



City of Nampa
Regular Council Meeting
Livestreaming at <https://livestream.com/cityofnampa>
April 5, 2021
Regular Council – 5:30 PM
Public Hearings – 6:30 PM*

Call to Order and Pledge to Flag

Invocation Meggan Manlove - Trinity Lutheran Church

Roll Call

Proposed Amendments to Agenda

(1) Consent Agenda (Action Items)

All matters listed within the Consent Agenda are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember or citizen so requests in which case the item will be removed from the Consent Agenda and placed on the Regular Agenda.

- 1-1. Minutes
 - a. Regular Council Meeting – March 15, 2021
 - b. Special Council Meeting – February 25, 2021
 - c. Special Council Meeting – February 23, 2021
 - d. Alcohol License Review Committee – January 27, 2021
 - e. Planning & Zoning Commission – March 9, 2021
 - f. Golf Commission – March 16, 2021
- 1-2. The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances
- 1-3. Plat Approvals
 - a. Final
 - Mallard Apartments in an RD (Two-Family Residential) zoning district at 2000 S. Midland Blvd, into nine lots for nine fourplex buildings for a total of 36 dwelling units at an average gross and net dwelling unit density of 11.55, on 3.1 acres (lots 6 and 7 of Home Acres Subdivision #6, located in the SE ¼ of Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Tim Kelly representing Monty Baldwin (SPF-156-21)
 - Gateway Industrial Park Subdivision No. 2 in an IL (Light Industrial) zoning district at 1019 N 39th St, into 14 industrial lots on 8.62 acres (a parcel of land located in the SW ¼ of Section 13, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Kent Brown representing Moving Forward Properties LLC (SPF-158-21)
 - Subdivision Plat Final Approval of Black Butte Business Park No. 3 Phase 1 in an IL (Light Industrial) zoning district - an 11.65 acre portion of 3400 N Black Butte Ct, into 14 industrial lots and 2 common lots (a portion of land in the NW ¼ of Section 8, T3N, R2W, BM also Tax 97797 in Block 1, 2, 13, 14 in Midway Subdivision, Tax 97797 in the NW ¼ of Section 8 T3N, R2W, BM less Black Butte #1 and Black Butte Business Park #2; including a part of the NE ¼ NE ¼ Section 8, T3N R2W south of interstate less Ramp



right-of-way) also known as a portion of county parcel #2441300000, located east of Middleton Rd and south of I-84, for Kurt Smith representing Don Burch (SPF-00157-21)

b. Preliminary

- None

1-4. Authorize Public Hearings

- a. Appeal of a Conditional Use Permit (CUP-209-21) approved by Nampa Planning & Zoning Commission on 03/09/2021 to Edmark Toyota/EFHC, LLC for a vehicle Aftermarket and Reconditioning Center - per NCC 10-3-2B in a GB1 (Gateway Business) zoning district at 16115 and 16027 Idaho Center Boulevard (two parcels comprising 2.74 acres, described as lots 3 and 4, Block 1, of the Empire Business Park Subdivision - SE 1/4 of Section 12, T3N, R2W, BM, Nampa) for Kirk Houston representing Century Property Development Group, LLC, Comprehensive Dermatology of Idaho, and Reasonable Rentals, LP (APL-012-21)
- b. Vacation of an approximately 322' by 5.45' (approximately 1,754 sq. ft) water main easement, a portion of 0 S Rising Sun Dr., county parcel #R3210338400 (located in the NW 1/4 of Section 32, T3N, R2W, BM) for Epic Development Idaho, LLC (VAC-049-21)
- c. Development Agreement Modification originally recorded for Lakebrook Subdivision - Ordinance No. 3610, modifying the site plan, eliminating the proposed church to be replaced with additional single-family residential, removal of narrow private streets and gated neighborhoods, and revising the dimensional standards for Middlebury Subdivision in an RS6 zoning district (334 buildable lots, 1 existing home, and 36 common lots on 105.78 acres); located at 12246 Orchard Ave - County Parcel #s - R3280300000, R328001100, & R3279901000b (located in S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Clinton R. Wissel (DAMO 040-20)
- d. Variance of Section 10-8-6 requiring a 6,000 sq. ft. minimum lot size, in order to allow a property split and a second home to be constructed; Lot A: 5,227 square feet, and Lot B: 5,133 sq. ft., in an RS6 (Single-Family Residential 6,000 sq. ft. minimum) zoning district at 512 S Elder St - county parcel #R1114600000, (Lot 2B and Lot 3, Block 61 of the Resubdivision of Kurtz Addition, Located in the SW 1/4 of the SE 1/4 of Section 27, T3N, R2W, BM, Nampa) for Tyler Delay representing Sean Rosin (VAR-098-20)
- e. Development Agreement Modification, originally recorded as Ordinance No. 3997, modifying the concept plan and allow light industrial and commercial uses; and, Zoning Map Amendment from GB1 (Gateway Business #1) to IP (Industrial Park) for the Fuller 84 Business Park, located at the northwest corner of the Star Rd and E Franklin Rd intersection, parcel #R3040600000 (in SW 1/4 of Section 7, T3N, R1W, BM) for Bow River Capital representing Franklin Star Development LLC (DAMO 042-21 & ZMA 134-21)
- f. Authorize a Public Hearing to Amend Title 3 Chapter 7 Section 12 (j) revision to the Impact Advisory Committee Members based on recent change to Idaho Code (PH 5-3-21)

1-5. Authorize to Proceed with Bidding Process



- a. Council authorize Engineering Division to proceed with formal bid process for the Water Meter Equipment FY21 project
- 1-6. Authorization for Execution of Contracts and Agreements
 - a. Authorize Amended and Restated Memorandum of Understanding with Sorrento Lactalis, Inc., for the installation of Public Art (three cow statues) within the planter area on the northeast corner of the intersection between the curb and sidewalk of the City’s public right-of-way located at Star Road and East Franklin Road
- 1-7. Monthly Cash Report
 - a. None
- 1-8. Planning & Zoning Formal Findings
 - a. None
- 1-9. Licenses for 2020
 - a. Alcohol Renewal
 - None
 - b. Alcohol New
 - None
- 1-10. Miscellaneous items
 - a. None
- 1-11. Approval of Agenda

(2) Proclamations

- 2-1. Week of the Young Child
- 2-2. Sexual Assault Awareness Month
- 2-3. Child Abuse Prevention & Awareness Month

Nampa Residents Wishing to Speak on an Agenda (5 persons limit) or Non-Agenda Item (5 persons limit) (3-minute limit). Comments Related to Zoning and Land Use Matters May Only be Made During Properly Noticed Public Hearings

- Recognition of Northwest Nazarene University Men’s basketball team



Mayor & Council Comments

(3) Agency & Commission Reports

- 3-1. None

(4) Staff Communications

- 4-1. Public Works - Tom Points

(5) New Business

- 5-1. **Action Item:** Resolution for the Re-appointment of Jordan Yankovich to the Arts and Historic Preservation Commission for a three-year term (expiring 3/31/2024)
- 5-2. **Action Item:** Resolution for the Appointment of Darren Coon to the Arts and Historic Preservation Commission for a three-year term (expiring 3/31/2024)
- 5-3. **Action Item:** Approval of Blue1Energy Equipment under Sourcewell Contract #092920 for the installation of emergency fuel tanks at Fleet Services (Funded by IT, Facilities, Public Works, and the Public Safety Initiative Fund) (approved by legal) (funded by FY21 budget amendment)
- 5-4. **Action Item:** Authorize the Mayor and Parks and Recreation Staff to sign the attached agreement for the construction of an outdoor fitness gym that includes AARP funding to provide community programming (approved by legal)
- 5-5. **Action Item:** Approve the agreement with Jensen Belts for Dog Park bidding and design services and construction documents in the amount, not to exceed, of \$155,060 (Funded by Park Impact Fees) (approved by legal)
- 5-6. **Action Item:** Request for Reconsideration of the City Council's decision regarding the Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential), both at 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St. (Parcels R11455011, R11455010, R11451012, R11451013 totally an approximate 3.936 acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for 3-story multi-family apartments, for Brandon Whallon representing Kennedy Family Ventures, LLC for Broadstone Apartments (ZMA-130-20)
- 5-7. **Action Item:** Approve easement encroachment request for property at 13551 S Greybull St and authorize Mayor to sign Encroachment Agreement
- 5-8. **Action Item:** Approve or deny any or all of the requested deferral for subdivision improvements for Hesse Acres Subdivision
- 5-9. **Action Item:** Authorize Mayor and Public Works Director to sign Task Order with T-O Engineers, Inc. to provide design and survey services for the Canyon St Bicycle & Pedestrian Pathway project in the amount of \$93,485.00 (T&M NTE) (approved in FY21 budget)



- 5-10. **Action Item:** Authorize Mayor and Public Works Director to sign Task Order for Professional Services between City of Nampa and HDR Engineering, Inc. on the Greenhurst Road, Sunnybrook Drive to Canyon Street project, Key No. 21999 in the amount of \$147,531.00 (T&M NTE) (approved in FY21 budget)
- 5-11. **Action Item:** Authorize Mayor to sign task order for attached Scope of Work (Exhibit B) with Right of Way Specialists, Inc. for Kings Road and Victory Road Intersection Improvements project in the amount of \$51,000.00 (T&M NTE) (approved in FY21 budget)
- 5-12. **Action Item:** Authorize Mayor to sign contract with CWE, LLC to lower the waterlines in conflict at the Star Road and Cherry Lane Roundabout in the amount of \$150,150 (approved in FY21 budget)
- 5-13. **Action Item:** Amend Fiscal Year 2019 Transportation Master Plan by incorporating Figure 3-10 (REV 03/2021) 2021 Functional Classifications Map
- 5-14. **Action Item:** Authorize Public Works Director to proceed with Givens Pursley, LLC, for City water rights legal services in the amount of \$60,000 T&M NTE (approved in budget) (approved by legal)
- 5-15. **Action Item:** Authorize Mayor to sign Appendixes A and B to amend the Exchange Maintenance Agreement between the City of Nampa and Canyon Highway District No. 4 (approved by legal)
- 5-16. **Action Item:** Authorize Finance Department to proceed with refinancing two of the City's bond issuances
- 5-17. **Action Item:** Authorize the Finance Director to update Financial services agreement with Piper Sandler (formerly Piper Jaffry). The update centers around the financial compensation to Piper Sandler for their role as our Financial Services advisor. It is not an increase in costs, rather it addresses the fee structure difference between Private Placement loans and public offerings

(6) Public Hearings

- 6-1. **Action Item:** Annexation and Zoning to RMH (Multiple-Family Residential) for the proposed vacated right-of-way described below, and 623, 613, 607 and 523 N Happy Valley Rd, totaling 3.8 acres (a portion of the SE ¼ of the SE ¼ of Section 13, and the NE ¼ of the NE ¼ of Section 24, T3N, R2W, BM and the NW ¼ of the NW ¼ of Section 19, and the SW ¼ of the SW ¼ of Section 18, T3N, R1W, BM) – for development of Station at Gateway No. 2 multi-family development of 110 dwelling units for a net density of 28.95; and Vacation of an approximately 368' by 25' (9,200 sq. ft) rectangular portion of E Orchard Ave. right-of-way, north of 623 N Happy Valley Rd. (a portion of the SE ¼ of the SE ¼ of Section 13, T3N, R2W, BM) for development of the Station at Gateway No. 2 multi-family development; all for Brandon Whallon representing Colby Halker (ANN-192-21, VAC-048-21).



- 6-2. **Action Item:** Annexation and Zoning to RS6 (Single-family Residential 6,000 sf) Approval for Chase Subdivision (113 single family lots and 13 common lots) at 0 Middleton Rd - Parcel #R3145601200 (A 32.92 acre portion of land located in the NE ¼ of Section 19, T3N, R2W, BM, Canyon County, Idaho, for Schultz Development (ANN 190-20).
- 6-3. **Action Item:** Variance of Section 10-10-6.B requiring 7,000 sq. ft. minimum lot size for a duplex lot in the RD (Duplex Residential) zoning district at 2505 N. Oak St (parcel #R1454200000); for a 6,229 sq ft. parcel (Located in the NE ¼ of Section 23, T3N, R2W, BM) for Paul Hoffman representing Tree City Homes LLC (VAR-101-21)
- 6-4. **Action Item:** Public Hearing for reallocation of CDBG-CV CARES Act Funding
 - **Action Item:** Authorize CDBG staff to proceed with the 3rd amendment to the 2019 Annual Action Plan which will incorporate the final funding allocation as proposed above
- 6-5. **Action Item:** Public Hearing 2021 CDBG Public Service Allocation
 - **Action Item:** Allocate CDBG funds as part of the 2021 regular program year as outlined in funding recommendation #1

(7) Unfinished Business

- 7-1. **Action Item:** 1st Reading of Ordinance for Zoning Map Amendment from RA (Suburban Residential) to RD (Two-Family/Duplex Residential) for a future development at 1110 S. Elder St. (parcel #R11579010; a .18 acre portion of Block 145, Amended Plat of Kurtz Addition (Vacated) located in the SW 1/4 of the NE 1/4 of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for David Nugent (ZMA-128-20) (PH was 03-01-2021)
- 7-2. **Action Item:** 1st Reading of Ordinance for Annexation and Zoning to BC (Community Business) zoning district at 11043 Moss Ln., and Conditional Use Permit for a Vehicle Repair and Used Vehicle Dealership; (a .42 acre portion of the SE ¼ of Section 07, T3N, R2W, BM, for Dwaine Steve Lee (ANN-188-20 & CUP-203-20) (PH was 03-01-2021)

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

- 8-1. Annexation and zoning to RS22 (Single Family Residential - 22,000 sq. ft.) on the west side of N. Kings Rd. adjacent and north of 39 N. Kings. Rd. at 0 N. Kings Rd. (A 2.43-acre parcel in Plat A Tax 04145 in Lot 37 in the SE ¼, SE ¼, Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for a parcel split for 2 new dwellings for Jay Walker representing Miguel Ballesteros. (ANN 164-20) (PH was 04-27-2020)
- 8-2. Annexation and zoning to RML (Limited Multiple-Family Residential) at 1165 S. Powerline Road (A 2.02-acre portion of Block 169, Kurtz Addition, also known as Tax 04696 in the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, ID) for multiple-family residential zero lot



line buildings and multiple-family residential 4-plex buildings for Zenith Homes (ANN 169-20) (PH was 04-27-2020)

- 8-3. Annexation and zoning to RD (Two-Family Residential) at 44 S. Kings Rd. (A 4.1-acre or 178,596 sq. ft. portion of the NW ¼ Section 25, T3N, R2W, BM also identified as Tax 6 in Tracts 15 and 16 of Nampa Heights Addition – for fourplex apartments for Tim Kristovich, Whispering Pines LLC (ANN 170-20) (PH was 05-04-2020)
- 8-4. Zoning Map Amendment from IP/RS (Industrial Park/Single-Family Residential) to RMH (Multiple-Family Residential) at 335 N. Gateway St. (A 1.25-acre or 54,450 sq. ft. portion of the SW ¼ Section 15, T3N, R2W, BM also identified as Lots 23 and 24, Block 13, Nampa City Acres Addition No. 1 – for a 100 unit multiple-family apartment project for Tim Kristovich, Whispering Pines LLC (ZMA 117-20) (PH was 05-04-2020)
- 8-5. Resolution for Comprehensive Plan Future Land Use Map Amendment from Medium Density Residential to Community Mixed Use, Annexation and Zoning to BC (Community Business), and Conditional Use Permit for a public storage development at 0 E Locust Lane, southeast of the Southside Blvd and Locust Lane intersection (An 18.92 parcel described as County Parcel R2953001000 in the NW ¼ of the NW ¼, Section 12, T2N, R2W, BM) for BC zoning to allow for public storage units and restaurant for Linda Claiborne (CMA 047-20, ANN 179-20 and CUP 191-20) (PH was 10-05-2020)
- 8-6. Zoning Map Amendment from BC (Community Business) to RS6 (Single Family Residential 6,000 sq. ft.) and Modification of Development Agreement Ordinance #3561 rescinding the conditions for a commercial building to match nearby architectural facades, building orientation, limiting impact of commercial lighting and fencing to the neighborhood, specifying commercial signage, landscaping, etc. for a commercial building at 904 7th Ave N (a .58 acre portion of land in the Sylvan Heights Subdivision in the NE 1/4 of Section 22, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho) for James K. Hagen representing Zechariah P. Dean (ZMA 125-20, DAMO 038-20) (PH was 12-07-2020) (with City Attorney for ordinance and DA)
- 8-7. Annexation and Zoning to RD (Two-Family/Duplex Residential) zoning district at 216 N. Middleton Rd – Parcel#R1602200000 (A 2.59-acre portion of the NW ¼ Section 20, T3N, R2W, B) for an existing single-family home and barn to connect to city water service, for Cecilia Shields (ANN 181-20) (PH was 12-07-2020)
- 8-8. Annexation and Zoning to IL (Light Industrial) zoning district at 245 N Happy Valley Rd and 4513 Airport Rd, lots P, Q, & Z of the Home Acres #2 Subdivision (4.45 acres portion of the NE ¼ of Section 24, T3N, R2W, BM, for Petersen Holdings LLC (ANN-189-20) (PH was 03-01-2021)
- 8-9. Zoning Map Amendment from RSPUD to RS6 (Single-Family Residential 6,000 sf minimum), for Middlebury Subdivision in an RS6 zoning district (334 buildable lots, 1 existing home, and 36 common lots on 105.78 acres); located at 12246 Orchard Ave - County Parcel #s - R3280300000, R328001100, & R3279901000b(located in S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Clinton R. Wissel (ZMA 129-20) (PH was 03-15-2021)



(9) Executive Sessions

- 9-1. **Action Item:** Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1)
- Idaho Code 74-206 (1) (i): To engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement;
 - Idaho Code 74-206 (1) (f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement;
 - Idaho Code 74-206 (1) (j) To consider labor contract matters authorized under section [74-206A](#) (1)(a) and (b), Idaho Code

Adjourn

Next Meeting

Regular Council at 5:30 PM – Monday, April 19, 2021 - City Council Chambers

- ◆ Individuals, who require language interpretation or special assistance to accommodate physical, vision, hearing impairments, please contact the City Clerk's Office at Nampa City Hall, (208) 468-5426. Requests should be made at least five (5) days prior to the meeting to allow time to arrange accommodations
- ◆ Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the City Clerk