

**REGULAR COUNCIL**  
**March 1, 2021**

Mayor Kling called the meeting to order at 5:30 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Mutchie, Levi, Haverfield, Bower were present.

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

**MOVED** by Haverfield and **SECONDED** by Mutchie to **approve the Consent Agenda which had the following items presented:**

**Item #1-1.** - Minutes

- a. Regular Nampa City Council Meeting – February 16, 2021
- b. Airport Commission – None
- c. Alcohol License Review Committee - None
- d. Arts & Historic Preservation Commission – None
- e. Bicycle and Pedestrian Advisory Committee – None
- f. Board of Appraisers – None
- g. Building and Site Design Standards Committee – January 19, 2021
- h. Building and Fire Code Advisory and Appeals Board – None
- i. Council on Aging Committee – None
- j. Crow Management – None
- k. Golf Commission – None
- l. Housing Authority – None
- m. Impact Fee Advisory Committee – None
- n. Library Board of Trustee – None
- o. Planning and Zoning Commission – February 9, 2021
- p. Venue Management Advisory Commission – None
- q. Wastewater Design Review Commission – None

**Item #1-2.** - The Nampa City Council dispenses with the Three (3) Reading Rule of Idaho Code § 50-902 for all ordinances

**Item #1-3.** - Plat Approvals

- a. Final
  - None
- b. Short
  - Banner Park Subdivision in a RD (Two-Family Residential) zoning district, at 516 20th Ave N. (parcel #R1428561900) for division into 2 fourplex lots, 1 duplex lot, and 1 common lot for a total of 10 dwelling units (a .958 acre portion situated in the SE ¼ of the SW ¼, Section 23, T3N, R2W, BM) for Jadon Schneider representing Bronze Bow Inc. (SPS-036-21)
- c. Preliminary
  - None

**Item #1-4. - Authorize Public Hearings**

- a. 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; 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 (DAMO-040-20, ZMA-129-20).
- b. Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential), and Variance of Section 10-22-6B requiring 2 parking stalls per dwelling unit (plus ADA spaces), instead proposing 1.52 parking spaces per unit; 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, VAR-097-20).
- c. Zoning Map Amendment from RD (Two-Family Duplex Residential) to RP (Residential Professional) for a portion of Parcel # R1177900000; for Multi-Family Residential apartments at 411 and 515 E Hawaii and 0 Constitution Way - county parcels R11767600000, R1177900000, & R1681700000, for a gross and net density of 20.37 on 18.65 acres (located on a portion of Lots 1 through 5 and all of Lots 6 through 10 of Block 187 of the Amended Plat of Kurtz Addition to Nampa Idaho as on file in Book 2 of Plats at Page 37 in the Office of the Recorder for Canyon County, Idaho, situated in the NW 1/4 of Section 34, T3N, R2W, BM) for Patrick Stoffregen - Pedcor representing Saint Alphonsus/Trinity Health (ZMA-131-20). Planning & Zoning Commission approved CUP-206-20 on February 9, 2021.
- d. Variance of Section 10-1-19.A.2 requiring any public storage facility building to be located a minimum distance of 100' from any RS or RD zoning district; for a 19.93 acre parcel (R2953001000) at 0 Locust Ln (Located in the NW ¼ of Section 12, T2N, R2W, BM) for Linda Claiborne (VAR-100-21).
- e. 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 Middlton Rd -

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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 & SPP-066-20)).

**Item #1-5.** - Authorize to Proceed with Bidding Process

- a. None

**Item #1-6.** - Authorization for Execution of Contracts and Agreements

- a. None

**Item #1-7.** - Monthly Cash Report

- a. None

**Item #1-8.** - Resolutions

- a. Disposal of Ridgecrest Golf Course Property (18-2021)

**Item #1-9.** - Planning & Zoning Formal Findings

- a. None

**Item #1-10.** - Licenses for 2020

- a. Alcohol Renewal
  - None
- b. Alcohol New
  - Family Dollar - Off Premise Beer & Wine – 204 11<sup>th</sup> Ave
  - Labyrinth Escape Games – On Premise Beer & Wine - 1213 ½ 1<sup>st</sup> St South

**Item #1-11.** - Miscellaneous items

- a. None

**Item #1-12.** – Approval of Agenda

Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

MOTION CARRIED

❖ (2) Proclamation ❖

**Item #2-1** – None

❖ **Mayor Kling asked if Nampa Residents Wishing to Speak on an Agenda (5 persons limit) or Non-Agenda Item (persons limit) (3-minute limit). Comments Related to Zoning and Land Use Matters May only be Made During Properly Noticed Public Hearings:** ❖

- Mila Wood – Caldwell
  - C-5 Committee member – read a resolution on All Humans Matter
- Maggy Goff
  - Child of God – Underground railroad

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

- **Mayor Kling**
  - City Survey
  - **Chief of Staff Rick Hogaboam** - Legislative updates
    - Property Tax – 1108
    - Districts for Council – language clarification
    - House Bill 197 – removes the ability for cities to have misdemeanor offences.
- **Councilmembers Haverfield**
  - Potential Annexation Impacts due to Proposed Tax Changes – SB-1108
    - As we have been informed, the Idaho State Legislature is considering a variety of different options of tax reform that will impact the City of Nampa directly on how we provide future services with growth (or with changes to the growth that has already been approved.)

SB1108 will substantially impact our service levels and limit our ability to keep up with growth needs.

We have identified the need of 30+ police officers, 30+ fire fighters, and we have the immediate need for the construction of a fire station #6 and have identified at least 2 more stations needed for our growing community in the years to come.

The arbitrary budget caps proposed by the SB1108 have an anticipated impact of nearly 17 million over the next 8 years which will drastically impact our ability to provide needed services.

The result would be longer response times due to the location of current services and increased calls of service. By only allowing an arbitrary percentage to be collected, this bill would transfer the cost of services to existing homeowners or would require a reduction to the level of service to our residents.

With that said, I would propose that we caution applicants that we will likely delay hearings for the next 6 weeks until we have further information from the Legislature and are provided time to analyze the impacts that this legislation may have on our ability to provide services.

But, I would propose this proposed delay would exclude any infill development of 5 acres or less.

Because of the unknowns going forward regarding SB1108 and how it could dramatically affect our city and our service levels, I believe the prudent action is to take a pause.

To those that represent Nampa in the State Legislature, please know that the City of Nampa and this body desires to be part of this solution and would welcome to be a part of the discussion.

- **Councilmembers Rodriguez**
  - Would like to have the starting of the golf tournaments to be as they were in the past (Mayor Kling agreed, and Darrin Johnson was informed of the request)

❖ (3) Agency/External Communications ❖

Item #3-1. - None

❖ (4) Staff Communications ❖

Item #4-1. – None

❖ (5) New Business ❖

**Item #5-1.** – The following Resolution was presented for the appointment of Larry Olmsted to Fire District Advisory Committee to replace Rick Hogaboam:

A RESOLUTION OF THE CITY OF NAMPA, IDAHO, AN IDAHO MUNICIPAL CORPORATION, **APPOINTING LARRY OLMSTED TO THE FIRE DISTRICT ADVISORY COMMITTEE.**

**MOVED** by Mutchie and **SECONDED** by Bruner to pass the **resolution** as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **19-2021** and directed the clerk to record it as required.

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**Item #5-2.** - Mayor Kling presented the request to **authorize piggyback purchase** of chip seal oils from **Idaho Asphalt Supply**, at an estimated cost of **\$560,000.00**, for Street Division. (approved in FY21 budget)

Public Works Director Tom Points presented a staff report explaining that the Public Works Department Street Division proposes to place 1,150 tons of CRS-2P (chip sealing oil) and 450 tons of Quickseal 60 (fog sealing oil) on City roadways.

The chip and fog sealing process will be applied after all patching and crack sealing in June 2021.

These activities tie in directly with the Asset Management maintenance in Zones F1 and F2.

Estimated cost for the purchase of chip and fog sealing oils is \$560,000.00.

The Street Division requests purchase of oils through the piggyback bidding process.

The piggyback process allows any governmental agency to use the bid of another governmental agency to establish the price for procurement, provided that the initial process satisfied the public bidding rules and the supplier is willing to honor the price.

Idaho Asphalt Supply, a liquid oil distributor, was awarded the Power County Highway District contract (0000029397) through the bid process. (Exhibit A)

This selected distributor has stated it will honor the same pricing to the City of Nampa.

This acquisition will be funded from the Pavement Management fiscal year 2021 budget of \$4,200,000.

**MOVED** by Bruner and **SECONDED** by Haverfield to **authorize the piggyback purchase** of chip seal oils from **Idaho Asphalt Supply**, at an estimated cost of **\$560,000.00** for the Street Division. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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**Item #5-3.** - Mayor Kling presented the request to **authorize the Mayor to sign an agreement with Streetscan, Inc.**, for pavement management software in the amount of **\$72,800.00** for Street Division. (approved in FY21 budget) (approved by legal)

Tom Points presented a staff report explaining that the Public Works Department annually surveys and documents the pavement condition of Nampa City streets. The current pavement improvement software and methods utilized by the City are labor intensive, expensive, and outdated.

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City Council authorized staff to proceed with a Request for Proposals (RFP) process seeking a new pavement management software solution.

The City received three proposals. A review committee comprised of representatives from Public Works Administration, Street, and Engineering (GIS) Divisions evaluated the submittals and selected Streetscan, Inc.

Implementation of Streetscan software and equipment will provide a more accurate assessment of pavement condition and free up Street, Engineering and GIS staff to address other critical day-to-day tasks.

The below table outlines a five-year total cost savings if Streetscan software is implemented by the City:

<b>Current City Software   Identified Costs</b>	<b>Current Costs</b>
Street Division: 3 staff members, 8 weeks work @ \$30 hour loaded rate	\$ 28,800.00
Engineering Division (GIS): 1 staff member, 2 weeks work @ \$40 hour loaded rate	\$ 3,200.00
Annual Software licensing	\$ 700.00
Annual Equipment, trucks, hardware	\$ 1,500.00
<b>1 Year Total (Eliminated) Cost</b>	<b>\$ 34,200.00</b>
<b>5 Year Total (Eliminated) Cost</b>	<b>\$171,000.00</b>
<b>Streetscan, Inc., Agreement</b>	<b>Cost</b>
FY21 Agreement: Includes inspection, data analysis of 1,200 lane miles of roadway, GIS data input, software license and integration with Nampa GIS system ( <i>FY 2021 approved budgeted expense</i> )	\$ 72,800.00
Annual software license and data hosting package updates (FY2022-2025) @ \$13,500	\$ 54,000.00
<b>5 Year Total Cost</b>	<b>\$ 126,800.00</b>
<b>5 YEAR TOTAL COST SAVINGS</b>	<b>\$ 44,200.00</b>

As Streetscan offers a more robust and efficient software, Street Division staff will be able to leverage the power of improved data for project selection, maintenance scheduling, funding, and assist with securing state and federal grants.

Staff recommends approval of the FY21 agreement with Streetscan, Inc., in the amount of \$72,800.00. Funding is from approved fiscal year 2021 Street Division budget.

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- Annual software license and data hosting package updates will be budgeted for Council approval in fiscal years 2022-2025.

**MOVED** by Bruner and **SECONDED** by Haverfield to **authorize** the **Mayor** to sign FY21 Agreement for Services with **Streetscan, Inc.**, for pavement management software and services in the amount of **\$72,800.00** for Street Division. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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**Item #5-4.** - Mayor Kling presented the request to **approve** the **Purchase and Sales Agreement** and **authorize** the **Mayor** to **sign** the **Nampa School District Property** located at **920 Lake Lowell Avenue**, Nampa, Idaho for **\$415,000**. (approved by legal) (Park Impact Fees)

Parks and Recreation Director Darrin Johnson presented a staff report explaining that the Nampa Parks and Recreation requests to purchase land for the purpose of a satellite maintenance location and a parking trailhead for the Wilson Pathway. Funding for the purchase will come from Park Impact Fees. A Purchase and Sales Agreement is attached.

The proposed property consists of a 2.28-acre parcel with two maintenance buildings. The property is located at 920 Lake Lowell Ave, Nampa Idaho and is currently owned by the Nampa School District.

The described property is appraised for \$455,000 and a summary of the appraisal is attached. The Nampa School District has approved a resolution to sell the property to the City for \$415,000 (resolution attached).

As due diligence, Nampa Parks and Recreation has completed a Phase 1 Environmental Site Assessment on the property and no environmental recognized conditions were identified.

**MOVED** by Bruner and **SECONDED** by Mutchie to **approve** the **Purchase and Sales Agreement** and **authorize** the **Mayor** to **sign** the **Nampa School District Property** located at **920 Lake Lowell Avenue**, Nampa, Idaho for **\$415,000**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Mayor Kling went to Item #5-8. due to the Fire Chief stepping out of the meeting temporarily.

**Item #5-8.** - Mayor Kling presented the request **authorize** the **Nampa Police Department** to Apply for an **Idaho Transportation Department Grant** in the amount of **\$135,220.00**.



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Police Captain Brad Daniels presented a staff report explaining that the primary goal of this grant is to reduce motor vehicle related deaths and serious injury crashes in the city of Nampa by increasing law enforcement presence, public awareness and education, and traffic safety on the city roadways. Our goal will be to focus on reducing crashes involving impaired, aggressive, and distracted drivers. Our goal will also include increasing the use of occupant protection and child safety seats used by our drivers within our city.

Compiled 2019 data using the Idaho Transportation Department's (ITD) 2019 Crash Data report, as well as 2020 data from the Nampa Police Department's Report Management System (RMS), the following statistics were used comparing the city of Nampa with other cities similar in population. From data collected from 2017 to 2019, we compared the city of Nampa with seven other cities with populations exceeding 40K. During that time, Nampa's fatal and injury crash rate per 1,000 population was 7.1, the second highest mean rate in the State in this category. From 2018 to 2019, Nampa experienced a decrease of fatal crashes from eight to four; however, in 2020, six fatal crashes occurred within the city limits of Nampa, three of which involving pedestrians.

Objective 1: Based on 2019 and 2020 statistics, reduce the total number of fatality crashes by at least 50% with a goal of zero fatalities during FY22.

Objective 2: Using Nampa PD's RMS data, our agency saw a decrease in injury related crashes from 343 in 2019 to 197 in 2020. Our goal for FY22 is to have no more than 100 injury related crashes.

Objective 3: Increase patrol to target specific traffic safety behavior to include speeding, aggressive, and distracted driving during daytime peak hours.

Objective 4: Increase patrol to target specific to pedestrian safety, i.e., crosswalk saturations, with the goal of reducing pedestrian fatal crashes to zero for FY22.

Objective 5: Increase patrol to target specific traffic safety behavior to include speeding, aggressive, distracted and impaired driving during nighttime peak hours.

Objective 6: Increase the overall seatbelt usage rate by 10% in the city of Nampa. Usage rates will be documented utilizing Seatbelt Observation Forms pre- and post-enforcement.

Objective 7: Create public awareness and education of the dangers of speeding, impaired driving, distracted drivers, and aggressive driving.

Objective 8: Create public awareness and education specific to youthful drivers regarding the dangers of speeding, impaired driving, distracted drivers, and aggressive driving.



<b>FY 2021 Fire District Budget Factor Calculations</b>			
	<b>City</b>	<b>Fire District</b>	<b>2020</b>
<b>Assessed Valuation</b>	\$6,227,901,489	\$1,603,224,167	20.47%
<b>Population</b>	101,744	20,274	16.62%
<b>3 Year Call Volume</b>	24,924	3,407	12.03%
		<b>Budget Factor</b>	<b>16.37%</b>

<b>Call Volume</b>	<b>City</b>	<b>Fire District</b>	<b>Totals</b>
<b>2017 calls</b>	8,676	1,197	<b>9,873</b>
<b>2018 calls</b>	8,002	1,117	<b>9,119</b>
<b>2019 calls</b>	8,246	1,093	<b>9,339</b>
<b>Total</b>	<b>24,924</b>	<b>3,407</b>	

**MOVED** by Haverfield and **SECONDED** by Mutchie to **acknowledge the receipt of the FY22 Nampa Fire Protection District’s budget factor for the 2021/2022 budget year.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the **MOTION CARRIED**

**Item #5-6.** - Mayor Kling presented the request to **authorize the Mayor to sign** the following agreements associated with the **Osprey Estates Subdivision:** (the following have approved by legal)

- Agreement for Hookup of Osprey Estates Subdivision to the City of Nampa Domestic Water System and Agreement to be Annexed into the City of Nampa between Developer and the City (Exhibit D); and
- Development Agreement between Developer, Nampa Highway District No. 1, and the City (Exhibit E).

Tom Points presented a staff report explaining that the Southside Properties, LLC is planning to develop approximately 146 acres, located southwest of the E Lewis Lane and Southside Blvd intersection, as a residential subdivision. The property is approximately 0.6-miles south of current

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City limits at Alma Lane. A Preliminary Plat was approved by Canyon County in August 2020 with 184 buildable lots and a minimum lot size of 12,000-SF. A project vicinity map is attached as Exhibit A, and the approved preliminary plat is attached as Exhibit B.

City sewer is not directly available to the site with the closest gravity sewer more than 0.5-miles to the west in the Table Meadows subdivision. This sewer does not have sufficient depth or capacity to serve the development. The City's 2014 Sewer Master Plan reflects this area being served by a future gravity main in E Lewis Lane that discharges to a new pump station located near Lake Lowell.

The Developer has elected to construct a private community wastewater treatment system due to high nitrate levels, shallow bedrock, and to better support a range of lot sizes.

The City of Nampa owns and maintains 12" public water mains in both Southside Blvd and E Lewis Lane.

The Developer has requested to hookup to and extend City water mains to serve the development that is in the County. Engineering Division staff has reviewed the City water systems and confirmed there is adequate capacity to serve this development.

The property currently has an active Water Hookup and Annexation agreement that was recorded in 2008 as Instrument # 2008060589 (Exhibit C). Through the preliminary plat review process with the County, the City Engineering Division requested a condition be assigned to require an update to the previous agreement to reflect the current site plan and City codes/policies.

The updated agreement (Exhibit D) has been reviewed by all parties, including the City Attorney on 1/14/2021, and staff recommends entering into the agreement.

The preliminary plat was also conditioned to enter into a three-party development agreement between the Developer, Nampa Highway District No. 1, and the City to address roadway construction standards and long-term maintenance obligations.

The development agreement (Exhibit E) has been reviewed by all parties, including the City Attorney on 1/19/2021, and staff recommends entering into the agreement.

**MOVED** by Haverfield and **SECONDED** by Rodriguez to authorize the **Mayor** to **sign** the **agreements** associated with the **Osprey Estates Subdivision**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

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**Item #5-7.** - Mayor Kling presented the request to **authorize** the **Mayor and Public Works Director** to sign Task Order for Professional Services between the City of Nampa and **J-U-B** for Zones G and A Sewer Rehab (Design) in the amount **\$193,609.00**, Time and Materials Not to Exceed. (approved in FY21 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. Zone G
  - a. 6,740 linear feet of pipeline lining and rehabilitation
  - b. Four new manholes
  - c. Rehabilitate three manholes
  
2. Zone A
  - a. 6,342 linear feet of pipeline lining and rehabilitation
  - b. Reconstruct one manhole
  - c. Rehabilitate 20 manholes

The improvements, identified by the City Wastewater Department, will proactively repair the deteriorated pipe and broken pipes. These pipes have been deemed to be in need of repair to prevent ground water infiltration and leakage.

Engineering interviewed three consultants for professional services. J-U-B 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.

J-U-B submitted a scope of work (Exhibit B) in the amount of \$ 193,609.00. The estimated project costs are as follows:

Design consulting Zone G (FY21 Sewer funds)	\$ 115,132.00
Design consulting Zone A (FY21 Sewer funds-design only)	\$ 78,477.00
Construction Inspection (FY21 Sewer funds)	\$ 75,000.00
<u>Estimated construction cost</u>	<u>\$ 1,031,391.00</u>
<i>Total estimated cost</i>	<i>\$ 1,300,000.00</i>

Project design for Zones G and A is scheduled and funded in FY21 (wastewater budget). Construction for Zone G is scheduled for FY21 and will be funded under this year's budget.

Legal has reviewed boilerplate Task Order documents.

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

**MOVED** by Rodriguez and **SECONDED** by Haverfield to **authorize** the **Mayor** and **Public Works Director** to **sign Task Order** for Professional Services between the City of Nampa and J-U-B for Zones G and A Sewer Rehab (Design) in the amount **\$193,609.00**, Time and Materials Not to Exceed. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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**Item #5-9.** - Mayor Kling presented the request to **authorize** the **Mayor** to **sign a Master Facility Lease Agreement** with **Crown Castle Fiber** (approved by legal)

Ford Idaho Center Director Andrew Luther presented a staff report explaining that letter is meant to provide summary information relating to a contract between the City of Nampa, Spectra Venue Management, and Crown Castle. Crown Castle is an installer of distributed antenna systems (DAS).

A DAS System provides enhance cellular service at high traffic areas, commonly airports, stadiums, and arenas. Crown Castle is the manufacturer and installer of this system and works directly with Spectra Venue Management for all the venues utilizing its management services. Crown Castle pays the operator for the rights to own & operate a DAS System in a facility. Crown Castle then will use the DAS System to provide cell service boosting capabilities to cellular service providers like Verizon.

Deal Points

- \$50,000 due to venue upon signature
- \$50,000 due to venue when installation commences
- \$100,000 due to venue when cellular provider begins utilizing DAS System
- \$50,000 due to venue for additional cellular providers utilizing DAS System

This agreement is in place for ten (10) years & has been approved by City of Nampa legal representation.

**MOVED** by Haverfield and **SECONDED** by Bower to **authorize** the **Mayor** to **sign a Master Facility Lease Agreement** with **Crown Castle Fiber**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #5-10.** – The following Ordinance was read by title:

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AN ORDINANCE ESTABLISHING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 170 FOR THE CITY OF NAMPA, CANYON COUNTY, IDAHO, FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS TO THE CITY'S SIDEWALKS, PEDESTRIAN RAMPS, DRIVE APPROACHES, CURBS, GUTTERS AND OTHER RELATED STREET IMPROVEMENTS IN THE DISTRICT; PROVIDING THE KIND AND CHARACTER OF THE PROPOSED IMPROVEMENTS; PROVIDING THAT SAID DISTRICT SHALL BE CONSIDERED A MODIFIED DISTRICT PURSUANT TO SECTION 50-1705, IDAHO CODE; DESCRIBING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY THEREIN TO BE BENEFITED BY THE IMPROVEMENTS TO BE MADE; PROVIDING FOR THE TOTAL ESTIMATED COSTS AND EXPENSES OF IMPROVEMENTS TO BE LEVIED AND ASSESSED AGAINST THE SAID LOTS AND LANDS TO BE BENEFITED BY SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS ASSESSED AGAINST THE SAID LOTS AND LANDS; PROVIDING FOR THE APPOINTMENT OF THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS HEREBY ORDERED AND THE PREPARATION AND FILING OF AN ASSESSMENT ROLL AND A LOCAL IMPROVEMENT DISTRICT REPORT PURSUANT TO THE PROVISIONS OF SECTION 50-1712, IDAHO CODE; PROVIDING A PROCEDURE FOR THE FILING, CERTIFICATION, NOTICE OF HEARING AND CONFIRMATION OF SAID ASSESSMENT ROLL, AND FOR THE NOTICE AND PAYMENT OF ASSESSMENT INSTALLMENTS SO CONFIRMED; CREATING CERTAIN FUNDS AND DOCKETS; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE. (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 Haverfield 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 **4560** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #5-11.** - Mayor Kling presented the request to **authorization** to **proceed** with **bid process** for LID 170. (approved by legal)

City Engineer Daniel Badger presented a staff report explaining that LID 170 will provide a funding mechanism for property owners within the identified boundaries, as shown on Exhibit A Schedule A-2 (see attached) to construct or reconstruct curb, gutter, sidewalks, pedestrian ramps and drive approaches as an improvement to their property.

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The 34 voluntary participating properties are identified in Exhibit A, Schedule A-1.

\$135,000.00 is the total estimated cost for the improvements. An estimated \$85,000.00 of this total will be assessed to property owners for the cost of improvements. \$50,000.00 of the funds will be provided by Street Division for pedestrian ramps and alley approaches.

Bidding is to take place in March 2021 with construction anticipated to start in April 2021.

Legal has reviewed boilerplate LID documents.

The Ordinance creating the LID was approved by Council at the March 1, 2021 meeting.

**MOVED** by Mutchie and **SECONDED** by Haverfield to **authorize to proceed with the bid process for LID 170**. 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 **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)

Joel Petersen, Petersen Holdings LLC presented the request.

Planning and Zoning Director Rodney Ashby presented the following staff report explaining that the request is for an Annexation & Zoning to IL (Light Industrial) for future development of light industrial buildings and possible gas station.

#### General Information

**Applicant/Owner:** Petersen Holdings LLC/Joel T. Petersen. **Annexation Location:** 245 N Happy Valley Rd (A 4.45-acre portion of the NE ¼ of Section 24, T3N, R2W, BM). **Comprehensive Plan Designation:** Industrial. **Proposed Zoning:** IL (Light Industrial). **Size:** Two parcels totaling 4.45-acres. **Existing Zoning:** County RR (Rural Residential).

**Applicable Regulations:** In order for a property to be annexed it must comply with the follow criteria:

1. The parcel shall be contiguous to a property already annexed into the city.



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2. The area can reasonably be assumed to be available for the orderly development of the city.
3. The proposed zoning conforms with the adopted comprehensive plan and is reasonably compatible with existing and proposed land uses in the area.
4. The annexation is at the consent of all property owners being annexed.

### **Specific Information**

#### **Surrounding Land Use and Zoning:**

- North- County RR (Rural Residential) large lot county residential
- South- County RR (Rural Residential) large lot county residential
- East- Happy Valley Rd; County RR (Rural Residential) commercial building and residential home
- West- Vacant lot zoned IL (Light Industrial)

#### **Permitted and Conditional Uses IL Zone (click on link):**

<https://www.cityofnampa.us/DocumentCenter/View/10416/Light-Industrial-IL-District-Land-Uses>

#### **Permitted Signs in IL Zone (click on link):**

[https://codelibrary.amlegal.com/codes/nampa/latest/nampa\\_id/0-0-0-7944](https://codelibrary.amlegal.com/codes/nampa/latest/nampa_id/0-0-0-7944)

**Public Utilities:** City utilities are not immediately available to the site, except for water, and are presently located in the following approx.. locations.

- Domestic Water – Available in Airport Rd and N Happy Valley Rd.
- Pressure irrigation – Nearest is located 1,350 ft to the North in N Happy Valley Rd. Continued use of existing irrigation water rights is acceptable. Engineering recommends an additional water service tap for irrigation with a dedicated landscape meter.
- Sewer – Nearest is approx. 350' west in Airport Rd. City Sewer Master Plan includes future extension of sewer mainline east on Airport Rd that would service this property.
- Connection to City utilities will require payment of hookup fees.

**Public Emergency Services:** No response was received from City Police or Fire Departments, but the following statement was provided on August 24th, 2020 for projected growth for the first quarter of the year:

Nampa's current population is approximately 106,860 residents, NPD currently has 128 officers (budgeted for 132 officers effective April, 2020) with a ratio of 1.2 officers per one thousand residence. In order to adequately provide police services to the community there needs to be 160 officers at a ratio of 1.5 officers per one thousand people therefore there is currently a shortfall of 41 officers.

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With the projected growth based on the new final plats for approval from January 2019 through March 2020 Nampa's population will be approximately 115,474 residents based on 2.94 people per household. To adequately provide police services to the projected population NPD will need 173 police officers and 82 support personnel.

**Physical Site Characteristics:** Aerial indicates a single-family home on each of the two lots and accessory structures.

**Transportation:** Access is taken from both Airport Rd. (Minor Arterial) speed limit 35-mph, and N Happy Valley (Minor Arterial) speed limit 35 mph. Right of way dedication will be required at time of development to ensure 50' from centerline on both roadways.

### **Correspondence**

The following is a summary of correspondence that can be found in full detail as an attachment to this report.

#### Nampa Engineering Division

Does not oppose the application with the following conditions:

1. Any future development of the site will require frontage improvements to be coordinated with Engineering Division and in accordance with City Code 9-3-1 (sidewalk, drainage, turn lanes if warranted).
2. Site access for future development shall adhere to the City's Access Management Policy.
3. Dedication of 25 feet of Right-of-Way along Airport Rd and N Happy Valley Rd for a total 50' from Section Line with 25' chamfer at intersection. The Owner shall submit legal description(s) with exhibit(s) to the City Engineer's office for review and approval. The City of Nampa will have the document recorded with the County.
4. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
5. 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.
6. Any future redevelopment of the site will be required to comply with all City Codes/Policies/Standards in place at the time of redevelopment.

#### Nampa School District

No concerns

#### Nampa Highway District#1

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No objections

Nampa Building Department

Applicant/Owner shall comply with Title 4 of Nampa City Code

Nampa Meridian Irrigation District

Providing all storm drainage is retained on-site there will be no impact to Nampa & Meridian Irrigation District (NMID). If any surface drainage leaves the site, NMID requires a filed Land Use Change Application for review prior to final platting. All private laterals and waste ways must be protected. It is recommended that irrigation water be available to all developments within the NMID. Developers must comply with Idaho Code 31-3803.

No response from the general public or neighbors has been received by staff to date.

**Staff Analysis**

The applicant submitted two applications for annexation and a legal description that included both properties. All the legally required neighbors were contacted via postal communication and the appropriate boundaries were correctly shown on a map posted on the property, but the property description only listed the area of one of the properties. We have corrected the description to include the area of both properties and believe all other information on the notice (including an aerial showing the correct area), was correct. Staff believes sufficient information was provided to ensure appropriate legal notice to neighbors.

From a land use standpoint, the location is shown on the recently adopted Comprehensive Plan FLUM for Industrial use. The requested IL zone is in conformance with the Industrial comprehensive plan designation. The proposed area for annexation is also under the Airport overlay boundary on the Comprehensive Plan, intended to ensure land uses are consistent in proximity to an airport. The proposed development appears to be consistent with uses intended near the airport, but that authority to make this determination lies with the City Council. The City Council has broad authority to approve or deny a request for annexation.

If the City Council finds the following criteria (“Conclusions of Law”) apply to the proposed project, they may choose to approve the requested annexation and zoning, with justification:

- 1) With annexation of both properties, the parcels connect with the city limits along the western boundary.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and some of the adjacent lands have been annexed and developed.

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- 3) The proposed zoning conforms with the adopted comprehensive plan FLUM for Industrial land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requests annexation and zoning to IL for future development of the site for industrial buildings and a potential gas station.

If the City Council finds that any of the above criteria do not apply to the proposed annexation and zoning, the Council should identify which criteria (“Conclusion of Law”) is not met and describe reasons for why the proposed project does not comply (“Findings”).

### **Recommended Conditions of Approval**

If the Nampa City Council votes to approve the Annexation and Zoning to IL, staff suggests the following conditions of approval:

1. Any future development of the site will require frontage improvements to be coordinated with Engineering Division and in accordance with City Code 9-3-1 (sidewalk, drainage, turn lanes if warranted).
2. Site access for future development shall adhere to the City’s Access Management Policy.
3. Dedication of 25 feet of Right-of-Way along Airport Rd and N Happy Valley Rd for a total 50’ from Section Line with 25’ chamfer at intersection. The Owner shall submit legal description(s) with exhibit(s) to the City Engineer’s office for review and approval. The City of Nampa will have the document recorded with the County.
4. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
5. 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.
6. Any future redevelopment of the site will be required to comply with all City Codes/Policies/Standards in place at the time of redevelopment.
7. All storm drainage shall be retained on-site.
8. If any surface drainage leaves the site, NMID requires a filed Land Use Change Application for review prior to final platting.
9. All private laterals and waste ways must be protected.
10. Developers must comply with Idaho Code 31-3803.

No one appeared in favor the request.

Brandy Frost, 4600 Oak Street appeared in opposition to the request.

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The applicant made comments and answered questions from council.

**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 Haverfield and **SECONDED** by Levi to **approve the 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 for Petersen Holdings LLC with the staff recommended conditions of approval and a 10 foot landscape buffer between the development and other properties, a 6 foot sight obscuring fence and for the sewer extension offer the incentive program 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 **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)

David Nugent, 16520 Mulberry Lane presented the request.

Associate Planner Parker Bodily presented the following staff report explaining that the request is for an Zoning Map Amendment from RA (Suburban Residential) to RD (Two-Family/Duplex Residential) for future development of the property which is located at 1110 south Elder Street

**General Information**

**Property Size & Description:** 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. **Existing Zoning:** RA (Suburban Residential). **Proposed Zoning:** RD (Two-Family/Duplex Residential). **Current Land Use:** Vacant

**Surrounding Land Use and Zoning:**

- North – RD (Residential Duplex) Leisureville Subdivision Townhomes/Duplexes
- East – RD (Residential Duplex) Sharon’s Brookside Fourplexes
- South – RD (Residential Duplex) Duplex and vacant lot
- West– RS6 (Single Family Residential) Single Family Dwelling

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**Comprehensive Plan Designation:** Medium Density Residential

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 RA to RD appears to be reasonable as it is consistent with surrounding uses, the Comprehensive Plan, and zoning districts in the area.

**Permitted Land Uses:** The land uses that are permitted or require a Conditional Use Permit for the RD zone can be found in the attachments to this staff report.

**History:** January 2021 – Planning and Zoning commission recommended approval with the conditions listed below.

**Special Information**

**Public Utilities:**

All utilities are available to the properties within close proximity.

Water – 10” main in E Sharons Way.

Sewer – 8” main in E Sharons Way.

Pressure Irrigation – 4” main line along east property line.

Public Services: No response was received from City Police or Fire Departments, but the following statement was provided on August 24th, 2020 for projected growth for the first quarter of the year:

Nampa’s current population is approximately 106,860 residents, NPD currently has 128 officers (budgeted for 132 officers effective April 2020) with a ratio of 1.2 officers per one thousand residence. In order to adequately provide police services to the community there needs to be 160 officers at a ratio of 1.5 officers per one thousand people therefore there is currently a shortfall of 41 officers.

With the projected growth based on the new final plats for approval from January 2019 through March 2020 Nampa’s population will be approximately 115,474 residents based on 2.94 people per household. To adequately provide police services to the projected population NPD will need 173 police officers and 82 support personnel.

**Transportation:** When the property is to be developed, access to the lot will be required to meet City Engineering and Fire Department requirements. Two off-street parking spots are required per unit.

**Correspondence**

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A summary of correspondence is provided below. A full documentation of correspondence is attached as an exhibit to this report.

### **City of Nampa Engineering Division**

The Engineering Division does not oppose these applications and has the following comments.

1. Any future development of the site shall be subject to permitting and plan review processes with the City of Nampa.
2. All City utilities are currently available to the property, and existing onsite buildings appear to be connected. A brief description of the location of main lines in the area follows:
  - a. Water – 10” main in E Sharons Way.
  - b. Sewer – 8” main in E Sharons Way.
  - c. Pressure Irrigation – 4” main line along east property line.
3. Access for any future development shall be per City of Nampa Access Policy and per any Nampa Fire Department requirements.

### **Nampa Code Enforcement**

The listed property, 1110 S Elder, has the following violations. Zoning Amendment not recommended until these issues are remedied.

- 3-4-8 Weeds to be destroyed Weeds throughout the property to include along the property lines and fence lines

**Nampa Highway District #1** - No objections

**Nampa School District** - No concerns

### **Nampa Building Department**

All development and construction on this property shall be subject to the requirements of Title 4 – Building Regulations of Nampa City Code.

### **Staff findings and Discussion**

The RA (Suburban Residential) zoning designation has remained due to the property never being developed. The property previously was split with the RA portion of the existing lot being its own lot. The lots have been adjusted recently to make the two lots into one. This has resulted in the now existing lot split between the RA and RD zoning designations.

Per NCC §10-3-5 “When a lot/parcel has one-half (1/2) or less of its area in a zone judged by the Planning Director or his/her designee to be more restrictive in nature (in terms of uses that it allows and setback restrictions it imposes) than the zone which is in the remainder, the Planning Director or his/her designee may (but shall not be required to) apply the regulations of the more restrictive zone to the entire lot/parcel when in the judgment of the Director or his/her designee so doing would provide the best pattern for harmonious development of a property as viewed in conjunction

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with existing land uses on abutting/adjacent properties... Rezoning shall be the means used to effectuate a change to that portion of a lot/parcel zoned differently from the balance of that lot/parcel where this regulation is deemed undesirable.”

The property, being split zoned, would have to follow the RA zoning regulations which would prevent development due to the size of the lot being insufficient for that zone.

The applicant has stated that he does not wish to develop the property at this time and may eventually sell the property. This application is to get the entitlements in place for selling the lot and future development.

If the City Council approves of the rezone, the following findings are required by City Code (10-2-3 C):

- 1) The proposed map amendment(s) is, are or would be in harmony with the city’s currently adopted comprehensive plan and comprehensive plan land use map; and
- 2) The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and
- 3) The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and
- 4) The proposed map amendment(s) is not, are not or would not create a “spot” zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and
- 5) The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

### **Recommended Conditions of Approval**

If City Council votes to approve of the zoning map amendment from RA to RD, recommended conditions of approval are as follows:

- 1) Any future development of the site shall be subject to permitting and plan review processes with the City of Nampa.
- 2) Access for any future development shall be per City of Nampa Access Policy and per any Nampa Fire Department requirements.
- 3) Weeds to be destroyed throughout the property to include along the property lines and fence lines.
- 4) Any additional conditions added by the Commission at time of hearing.

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



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**MOVED** by Rodriguez and **SECONDED** by Mutchie 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 Bruner and **SECONDED** by Rodriguez to **approve** the **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 with staff recommendation of approval and the conclusions of law 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 #6-3.** - Mayor Kling opened a **public hearing** 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)

Dwaine Steve Lee, 4057 N Ballentine Lane, Eagle presented the request.

Councilmembers asked questions of the applicant.

Principal Planner Doug Critchfield presented the following staff report explaining that the request is for Annexation and Zoning to BC (Community Business) and Conditional Use Permit for a Vehicle Repair and Used Vehicle Dealership. The applicant desires to continue the current land use of a vehicle repair shop and add a used car dealership.

**General Information**

**Zoning & Planning History:** Previously County Rural Residential. **Status of Applicant:** Property Owner. **Annexation Location:** 11043 Moss Ln. (a .42-acre portion of the SE ¼ of Section 07, T3N, R2W, BM, for Dwaine Steve Lee (ANN-188-20 & CUP-203-20) (Property) **Total Size:** .42 acres. **Existing Uses:** Garage/Vehicle Repair Shop.

Nampa 2040 Comprehensive Plan Land Use Setting: Commercial

**Existing Surrounding Comprehensive Plan Land Use Settings:**

- North – Commercial
- South – Commercial

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East - Commercial  
West - Commercial

**Existing Zoning:** County Rural Residential

**Existing Surrounding Zoning and Land Use:**

- North – BC (Community Business) - Boulevard Plaza Shopping Center
- South – County Rural Residential – Automobile wrecking/storage
- East – BC (Community Business) - Automobile wrecking/storage
- West - County Rural Residential - Residence

**Public Utilities:**

- 12” Domestic Water Main is in Moss Ln.
- 8” Pressure Irrigation Main is located 1,750’ to the west in Moss Ln. Nampa Engineering Division has indicated that continued use of existing irrigation water rights is acceptable. Engineering recommends an additional water service tap for irrigation with a dedicated landscape meter.
- Stub to 8” Sewer Main is located 320’ to the west on the north side of 11090 Moss Ln. Nampa Engineering Division has indicated that continued use of existing septic systems is acceptable. Any new development is required to submit septic plans for approval to Southwest District Health.

**Public Services:** Police and fire service city incorporated areas surrounding the location.

**Physical Site Characteristics:** The site is located on a residential street with commercial to the north and an automobile wrecking yard to the immediate east and south. The area is in transition from county residential to commercial.

**Transportation:** Access to the property is from Moss Ln.

**Road Classification:** Moss Ln. is classified as a Collector Road.

**Hazardous Materials Inspection:** Staff reviewed a Phase I Environmental Assessment that was conducted in November 2005 indicating the potential for soil contaminants existed on the site.

A Limited Phase II Environmental Assessment was conducted on the site on December 6, 2005. The Executive Summary of the Phase II Assessment indicated that testing for petroleum derived waste oil storage and localized steam cleaning activities produced no evidence of petroleum waste oil, metals, nor steam cleaning residue. The report indicated that no additional investigation was required.

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**Planning and Zoning Commission Public Hearing Date(s):** January 12, 2021 – continued to January 26, 2021

### **Applicable Regulations**

#### **Annexation and zoning**

##### **Description and Purpose of the BC Zoning District**

The BC Community Business District is intended to create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long- and short-term needs in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares. This district also includes some development that does not strictly fit the description of (Title 10, Chapter 16 of the Nampa Zoning Code) but also does not merit a zoning district. (Ord. 3761, 12-17-2007). **For a list of permitted and conditional uses in the BC (Community Business) Zoning District, please see attachment at the end of this staff report.**

##### **Nampa City Code 10-16-5:**

C. Front Yard/Street Side (Setback): None required (0') when property abuts a local public street, a private street, or a service drive. Twenty feet (20') is/shall be required on/for all properties that abut front streets classified or identified as collectors or arterials on the most currently utilized Nampa urban boundary and functional classification system map. (Ord. 3960, 4-4-2011). **Moss Ln. is classified as a Collector Road, a 20' setback is required.**

D. Interior Yards: Properties within the BC District are not/shall not be required to provide interior yards (setbacks) if said properties abut property lines of commercially or industrially zoned property. When property lines of a property zoned BC abut property zoned single- or two-family residential, interior yards (setbacks) not less than ten feet (10') wide/deep shall be required against the Residential District.

Exception: When an intervening sight obscuring fence at least six feet (6') tall that obscures visibility of a parking lot is placed between that commercially zoned property and an adjoining single- or two-family residential zoned property, then a zero foot (0') setback may be allowed in order to separate/screen the commercial property's parking lot from the residentially zoned property. (Ord. 4282, 9-19-2016). **Residential property exists to the west of this parcel. A 10' buffer will be required. A 6' site obscuring fence may be utilized in lieu of the 10' buffer between the residential property and any parking lot proposed on this parcel.**

##### **Annexations**

For a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. **The parcel adjoins city limits along its north and east property lines.**

## Conditional Use Permit

### Conditional Use Permits: Nampa City Code, Title 10, Chapter 25

Certain types of uses require special consideration prior to their being permitted in a particular district. The reason for special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

All uses permitted conditionally are declared to typically possess such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts defined within this title. The authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit (CUP). The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in surrounding areas, and for stipulating such conditions as may be reasonable so that the basic purposes of the chapter shall be served. Nothing construed herein shall be deemed to require the commission to grant a CUP. (Ord. 2140; and. Ord. 2929).

### Nampa City Code 10-3-2 Schedule of District/Zone Land Use Controls

Provides a list of permitted and conditional uses in each zoning district. **This proposal is requesting the use of the Property as a Vehicular Repair Shop which, in the BC Zoning District, requires a Conditional Use Permit** (please see attachment at the end of this staff report).

### Correspondence

Correspondence indicating no opposition to this Project are not included here but are included in the attachments to this staff report.

Received from public agencies and City departments as follows:

- 1) A Letter dated October 28, 2020, authored by Andy Adams, Nampa Engineering Division with general comments:
  1. The property is located at the east end of Moss Ln near the intersection of Caldwell Blvd and N Middleton Rd. It is only accessible from Moss Ln to the west and this section is classified as “Local Road”.
  2. Public right-of-way has yet to be dedicated along W. Sandhill Dr. The following right-of-way dedication will be required at time of development:
    - Moss Ln. – 28 feet
  3. City utilities are not immediately available to the site, except for water, and are presently located in the following approx. locations.
    - Domestic water – Available in Moss Ln.

- Pressure irrigation – Nearest is located 1,750 ft to the West in Moss Ln. Continued use of existing irrigation water rights is acceptable. Engineering recommends an additional water service tap for irrigation with a dedicated landscape meter.
  - Sewer – Nearest is approx. 320’ west at a stub on the north side of 11090 Moss Ln. Continued use of existing septic systems is acceptable. Any new development required to submit septic plans for approval to Southwest District Health.
  - Connection to City utilities will require payment of hookup fees.
- 2) Email correspondence dated November 24, 2020, authored by Rob Willis indicating that the project will be subject to all required building codes and related permits based on the requirements of City Ordinance -Title 4 - Building Regulations.

This proposed occupancy will require a Tenant Improvement with Change of Occupancy Building Application, approval before a Certificate of Occupancy will be issued. All of the required mechanical, plumbing, electrical and building code elements will have to be addressed and approved at time of plan review and inspected and verified in the field, before the building can be occupied.

- 3) Email correspondence dated November 30, 2020, authored by Brandy Walker, LUMEN (Century Link) indicating that if construction occurs on the site that would encroach upon, or be in conflict with their facilities, the developer/owner would be required to submit plans for approval to Century Link and would be responsible for cost of all facility moves; and,

### **Findings and Conclusions of Law**

The Nampa Planning & Zoning Commission recommends to the Nampa City Council approval of the requested annexation and zoning to BC (Community Business) and the Conditional Use Permit for a Vehicle Repair Shop with the following findings and conclusions of law:

- 1) The property owner requests Annexation and Zoning to BC (Community Business) in order to operate an automobile sales business, and a Conditional Use Permit for the operation of a vehicle repair shop; and
- 2) A Phase I and Phase II Environmental Assessment was completed on the site for prior petroleum storage and steam cleaning activities. The Phase II analysis indicated that the site was clean, and no additional investigation is necessary: and,
- 3) A vehicle repair shop exists on the property. The area is in transition to commercial uses. The continued operation of a vehicle repair shop and addition of a used vehicle dealership is reasonably compatible with existing and proposed land uses in the area; and,
- 4) The requested annexation and zoning to BC (Community Business) conforms with the 2040 Comprehensive Plan Future Land Use Map; and,
- 5) The area can reasonably be assumed to be available for the orderly development of the city with the city limits.

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**Recommended Conditions of Approval**

The Commission recommends that the City Council approve Annexation and Zoning to BC (Community Business) of the Property, and approve the Conditional Use Permit for a Vehicle Repair Shop subject to the following required conditions:

- 1) Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment and shall comply with all requirements and conditions of City departments and public agencies; and,
- 2) All developments and construction on this property shall be subject to all required building codes and related permits based on the requirements of City Ordinance - Title 4 – Building Regulations; and,
- 3) Owner shall dedicate 28 feet of Right-of-Way to the City of Nampa. The Owner shall submit a legal description with exhibit(s) to the City Engineer’s office for review and approval. The City of Nampa will have the document recorded with the County; and,
- 4) Owner/Developer shall submit plans to LUMEN (Century link) for any construction that planned to encroach upon or conflict with LUMEN (Century Link) facilities.  
Owner/Developer shall be responsible for the cost for all facility moves required; and
- 5) Any other Conditions that the Council wishes to impose ...

No one appeared in opposition to the request.

Birtley Wilson, 550 Bighorn Drive, Boise appearing in favor of the request.

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

MOTION CARRIED

**MOVED** by Rodriguez and **SECONDED** by Bruner to **approve the Annexation and Zoning** to 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 with staff recommended conditions of approval and authorize the city attorney to drawn up the appropriate ordinance. 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:

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AN ORDINANCE OF THE CITY OF NAMPA, IDAHO TO PROVIDE AN RS 7 (SINGLE FAMILY RESIDENTIAL – 7000 SQUARE FOOT LOTS) ZONE DESIGNATION FOR CERTAIN LANDS, COMMONLY KNOWN AS PARCELS R3039201000, R3039201100, AND R3039000000 ON THE EAST SIDE OF N CAN ADA ROAD AND NORTH OF CHERRY LANE, NAMPA, IDAHO, COMPRISING APPROXIMATELY 63.34 ACRES, MORE OR LESS; DETERMINING THAT SAID ZONING IS IN THE BEST INTEREST OF THE CITIZENS AND CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN; REZONING SAID PROPERTY FROM RS 8.5 (SINGLE FAMILY RESIDENTIAL 8500 SQUARE FOOT LOTS) TO RS 7 (SINGLE FAMILY RESIDENTIAL 7000 SQUARE FOOT LOTS); PROVIDING FOR RECORDATION; INSTRUCTING THE CITY ENGINEER TO DESIGNATE SAID PROPERTY AS RS 7 (SINGLE FAMILY RESIDENTIAL 7000 SQUARE FOOT LOTS) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; SUBJECT TO THE TERMS OF THAT CERTAIN DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE APPLICANT AND THE CITY OF NAMPA, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Tim Mokwa – Hayden Homes representing Domingo Asumendi)

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 Mutchie to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with Councilmembers Rodriguez, Bruner, Bower, Mutchie, Haverfield voting **YES**. Councilmember Levi voting **NO**. The Mayor declared the ordinance duly passed, numbered it **4561** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #7-2.** – The following Ordinance was read by title and Item #7-3. Approve the Summary of Publication was presented:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-01, OF THE NAMPA CITY CODE, PERTAINING TO THE PURPOSE OF THOSE PROVISIONS REGULATING DESIGN REVIEW IN THE CITY OF NAMPA; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-02, OF THE NAMPA CITY CODE, PERTAINING TO THE APPLICABILITY OF TITLE 10, CHAPTER 34; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-03, OF THE NAMPA CITY CODE, PERTAINING TO THE APPLICATION PROCESS FOR DESIGN REVIEW; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-04, OF THE NAMPA CITY CODE, PERTAINING TO THE

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APPROVAL OF DESIGN REVIEW PERMITS; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-05, OF THE NAMPA CITY CODE, PERTAINING TO THE PROCEDURES APPLICABLE TO THE DESIGN REVIEW COMMITTEE; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-06, OF THE NAMPA CITY CODE, PERTAINING TO ADMINISTRATIVE REVIEW PROCEDURES; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-07, OF THE NAMPA CITY CODE, PERTAINING TO THE CONTENTS OF DESIGN REVIEW APPLICATIONS; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-08, OF THE NAMPA CITY CODE, PERTAINING TO APPEALS OF DECISIONS ON DESIGN REVIEW; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-09, OF THE NAMPA CITY CODE, PERTAINING TO DESIGN REVIEW PERMIT DURATION; AMENDING TITLE 10, CHAPTER 34, SECTION 10-34-10, OF THE NAMPA CITY CODE, PERTAINING TO DESIGN STANDARDS AND REQUIREMENTS, PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Building and Site Design Standards Committee)

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 Mutchie and **SECONDED** by Rodriguez 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 **4562** and directed the Clerk to record it as required.

MOTION CARRIED

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

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 4510 CHICAGO STREET, NAMPA, IDAHO, COMPRISING APPROXIMATELY 1.42 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE LIMITS OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE ANNEXED INTO THE CITY OF NAMPA, AND BE ZONED RS 8.5 (SINGLE FAMILY RESIDENTIAL 8500 SQ.FOOT LOTS); DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA; DETERMINING THAT SAID ANNEXATION AND ZONING ARE IN THE BEST INTEREST OF THE PUBLIC AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, AND TO DESIGNATE SAID PROPERTY AS RS 8.5 (SINGLE FAMILY RESIDENTIAL 8500 SQ.FOOT LOTS) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; PROVIDING FOR RECORDATION;



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PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND, DIRECTING THE CITY CLERK 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 Mihai and Stefamia Irimia)

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 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 **4563** and directed the Clerk to record it as required.

MOTION CARRIED

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

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- 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. Zoning Map Amendment from IL (Light Industrial to RML (Limited Multiple-Family Residential) at 23 22<sup>nd</sup> Ave S. (A .16-acre or 6,970 sq. ft. portion of the NW ¼ Section

- 26, T3N, R2W, BM also identified as Lot 11 Block 1 Park Addition for a lot split and additional single-family dwelling for Adam Fleck representing Casey Ames (Gem State Cash Offers LLC) (ZMA-118-20) (PH was 05-04-2020)
- 8-6. 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)
- 8-7. 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)
- 8-8. 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)

❖ (9) Executive Session ❖

**Item #9-1.** - Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (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.

**MOVED** by Haverfield and **SECONDED** by Bruner to **adjourn** into **executive session** at 7:50 p.m. pursuant to 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. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

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**MOVED** by Haverfield and **SECONDED** by Mutchie to **conclude the executive session** at 8:43 p.m. during which discussion was held regarding 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. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Bower and **SECONDED** by Haverfield to **adjourn the meeting** at 8:44 p.m. The Mayor declared the

MOTION CARRIED

Passed this 15 day of March 2021.

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MAYOR

ATTEST:

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NAMPA CITY CLERK