

NAMPA CITY COUNCIL REGULAR MEETING MINUTES
March 6, 2023

(Presentations provided to Clerk's Office prior to posting of the agenda can be viewed in the Council Agenda Packet.)

Mayor Kling called the meeting to order at 5:33 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Jangula, Reynolds, and Haverfield were present. Councilmember Bower was absent.

❖ **Adoption of the Agenda (Action Item)** ❖

MOVED by Reynolds and **SECONDED** by Haverfield to **Adopt the Agenda**. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

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

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

Item #1-1. - Minutes

- a. Special Council Meeting – February 16, 2023
- b. Regular Council Meeting – February 21, 2023
- c. Planning & Zoning Commission – February 14, 2023
- d. Arts & Historic Preservation – January 9, 2023
- e. Venue Management – January 19, 2023
- f. Golf Commission – January 17, 2023
- g. Golf Commission Special Meeting – January 24, 2023

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
 - Subdivision Final Plat Approval of Reflections Edge No. 2 subdivision in an RS 4 (Single-Family Residential) zoning district - a 9.07 acre parcel #R3239201100 & R3239200000 at 0 E Railroad St (located in the NE 1/4 of Section 36, T3N, R2W, BM) for KB Homes, LLC (SPF-00227-2023). Original Concept: 48 single-family detached lots, 3 common lots and 2.56 acres of right-of-way.
- b. Short
 - Subdivision Short Plat Approval of Northside Logistics Center Subdivision in a IL (Light Industrial) zoning district - a 35.216 acre parcel #R3129700000 at

216 Shannon Dr (located in the NE 1/4 of Section 16, T3N, R2W, BM) for T-O Engineers, representing LDK Ventures (SPS-00048-2022). Original Concept: 3 Industrial lots.

- Subdivision Short Plat Approval of Madison Logistics Center Subdivision in an IL (Light Industrial) zoning district - a 19.51 acre parcel #R3104100000 at 16677 Madison Rd (located in the NW 1/4 of Section 10, T3N, R2W, BM) for T-O Engineers, representing LDK Ventures (SPS-00047-2022). Original Concept: 3 Industrial lots.

Item #1-4. - Authorize Public Hearings

- a. Comprehensive Plan Map Amendment from Commercial to Industrial designation, Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) zoning district, & potential Development Agreement at 1508 & 1510 W Karcher Rd. (parcel #s R2446800000 & R2446900000, located in the SE 1/4 of Section 8, T3N, R2W, BM) for Tyler Delay representing Doris Young (CMA-00055-2022 & ZMA-00170-2022). Original Concept: Obtain the correct zoning for the existing land use of outdoor storage of equipment for Young's Equipment addressed at 1502 W Karcher Rd and in order to construct a chain link security fence around the property. To be considered by City Council on March 20, 2023.
- b. Nampa City Code Text Amendment to change Title 5, Chapter 2, Tree Service to add definitions, add references to the Treasure Valley Tree Selection Guide, add where signs and other items can be located, clarify permit requirements, describe Heritage Trees, clarify licensing and safety procedures, add suspension authority, describe front yard trees, add a section for utilities and tree mitigation for new development; Title 10 Planning and Zoning, Chapter 3-Establishment of Districts and Provisions for Nonconforming Uses to include changing footnotes for Cluster Developments; Chapter 6-AG Agriculture District for changes to density requirements; Chapter 7-RA Suburban Residential for changes to density requirements; Chapter 8-RS Single-Family Residential District for changes to density requirements; Chapter 10-RD Two-Family Residential District for changes to density requirements; Chapter 11-RML Limited Multiple Family Residential District for changes to density requirements; Chapter 12-RMH Multiple Family Residential District for changes to density requirements; Chapter 13-RP Residential Professional for changes to density requirements; Chapter 22-Off Street Parking and Loading for drought tolerant landscaping requirements; Chapter 26-Planned Unit Developments and Master Planned Communities in regards to density, lot sizes, open space calculations, ratio of land uses in mixed use developments, add

section for Cottage/Cluster developments; Chapter 27-Subdivisions in regards to density, lot sizes, open space calculations, remove Cottage/Cluster developments; Chapter 31-Airport Zoning to rescind the entire chapter and adopt a new specific area plan chapter that includes the airport overlay district, the State Highway 16 Specific Area Plan, State Highway 20/26 Specific Area Plan and reserves space for future Specific Area and Corridor Plans; Chapter 33-Landscaping and Corridor Beautification to include drought tolerant landscaping provisions, for the City of Nampa (ZTA-00030-2022). To be considered by City Council on March 20, 2023.

- c. Nampa City Code Text Amendment to change Title 10 Planning & Zoning, Chapter 34 Design Review and adopt the associated Design Review Guideline document. Changes to Chapter 34 include: Reference to the new guideline document; add the IP (Industrial Park), IL (Light Industrial) and IH (Heavy Industrial) zoning districts to the applicability of the chapter; clarify multiple-family units; add exception for IL and IH zoned projects to be reviewed by staff; add that significant IL and IH design exception requests shall go to Design Review Committee; reorder paragraphs in 10-34-10.A for clarity; change primary wall facades to 3 materials, leaving other walls with 2 materials; add requirements for metal sided structures; change wall lengths on standard commercial structures to 50' for jogs and offsets; add durable materials to description of trash enclosures; add section 10-34-10B with all new requirements for IL and IH zoned properties (ZTA-00028-2022). To be considered by City Council on March 20, 2023.

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

- a. Authorize Engineering Division to proceed with formal bidding process for the Idaho Center and Cherry Lane Roundabout Phase 2 project. (Approved in FY23 Budget)
- b. Authorize Engineering to proceed with formal bid process for Traffic Signal Materials Restock FY23. (Approved in FY23 Budget)

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

- a. Authorize Mayor to sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Balmoral Properties, LLC, dated December 22, 2020, and (2) Nampa Municipal Airport Land Lease Agreement with Mad River, LLC, effective March 7, 2023, for Lot 2034. (Approved by Legal)
- b. Authorize Mayor to sign: (1) Agreement to Waive First Right of Refusal and Terminate Lease with Brian Paden. dated February 5, 2019; and (2) Nampa

Municipal Airport Land Lease Agreement with Balmoral Properties, LLC, effective March 7, 2023, for Lot 2020. (Approved by Legal)

Item #1-7. - Miscellaneous items

- a. Six month extension of Conditional Use Permit for Multi Story Conditioned Storage at District 208 for conditioned public storage units on two floors in an existing building in the BC (Community Business) zoning district in a 5.55 acre portion of a parcel addressed as 1509 Caldwell Blvd (A 34.86 acre portion of Lot 4, in Block 1 of Karcher Mall Subdivision situated in the NE ¼, Section 17, T3N, R2W, BM) for RHINO Holdings Nampa, LLC (CUP-00271-2022).
- b. Authorize Notice of Intent to proceed with Sole Source procurement with Etherwan for new intelligent transportation switches after a fourteen-day notice period. (Approved in FY23 Budget) (Approved by Legal)

Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

❖ **(2) Items Moved From Consent Agenda (Action Items)** ❖

- None

❖ **(3) Proclamation** ❖

Item #3-1 – None

❖ **(4) Public Forum** ❖

The following people spoke on a proposed gas station, Kum & Go, at the Greenhurst and Midland intersection:

- Michael Cooper, Summit Ridge HOA President, 1698 W Tenzing St, Nampa, spoke on health issues, especially benzene fumes.
- Craig Aguilar, 2318 S Pelion Way, Nampa spoke on the proposed use not being disclosed prior to purchasing his home last year.
- Amanda Ranke, Chair of the Greenhurst-Midland Action Committee, 1638 W Tenzing St, Nampa provided a handout (attached to the end of the minutes) and spoke on health and safety concerns, economic viability of the 3 locally-owned gas stations in the area, and the provocative marketing used by Kum & Go.

- David Thoene, Redhawk Ridge HOA Board of Directors, 12232 S Hunters Pointe Dr, Nampa spoke on the misrepresentation of the vacant lot being slated for professional offices.
- Amanda Ferguson, 2415 S Pelion Way, Nampa spoke on the proposed business not being harmonious to a location that is across the street from a bible church when the business name is “Kum & Go” and the publicity is sexual in nature.

Due to the large number of audience members, the Mayor requested staff to provide some more information on this. Rodney Ashby, Planning & Zoning provided the land use and zoning history of the parcel and also the current status of the proposed use. Todd Lakey, Legal spoke on the public’s concern regarding the business name and stated it would require more analysis.

Mayor suggested that the City consider changing the zoning code to avoid future situations like this and requested staff to relay the public comments received today to the developer. She offered to send a letter to the developer, herself, also relaying the public sentiment received today by Council.

❖ (5) Agency/External Communications ❖

Item #5-1. – None

❖ (6) Staff Communications ❖

Item #6-1. – None

❖ (7) New Business ❖

Item #7-1 – Request for Reconsideration of the Annexation and Zoning to BC (Community Business) zoning district for 4.69 acres addressed as 2522 & 2508 N Middleton Rd (Parcel #R244560040 & #R2445600600 located in the SW 1/4 of Section 8, T3N, R2W, BM), Conditional Use Permit for a Multiple Family Development in a BC (Community Business) Zoning District on 12.48 acres addressed as 2440 & 0 Karcher Rd, 2522 & 2508 N Middleton Rd (Parcel #R2445600700, #R24456007B1, #R244560040 & #R2445600600 located in the SW 1/4 of Section 8, T3N, R2W, BM), and potential development agreement for the Northwest Village development for Randy Haverfield, representing TV Holdings, LLC & Zion Ventures, LLC (ANN-00253-2022 & CUP-00295-2022). Original Concept: Mixed Use Development with 1 commercial building and 264 dwelling units in 11 apartment buildings.

Clerk' Note: Councilmember Haverfield left his seat on the dais at 6:07 p.m.

Todd Lakey, Legal spoke on the process for Requests for Reconsideration and that tonight's decision was only to determine if the Council would like to hear the item again or not. He reiterated that no additional testimony or evidence would be taken and only the written request for reconsideration would be considered.

MOVED by Reynolds and **SECONDED** by Bruner to **Approve** the Request for Reconsideration. Mayor asked for a roll call vote with Councilmembers Bruner, Jangula, and Reynolds voting **YES** and Councilmember Rodriguez voting **NO**.

MOTION CARRIED

Clerk's Note: Councilmember Haverfield returned to his seat on the dais at 6:12 p.m.

Clerk's Note: Mayor announced that Council would now go to the Public Hearings portion of the agenda, starting with Item #8-1.

Item #7-2 – Approve the Municipal Irrigation District Assessment Roll for 2023, as modified by City staff, per Idaho Code Section 50-1807.

Daniel Badger, Engineering presented the item to Council.

MOVED by Bruner to **Approve** the item. Due to a lack of a second,

MOTION FAILED

Discussion ensued on if a motion was needed when the Staff Report stated it was not required.

MOVED by Bruner and **SECONDED** by Haverfield to **Approve** the item. Mayor asked for a roll call vote with Councilmembers Bruner, Reynolds, and Haverfield voting **YES** and Councilmembers Rodriguez and Jangula voting **NO**.

MOTION CARRIED

Item #7-3 – Authorize Oakview Group to award bid and sign a construction contract with Terraco Excavation & Demo LLC for the Ford Idaho Center amphitheater floor replacement, for the not to exceed contract amount of \$334,478. (Approved in FY23 Budget) (Approved by Legal)

Daniel Badger, Engineering responded to Council’s questions on drainage. Andrew Luther, Oakview Group responded to Council’s questions on the contract documents listing only OVG. Todd Lakey, Legal stated that an easy amendment would be adding “and/or City of Nampa” to the end of references to OVG on all documents.

MOVED by Bruner and **SECONDED** by Rodriguez to **Approve** the item **as amended by Legal**. Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Jangula, and Haverfield voting **YES** and Councilmember Reynolds voting **NO**.

MOTION CARRIED

Item #7-4 – Authorize Mayor and Public Works Director to sign Task Order with J-U-B Engineers, Inc. to provide survey, design and bidding services for the asset management Zone C (Sherman Elementary) Fire Flow Upgrade project in the amount of \$108,612. (Approved in FY23 Budget)

Daniel Badger responded to Council’s questions on the reason for Sherman Elementary being mentioned in the request and the City’s current practice of identifying and correcting deficiencies in Nampa’s water system.

MOVED by Rodriguez to **Approve** the item. Due to a lack of a second,

MOTION FAILED

MOVED by Haverfield and **SECONDED** by Reynolds to **Continue** the item to the March 20, 2023 meeting to allow staff time to provide more information on the need for the request. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Item #7-5 – Award bid and authorize Mayor to sign contract for the Local Children Pedestrian Safety Program Grant (Sherman Elementary Pedestrian Improvements) project with Hawkeye Builders, Inc. in the amount of \$249,538.55. (Approved in FY23 Budget)

Daniel Badger, Engineering presented the item to Council.

MOVED by Haverfield and **SECONDED** by Reynolds to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Item #7-6 – Authorize Mayor to sign task order for attached scope of work with HDR Engineering, Inc. for the Idaho Center Boulevard and Cherry Lane Roundabout Phase 2 project construction engineering and inspection services in the amount of \$306,635.00 (T&M NTE). (Approved in FY23 Budget)

MOVED by Rodriguez and **SECONDED** by Jangula to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Item #7-7 – Authorize Mayor to sign: (1) Rail Pros Utility Construction Observation Agreement; and (2) Rail Pros Flagging Services Agreement for the Wastewater Treatment Plant Recycled Pipeline Project. (Approved in FY23 Budget) (Approved by Legal)

Jeff Barnes, Water responded to Council’s questions on the amount of the agreement and funding.

MOVED by Haverfield and **SECONDED** by Reynolds to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Item #7-8 – Authorize (1) Public Works submission of a Columbia River Basin Restoration Funding Assistance Program application for the Water Quality Improvement Project; and (2) Authorize Mayor to sign a letter of commitment in the amount up to \$442,560.00 to accompany the application. (Approved by Legal)

Jeff Barnes, Water clarified that for request #1, there was a City match of \$1,770,239.00, which was inadvertently not included in the agenda title, but was included in the staff report. He also clarified for request #2, that the identified amount was an annual cost. Doug Racine, Finance spoke on the funding.

MOVED by Reynolds and **SECONDED** by Haverfield to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Item #7-9 – Authorize Mayor to sign Resolution amending the Nampa 2040 Comprehensive Plan for the City of Nampa, including amendments to Chapter 5 Land Use, Chapter 6 Transportation, Chapter 15 Specific Area Plans, inclusion of the Highway 16 Specific Area Plan, inclusion of the Highway 20/20 Specific Area Plan and the revised Future Land Use Map (CTA-00013-2022 and CMA-00054-2022). (Approved by Legal)

MOVED by Bruner and **SECONDED** by Jangula to **Pass the Resolution as presented**. Mayor asked for a roll call vote with all Councilmembers present voting **YES**. Mayor declared the resolution passed, numbered it **07-2023** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-10 – 1st reading of ordinance rescinding Exhibit E (918 W Greenhurst Rd) from Pressurized Irrigation Annexation Ordinance 4679. (Approved by Legal)

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO RESCINDING A PORTION OF CITY ORDINANCE NO. 4679 WHICH ANNEXED CERTAIN PROPERTIES INTO THE NAMPA MUNICIPAL IRRIGATION DISTRICT; THE PORTION OF ORDINANCE NO. 4679 HEREBY BEING RESCINDED IS EXHIBIT E ATTACHED THERETO; DETERMINING THAT THE RECISSION OF THE DESCRIBED PORTION OF SAID ORDINANCE IS IN THE BEST INTEREST OF THE PUBLIC; MODIFYING THE BOUNDARIES OF THE NAMPA MUNICIPAL IRRIGATION DISTRICT TO REFLECT THE RECISSION OF EXHIBIT E FROM SAID ORDINANCE; DIRECTING THE CITY ENGINEER TO MAKE SAID CHANGES IN THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Daniel Badger, Engineering presented the item to Council and explained the background of why the address was being rescinded from Ordinance No. 4679 but then was included in the Annexation Ordinance being heard after this item.

MOVED by Reynolds and **SECONDED** by Haverfield to **Pass the Ordinance under suspension of rules**. Mayor asked for a roll call vote with all Councilmembers present voting **YES**. Mayor declared the ordinance duly passed, numbered it **4718** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-11 – 1st reading of ordinance and approval of publication of ordinance summary for the Pressurized Irrigation Annexation Ordinance annexing 918 W Greenhurst Rd, 2909 E Victory Rd, & 11127 Lake Lowell Ave from the underlying Irrigation Districts into the Municipal Irrigation District of the City of Nampa. (Approved by Legal)

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE UNDERLYING IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AND CHANGING THE BOUNDARIES THEREOF; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

MOVED by Rodriguez and **SECONDED** by Reynolds to **Pass the Ordinance under suspension of rules.** Mayor asked for a roll call vote with all Councilmembers present voting **YES**. Mayor declared the ordinance duly passed, numbered it **4719** and directed the Clerk to record it as required.

MOTION CARRIED

❖ (8) Public Hearings ❖

Item #8-1 – Vacation of a .861 acre portion of an existing utility easement at 1510 N Happy Valley Rd. (parcel #R3050400000) a 50' by 1812.16' easement described in detail in a legal description found at the Nampa Planning & Zoning office; located in the NE 1/4 of the SW 1/4 of the SW 1/4 of Section 18, T3N, R1W, BM); for Gardner Nampa Gateway LC (VAC-00059-2023). Original Concept: Vacate easement not vacated with right-of-way vacation, in preparation for future development of the area.

Mayor opened the public hearing.

Weston Arnell, Applicant, 800 W Main St, Boise presented the request.

Rodney Ashby, Planning & Zoning presented the item to Council.

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

MOVED by Jangula and **SECONDED** by Reynolds to **close the public hearing.** Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

MOVED by Reynolds and **SECONDED** by Haverfield to **Approve** the Vacation of the 50' by 483.84' revised utility easement vacation at 1510 N Happy Valley Rd. (parcel #R3050400000) for Gardner Nampa Gateway LC (VAC-00059-2023) with the proposed findings and conditions listed in the staff report. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Item #8-2 – Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district and potential development agreement for 905 Midland Blvd (a 1.33 acre parcel #R3136000000 located in the SE ¼ of Section 17, T3N, R2W, BM, Nampa), for Blake Wolf, representing Lance & Racheal Givens (ANN-00264-2022). Original Concept: Annex for a future subdivision to 2-unit townhomes in 6 buildings - for a total of 12 units.

Mayor opened the public hearing.

Blake Wolf, Applicant Representative, 843 W Horizon Way, Nampa presented the request.

Parker Bodily, Planning & Zoning presented the item to Council. Rodney Ashby, Planning & Zoning responded to Council's questions on guest parking for townhomes. Daniel Badger, Engineering responded to Council's questions on driveway location, traffic impact study criteria, right of way, and parking on one side of the street.

Doris Phillips, 220 S Ivy St, Nampa spoke on the development's only access point being off of Midland, which was already a busy road.

Abby Haines, 1108 W Dell Ct, Nampa spoke on concerns with the buildings' heights as her property backs up to the west side of the development. She also voiced concern with parking.

MOVED by Reynolds and **SECONDED** by Jangula to **close the public hearing**. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Significant discussion ensued between Council and staff regarding guest parking vs open common space.

MOVED by Jangula and **SECONDED** by Rodriguez to **Approve** the Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district for 905 Midland Blvd for Blake Wolf, representing Lance & Racheal Givens (ANN-00264-2022) with all conditions listed in the staff report and to adopt the proposed findings of approval as stated in the staff report **and to include the following conditions: (1) Fencing to be compatible with existing fencing and be provided for each unit; (2) Buildings located on the west side of the development to be single storied; (3) Remove existing condition 5.b; (4) Provide extra guest parking for the total additional guest parking to be 6 parking spaces; and (5) Developer to submit proposed CC&Rs to City staff in order to maintain consistent quality and character with the surrounding neighborhood.** Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Jangula, and Reynolds voting **YES** and Councilmember Haverfield voting **NO**.

MOTION CARRIED

Item #8-3 – Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district and potential development agreement for 0, 0, & 1121 Southside Blvd (Parcels #R3230700000, R3230800000, R3230701000, totaling 3.39 acres and located in the NE ¼ of Section 35, T3N, R2W, BM, Nampa), for Centurion Engineers, representing Francis Pearce (ANN-00259-2022). Original Concept: Annex all three parcels for a subdivision to be applied for at a future date.

Councilmember Rodriguez disclosed that the applicant used to be his brother-in-law 25 years ago, hadn't seen him in that amount of time and was not beholden to him and, therefore, there was no conflict of interest.

Mayor opened the public hearing.

Tom Maile, Applicant Representative, 885 W Rush, Eagle presented the request.

Kristi Watkins, Planning & Zoning presented the item to Council.

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

MOVED by Reynolds and **SECONDED** by Jangula to **close the public hearing**. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

MOVED by Bruner and **SECONDED** by Reynolds to **Approve** the Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district for 0, 0, & 1121 Southside Blvd for Centurion Engineers, representing Francis Pearce (ANN-00259-2022) **and include a new condition requiring 2.5 parking spaces per dwelling unit.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.**

MOTION CARRIED

Item #8-4 – Confirm Assessment Roll for Local Improvement District No. 160 for the Purpose of Construction Concrete Curbs, Gutters, Sidewalks, Pedestrian Ramps, Drive Approaches, and Street Improvements in Zone B.

Mayor opened the public hearing.

Daniel Badger, Engineering, presented the item to Council.

Taylor Thomas, 512 9th Ave S, Nampa and Brian Hudson, 508 9th Ave S both stated that when they purchased their homes, it had not been disclosed that the previous home owners had agreed to participating in LID #160 and that there had been an assessment placed on the property.

Discussion ensued on past practices vs current process for when the property is re-sold and there is an assessment pending.

MOVED by Jangula and **SECONDED** by Rodriguez to **close the public hearing.** Mayor asked for a voice vote with all Councilmembers present voting **YES.**

MOTION CARRIED

MOVED by Rodriguez and **SECONDED** by Jangula to **Approve the Assessment Roll for Local Improvement District No. 160 for the 9 property owners that owned their properties at the time the LID was created and work was performed and direct staff to use the Street Department LID Funds to cover the remainder of the assessment.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.**

MOTION CARRIED

Clerk's Note: Mayor announced that Council would now return to the regular agenda order, starting with Item #7-2.

❖ (9) Unfinished Business ❖

Item #9-1 – 1st reading of ordinance for the Vacation of a .176 Acre (7,687 sq. ft.) portion of an existing water line easement as recorded September 21, 2009, under Inst.# 2009047968 at 1232 & 1250 N Galleria Rd. (parcels #R3049800000 & R3049801100) a 20' by approximately 309', and 20' by 75' easement described in detail in a legal description found at the Nampa Planning & Zoning office; located in the NE 1/4 of the SW 1/4 of Section 18, T3N, R1W, BM); for Gardner Nampa Gateway LC (VAC-00058-2023). Original concept: Vacate a portion of easement without a waterline currently located in that easement, in preparation for future development of the area. (PH was 02-21-2023) (Approved by Legal)

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

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, VACATING AN APPROXIMATELY .176 ACRE (7,687 SQ. FT.) CONSISTING OF AN APPROXIMATELY 20' X 309' AND 20' X 75' PORTION OF A WATER LINE EASEMENT (RECORDED AS CANYON COUNTY INSTRUMENT #2009047968) LOCATED ON THE PROPERTY GENERALLY DESCRIBED AS 1232 & 1250 N. GALLERIA ROAD (COUNTY PARCELS #R3049800000 & R3049801100) LOCATED IN THE NE ¼ OF THE SW ¼ OF SECTION 18, T3N, R1W, BM), MORE PARTICULARLY DESCRIBED BELOW, IN NAMPA, CANYON COUNTY, IDAHO, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP AND OTHER APPLICABLE MAPS ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH.

MOVED by Reynolds and **SECONDED** by Jangula to **Pass the Ordinance under suspension of rules.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.** Mayor declared the ordinance duly passed, numbered it **4720** and directed the Clerk to record it as required.

MOTION CARRIED

Item #9-2 – 1st reading of ordinance and approval of publication of ordinance summary amending Nampa City Code Title 9 (Public Ways and Property), Chapter 3 (Improvements within Right-Of-Way). (Approved by Legal)

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

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 9, CHAPTER 3 OF THE NAMPA CITY CODE; THIS ORDINANCE AMENDS TITLE 9 PUBLIC WAYS AND PROPERTY, CHAPTER 3 IMPROVEMENTS WITHIN RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.

MOVED by Reynolds and **SECONDED** by Haverfield to **Pass the Ordinance under suspension of rules.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.** Mayor declared the ordinance duly passed, numbered it **4721** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 10-1. 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)
- 10-2. Zoning Map Amendment from RS6 (Single Family Residential 6,000 sf) to RP (Residential Professional) zoning district; and potential development agreement, at 3 N Midland Blvd. - Parcel # R1613101000; (a .45 acre parcel located in the SE 1/4 of Section 20, T3N, R2W, BM) for Ronald J Pierce (ZMA 159-21). Original Concept: to allow the conversion of an existing home into a three- bedroom apartment upstairs and two office spaces downstairs (**PH was 02-22-2022**)

- 10-3. Annexation and Zoning to IL (Light Industrial) zoning district and potential development agreement; at 0 & 16989 Madison Rd, (parcels #R3100900000 & R3104700000) totaling 21.09 acres and located in the N 1/2 of Section 10, T3N, R2W, BM) for William Juarez representing Jim Cox (ANN-00227-2021). Original Concept: A partially completed office industrial building at 16989 Madison and construction of a 4,800 sf shop with 3 overhead doors, an office, restroom, utility room and storage on the property addressed as 0 Madison Rd. **(PH was 04-18-2022)**
- 10-4. Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) zoning district and potential development agreement at 2912 Caldwell Blvd (Parcel # R2046900000); a 35.88 acre parcel (located in the NE 1/4 of Section 7, T3N, R2W, BM) for Jeff Bower/Givens Pursley LLP representing Black Creek Ltd. Partnership & Pleasant Valley Ltd Partnership (ZMA-00167-2022). Original Concept: Development of a Class A industrial business park with two buildings totaling approximately 670,000 SF. **(PH was 08-01-2022)**
- 10-5. Annexation and Zoning to RS6 (Single-Family Residential 6,000 sf) and RD (Two-Family Residential) zoning districts, potential development agreement, and Subdivision Preliminary Plat for Seven Maples Ranch Subdivision at 3000 Southside Boulevard, 0, 3204, and 3303 E Oklahoma Avenue (parcel #R2115700000, R2115600000, R2115800000, R2909300000, & R2115601000) totaling 43.05 acres in the SW ¼ of Section 01, T2N, R2W, BM, Canyon County), for Gem State Planning representing Charles Kunerth/Corey Barton (ANN-00252-2022 & SPP-00113-2022). Original Concept: 53 single-family attached townhouse dwelling units, 1 existing single-family detached home, 125 new single-family detached dwelling units, 8 common lots, and 20 qualified open space lots. **(PH was 10-17-2022)**
- 10-6. Development Agreement Modification (Ord. 4582 - July 27, 2021) to specify land uses permitted in the IP (Industrial Professional) zoning district at date of this application, excepting those prohibited in the existing Development Agreement, for the Fuller 84 Business Park addressed as 5350 & 5300 E Franklin Rd (parcels #R3040600000 & R3040601300) totaling 61.62 acres (located in the SE 1/4 of Section 7, T3N, R1W, BM) for Givens Pursley LLP representing RE II Industrial V LLC and RE II Industrial VII LLC (DAMO-00057-2022). **(PH was 12-19-2022)**
- 10-7. Annexation and Zoning to IL (Light Industrial) zoning district and potential development agreement for four parcels totaling 35.86 acres addressed as 0 Ustick Rd (parcels #R3436101000, R3436101100, R3436101200, & R3436301000, located in the SW ¼ of Section 33, T4N, R2W, BM), for River Range Idaho LLC representing Dana

Devlin and Hilda Devlin (ANN-00254-2022). Original Concept: Future industrial development. (PH was 01-17-2023)

10-8. Expansion of the Nampa Area of City Impact, amending Section 10-30-3 of the Nampa City Code and adopting the revised Area of City Impact Geographic Area Map. (PH was 02-06-2023) (Pending Canyon County Board of Commissioners' approval)

10-9. Annexation and Zoning to RD Townhouse (Residential Duplex) zoning district, potential development agreement, and Subdivision Preliminary Plat for Lady Bird Landing Subdivision at 3809 & 0 Greenhurst Rd (Parcels #R2909800000 & R909701200, totaling 3.333 acres in the NW ¼ of Section 1, T2N, R2W, BM), for Adam and Canada Bayne (ANN-00260-2022 & SPP-00118-2022). Revised Concept: 25 townhouse units in 9 buildings, 1 private shared road, and 6 common lots. (PH was 02-21-2023)

❖ (11) Executive Session ❖

Item #11-1 – None

MOVED by Reynolds and **SECONDED** by Jangula to **Adjourn the meeting** at 8:35 p.m. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Passed this 20th day of March 2023.

MAYOR

ATTEST:

NAMPA CITY CLERK