

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 19, 2018**

6:00 P.M. REGULAR CITY COUNCIL

1. *Call to Order and Roll Call*

COUNCIL MEMBERS PRESENT:

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

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, Interim City Treasurer
Troy Behunin, Planner III

2. *Invocation: None*

3. *Pledge of Allegiance:* Council President Buban-Vonder Haar

**4. *Consent Agenda:* ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
(Timestamp 00:00:49)**

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:

1. Regular City Council Minutes, June 5, 2018

B. Accounts Payable Dated June 14, 2018 in the Amount of \$475,000.56

C. Alcohol Licenses:

1. KJ's Superstores #30 1565 E Deer Flat Road – Off Premise Beer & Off Premise Wine

D. Resolutions

1. Consideration to approve Resolution No. R36-2018

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AMENDING RESOLUTION NO. R27-2017 APPOINTING TWO (2) NEW MEMBERS TO THE KUNA ARTS COMMISSION TO REPLACE TWO (2) MEMBERS WHO HAVE RESIGNED.

2. Consideration to approve Resolution No. R37-2018

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE ACTING MAYOR TO EXECUTE AND THE CLERK TO ATTEST TO THE REIMBURSEMENT AGREEMENT WITH OASIS PROPERTIES, LLC, IN THE AMOUNT OF TWENTY ONE THOUSAND FOUR HUNDRED EIGHTY-FIVE AND 30/100 (\$21,485.30).

3. Consideration to approve Resolution No. R38-2018

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE ACTING MAYOR TO EXECUTE AND THE CLERK TO ATTEST TO THE CITY OF KUNA IMPROVEMENT AGREEMENT (CASH BOND) WITH PEOPLE EMPOWERMENT SERVICES, LLC TO PERMIT THE DELAYED INSTALLATION OF LANDSCAPING; DIRECTING THE INTERIM CITY TREASURER TO DEPOSIT INTO THE CITY'S TRUST ACCOUNT THE CASH BOND PAYMENT IN THE SUM OF \$3,850.00; AND APPROVING THE RELEASE OF SAID CASH BOND UPON COMPLETION, INSPECTION AND SIGNING OFF BY THE CITY FOR THE REQUIRED ITEMS AS PER THE AGREEMENT.

E. Final Plats

1. Consideration to approve Case No. 18-10-FP (Final Plat) for Silvertrail Subdivision No. 3

F. Findings of Fact and Conclusions of Law

1. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 18-01-ZC (Rezone) for Thistle Farm, and Vanderkooy Farm, LLC's REZONE

**Council Member McPherson moved to approve the Consent Agenda. Seconded by Council Member Christensen. Approved by the following roll call vote:
Voting Aye: Council Members Cardoza, Christensen, and McPherson
Voting No: None
Absent: None
Motion carried 3-0.**

5. Community Reports or Requests: None

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

- A. Public Hearing and Consideration to approve 17-08-ZC (Rezone) and 17-12-S (Pre Plat) for Red Hawk Square - Troy Behunin, Planner III – ACTION ITEM
(Timestamp 00:01:19)

A request from Jay Walker (with AllTerra Consulting) to rezone approximately 3.46 acres from R-6, (Residential Medium Density) to C-1 (Neighborhood Commercial), zone. The application includes a preliminary plat request to develop six commercial lots, three Multi-family lots, and three common lots. This parcel is located at the southwest corner of Deer Flat & School Avenue, Kuna, Idaho (APN #: S1323212410). 1425 N. School Ave., Kuna, Idaho, in Section 23 T2N, R1W.

Planner III Troy Behunin noted the applicant had not arrived yet but would be there shortly; the project was very important to him. He presented the staff report on the application. He noted staff learned of some concerns regarding the roundabout before the Commission meeting. The ACHD requirement was stated as a possible roundabout or a signal as an intersection. That would be determined when the time got closer as the needs arose but there was no date as to when that would happen. He knew there would be a study but their master street map plan indicated a signal or single lane roundabout. He directed Council to ACHD's requirements listed in the packet. Even with the public's concerns, ACHD had the proper technicians and traffic engineers to address the topic when the time came. It was not their first time doing this and they would follow the procedures used for other roundabouts throughout the valley. He also called attention to the petition in the packet. Staff had received 2 additional pages of that petition that afternoon and they would be added to the public record. He stood for questions.

The applicant still had not arrived. Mr. Behunin offered to call the applicant.

Council President Buban-Vonder Haar asked City Attorney what action should be taken with this item.

Mr. Roats replied Council would need to officially table the item until the end of the agenda while Mr. Behunin called the applicant.

Council Member McPherson moved to table the item until after item 8. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, and McPherson

Voting No: None

Absent: None

Motion carried 3-0.

Council returned to item 6.A. Public Hearing and Consideration to approve 17-08-ZC (Rezone) and 17-12-S (Pre Plat) for Red Hawk Square.

(Timestamp 00:09:55)

Council President Buban-Vonder Haar read the request summary.

Applicant Jay Walker, 849 E State Street, Eagle, Idaho 83616, apologized for being tardy and presented his request. He shared his appreciation of Staff and P&Z's recommendation of approval. Mr. Walker reviewed the project and stood for questions.

Council Member Christensen asked for clarification regarding curb, gutter, and sidewalk outside the development.

Mr. Walker explained there was existing curb, gutter, and sidewalk along the frontage of N School and they would be adding sidewalk to N Deer Flat that was consistent with developments to the east and west. They were also preserving right-of-way for ACHD's desired roundabout which would result in some loss of costs but they were willing to do that to build and provide that connectivity for residents and pedestrian traffic. They were also contributing to the recreational pathway.

Council President Buban-Vonder Haar thanked the applicant and opened the public hearing.

Support:

Cody Sharp, 14457 Kerby Court, Caldwell, Idaho 83607, stated mixed use parcels were inevitable with the growth. He believed the important thing was bringing in responsible businesses as commercial came in. What he saw with this project was consistency with the surrounding family neighborhoods. All the businesses going in were family friendly. He also believed the zoning of this plan was consistent with the city's growth and the area.

Against:

Steve Jenkins, 1055 W Deer Flat Road, Kuna, Idaho 83634, owned a daycare there. He felt the proposal was over kill. He expressed concern about the size of the

daycare the applicant had in the plan and the impact it would have on his daycare and others in the area.

Tim Domka, 2332 N Corktree Way, Kuna, Idaho 83634, was opposed to the commercial zoning right next to residential. There were commercial businesses just down the road and he and his neighbors would be walking along this proposed site to get to the greenbelt so he did not want businesses next to him. He was also concerned about multi-family housing and townhomes.

Amy Wilson, 1807 N Calaveras Place, Kuna, Idaho 83634, was not opposed to the daycare even though she owned Kids Independent Day School on Linder and Deer Flat. She was more concerned about the safety of the kids. She gave the example of Sunshine Preschool being on the roundabout and their traffic always being backed up. She felt a roundabout by a daycare was a horrible idea and she wanted that considered for safety reasons. She did feel a little threatened by a large facility coming in but also felt the growth would support it and all the other daycares. The bottom line for her was coming out of their subdivision onto School and Deer Flat was a nightmare and she did not see a roundabout helping that. She asked that Council consider the safety of putting a child care facility there.

Barbara Kilborn, 1038 W Rose Quartz, Kuna, Idaho 83634, stated she did not move to a residential area to get surrounded by commercial. She agreed with Mr. Jenkins concerns. She was also worried about traffic, noise, safety, and crime.

Council President Buban-Vonder Haar invited anyone else who wanted to testify to sign the sign-up sheet.

Steve Nelsen, 1611 N Azurite Place, Kuna, Idaho 83634, moved with his wife from Boise to get away from a commercial development in a residential area. There was increased time and traffic and it was a horrible situation. He was very against this and his wife had said if this went through they would move. They wanted a quiet area and this would bring traffic and noise regardless of landscaping trees. He did not think this would be good for the community or their property values. He also noted the plans kept changing from townhouses to townhouses or multi-family to multi-family. He was very opposed to putting a commercial development in the middle of a residential.

Arisa McRoberts, 1205 N Black Cat Road, Kuna, Idaho 83634, owned a local business. They were looking at moving into town but did not want to dump all their money into a new house closer to town and in 2 years have a commercial property go in by their subdivision. She felt there was good growth in Kuna but there should be a line between residential and commercial areas for the happiness, safety, and well-being of the residents.

Cindy Biesemeyer, 1097 W Tanzanite Drive, Kuna, Idaho 83634, testified adding commercial to the area would bring more traffic and it was already a nightmare. She

was not sure how a roundabout would work to rectify that. She noted approximately 117 families signed a petition stating they would not like to have this commercial space near their residential area. She hoped that Council would think about those people.

John Sanders, 2217 N Citrine, Kuna, Idaho 83634, recently moved here from California to get away from stuff like what was being proposed. He echoed the sentiments of the others who testified in opposition. He did not think it was a good idea.

Neutral: None

Rebuttal:

Applicant Jay Walker with AllTerra Consulting, 849 E State Street, Eagle, Idaho 83616, appreciated the comments and felt it was all good input. He reiterated this project fit within the city's comp plan, both text and map, and the commercial corridor plan. They could do this and worked with staff to present a plan of this quality because it was a fit and aligned with what ordinance said they could do. He was not sure where people got the 9,400 square feet. He thought they were maybe looking at a combination of businesses and offices. At least 1 possible tenant, and it was not in concrete, was a 7,000 square foot building that was a learning center that would address the needs of children with special needs, such as autism, and their parents. It was not a daycare. Those types of applications would go before Council for approval at design review.

Mr. Walker had a Masters in Engineering and Transportation Planning. He was confident this neighborhood center would diminish traffic. A good neighborhood center used a walkability concept to bring people closer to amenities. They were committing to do those services and amenities that would be contributors to the community, not a deterrent or unsafe to children and residents. Safety was their main concern as they designed. The roundabout was not a sure thing. Signalization was also on the table. The project would also contribute to the infrastructure improvements needed; with development comes a facelift of the surrounding area and improvements. He reviewed the intended design and how it would buffer and contribute to the surrounding community instead of diminishing it. He requested approval and stood for questions.

**Council Member McPherson moved to close the public hearing. Seconded by Council Member Christensen. Approved by the following roll call vote:
Voting Aye: Council Members Cardoza, Christensen, and McPherson
Voting No: None
Absent: None
Motion carried 3-0.**

Council Member Cardoza explained he would need to abstain from voting because his yard backed up to the property in question.

Council Member McPherson stated he grew up in that neighborhood. Kuna had changed a lot and due to the current comp plan, bylaws, ordinances, and everything that governed what they did, not only from that administration but from past administrations as well, the project did coincide with Kuna's current comp plan and the developer went through extensive hoops to get to where he was. As an elected official, sometimes he looked at something and would not want it there but would have to recognize if it coincided with everything they had to look at for allowing it or not.

Council Member Christensen added that it was important for people to understand Council had to look at all the facts presented. He reiterated Council Member McPherson's statement and noted peoples' desire for more commercial in Kuna. This may not be where they wanted it to be but when looking at how everything fit in line with the comp plan and the future growth for Kuna he had to agree with Council Member McPherson.

Council Member McPherson moved to approve Case No. 17-08-ZC (Rezone) and 17-12-S (Pre Plat). Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Christensen, and McPherson

Voting No: None

Absent: None

Motion carried 2-0.

Council Member Cardoza abstained.

Council moved onto item 9 Mayor/Council Announcements.
(Timestamp 00:56:34)

7. Business Items: None

8. Ordinances:

- A. Consideration to approve Ordinance No. 2018-25 – ACTION ITEM
(Timestamp 00:07:11)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO AMENDING TITLE 12, CHAPTER 1, SECTION 13 OF THE KUNA CITY CODE PROVIDING FOR:

- ESTABLISHING THE PARK IMPACT FEE STANDING ADVISORY COMMITTEE;
- THE COMMITTEE NAME;
- THE MEMBERSHIP;

- THE COMMITTEE ORGANIZATION;
- THE COMMITTEE REPORTING; 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 need for the ordinance and the clarification it would bring to that section of code. He stood for questions.

Council Member McPherson moved to waive three readings of Ordinance No. 2018-25. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, and McPherson

Voting No: None

Absent: None

Motion carried 3-0.

Council Member McPherson moved to approve Ordinance No. 2018-25. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, and McPherson

Voting No: None

Absent: None

Motion carried 3-0.

Council Member McPherson moved to approve the Summary Publication of Ordinance No. 2018-25. Seconded by Council Member Christensen. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Christensen, and McPherson

Voting No: None

Absent: None

Motion carried 3-0.

Council moved back to item 6.A. Public Hearing and Consideration to approve 17-08-ZC (Rezone) and 17-12-S (Pre Plat) for Red Hawk Square.

(Timestamp 00:09:55)

9. Mayor/Council Announcements:

City Clerk Chris Engels notified Council that Mayor Stear was able to briefly attend the Director's meeting that morning but they still anticipated he would be out the rest of the week. They did not know about the next week.

10. Executive Session: None

11. Adjournment: 6:57 pm



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



*Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 07.03.2018*



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274

Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

June 19, 2018 – Council, Public Hearing

Case Name: RED HAWK SQUARE Commercial Sub.; Request by Jay Walker, AllTerra Consulting

Case Type: Applicant requests approval for a rezone of approximately 3.46 acres from R-6 (Med. Dens. Residential) to C-1 (Neighborhood Commercial), and a preliminary plat for the same lands. The applicant proposes to subdivide the parcels into six commercial lots, three multi-family lots, and three common lots. Site is located at the SWC of Deer Flat & School Ave. APN #: S1323212410, in Section 23 T2N, R1W

CASE No: 17-08-ZC (Rezone) & 17-12-S (Sub.) **Red Hawk Square.**

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

IN FAVOR NEUTRAL IN OPPOSITION

Testify **Not Testify**

✓ Cody Sharp
Print Name
14457 KERBY CT
Print Address
Caldwell ID 83607
City State, Zip

Testify **Not Testify**

Print Name

Print Address

City State, Zip

Testify **Not Testify**

✓ Steve Jenkins
Print Name
1055 W. Deer Flat Rd
Print Address
Kuna Id 83634
City State, Zip

OPPOSITION ✓ **Testify** **Not Testify**

Arisa McRobert
Print Name
1205 Blackcat
Print Address
Kuna 83634
City State, Zip

Testify **Not Testify**

Print Name

Print Address

City State, Zip

Testify **Not Testify**

✓ Tim Donka
Print Name
2332 N. Corktree way
Print Address
Kuna ID 83634
City State, Zip

OPPOSITION ✓ **Testify** **Not Testify**

Cindy Biesemeier
Print Name
1097 W. Tanager Dr
Print Address
Kuna Id 83634
City State, Zip

Testify **Not Testify**

Print Name

Print Address

City State, Zip

Testify **Not Testify**

✓ Amy Wilson
Print Name
1807 N. Calaveras Pl.
Print Address
Kuna ID 83634
City State, Zip

Testify **Not Testify**

Print Name

Print Address

City State, Zip

IN OPPOSITION ✓ **Testify** **Not Testify**

Steve Nelson
Print Name
1611 N AZURITE PL
Print Address
KUNA ID 83634
City State, Zip

Testify **Not Testify**

✓ BARBARA KILBOEN
Print Name
1038 W. ROSE QUARTZ
Print Address
KUNA 83634
City State, Zip

OPPOSITION ✓ John Sandens
2217 N. Citrine

1 of 3
 Rec'd
 6/19/2018
 5:58 PM
 [Signature]

Petition in Opposition of Rezoning of 3.46 Acre Property from Residential Medium Density R-6 to Neighborhood Lite Commercial C-1

Petition Summary and Background: The Kuna City Council and Planning and Zoning are requesting input on rezoning the 3.46 Acre property on the corner of Deer Flat and School Road in Kuna, Idaho. All Terra Consulting is asking the council to approve a rezone (from residential medium density R-6 to neighborhood "light" commercial C-1). The property is owned by Kolo LLC.

Action Petitioned for: We, the undersigned, are concerned citizens who urge the Kuna City Council and the Kuna Planning and Zoning to act now to decline the rezoning from residential medium density R-6 to neighborhood "light" commercial C-1 for the 3.46 acre property located on the corner of Deer Flat and School.

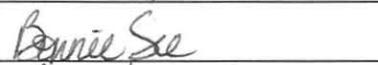
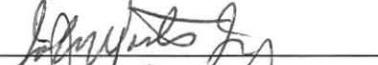
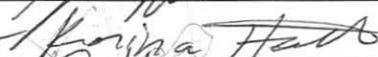
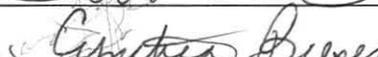
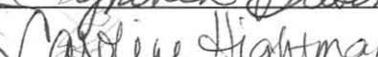
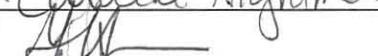
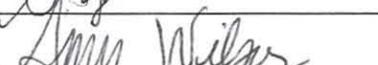
Printed Name	Signature	Address	Comment
DEANNA CONLEY	<i>Deanna Conley</i>	1226 W. Tiger Eye ST	
DAVE CONLEY	<i>[Signature]</i>	1226 W. Tiger Eye ST.	
ROGER WILSON	<i>[Signature]</i>	1807 N. Calaveras Pl.	
Elizabeth M. Piper	<i>Elizabeth M. Piper</i>	1110 W. Crenshaw St., Kuna, Id	
William Piper	<i>WILLIAM PIPER</i>	1110 W. Crenshaw	
JASON ADKINSON	<i>[Signature]</i>	1107 W. CRENSHAW KUNA ID	
Stefanie Aragon	<i>Stefanie Aragon</i>	1107 W. Crenshaw St Kuna ID	
Chris Barrett	<i>Chris Barrett</i>	1691 N Calaveras Pl	
Billy Barrett	<i>Billy Barrett</i>	1691 N Calaveras Pl	
Carly Reeve	<i>Carly Reeve</i>	1651 N. Calaveras Pl.	
Sarah Herzog	<i>[Signature]</i>	1651 N. Calaveras Pl	
Sandra Allen	<i>Sandra J. Allen</i>	1726 N. Calaveras Pl.	Allowing this without impact fees is appalling
ALAN FORTANOT	<i>[Signature]</i>	1898 N CALAVERAS	
Jessica Fontanot	<i>Jessica R</i>	1898 N CALAVERAS	
Barry Christ	<i>[Signature]</i>	1898 N Azuete Dr	Residential Please.
KATHY CHRIST	<i>Kathy Christ</i>	1898 N. Azuete Dr	Residential
Jacob CRABTREE	<i>Jacob Crabtree</i>	1788 N Azuete DR	

2 of 3

Petition in Opposition of Rezoning of 3.46 Acre Property from Residential Medium Density R-6 to Neighborhood Lite Commercial C-1

Petition Summary and Background: The Kuna City Council and Planning and Zoning are requesting input on rezoning the 3.46 Acre property on the corner of Deer Flat and School Road in Kuna, Idaho. All Terra Consulting is asking the council to approve a rezone (from residential medium density R-6 to neighborhood "light" commercial C-1). The property is owned by Kolo LLC.

Action Petitioned for: We, the undersigned, are concerned citizens who urge the Kuna City Council and the Kuna Planning and Zoning to act now to decline the rezoning from residential medium density R-6 to neighborhood "light" commercial C-1 for the 3.46 acre property located on the corner of Deer Flat and School.

Printed Name	Signature	Address	Comment
Lyn Crabtree		1758 N. Azurite Dr.	
Melanie Cook		1574 N. Azurite Dr.	
Nicole Bourne		1797 N Azurite dr	
Curtis Bourne		1797 N Azurite dr	
Melissa Giver		1745 N. Azurite Dr.	
Noah Giver		1765 N. Azurite Dr.	
Bonnie See		1634 N. Azurite Dr.	
John Wooster		1633 N Azurite Dr	
John Sanders		2217 N Citrine Dr	
STEVE NELSON		1611 N. CITRINE Azurite Pl	
Loy Hallett		1552 N Azurite Place	
Karina Hallett		1552 N. Azurite Place	
Scott Martin		1313 N. Tumbler Dr.	
Cynthia Bessing		1097 W Tarzanite Dr	
Caroline Hightman		2050 N Azurite Dr	
Carole Hightman		2050 N Azurite Dr	
Amy Wilson		1807 N. Calaveras Pl.	

