

OFFICIALS

Joe Stear, Mayor
Briana Buban-Vonder Haar, Council President
Richard Cardoza, Council Member
Warren Christensen, Council Member
Greg McPherson, Council Member



CITY OF KUNA

Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634

City Council Meeting MINUTES Tuesday, June 5, 2018

6:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
Council President Briana Buban-Vonder Haar
Council Member Richard Cardoza
Council Member Warren Christensen
Council Member Greg McPherson – Absent

CITY STAFF PRESENT:

Chris Engels, City Clerk
Bob Bachman, Public Works Director
Bobby Withrow, Parks Director
Wendy Howell, Planning & Zoning Director
Richard Roats, City Attorney
Bill Jackson, Deputy City Treasurer
Lisa Holland, Economic Development Director

2. Invocation: Dean Herring, South Valley Baptist Church

3. Pledge of Allegiance: Mayor Stear

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS (Timestamp 00:00:01)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.

A. City Council Meeting Minutes:

I. Regular City Council Minutes, May 16, 2018

B. Accounts Payable Dated May 31, 2018 in the Amount of \$386,233.11

C. Resolutions

~~1. Consideration to approve Resolution No. R33-2018~~

~~A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO REPEALING CITY OF KUNA RESOLUTION NO. R18-2017 THAT AUTHORIZED CERTAIN SIGNATURES ON THE SIGNATURE CARD FOR BANKING SERVICES ON BEHALF OF THE CITY OF KUNA, SETTING FORTH A NEW PROCEDURE FOR SIGNATURES ON THE SIGNATURE CARD OF AUTHORIZED PUBLIC OFFICIALS TO BE APPROVED BY CITY COUNCIL ON AN ANNUAL BASIS AT THE SECOND MEETING IN JANUARY, ALLOWING THE MAYOR TO REVOKE THE SIGNATURE OF AN AUTHORIZED PUBLIC OFFICIAL, AND PROVIDING AN EFFECTIVE DATE.~~

~~2. Consideration to approve Resolution No. R34-2018~~

~~A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPOINTING CERTAIN CITY OF KUNA, IDAHO OFFICIALS AS PERSONS AUTHORIZED TO SIGN FOR BANKING SERVICES ON BEHALF OF THE CITY OF KUNA, IDAHO AND PROVIDING THAT THE SIGNATURES ARE VALID FOR THE 2018 YEAR OR UNTIL REVOKED BY ACTION OF THE MAYOR, AS PROVIDED FOR IN RESOLUTION NO. R33-2018.~~

3. Consideration to approve Resolution No. R35-2018

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING AND ADOPTING AN AMENDMENT TO THE CITY OF KUNA, IDAHO PERSONNEL MANUAL SECTION 10.1.1C BY ADDING ECONOMIC DEVELOPMENT DIRECTOR TO THE LIST OF APPOINTED OFFICIALS, AND STRIKING FROM THE LIST THE FACILITIES DIRECTOR; REQUIRING THE CITY CLERK TO DISTRIBUTE COPIES TO THE HOLDERS OF THE PERSONNEL POLICY; AND PROVIDING AN EFFECTIVE DATE.

D. Final Plats

1. Consideration to approve Case No. 18-08-FP (Final Plat) for Memory Ranch Subdivision No. 2
2. Consideration to approve Case No. 18-11-FP (Final Plat) for Patagonia No. 3

Council Member Cardoza moved to move items 4.C.1 and 4.C.2 to Business as item 7.D. Seconded by Council President Buban-Vonder Haar. Motion carried 3-0. Council Member McPherson absent.

Council President Buban-Vonder Haar moved to approve the Consent Agenda as amended. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar

Voting No: None

Absent: Council Member McPherson

Motion carried 3-0.

5. Community Reports or Requests:

- A. Kuna City Police Fiscal Year 2019 Budget and Annual Police Report Presentation – Police Chief Jon McDaniel – ACTION ITEM
(Timestamp 00:01:24)**

Mayor Stear explained this item could be just informational but it was at the pleasure of the Council if they would like to take any action.

Police Chief Jon McDaniel reviewed the 2017 Police Report. He felt the investment made by Council for 2017 really paid off and he thanked Council for their support. Overall the crime rate was slightly down and Code 3 emergency response times were within the acceptable level. He explained why some numbers were higher or lower than previous years. The School Check number was down due to a change in the way they categorized that activity but other than that everything looked good.

Chief McDaniel reviewed Kuna's Code Enforcement calls and how they were split between the Sheriff's Office Code Enforcement Officers and the Kuna City Patrol Teams. Based on the breakdown, he anticipated in the next few years Kuna would need a Kuna Code Enforcement Officer.

Chief McDaniel moved on to the summary of Service Calls and response times. There was not much of a difference between response times north of the rail line and south of the rail line.

Lastly, Chief McDaniel explained the budget and funding request which included 2 detectives; 1 Persons Crime Detective and 1 Juvenile Detective. He reviewed the need for these new detectives as well as the remaining cost of an additional School Resource Officer that the School District could not completely cover. It was about 6.7% of the cost of that School Resource Officer and it would allow for that officer to be there for the whole 9 months. The budget also included the 3% COLA the BOCC had tentatively approved for all the Ada County employees. If the request was accepted the roughly \$100.00 per resident cost for police services would still be less than half the average in Ada County and was still over 20% cheaper than Burley

which was around 14,000 or 15,000 and also contracted with their Sheriff's Office. With that he stood for questions.

Mayor Stear added that he and Chief McDaniel had many discussions on this and he felt the additional funding for the School Resource Officer took enough burden off the City Officers to be well worth it and would increase their effectiveness.

Chief McDaniel shared how it could also help with response times.

Council Member Christensen asked if the \$143,958.50 listed for vehicles was just replacement or if it included new vehicles for the added staff.

Chief McDaniel explained it did and how that \$143,958.50 broke down. He offered to get the breakdowns to Council.

Council President Buban-Vonder Haar said that would be great.

Council Member Cardoza asked for clarification regarding the number off to the side, 538, on the Support Line Item.

Chief McDaniel responded that was the total of their Society, Persons, and Property Crimes. He explained how that reporting and cost association worked.

Ada County Sheriff's Office Planning and Resource Manager Christopher Saunders further explained that break down.

Council Member Cardoza asked what Kuna paid the previous year for the Less Shared Credit.

Chief McDaniel replied 7% and explained what that shared services credit covered. The plan was for that to remain a flat 7% fee every year.

Council Member Cardoza asked if the 3% COLA was locked in with the County Commissioners.

Chief McDaniel believed it was pretty solid based on everything he had heard.

Council thanked him for his presentation.

B. Ada County Prosecutor's Office funding request for Fiscal Year 2019 – Tamera Kelly, Ada County Deputy Prosecutor – ACTION ITEM
(Timestamp 00:24:26)

Ada County Deputy Prosecutor Tamera Kelly presented their request for \$55,570.00. She explained how they came to that number and what that request covered. It was a bit more money than the previous year. That was mostly because the amount of

misdeemeanors decreased and the cost for each attorney went up a little. All of the deputies had received a small cost of living increase the previous year and they add that in the following year. She stood for questions.

Council thanked her for her presentation.

6. Public Hearings: (6:00 p.m. or as soon thereafter as matters may be heard.)

- A. Public Hearing and Consideration to approve 18-01-ZC (Rezone) - Troy Behunin, Planner III – ACTION ITEM
(Timestamp 00:28:28)

Applicant, Katie Miller, with Bailey Engineers, on behalf of Thistle Farm and Vanderkooy Farm, LLC's (Owner), requests approval for a rezone of approximately 73.50 acres of four lots within Chisum Valley Subdivision No. 1 and 2, from Agriculture (Ag.) TO an R-6 (Medium Density Residential) MDR zone, following the Comprehensive Plan. This site is located at the NWC Linder and Columbia Roads. APN Nos; R1393850100, R1693860010, R1693860290, R1693860280.

Katie Miller with Bailey Engineering, 4242 N Brookside Lane, Boise, Idaho 83714, presented the application on behalf of Thistle Farm and Vanderkooy Farm, LLC. Ms. Miller stressed that this request was for a rezone and rezone only. She pointed out one opposition they would be hearing from the neighbors to the south of their project would be that there was not enough low density residential in the City of Kuna. She pointed out the areas that were zoned low density residential in Kuna's Comprehensive Plan and that what they were asking for that night was very conservative and in compliance with the comprehensive plan. She noted the subdivisions that were R-6 designations that had recently been rezoned and approved and were consistent with the Comprehensive Plan. She reviewed the infrastructure that had been going in that would support this subdivision and stood for questions.

There were none.

Mayor Stear made sure that all who wanted to testify were signed up and that those who did sign up had signed up for the correct public hearing. Those that signed up for the Public Hearing on Ordinance No. 2018-21 had actually meant to sign up for this hearing so that change would be made.

Planner III Troy Behunin presented the staff report on the application. He reiterated that this application was only for a rezone. He noted that all noticing procedures had been met and in fact they had extended the land owner letters from 300 feet to 400 feet given the nature of the project. He stated that while some would like to discuss the pre-plat they would only be talking about the rezone that night. He reviewed the application and noted staff put forward a recommendation of approval. He stood for questions.

Council President Buban-Vonder Haar wanted clarification on the rezone to R-6 and the stipulation set forth in the Planning & Zoning Minutes of the intent to build 4.25.

Mr. Behunin confirmed that was still what was being asked for. He added that staff did receive a letter from a citizen the previous afternoon and would like a minute to read that into the record.

Council President Buban-Vonder Haar moved to open the public hearing. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

Support: None

Against:

Stephanie Kennedy provided Council with photos which were assigned as Exhibit C-7 and thanked Council for allowing them the opportunity to chat with them. Ms. Kennedy was a resident of Chisum Valley neighborhood and lived at the northeast corner of the subdivision. Ms. Kennedy expressed concerns regarding losing views, wide open spaces, solitude, and peacefulness. Most importantly she was concerned about safety. She felt becoming a thoroughfare would negatively impact their young children and their elderly with mobility issues. She felt traffic congestion would compromise their safety and emergency service response times. Lastly, there was an issue with the easement. The main water line was ruptured at the back corner of her property and there was a huge back hoe and end loader that had to come in. They had to take out the entire back corner of her property and both proposed property lines were impacted. There was equipment that had to be brought in to repair the pipes and a huge mess. There was no way the small easement they were asking for could ever have compensated for the amount of equipment and mess that was there. This could potentially happen again and with the very close proposed property lines the homes and yards could be flooded in both neighborhoods. She asked that Council reconsider the proposed plans.

Mayor Stear asked what she would recommend if there was a different type of development out there.

She proposed a larger easement. She stated she had discussed this with Tim and suggested they put a common area back there.

Virginia Jeppson, 7901 S Chisum Way, Meridian, Idaho 83642, stated she shared many of the concerns her neighbors had. They realized growth was coming and they couldn't stop it. Her goal was not to stop it but to find a compromise both sides would be happy with. She had significant concerns with an R-4 to R-6 subdivision being built adjacent to theirs and tying into it. They did not have the infrastructure to support that increase in population. She was concerned about safety, especially in regards to the number of children and pets in their subdivision, their lack of sidewalks, and that they ride their bicycles in the streets. She noted how much she

and her husband enjoy owning a small piece of land and that there was not much opportunity for that in the valley. She proposed they build an R-1 instead of an R-6 subdivision which there seemed to be plenty of. This would bring more affluence to Kuna. She did not believe there would be any issue selling the larger lots considering how quickly they were selling in their subdivision.

Ms. Jeppson replied to an earlier comment regarding the fact that there was always a plan to add on to their subdivision. She stated there was but they had understood that it was to be R-1. She felt R-1 would leave more than enough access off Linder and no need to tie into their subdivision. It also would not negatively impact their property value. She encouraged Council to raise the bar instead of approving another R-4 to R-6 subdivision of cookie cutter homes.

Jenna Von Der Ehe, 7901 S Chisum Way, Meridian, Idaho 83634, pointed out that Ms. Miller had failed to include the Silver Trail Subdivision that had infiltrated part of that yellow low density area as well as the high school property with all of those homes just north of the high school. She noted, in regards to infrastructure, there was no mention of the high school and the impact to the congestion created when just their 25 homes were trying to get out onto Columbia to head west in the mornings, which was nearly impossible. She shared her amazement at people's memories of open spaces shared with her when they looked at the historical photos of Kuna she had up in her local store.

Ms. Von Der Ehe stated growth was inevitable but, with the rapid growth of track homes and nothing approved that was less than an R-4, what legacy would they be leaving for their kids. She was not opposed to the growth but was opposed to using their subdivision as a thoroughfare. She agreed with Ms. Jeppson in her recommendation of an R-1 subdivision and that there should be no problem selling lots that size. Everyone wanted a piece of land to call their own and it would raise the bar. She thanked Council.

Lauri Allen, 7980 S Chisum Way, Meridian, Idaho 83642, shared concerns regarding the increase in traffic and risks they were already dealing with including going around a blind corner from Columbia, which had a 50 MPH speed limit, to the subdivision, which had a 25 MPH speed limit. Drivers' speeds were still high as they came into the subdivision. They had many children entering and leaving their subdivision which they could only do by crossing through oncoming traffic at that blind corner. Their subdivision had meetings regularly to discuss these issues. The increase in traffic from allowing a connection road through their subdivision would significantly increase their risk of having a fatal accident involving one of their children which was unacceptable. They did not currently have sidewalks or walk paths to handle that traffic safely. She noted an incident would come back to the City or Highway District for not protecting its citizens. She strongly urged Council to ensure that they did not have connections through their subdivision. She felt an R-1 should never connect to an R-6. She encouraged the Sheriff to come out and test the

amount of traffic their subdivision could actually handle. She stated it was not possible to bring all of that traffic through their subdivision. She thanked Council.

Jeff Hinrichsen sent a letter via email but it didn't arrive. He had an existing letter in the packet though.

Josh Riccardi, 7752 S McLintock Place, Meridian, Idaho 83642, stated their subdivision was more like an estate in the Comprehensive Plan. He felt, instead of rezoning around them, it would be better to keep the same profile and standing they had with their established community and connect on to it. The community was concerned about the number of R-6 and R-8 subdivisions that were being approved through the City. He cited the current Comprehensive Plan Survey. He noted the Comprehensive Plans previously approved did not really take into consideration already established communities and felt that was why there was so much kick back on the R-6 and R-8 approvals. He reviewed the lack of infrastructure in their rural R-1 community and the number of kids everywhere. He touched on the traffic issues that would be brought about by putting a higher density subdivision in next to them. He wanted to see an R-1 or R-2 instead.

Mayor Stear mentioned the City was in the middle of a Comprehensive Plan rewrite called Envision Kuna. There were several things in the current Comprehensive Plan that they felt did not get enough community input.

Alana Eyolfson, 7790 S McLintock Place, Meridian, Idaho 83642, stated she was glad they were looking at changing the Comprehensive Plan. The plan was developed over 10 years prior and there had been a lot of changes. She had moved to Chisum Valley Subdivision for a certain type of lifestyle. The proposed plan for the north part of their subdivision would change all of the dynamics of their subdivision. They were not there to talk about safety or water issues; just the density. They felt there were already a lot of high density homes in the area and they asked that they reevaluate that, particularly the direct impact to their subdivision. She reiterated Mr. Riccardi's comments regarding the Comprehensive Plan Survey and the comments of other testimonies regarding putting in an R-1 subdivision instead. She thanked Council.

Curtis Ward, 7941 S Chisum Way, Meridian, Idaho 83642, echoed the sentiments of the other testimonies especially in regards to traffic concerns, safety, and putting in R-1 or R-2. He also suggested they not connect the subdivisions.

Stephanie Shank, 7825 S Chisum Way, Meridian, Idaho 83642, shared why she had moved to the Chisum Valley Subdivision. Her concerns had been covered in the previous testimonies. She added that they had chosen their rural lifestyle and they should be allowed to continue with it.

Planner III Troy Behunin read into the record a letter received on June 4, 2018 in opposition. The letter echoed the thoughts of the other testimonies given in

opposition and stated they did not believe ACHD required the subdivisions to connect. The letter cited the ACHD Policy Manual and requested that all steps be taken to avoid connecting their subdivision with Wisper Meadows.

Dru Wright, 7828 S McLintock Place, Meridian, Idaho 83642, brought up that the developer indicated in the Planning & Zoning Meeting that it was not possible to zone this new subdivision at an R-1 or an R-2. Mr. Wright used Star as an example of being able to support an R-1 or an R-2 with the sewer lines. He wanted Council to be aware of that and thanked them.

Neutral: None

Rebuttal:

Tim Eck, the applicant, reviewed the application was for rezone only and all issues pertaining to the preliminary plat would be differed until the preliminary plat was brought before Council. He explained the zoning of the project areas in the Comprehensive Plan and how their request complied with that. He stated Kuna had planned for this type of growth when the Comprehensive Plan was approved 10 years prior to this.

The applicant shared plans to buffer the Chisum Valley Subdivision with larger lots at 2 homes per gross acre along their south edge which would be confirmed when they came forward with their preliminary plat.

Mr. Eck addressed the statement regarding sewer mains supporting lower density. The previous City Engineer, Mr. Law who had retired, discouraged plats that consisted of excessive low density and would not support a plat of half acre or larger lots. Sewer mains required volume to scour. Insufficient flow resulting from lower densities would result in sewer flows inadequate to scour the pipes and require excessive maintenance.

The applicant moved on to the cost of 1acre lots. Mr. Eck stated that people fail to understand how few people can actually afford these larger lots. There simply was not a market for lots or homes at that price in Kuna. He gave the examples of Arrow Rock and Mineral Springs for large lot development failures. He also noted that Chisum Valley was not annexed into the City of Kuna and did not pay City Tax Assessments. He explained it was through a loop hole that the subdivision was able to be built and why that type of development was now prohibited in the city and no longer an option. Mr. Eck explained the spec homes they were building were not entry level or starter homes and the property tax values generated by Whisper Meadows were 3 times the property tax values generated by Chisum Valley.

Mr. Eck stated he had comments and answers regarding traffic concerns that he would be glad to share but the traffic concerns were a transportation issue that

should be reviewed at the preliminary plat application not the zoning application. He stood for questions and invited his attorney to come forward to finish his rebuttal.

Jeff Bower, the attorney for the applicant, clarified the conditions of approval. The applicant did accept all of the conditions of approval in section O of that night's application. The applicant accepted the Planning & Zoning Commission's recommendation of the limitation of 4.25 units per acre. However, they asked that Council reject the recommendations for limitations on connectivity. They felt it was premature and they had not put forth any street design. He listed various reasons for rejecting the limitations on connectivity including ACHD's comment letter stating they would weigh in on it in the future.

Mr. Eck stood again for questions. He reiterated traffic questions were really outside of a zoning application but if they wanted to inquire about it he would be glad to provide answers.

Council Member Christensen asked the applicant if he took in consideration the surrounding viewpoints and impact to the scenery of the area when rezoning a piece of land.

Mr. Eck responded they looked at the comp plan which anticipated, expected and told them what to do. They were at the very bottom of the zoning expectation in their comp plan designation. He explained how this was a way to try to remain contiguous to Chisum Valley and reiterated how their plan met with the plans and expectations set forth by the City of Kuna in the Comprehensive Plan.

Council Member Christensen clarified there was no chance in convincing him to do a lower designated zone.

Mr. Eck replied R-4 was already at the bottom. They were already assessed 3 EDUs an acre and were guaranteed with the LID. The R-1 didn't work. He was told the sewer mains would not support it by the previous City Engineer, Mr. Law. There was also no market for 1 acre lots in Kuna.

Council Member Christensen thanked Mr. Eck for using the other examples. He asked where Mineral Springs was located.

Mr. Eck stated it was on the corner of School Street and Ardell.

Council President Buban-Vonder Haar clarified its location.

Audience members asked if they could ask questions.

Mayor Stear replied sorry but no.

An audience member asked if they could have an extra minute like the applicant.

Mayor Stear replied sorry but no.

City Clerk Chris Engels clarified the applicant had remaining time left from their original presentation so that was where their extra minute came from.

Council President Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar

Voting No: None

Absent: Council Member McPherson

(Timestamp 01:34:32)

Council Member Cardoza asked Planning and Zoning Director Wendy Howell if the least they could go on this was an R-4.

Planning & Zoning Director Wendy Howell nodded.

Council Member Cardoza shared his concerns regarding Kuna's roads. He felt they were inadequate. He stated he was very happy with other subdivisions Mr. Eck had done and he felt Mr. Eck was very agreeable to most of the neighbors to his subdivisions. He wanted to see the minimum of an R-4 there since their hands were tied with the Comprehensive Plan.

Council President Buban-Vonder Haar clarified the 4.25 was acceptable to Council Member Cardoza or did he want it to be 4.0.

Council Member Cardoza had mixed emotions because he felt Mr. Eck was trying to be a good neighbor by putting 2 homes per acre along the edge but that meant some of the other acres would be at 5 homes per acre. It had to be made up somewhere. Until the Comprehensive Plan was reevaluated their hands were tied and Mr. Eck was trying to be agreeable. Council Member Cardoza would be fine with the 4.25 per acre as long as the buffer zone was 2 homes per acre.

Council Member Christensen echoed a lot of what Council Member Cardoza said. He had very mixed emotions and felt it was a tough situation over all.

Mayor Stear asked if there was anything that would make it one way or the other for him.

Council Member Christensen stated it was the first step in what they were seeing in Kuna and he felt they had to take responsibility for what was going on out there. He knew it was a rezone and would stay away from preliminary plat stuff but at some point just saying their hands were tied because of a Comprehensive Plan written 10 years ago just didn't sit well. They needed to look at what had happened over the last

10 years and go from there on decisions like that. He felt he just needed to take responsibility sometimes and it made decisions tough.

Council President Buban-Vonder Haar said the proposal complied with the Comp Plan and appreciated that despite the fact the current zoning allowed for much higher density Mr. Eck was willing to go with a density at the much lower end of the existing densities. She felt 4.25 was a fair compromise especially with the 2 homes per gross acre as a boarder. She was 1 of the people who wanted larger lot sizes and an opportunity for people to have the next step up from their starter homes. She did not think that Mineral Springs hit that point. She was hoping the homes in the .2 - .25 range would provide that. She knew a lot of the other concerns would be appropriately addressed in the platting stages. The request complied with the Comprehensive Plan so she was inclined to grant the request with the conditions of approval they had discussed.

Council President Buban-Vonder Haar stated the request met the comp plan goal of providing a greater variety of residential options. This would also provide greater pedestrian connectivity and add additional open spaces. All requirements regarding noticing were met and the request complied with the Comp Plan and City Code.

Council President Buban-Vonder Haar moved to approve Case No. 18-01-ZC (Rezone) with the conditions of approval as listed in the packet as well as insuring the actual density would not exceed 4.25 homes per acre and a density of 2 homes per gross acre along the border with the existing subdivision be enforced in the plat when brought before Council to provide an ease of transition. Seconded by Council Member Cardoza. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Buban-Vonder Haar

Voting No: Council Member Christensen

Absent: Council Member McPherson

Motion carried 2-1.

- B.** Public Hearing and Consideration to approve Ordinance No. 2018-21 – Richard Roats, City Attorney – ACTION ITEM
(Timestamp 01:45:48)

AN ORDINANCE OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING TITLE 6, CHAPTER 2, SECTION 4 KUNA CITY CODE TITLED FINAL PLATS TO ALLOW FOR THE CITY ENGINEER TO SIGN THE FINAL PLAT PRIOR TO CERTAIN SUBDIVISION IMPROVEMENTS AND CONDITIONS BEING COMPLETED AND SET FORTH THE PROCEEDURE FOR THE CITY TO ACCEPT A FINANCIAL GUARANTEE TO INSURE THE COMPLETION, INSPECTION AND ACCEPTANCE OF THE IMPROVEMENTS AND CONDITONS THAT ARE BEING DEFFERED; AND PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings of ordinance
Consideration to approve ordinance
Consideration to approve summary publication of ordinance

City Attorney Richard Roats explained the changes to be made to City Code. He handed out a document to Council that made 2 minor changes to the document that was in the packet; adding under I.3. the landscaping that was deleted erroneously and 6 was moved up. He asked for their approval of those changes and stood for questions.

Council President Buban-Vonder Haar moved to open the public hearing. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

Support: None

Against: None

Neutral: None

Council President Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar

Voting No: None

Absent: Council Member McPherson

Motion carried 3-0.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2018-21 with changes. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2018-21 with the 2 changes as suggested. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar

Voting No: None

Absent: Council Member McPherson

Motion carried 3-0.

Council President Buban-Vonder Haar moved to approve summary publication of Ordinance No. 2018-21. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

7. Business Items:

- A.** Introduce new Economic Development Director Lisa Holland – Mayor Stear
(Timestamp 01:52:35)

Mayor Stear invited the City of Kuna’s new Economic Development Director to come up and introduce herself. He shared his excitement to have her on board.

Economic Development Director Lisa Holland stated she was excited and humbled to work with the City of Kuna and gave some brief background on herself. She stood for questions.

Council welcomed her.

- B.** Police Impact Fee Study and Committee Request – Jon McDaniel, Police Chief –
ACTION ITEM
(Timestamp 01:54:00)

Request to convene the Fire Impact Fee Committee to function as a Police Impact Fee Committee to advise on potential police impact fee and request for up to \$2,000.00 for a police fee impact study.

Police Chief Jon McDaniel presented the request. He explained the need to plan for a police department. They had adequate space but there were some issues with parking and safety. He had asked the 5 members of the current Fire District Impact Fee Committee if they would be willing to be part of the Police Impact Fee Committee if Council approved it and they all agreed.

Chief McDaniel explained the cost of the impact fee study and mentioned the \$2,000.00 fee was reimbursable with the first impact fee if the committee and Council felt there was a need and chose to do that. He asked for permission to convene that committee and stood for questions.

Mayor Stear added a bit more background on the City’s relationship with Galena Consulting and how the discounted rate of \$2,000.00 came about.

Council Member Cardoza suggested taking it out of the \$200,000.00 and the City would reimburse it when they got the money back.

Chief McDaniel wished state code allowed them to use some of the impact fees for staffing.

Council Member Cardoza felt the Council all agreed growth should pay for itself and an impact fee was a very fair imposition. He had no problem with the \$2,000.00.

Chief McDaniel shared they were in preliminary talks regarding other potential stakeholders such as South County. They would love to have combined spaces within city limits and were looking into the possibilities.

Council Member Cardoza stated the Fire Department was looking for a north plant. He suggested the Police Department add to that facility so they would be available with the Fire Department in the same complex. He asked Mayor Stear if that was legally available.

Mayor Stear replied they could do that. They wanted to look at all different options to see what would work out the best.

Chief McDaniel added Chief Palmer had been very gracious in offering a space for an officer to work out of and stay in their area unless there was a major emergency elsewhere but what they were looking for was more of a central police station that would be closer to Kuna's schools, banks, and downtown businesses.

Council President Buban-Vonder Haar clarified the committee would have to determine whether or not to reimburse the City.

Mayor Stear stated the committee would have to expend the funds.

City Attorney Richard Roats explained the process of the reimbursement.

Council President Buban-Vonder Haar cited the ever increasing need for more police and the Council's interest in growth paying for itself.

Council President Buban-Vonder Haar moved to authorize the expenditure of up to \$2,000.00 from the contingency fund to be used to reconvene the Fire Impact Fee Committee to function as a Police Impact Fee Committee to advise on potential Police Impact Fee. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

- C. Discussion on Parking Area Off Stroebel Road with Funding Request – Bobby Withrow, Parks Director – ACTION ITEM
(Timestamp 02:01:07)

Parks Director Bobby Withrow apologized for sending Council proposed property upgrades instead of his memo. He reviewed the parking situation at Stroebel Road and asked Council for funds to get the parking up and going and to cover the Anderson's request for a lease. He explained the potential lease agreement, requested \$10,000.00, and permission to start working with City Attorney Richard Roats on the lease agreement with the Andersons.

Council President Buban-Vonder Haar asked if there was a reason they couldn't wait to approve the funds until after Council could review the lease.

Mr. Withrow replied no.

Council Member Christensen felt it would be good to wait until after seeing the lease. He asked if parking was really that bad on Stroebel.

Mayor Stear and Mr. Withrow both stated it was.

Council Member Cardoza asked if the parking would be available year round.

Mr. Withrow responded they could put in year round use.

Council Member Cardoza noted the creek only had water in it for 3 months so in essence they would be paying \$10,000.00 for 3 months. He wanted it understood that if Mr. Anderson used it to park his equipment he would have to pay the City rent back. He felt \$10,000.00 was excessive.

Mr. Withrow stated the City could look into purchasing the property but at the moment a lease was the easy way to get the cars off the road and make that area safer until they could come up with something better and safer.

Council Member Cardoza thought a bus would be safer but also thought that would probably cost more than \$10,000.00. He didn't have a better answer than that though. He concluded he wanted to see the lease and what it encompassed.

No action was taken.

D. Signatures for Banking Services – moved from the Consent Agenda

1. Consideration to approve Resolution No. R33-2018 - ACTION ITEM
(Timestamp 02:06:24)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO REPEALING CITY OF KUNA RESOLUTION NO. R18-2017 THAT AUTHORIZED CERTAIN SIGNATURES ON THE SIGNATURE CARD FOR BANKING SERVICES ON BEHALF OF THE CITY OF KUNA, SETTING FORTH A NEW PROCEDURE FOR SIGNATURES ON THE SIGNATURE CARD OF AUTHORIZED PUBLIC OFFICIALS TO BE APPROVED BY CITY COUNCIL ON AN ANNUAL BASIS AT THE SECOND MEETING IN JANUARY, ALLOWING THE MAYOR TO REVOKE THE SIGNATURE OF AN AUTHORIZED PUBLIC OFFICIAL, AND PROVIDING AN EFFECTIVE DATE.

City Attorney Richard Roats stood for questions.

Council Member Cardoza was worried about the line in the resolution allowing the Mayor to revoke the signature of an authorized public official.

Mr. Roats clarified the reason for that line.

Council Member Cardoza asked if it would be better to have all 4 council members authorized to sign the second signature. He then asked if the Council and Mayor were bonded for any money that might be misappropriated.

City Clerk Chris Engels stated she was not aware of any bonding in that circumstance. She did know the bank required the City to provide them with a copy of the resolution and the signature cards together in order to provide signature authority.

Council Member Cardoza felt anyone who was authorized to sign should be bonded.

Ms. Engels replied that question would need to go to ICRMP.

Mr. Roats stated ICRMP provided coverage for that so there was no need to bond.

Council Member Cardoza asked him to confirm that.

Mr. Roats replied he would.

Council Member Cardoza reiterated his desire to have all 4 council members on the signature card if the Mayor was going to be allowed to revoke the signature of any authorized public official.

Council President Buban-Vonder Haar suggested modifying to give the Mayor authority to revoke a signature for a 2 week period that was subject to Council either concurring the revocation or authorizing a new signatory. She was concerned about somebody leaving before a council meeting convened and their signing authority needing to be revoked immediately. Her suggestion would cover that concern but she asked if Council Member Cardoza felt it covered his concern.

Council Member Cardoza didn't have a problem with that but wanted all 4 council members' signatures on the card. He wanted any council member to be able to sign in case others weren't available.

Mr. Roats explained how the second signature worked. The Mayor was the second signature and it was the Council President's duty to step in as signature if the Mayor was unavailable. He did not recommend delegating that all the way down.

Council Member Christensen stated he liked Council President Buban-Vonder Haar's suggestion and thought it was a good idea.

Mr. Roats suggested the language “to revoke in an emergency and said action upon the concurrence of Council at the regularly scheduled meeting”.

Council President Buban-Vonder Haar suggested making it a second sentence.

Mr. Roats reviewed the intent of this resolution.

Council President Buban-Vonder Haar moved to approve Resolution No. R33-2018 with the changes discussed. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

2. **Consideration to approve Resolution No. R34-2018 - ACTION ITEM**
(Timestamp 02:19:25)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPOINTING CERTAIN CITY OF KUNA, IDAHO OFFICIALS AS PERSONS AUTHORIZED TO SIGN FOR BANKING SERVICES ON BEHALF OF THE CITY OF KUNA, IDAHO AND PROVIDING THAT THE SIGNATURES ARE VALID FOR THE 2018 YEAR OR UNTIL REVOKED BY ACTION OF THE MAYOR, AS PROVIDED FOR IN RESOLUTION NO. R33-2018.

There were no questions regarding Resolution No. R34-2018.

Council President Buban-Vonder Haar moved to approve Resolution No. R34-2018. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

8. Ordinances:

A. **Consideration to approve Ordinance No. 2018-22 – ACTION ITEM**
(Timestamp 02:19:53)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO AMENDING TITLE 12, CHAPTER 2, SECTION 15 OF THE KUNA CITY CODE PROVIDING FOR:

- ESTABLISHING THE JOINT DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE;
- THE COMMITTEE NAME;
- THE MEMBERSHIP;
- THE COMMITTEE ORGANIZATION;
- THE COMMITTEE REPORTING; AND

AMENDING TITLE 12, CHAPTER 2, SUBSECTION 17 M TO STATE THAT THE JOINT ADVISORY COMMITTEE CREATED DURING THE

PREPARATION OF THE CAPITAL IMPROVEMENT PLAN BECOMES THE JOINT ADVISORY COMMITTEE CREATED BY THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

Consideration to waive three readings of ordinance

Consideration to approve ordinance

Consideration to approve summary publication of ordinance

City Attorney Richard Roats explained the reason for the ordinance.

Council Member Cardoza asked if this would include the Police Impact Fee Committee.

Mr. Roats replied it did not. The Police Impact Fee Committee would have its own mechanism.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2018-22. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2018-22 Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar

Voting No: None

Absent: Council Member McPherson

Motion carried 3-0.

Council President Buban-Vonder Haar moved to approve summary publication of Ordinance No. 2018-22. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

B. Consideration to approve Ordinance No. 2018-23 – ACTION ITEM
(Timestamp 02:23:04)

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 7, CHAPTER 6, SECTION 3 TITLED SERVICE CONNECTION CHARGES PROVIDING FOR:

- CERTAIN CLARIFICATIONS REGARDING THE SEWER CONNECTION CHARGES AND THE DEFINITION OF EDU;
- THE DEFINITION OF THE “EDU USE” TO CONFORM WITH THE CALCULATION CONTAINED IN THE CURRENTLY ADOPTED CITY OF KUNA SEWER MASTER PLAN;
- A REVISION TO THE EDU EVALUATION PROCESS FOR NON-RESIDENTIAL USES;

- A DEFINITION TO THE EDU CALCULATION FOR MULTI-USE PROPERTIES;
- A MECHANISM TO REVIEW EDU USE AFTER JANUARY 1, 2018, AND ALLOWING THE CITY TO REQUEST THE REVIEW, AND SETTING FORTH THREE YEARS AS THE TIME TO REVIEW PAST ACCOUNTS;
- A PROCEDURE TO DETERMINE THE EDU CALCULATIONS FOR BUSINESS CHANGES; AND

AMENDING TITLE 7, CHAPTER 6, SECTION 4 TITLED MONTHLY SERVICE CHARGES PROVIDING FOR:

- CLARIFICATION TO THE MINIMUM MONTHLY SERVICE CHARGES DEFINITION;
- A REVIEW BY THE CITY TREASURER OR ACCOUNT HOLDER OF THE ACCOUNT; AND
- PROVIDING AN EFFECTIVE DATE AND PUBLICATION.

Consideration to waive three readings of ordinance

Consideration to approve ordinance

Consideration to approve summary publication of ordinance

City Attorney Richard Roats explained the changes this ordinance would make to City Code and stood for questions.

Mayor Stear asked if this allowed for fixture counts so that it would not be such a burden for people to open a business in an old existing structure. He was worried not allowing fixture counts would negatively impact the downtown area.

Mr. Roats replied the system for evaluation was set up on averages that a business uses. They all pay that amount and then they have the ability to come in after a year of use to let the City know how much they actually used and the City would then be able to adjust it. He had tried to consider how to deal with the downtown core versus newer businesses fairly. They could talk about some options. The concern was being responsible in regards to the capacity of the plant and being fair to all business owners.

Mayor Stear stated there were tried and true methods of figuring this out so it would not be random. There would be legitimacy to what they were talking about but he was concerned about pricing business owners out of downtown.

Public Works Director Bob Bachman requested to have more time to look deeper into this and bring Council a few ideas. He wanted to come up with a plan that was viable, especially for downtown.

Council President Buban-Vonder Haar asked if he wanted it tabled or slow-tracked.

City Clerk Chris Engels suggested tabling to allow businesses who had expressed interest in participating in this ordinance the opportunity to be in attendance.

Mr. Bachman's preference was to table it as well. It would take some time to put the data together and he did not think 3 readings would be enough.

Council President Buban-Vonder Haar asked if there was any urgency for any other part of this that would need to be enacted sooner rather than later.

Mr. Roats stated section 2 of the ordinance should have been done a long time ago and it did not deal with the downtown businesses other than their actual use. It seemed to be pretty non-controversial. He felt they needed to move forward with that portion.

Council President Buban-Vonder Haar clarified he was referring to 7-6-4 Monthly Service Charges.

Mr. Roats replied he was.

Council President Buban-Vonder Haar asked if everyone was ok with implementing a portion and tabling the rest.

Council Member Cardoza asked Mr. Bachman if that was agreeable.

Mr. Bachman asked if that would give them the ability to talk to people and work with them to fix their issues instead of just throwing a bill at them for the maximum amount.

Mr. Roats explained the intent would be to let them know what was going on.

Mr. Bachman was concerned about a business that had been established in 1999 or 2000 that would suddenly get 47 or 46 EDUs of usage charges. That would be a pretty big shock. He felt it would be better to let them know it was coming and help them find alternatives to fix the problem so they wouldn't be using excessive amounts of water and creating excessive amounts of waste. If this gave the ability to do that he was volunteering to be that guy.

Council President Buban-Vonder Haar stated maybe people would change out of the goodness of their hearts but if there was never a penalty for excessive use and there was no incentive she didn't know why. She felt as a City they tried to be reasonable with setting up payment plans and things of that nature when necessary. She didn't know how quickly they would roll this out and start conducting audits but she was on board with giving people a heads up and, depending on what the charges looked like, not enforcing the entire amount right away. On the flip side, if they had been using 47 EDUs of water and only paying for 3, the amount of free service they had

been getting on the backs of Kuna taxpayers made her not feel too bad. However there was a gentle way to do that.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2018-23 noting the only portion they would currently be changing would be section 7-6-4. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2018-23 as applies to section 7-6-4 only. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar

Voting No: None

Absent: Council Member McPherson

Motion carried 3-0.

Council President Buban-Vonder Haar moved to approve summary publication of Ordinance No. 2018-23 section 7-6-4. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

- C. Consideration to approve Ordinance No. 2018-24 – ACTION ITEM
(Timestamp 02:45:45)

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING ALL OF PARCEL S1303111700 OWNED BY CHALLENGER DEVELOPMENT INC., AND REFERRED TO AS MEMORY RANCH SUBDIVISION NO. 2, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE NAMPA~MERIDIAN IRRIGATION DISTRICT; CHANGING THE RESPECTIVE BOUNDARIES OF SAID DISTRICTS; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings of ordinance

Consideration to approve ordinance

Consideration to approve summary publication of ordinance

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2018-24. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2018-24 Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar

Voting No: None
Absent: Council Member McPherson
Motion carried 3-0.

Council President Buban-Vonder Haar moved to approve summary publication of Ordinance No. 2018-24. Seconded by Council Member Christensen. Motion carried 3-0. Council Member McPherson absent.

9. Mayor/Council Announcements:

(Timestamp 02:47:15)

Mayor reminded Council about the joint meeting with ACHD on Thursday, June 7, 2018 at noon in the ACHD Public Meeting Room. He was planning to leave City Hall for the meeting at 11:20 A.M. if anyone wanted to ride together.

Council President Buban-Vonder Haar and Council Member Cardoza would be carpooling from City Hall. Council Member Christensen would meet them there.

Council President Buban-Vonder Haar confirmed the special meeting for Thursday evening, June 7, 2018, was cancelled.

Mayor Stear replied it was.

10. Executive Session: None

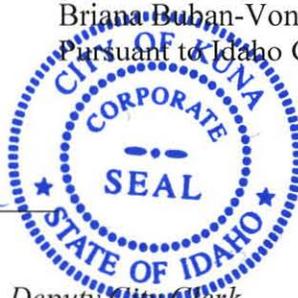
11. Adjournment: 8:48 P.M.

Briana Buban-Vonder Haar

Briana Buban-Vonder Haar, Acting Mayor
pursuant to Idaho Code §50-608

ATTEST:

Chris Engels
Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 06.19.2018



CITY OF KUNA

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SIGN-UP SHEET

June 5, 2018 – Council, Public Hearing

Case Name: Rezone, Thistle Farm & Vanderkooy Farm, LLC.; Request by Katie Miller, Bailey Engineers

Case Type: Applicant requests approval for a rezone of approximately 73.50 acres of four lots within Chisum Valley Subdivision No. 1 and 2, from Agriculture (Ag.) TO an R-6 (Medium Density Residential) MDR zone, following the Comprehensive Plan. This site is located at the NWC Linder and Columbia Roads. APN No's; R1393850100, R1693860010, R1693860290, R1693860280.

Case No.: 18-01-ZC (Rezone) - **A Rezone of Approx. 73.50 acres from Agric. to R-6 MDR.**

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission/Council.

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_____ Print Address		_____ Print Address		<u>7638 S. McLintock</u> Print Address	
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_____ Print Address		_____ Print Address		<u>7901 S Chisum Way</u> Print Address	
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Geoff Hinrichsen

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7636 S. Chisum Pl

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Meridian ID 83642

City State, Zip

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RANDY COLSON

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2344 COGBURN

Print Address
MERIDIAN ID 83642

City State, Zip

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✓ *JOSH RICCIARDI*

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7752 S. McLinwood PL

Print Address
Meridian ID

City State, Zip

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✓ *ALANA EYOLFSON*

Print Name
7790 S. MCLINTOCK PL

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MERIDIAN ID 83642

City State, Zip

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✓ *Curtis Ward*

Print Name
7941 S. Chisum Way

Print Address
Meridian ID 83642

City State, Zip

✓ Testify
Stephanie Shank
7825 S. Chisum Way
Meridian, ID 83642

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7028 S McCLINTOCK PL
MINNEAPOLIS MN 55427

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SIGN-UP SHEET

Case Name: 18-01-ZC ~~18-04-ZOA~~ *-cont-*
Case Type: ~~Final Plat Subdivision Ordinance Amendment~~

Please print your name below if you would like to present oral testimony or written exhibits about this item to the City Council.

IN FAVOR NEUTRAL IN OPPOSITION

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Kelley Stevenson
Print Name

7751 S McLintock PL
Print Address

Meridian ID
City State, Zip

Testify Not Testify

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City State, Zip

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Pam Thurston
Print Name

7675 S. McLintock Pl.
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Meridian Id 83642
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Cheryl Hainsworth
Print Name

7826 S. Chisum Way
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Meridian ID 83642
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Rick Willis
Print Name

2345 Logbeam St
Print Address

Meridian 83642
City State, Zip

Letter

Kuna Planning and Zoning Commission
Kuna City Hall, Council Chamber
751 W. 4th Street
Kuna, Idaho 83634

RE: Opposition to Required Connection to Whisper Meadows Subdivision.

To Whom It May Concern:

I write on behalf of Chisum Valley Subdivision which is located directly to the south of the proposed location for the Whisper Meadows Subdivision. I first wrote to oppose the development of Whisper Meadows Subdivision in a letter to the Planning and Zoning Commission on April 5, 2018. I addressed many of Chisum Valley's concerns in that letter.

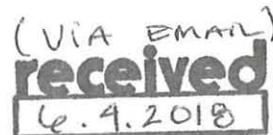
Along with several other individuals from my subdivision, I attended the Planning and Zoning Commission meeting on April 10, 2018. During that meeting the commission discussed its concerns with allowing a major subdivision, like Whisper Meadows, to connect to our R-1 subdivision that does not have sidewalks or any other pedestrian-friendly paths. Ultimately, it found that the Whisper Meadows developer should work with ACHD and the city to avoid connecting to our subdivision.

While I understand that this issue will be addressed during the preliminary plat hearings, I wanted to provide my input at this time as well because planning and zoning did consider the issue during the rezone hearing and recommended the above-stated course of action.

Chisum Valley residents are concerned because the Whisper Meadows subdivision developer has suggested that connection between the two subdivisions is required by ACHD. We, however, disagree. According to ACHD Policy Manual Section 7207.2.4, "[t]he street design in a proposed development **shall cause no undue hardship to adjoining property**. An adequate and convenient access to adjoining property for use in future development **may** be required."

This section only provides that connections may be required between subdivisions, but in absolute terms states that such connections must not cause undue hardship to adjoining property. Connecting our subdivision to Whisper Meadows would undoubtedly cause undue hardship to our subdivision. Again, we are a very rural subdivision. We don't have sidewalks and our roads are, for the most part, unmarked. We are concerned that, because of the size of the proposed Whisper Meadows subdivision, traffic through Chisum Valley will increase substantially. This would be very harmful to us.

Further, ACHD Policy Manual Section 7207.2.4, provides several items ACHD is to consider in determining whether to extend streets between adjoining subdivisions. Those factors relate, in a large part, to the neighborhood needs and provision of services. It is unnecessary for our subdivision to be connected to Whisper Meadows in this situation



because there are other more convenient and direct access points to the Whisper Meadows subdivision. Whisper Meadows will connect to Linder Road in various places, including through a new collector road midway between Columbia and Lake Hazel Road. These connections allow for necessary travel and provision of services.

I cannot express enough my concern that linking to our road would be detrimental to our community. We don't have the safety features necessary to support such a large traffic increase through our subdivision, and the connection would endanger our children.

For these reasons, we support the Commission's finding that there should be no connection between the subdivisions and request that all steps be taken to avoid connecting our subdivision with Whisper Meadows.

We appreciate your consideration of this matter.

Sincerely,


/s/ Josh Ricciardi

Josh Ricciardi on behalf of
Chisum Valley Subdivision



Exhibit C-7







CITY OF KUNA

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SIGN-UP SHEET

Case Name: 18-04-ZOA

Case Type: Final Plat Subdivision Ordinance Amendment

Please print your name below if you would like to present oral testimony or written exhibits about this item to the City Council.

IN FAVOR	NEUTRAL	IN OPPOSITION
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ORDINANCE NO.
CITY OF KUNA, IDAHO

AN ORDINANCE OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING TITLE 6, CHAPTER 2, SECTION 4 KUNA CITY CODE TITLED FINAL PLATS TO ALLOW FOR THE CITY ENGINEER TO SIGN THE FINAL PLAT PRIOR TO CERTAIN SUBDIVISION IMPROVEMENTS AND CONDITIONS BEING COMPLETED AND SET FORTH THE PROCEEDURE FOR THE CITY TO ACCEPT A FINANCIAL GUARANTEE TO INSURE THE COMPLETION, INSPECTION AND ACCEPTANCE OF THE IMPROVEMENTS AND CONDITONS THAT ARE BEING DEFFERED; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, as follows:

Section 1.

Amending Chapter 2 titled Final Plat to Title 6, of the Kuna City Code.

TITLE 6, CHAPTER 2

6-2-4: - FINAL PLAT:

Note: Subdivider and developer are intended to be interchangeable terms.

The city engineer shall not sign the final plat Mylar if any City Code violations exist on the subject property at the time of requested signature.

The following procedures shall apply to the filing for final plat approval of any City of Kuna subdivision:

A. Application: After the approval or conditional approval of the preliminary plat by the city council, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the planning staff the following:

1. Final plat application along with a title report that is less than six (6) months old, warranty deed or other acceptable evidence, including but not limited to an affidavit that demonstrates the subdivider's ownership or legal interest in the land included in the final plat.
2. Payment of fees equivalent to the amount of material and labors expended by city staff for plat review. Fees shall be paid for all costs associated with the review of the preliminary plat, final plat and construction drawings. The subdivider will be notified of the amount owed and the basis for the fees charged. All plat related fees shall be paid prior to city approval.

3. Three (3) paper copies (24"x36") and a digital copy in a PDF format of the final plat and signature page.
4. Three (3) paper copies and a digital copy in a PDF format of the final engineering construction drawings for streets, water, sewer, sidewalk, pressure irrigation and other public improvements as provided for in KCC 6-4-3.
5. Other items as specified, and required by the city during the application process.

B. Content of final plat: The final plat shall be in compliance with all items required in Idaho Code Title 50, Chapter 13; the final plat shall include the following:

1. Final plat check-off list with all items completed;
2. Proof of current ownership of the real property and written consent of the final plat owners of record;
3. All easements shall be shown on all lot lines for lots in the subdivision;
4. All subdivisions that contain a homeowners' association shall have the following language: "The Homeowners' Association (HOA), its ownership and maintenance commitments cannot be dissolved without the express written consent of the City of Kuna, Idaho. All improved individual lots are subject to a fractional share of the irrigation assessment for each HOA common lot(s) that receive(s) municipal irrigation. If the assessment is not paid by the HOA, the individual improved lots are subject to a lien for non-payment";
5. Other information the planning and zoning director, city engineer or city attorney deem necessary to establish ownership and signing authority;
6. A statement and other supporting evidence demonstrating the final plat conform to the approved preliminary plat;
7. A statement of compliance with provisions of this title;
8. A statement confirming that the final plat meets established engineering practices and local standards.

C. Planning staff review:

1. The planning and zoning director shall certify, and date stamp the application for purpose of establishing its completeness relative to all noted final plat requirements.
2. The planning and zoning director shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the planning and zoning director or assigned person determines there are substantial differences between the preliminary

and final plat, the subdivider may be required to submit the final plat to the city council as it was portrayed at the time of the preliminary plat process.

3. After the planning and zoning director's determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the planning and zoning director or assigned person shall place the final plat on the council agenda within forty-five (45) days from its receipt and acceptance. Acknowledgement of final plat acceptance shall be conveyed by way of written confirmation.

D. Agency review: The planning and zoning director or assigned person shall transmit final plat documents to other reviewing city staff and agencies for evaluation and comment. The reviewer shall evaluate the final plat improvements for consistency with construction standards, health protocols, cost estimates and legal requirements.

E. Council action: At the public meeting scheduled for the final plat review the city council shall consider comments from agencies. The city council shall approve, approve conditionally, disapprove the final plat or table it for purposes of acquiring and reviewing additional information and then approve, approve conditionally or disapprove the final plat after review of this supplementary information within thirty (30) days of the date of the regular meeting at which the plat is first considered. A copy of the approved plat shall be filed with the planning and zoning department. Upon granting or denying the final plat, the city council shall specify:

1. The ordinance and standards relied upon to evaluate the application;
2. The reasons for approval or denial; and
3. The action(s), if any, the applicant could take to obtain a permit.

F. Approval period:

1. The final subdivision plat shall be filed with the county recorder within two (2) years after the city council's signing of the findings of fact; otherwise, the plat approval shall become null and void unless prior to the two-year expiration date the subdivider applies for a time extension. A final plat time extension is heard by the city council. The subdivider shall provide the city council sufficient reason(s) for continuing the final plat application as a basis for the granting of a time extension. The city council is under no obligation to approve a final plat time extension. The city council reserves the right to add additional conditions of approval to the final plat as part of a time extension.

2. In the event the city council does not approve a time extension request, the plat shall become null and void. If the plat becomes null and void the subdivider shall resubmit the plat for preliminary plat approval. The subdivider will receive credit for improvements previously installed and approved. The subdivider shall pay the current preliminary plat application fees and furnish staff an updated preliminary plat.

3. The resubmitted plat shall be subject to rules or regulations in place at time of reapplication. If a city rule or regulation has been instituted since the preliminary plat was initially approved and that regulatory change would require significant alteration to improvements previously installed and approved, the city engineer may recommend to the city council the regulatory provision be set aside. The city council has the discretion to set them aside, provided they do not affect public health or safety. Time extensions are valid for one (1) year from the city council's approval based on the initial one-year time period established at the signing of the preliminary findings of fact.

G. Prior to requesting the city engineer's signature on the final plat Mylar, the developer shall either:

1. Provide the necessary documentation to show that all required improvements, infrastructure, public utilities, public improvements, have been installed and conditions of approval have been met and inspected and approved by the city; including all record drawing requirements, submittal of engineer or record inspection logs, submittal of the engineer of record certification and receipt of the dedication request, and memorandum from the city engineer has been issued stating as much; or:

2. Provide the necessary documentation to show that the required improvements and conditions that have not been completed have approved financial guarantees, as provided for in this section and KCC 6-4-3.

3. The city engineer shall not sign, nor release the final plat for recording until the city has received the financial guarantee, as provided for in KCC 6-4-3 in compliance with the provisions of this chapter and the city council has approved the final plat.

H. The following items are not eligible for financial guarantees as provided for in KCC 6-4-3 and shall be completed by the subdivider and inspected and approved by the city engineer and/or their legal designee and other approving agencies, prior to the subdivider submitting for final plat approval:

1. Construction of the domestic water system, including successful pressure testing. Bacteria tests and final City of Kuna inspections and approvals may be delayed until roadways are completed;

2. Installation of fire hydrants according to the current International Fire Code standards and supporting fire flows according to standards established by the Kuna Fire District;

3. Construction of the sanitary sewer system with evidence of acceptable pipe sloping and, completion of all work within the base of the manholes. However the pressure test and television camera inspection, followed by any additional City of Kuna inspections and approvals must be completed prior to the paving of the all-weather roadway;

4. Construction of permanent roads shall be complete to the extent that all road base is installed such that it provides an temporary all-weather road service to all buildings to be constructed pursuant to subsection G(1) above. These improvements shall be to ACHD and City of Kuna standards and receive Kuna Fire Chief approval. If the permanent roads are not improved to this level of completion then construction of temporary roads with an all-weather road surface shall be installed to service all buildings, subject to approval from the Kuna Fire Department.

5. For items 1 through 4 above, the city engineer's approval shall be in the form of a memorandum confirming the completion of the items.

6. **The subdivider shall dedicate all sanitary sewer and domestic water facilities and provide all applicable documentation as required by the city engineer.**

I. The following items may provide the necessary financial guarantees as provided for in KCC 6-4-3, and as approved by the city engineer, city attorney and city planning and zoning director, and adopted by the City Council. The subdivider shall pay any additional fees associated with the request for financial guarantees, as approved and adopted by the City Council.

1. Completion of the construction of an all-around weather road system built to ACHD specifications, and subject to the Kuna Fire Chief and Ada County Highway District (ACHD) inspections and approvals. The city shall review the financial guarantees provided for by and between the developer and ACHD, and the city attorney shall determine if the city's interests are adequately protected.

2. Installation of street signs followed by city engineer, Kuna Fire District and ACHD inspections and approvals.

3. **Installation of required landscaping, amenities and improvements.**

4. Construction of that portion of the pressure irrigation system that will be dedicated to the city by the subdivider. Said system shall be tested by the subdivider, and inspected and approved by the city's engineering staff.

5. Provide permanent approved perimeter fencing along the subdivisions outer perimeter, which shall require a building permit.

6. The city engineer shall monitor the construction of any improvements or conditions that are being constructed pursuant to the financial guarantees of KCC 6-4-3.

7. If the city attorney determines that it is necessary, any improvement or condition that is being constructed pursuant to the financial guarantees of KCC 6-4-3 shall be recorded against the property in a development agreement, as approved and adopted by the City Council.

8. The developer may construct up to three (3) model homes if the project size is up to fifty (50) acres, or up to five (5) model homes if the project size is greater than fifty (50) acres. The developer shall be solely responsible for locating the model home within any required City of Kuna setbacks and easements. As provided for in subsection 9, below, no certificate of occupancy shall be issued on any of the model homes until all improvements and conditions that are subject to financial guarantees are completed, inspected and approved by the appropriate agencies.

9. Other than the model homes constructed in subsection 8, no other homes may be constructed, and no certificate of occupancy shall be issued until all improvements and conditions that are subject to a financial guarantee are completed, inspected and approved by the appropriate agencies.

J. Prior to the roads being paved and the sidewalks being constructed, the city must receive documentation requesting that the system be annexed into the Kuna Municipal Irrigation District if annexation is applicable. All applicable fees must be submitted with the annexation request. The annexation of water rights to the city in sufficient quantities to offset the subdivisions potential water demands as determined by the city engineer.

K. Method of recording: After the city council grants final plat approval and subject to the prepayment of recording fees, posting an acceptable irrevocable guarantee and the inclusion of the following signatures on the final plat, the applicant shall submit the final plat to the county recorder for recording:

1. Certification and signature of the city council verifying that the subdivision has been approved;
2. Certification and signature of the city clerk, if required, and the city engineer verifying that the subdivision meets the city requirements and has been approved by the city council; and
3. Certification of the sanitation restrictions on the face of the plat pursuant to Idaho Code §50-1326.

Section 2.

This ordinance shall become effective upon passage and publication as required by law.

ADOPTED this ____ day of April 2018.

CITY COUNCIL OF THE CITY OF KUNA
Ada County, Idaho

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk