing my written decision regarding claims made by Oasis Irrigation for "Change from blue print bid". Response from Oasis Irrigation to my letter of September 15 was received on September 22, therefore my written decision was delayed until today so that I could evaluate their response.

This letter will attempt to respond to each issue raised by the Oasis letter:

1. *"We still feel that because all of the old sprinklers have been removed, there is no way to modify it and use the existing heads, valves, main line or any other part of the old system. Therefore it is (was) necessary to install all new products and designs. I reiterate that I can not modify that which does not exist. The blue prints are clear and that is where the bid was taken from."*

Tad House, Construction Superintendent for W. T. Seufert has stated that Oasis Irrigation was given the opportunity to remove sprinkler lines, heads, etc. when construction began. He further offered to advise Oasis whenever existing sprinkler lines were cut so that repairs could be made as they occurred. He was told at that time by Oasis representatives that there was no way to salvage parts of the existing system and that Oasis intended to build a new system after construction was completed. He was told that this was the basis of the Oasis bid and the excavation could continue without further notification of Oasis.

The Housing Authority, on its own initiative, did remove sprinkler heads in the excavation areas, and salvaged those heads for its own use as replacement heads for maintaining the existing system.

The blueprints state the following, relative to the areas of discussion:

SHEET 2.00: "AREA ADJACENT TO NEW LANDSCAPE/SPRINKLER WILL BE IMPACTED BY THIS PROJECT. WHEREVER NECESSARY, EXISTING SPRINKLER LINE LOCATIONS, HEAD TYPE, ETC. ARE TO BE MODIFIED AS REQ'D BY THE NEW CONDITIONS."

SHEET 2.13: "UNDER THIS CONTRACT, THIS CONTRACTOR SHALL MODIFY EXIST. SPRINKLER LINE LOCATIONS, SPRINKLER HEAD TYPES, ETC. AS NEEDED AS A RESULT THE WORK OF THIS CONTRACT. SEE THIS SHEET, & 2.00 FOR EXTENT OF AREAS WHERE NEW LANDSCAPE & SPRINKLER SYSTEMS ARE REQ'D."

Specification Manual 02.7.0 IRRIGATION SYSTEM, Paragraph 02.7.2:
"F. Modify existing sprinkler system as required by new construction. Relocate lines, sprinkler heads, change sprinkler types as needed.

G. Maintain existing sprinkler system to allow its use on existing landscaped areas while the work of the Project is underway."

I believe that the plans and specifications adequately provide for the modification of the existing system. Further, it appears that Oasis was given the opportunity by the General Contractor to salvage or modify existing systems prior to their destruction during the excavation process. I cannot justify a request for additional funds based upon the facts in this matter.

2. *"If, as you suggest, we are responsible for the area in question as a modify, regardless of whether or not there are any parts to modify, and you verbally stated that we are responsible for 50 feet no matter what the blue prints say, (and the contract says nothing about 50 feet), then all of the areas beyond the street are not part of the modifications. Hence, the 3 long lines for sewer and water through the old sections of the project are not my responsibility. Therefore we also submitted a request for a change order on that area. Those areas are not listed on the landscape irrigation portion of the blue prints."*

At our meeting on the job site with representatives of Oasis, W. T. Seufert Construction, and the Housing Authority, I advised those present that the drawings indicate an area on the outside perimeter of the existing roadway which is approximately 50' in width. This is the area which was to be planted in grass and served by sprinkler system as a part of the original construction in 1993.

It is this existing strip which is indicated on Sheet 2.13 of the Drawings and labeled as "APPROXIMATE LOCATION EDGE OF EXISTING LAWN AREA W/EXISTING UNDERGROUND SPRINKLER SYSTEM." The KEY on Sheet 2.00 indicates areas of new landscape and sprinkler system, and indicates that areas adjacent to those new systems are to be modified as noted in item 1 above. It was not dimensioned that this strip was 50' wide, nor was it intended that the contractor preserve a 50' wide strip. Rather it was intended and indicated that the existing strip of landscape and sprinkler system was to be modified and maintained, whatever its exact width. The scale of the drawings indicate that it is approximately 50' in width. The Specification Manual states in 02.6.0 LAWNS AND PLANTING, Paragraph 02.6.2.B: "All scaled dimensions on the drawings are approximate. Before proceeding with any work, the Contractor shall carefully check and verify all dimensions and quantities, and shall immediately inform the Architect of any discrepancy."

The Specifications further state, in paragraph 02.6.5.C: "Existing Lawn - care is to be taken to avoid damage to existing lawns except in the areas of new construction. Wherever existing lawns are damaged by this construction, repair site as needed to blend with surrounding site. Reseed as needed."

As previously referenced, the Specifications also require that existing sprinkler system will be modified as needed, and will be maintained during construction to allow its use while construction is underway. These are both included in the Specification sections which apply directly to the work of Oasis.

I cannot, therefore, recommend to that Housing Authority a Change Order for work which is indicated to be a part of this project, and which should have been included in the Contractor's bid.

3. *"You have suggested that I should have looked at all the pages of the blue prints I did not look at the framing blue prints, the electrical prints or any other parts that did not have landscaping or irrigation. I am sure the framers did not look at the landscape plans either. Hence the areas I have asked for a change order on I still need. The areas in the old section of the project are not part of the area as listed on the bid blue prints. I am not responsible for looking at other pages of the blue prints that do not relate to sprinklers and landscaping."*

Crowder Associates does not issue partial sets of drawings. Every plan holder issued plans by this office is given full sets of plans and specifications since bid documents are necessarily interrelated and interdependent. If all information were indicated on each sheet of drawings, they would be impossible to read or to understand. In addition, the architect makes no effort to determine how the work will be divided, or what subcontractor will do what portion(s) of the work.

W. T. Seufert Construction
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As you know, each supplier or subcontractor bidding a project is likely to include or exclude different portions of the work from its bid. It is not possible for the plans to separate the work so that specific sheets apply only to certain contractors or trades. Further, an experienced contractor is fully aware of trades which have the ability to impact the work for which they are responsible. It is the responsibility of bidders to review the full set of construction documents to determine where such areas of impact will occur.

As referenced above, the specifications - even those sections directly affecting the work of Oasis, clearly state that existing areas are to be maintained and repaired as required by the work of this project.

Again, I am unable to recommend approval of additional cost based upon information not shown specifically on one given sheet of the drawings. Information needed was readily available to all bidders. However, even in the absence of supporting sheets of drawings, sections which specifically applied to the work of Oasis clearly indicated that such work was included as a part of the project.

4. *I still request the change order. If you do not accept this request then direct me to the proper appeal procedures "*

For the reasons outlined above, I cannot recommend approval of the increased costs requested in the Oasis letter of August 24, 1995.

You have also requested (15 September 95) approval of a Change Order to add fine grading and seeding over pressurized irrigation line at west side of project. I will recommend to the Housing Authority approval of this item. I agree that the placement of the pressurized irrigation line was not a part of this project, and was not indicated on the Drawings. The size and location of pressurized lines was not known and could not have been known by bidders.

The Housing Authority has indicated that it would like these areas to be graded and seeded and to blend into the surrounding landscaped areas. I will, therefore, recommend approval of this item with the understanding that this represents the full cost of such repairs resulting from placement of the pressurized irrigation system.

Further, I believe that Oasis has some claim to sprinkler heads salvaged from excavation areas by the Housing Authority. While Oasis was given the opportunity to salvage those heads and elected not to do so, nonetheless those heads were a part of the existing system which the plans allowed the contractor to relocate or modify.

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Therefore, it appears to me that Oasis is entitled to those sprinkler heads which were removed from demolition areas. The Housing Authority. is entitled to be compensated for the labor expended in removal and salvage of those heads. I suggest that the Housing Authority and Oasis split equally between them those sprinkler heads which were removed from excavation areas.

Bill, this is my best judgement in this matter. As you know, the Housing Authority has no contract with Oasis, and claims cannot be made by a subcontractor directly to the Owner. I am requesting that you review the facts in this case and that you advise your subcontractor of your position in this matter. Any further action on this request should be resolved between the Contractor and subcontractor, and if necessary between W T. Seufert Construction and the Housing Authority.

If you have any further questions in this matter, please feel free to contact me.

Sincerely,

Ray Crowder, AIA

cc: Caldwell Housing Authority ✓
RECD - Caldwell

~~9-27-15
Agenda
Notice of award~~