

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, October 16, 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

CITY STAFF PRESENT:

Chris Engels, City Clerk
Bob Bachman, Public Works Director
Bobby Withrow, Parks Director
Wendy Howell, Planning & Zoning Director
Jared Empey, City Treasurer
Lisa Holland, Economic Development Director
Jace Hellman, Planner II
Sam Weiger, Planner I

2. *Invocation: None*

3. *Pledge of Allegiance: Mayor Stear*

4. *Consent Agenda:* ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS (Timestamp 00:00:44)

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, October 2, 2018

B. Accounts Payable Dated October 11, 2018 in the Amount of \$328,780.00

C. Resolutions

I. Consideration to approve Resolution No. R81-2018

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPOINTING ONE (1) NEW MEMBER TO THE CITY OF KUNA, IDAHO DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE, TO REPLACE ONE (1) MEMBER.

2. Consideration to approve Resolution No. R82-2018

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE LEASE AGREEMENT WITH SILVER BUTTE HOLSTEINS, INC. FOR THE LEASE OF THE CITY OF KUNA'S PROPERTY LOCATED AT SWAN FALLS ROAD, KUNA, IDAHO.

3. Consideration to approve Resolution No. R83-2018

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO SETTING FORTH CERTAIN PURPOSES, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY COUNCIL THAT CERTAIN AGREEMENT TITLED THE "LEGAL SERVICES AGREEMENT FOR THE CITY OF KUNA", DIRECTING THE CITY CLERK, AND SETTING AN EFFECTIVE DATE

D. Final Plats

I. Consideration to approve Case No. 18-16-FP (Final Plat) for Ensign Subdivision No. 2

Council Member Cardoza asked if item C2 should go out for bid.

Mayor Stear explained they did that occasionally but it was a multiple year type of thing that was rolled over. However, if Council wanted to do that they could.

Council Member Cardoza thought anything contractual over \$5,000.00 had to go out for bid.

Public Works Director Bob Bachman explained that was concerning construction or capital improvements projects. This was for the 400 acres out at the farm and had been adopted this way over the last 2 or 3 years.

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

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

Voting No: None

Absent: None

Motion carried 4-0.

5. Community Reports or Requests: None

6. Public Hearings: (6:00 p.m. or as soon thereafter as matters may be heard.) None

A. Public hearing was recessed to October 16, 2018. Additional testimony will be accepted before deliberation continues.

Public Hearing and consideration to approve 18-01-A (Appeal) and 18-12-DR (Design Review) for Kelleher Subdivision No. 2 – Jace Hellman, Planner II
ACTION ITEM

(Timestamp 00:03:21)

On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests to appeal the Planning and Zoning Commissions' decision to deny Case No. 18-12-DR (Design Review) for eight four-plex buildings, parking, lighting and accompanying landscaping for Kelleher Subdivision No. 2. The subject site is located on the southeast corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

Planner II Jace Hellman stated he had received Council Member Christensen's questions and sent them out to various agencies for response. He took the liberty of typing up staff's and Kuna Rural Fire Districts answers in a memo as a late exhibit for Council. He reviewed the questions and answers and stood for questions.

Council thanked Mr. Hellman.

Police Chief Jon McDaniel provided responses to the questions from Council Member Christensen as part of the staff report. He stated he received a letter from a citizen concerning the Right-In Right-Out and whether or not it would force people who wanted to head to downtown Kuna to go up to the first court, Copeland Ave, to make a U-turn. He felt there was potential for that but he thought Kay Street would open up and connect as well and traffic could head into town that way. He stood for questions.

Council thanked Chief McDaniel.

Mayor Stear re-opened the public hearing.

Support: None

Against: None

Neutral: None

Rebuttal: None

Council President Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar reviewed Council's deliberation worksheet and felt, based on prior discussion and everything on record, it would be appropriate to approve the application as submitted.

Council Member Christensen stated, based on how detailed the responses, were he was ready to move forward.

Council President Buban-Vonder Haar moved to approve 18-01-A (Appeal) and 18-12-DR (Design Review) with the conditions of approval as listed. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza Abstained.

7. Business Items:

- A.** Extra Mile Day Proclamation – Mayor Stear
(Timestamp 00:24:49)

Mayor Stear read the proclamation.

- B.** Consideration to approve Resolution No. R84-2018 – Public Works Director, Bob Bachman ACTION ITEM
(Timestamp 00:26:52)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION DISTRICT FOR THE 2019 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2019 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2019 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2019 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION

SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2019 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.

Public Works Director Bob Bachman presented the Irrigation Assessment. He noted an error on page 6 section V.A.2 and stood for questions.

Council Member Cardoza asked how much potable water was used the previous year.

Mr. Bachman did not have that in front of him but they were tracking it in a spread sheet. He could provide a graph to Council at the next meeting but he believed they were seeing a decrease.

Council Member Cardoza thought something like 26 million was used the previous year.

Mr. Bachman thought that was pretty close. A couple years prior to that it had been up almost to 60 and it decreased down to 30 then 26 and they were working on the final number for 18.

Council President Buban-Vonder Haar noted the Board of Corrections meeting date was set for a Monday but she thought it was supposed to immediately precede a Council Meeting. It needed to be changed from March 18th to the 19th.

Council President Buban-Vonder Haar moved to approve Resolution No. R84-2018 with 2 corrections changing the date of the Board of Corrections meeting from March 18, 2019 to Tuesday, March 19, 2018 at 5:30 PM and on page 6 paragraph V.A.2. the parentheses should read \$39.00 instead of \$41.00. Seconded by Council Member McPherson. Motion carried 4-0.

- C. Consideration to approve 18-01-LS (Lot Split) for Tim Gordon – Sam Weiger, Planner I ACTION ITEM
(Timestamp 00:32:15)

The applicant seeks approval of one Lot Split. The subject properties are located at 1206 North Black Cat Road, Kuna, Idaho 83634.

Planner I Sam Weiger presented the application and stood for questions.

Council President Buban-Vonder Haar moved to approve 18-01-LS (Lot Split) with the conditions of approval. Seconded by Council Member McPherson. Motion carried 4-0.

- D.** Consideration to approve 18-02-LS (Lot Split) for Stephanie Cortez – Jace Hellman, Planner II ACTION ITEM
(Timestamp 00:34:58)

The applicant is requesting to split approximately one acre off a three-acre parcel. The property is located at 760 South School Avenue, Kuna, ID 83634.

Planner II Jace Hellman presented the application and stood for questions.

Council President Buban-Vonder Haar moved to approve 18-02-LS (Lot Split) with the conditions of approval. Seconded by Council Member McPherson. Motion carried 4-0.

- E.** Consideration to approve reallocation of Splash Pad Funds – Bobby Withrow, Parks Director ACTION ITEM
(Timestamp 00:36:40)

Parks Director Bobby Withrow explained the remaining Splash Pad funds had gone into the Contingency Fund at the end of the Fiscal Year. He requested the funds be pulled from the Contingency and put back in Capital Improvements in order to finish the project.

Council President Buban-Vonder Haar asked when it would be finished.

Mr. Withrow replied they were near completion. They were waiting until spring to put up all the water features to avoid them being vandalized over the winter and they still needed to put in a little building around the filter. It should be done spring of 2019.

Council Member Cardoza suggested moving the items behind the bathrooms there to keep them from being vandalized.

Mr. Withrow said they were planning to put them in their shop in town.

Council President Buban-Vonder Haar moved to approve the reallocation of \$84,244.00 from Contingency to Capital Improvements for completion of the splash pad. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

8. Ordinances:

- A. Second Reading of Ordinance No. 2018-36 – Chris Engels, City Clerk
(Timestamp 00:39:58)

AN ORDINANCE OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING TITLE 10, CHAPTER 3, SECTION 7 TITLED DOG LICENSES TO ALLOW FOR MULTI-YEAR LICENSES AND ROLLING RENEWALS, REPEALING THE HALF PRICE FEE FOR LICENSES PURCHASED AFTER JULY 1 OF EACH CALENDAR YEAR AND AMENDING TITLE 10, CHAPTER 3, SECTION 23 TITLED IMPOUNDING OF ANIMALS CLARIFYING FEES RELATED TO THE IMPOUNDMENT AND KEEPING OF ANIMALS AND PROVIDING AN EFFECTIVE DATE.

Mayor Stear read the ordinance.

9. Mayor/Council Announcements:

(Timestamp 00:41:05)

Mayor Stear introduced Sergeant Zack Walls. Sergeant Walls was the newest member of the Kuna Police Department. He invited him up to share a little about himself.

Sergeant Walls shared his work experience. He had been working with Kuna Police for about a month and was looking forward to working in Kuna for at least a couple years.

Council welcomed him.

Mayor Stear appreciated the work the Kuna Police Department did.

City Clerk Chris Engels reminded everyone the first Council Meeting in November would be on Wednesday, November 7, 2018 instead of Tuesday because it was an election night.

Chief McDaniel commented when he found out Tom Briggs, after 6 years, was leaving Kuna Police to become a Captain in Barrister he already had his sites sent on Sergeant Walls.

Sergeant Walls added Kuna was growing quickly and it was a good opportunity to learn how a rapidly evolving city interacted with law enforcement and how they could be of service and more intimately involved with that.

Chief McDaniel would love if everybody who wanted to test for supervisor in their organization was required to come out to a contract. They learn so many things that help with being a better supervisor, lieutenant, and boss. It had been an awesome experience for him and they tried to have a lot of fun while they served.

10. Executive Session: None

11. Adjournment: 7:47 PM



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 11.07.2018



CITY OF KUNA

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SIGN-UP SHEET

October 16, 2018 – City Council Public Hearing

Case Name: 18-01-A (Appeal) – Kelleher Sub No. 2

Case Type: On behalf of Open-Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests to appeal the Planning and Zoning Commissions' decision to deny Case No. 18-12-DR (Design Review) for eight four-plex buildings, parking, lighting and accompanying landscaping for Kelleher Subdivision No. 2. The subject site is located on the southeast corner of West Hubbard Road and Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

** Persons appearing for the applicant and affected property owners wishing to speak are advised to keep your presentation relevant in reply only to or in rebuttal of the Staff Report. **

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

Form with three columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column contains checkboxes for 'Testify' and 'Not Testify', followed by fields for Print Name, Print Address, City, State, and Zip. There are four rows of input fields in each column.

Jace Hellman

From: Stacey Yarrington <SYarrington@achdidaho.org>
Sent: Monday, October 15, 2018 2:56 PM
To: Jace Hellman
Subject: FW: Kuna City Council - Kelleher Subdivision No. 2

Importance: High

Jace,
I think we have answered the questions below...if not then here is ACHD's response.

4) Limited access within the site would be reviewed by the Fire Department.

5) The development is estimated to only add an additional 20 trips in the PM peak hour, which the LOS for area intersections in this vicinity are all operating currently at A, B, or C, which is above ACHD standard LOS E (2018 Existing LOS Map updated 010218).

6) As indicated in the staff report, Hubbard is a lesser classified street and therefore it is preferred for access to be taken from Hubbard rather than Linder Road. At such time as the intersection is reconstructed the driveway will be restricted to right-in/right-out and it is anticipated that when Kay Street is completed it will provide additional access for southbound travelers.

If you have any other questions, let me know.
Thank you,
Stacey Yarrington

From: David Corcoran
Sent: Wednesday, October 10, 2018 1:59 PM
To: Stacey Yarrington <SYarrington@achdidaho.org>; Christy Little <Clittle@achdidaho.org>
Subject: FW: Kuna City Council - Kelleher Subdivision No. 2
Importance: High

See highlighted below – if it is possible to answer these COB today, that would be awesome. The situation here is that Kuna has approved Kelleher No. 2 now for preliminary and final plat, but they're hung up on Design Review – with the Planning Board having denied it and an appeal to Council. There's one Councilmember that wanted to table this last meeting and told the City they'd provide a list of questions, which it sounds like Kuna staff is putting into a memo. I don't know if we typically provide comment on city-level design review decisions, but if we can they'd appreciate it. Let me know.

Thanks!
David

From: Jace Hellman <jhellman@kunaID.gov>
Sent: Wednesday, October 10, 2018 9:56 AM
To: David Corcoran <Dcorcoran@achdidaho.org>
Subject: Kuna City Council - Kelleher Subdivision No. 2

Hello David,

The Kelleher Subdivision no. 2 was once again recessed to next Tuesday in order to allow more time for a council member to ask some additional questions to staff and partner agencies. Currently, I am working on a memo in order to compile the responses I have been receiving and I was wondering if you would be able to contribute a few answers to some of the questions (See below). The turn around time is quicker than I would like, and I need to have answers by the end of the day today. You could give even simple answers if at all possible that would be greatly appreciated. If not, and even if so, it may not be a bad idea to have a representative from ACHD at the meeting on Tuesday.

Thank you David,

- 4) Do you foresee any safety issues with limited access in and out of the complex?

- 5) Although ACHD is recommending and making an exception to their policy do you foresee safety issues with the amount of morning/evening traffic at the intersection of Linder/Hubbard in relation to the entrance/exit of the unit?

- 6) Do you feel this allows units a safe measure to enter and exit the complex if needed for an emergency?

Jace Hellman
Planner II
751 W 4th St
Kuna, ID 83634
jhellman@kuna.id.gov





City of Kuna Planning and Zoning Department

Memo

*Jace Hellman - Planner
Kuna
testimony
Copies provided to
Council 10/16/18*

To: Mayor Joe Stear and Members of the Kuna City Council
From: Jace Hellman, Planner II
Date: October 16, 2018
Re: Response to Council

The following area responses to questions staff had received from Council Member Warren Christensen on the evening of October 8, 2018. The responses are Kuna Planning and Zoning Staff and Kuna Rural Fire District:

- 1) Why did the developer stray from the original appeal when originally having a desire to close access to the park and allowing a gazebo/green space for the residents of the Kelleher project?**

Staff: This is the original appeal, appeals go directly to City Council and are heard as de novo hearings. The site plan in your packet is the site plan that was originally presented to the planning and zoning commission. The site plan you are referring to (closing off access and a gazebo) was presented as a result of the Commission's decision to table the project until an agreement could be drafted between what was then going to be two completely separate Home Owner Associations (HOAs). The owner was unable to come to an agreement with the existing HOA in the allotted time and a second site plan was presented in effort to appease the Commission, however, it did not. Although an agreement was not created in the short-allotted time, the parcel in question is in fact a part of the existing Chapparosa HOA, inevitably the developer decided to remain within the existing HOA and keep with the originally presented park access, rather than de-annexing from the current HOA, creating a new HOA, and creating an agreement between two parties.

- 2) Would the developer consider going back on that proposal (close park access, create horseshoe pits/gazebo) to allow green space for the residents as to not overwhelm the pre-existing park that has been a part of Chapparosa subdivision?**

Staff: This parcel, is a part of the existing HOA, and has every right to remain as a member of the HOA as they are a lot within the subdivision. As a member of the HOA, they are responsible for paying their per lot dues, just like every other member of the HOA, which helps provide for maintenance of the common area. This question is between the applicant, developer and HOA. As a reminder, the City does not dictate the actions of HOAs or between HOAs, as it is a civil matter, nor does the City have requirements for HOAs except for the maintenance of common area landscaping, which is listed within the Covenants, Conditions and Restrictions, which is a part of the platting process.

- 3) **As per the privacy consideration is it possible to remove the unit that borders the neighborhood giving a sense of privacy for the single level home, allowing for limited viewpoints from the other two units, and also creates more parking spaces for overflow?**

Staff: In an effort to increase privacy for the existing residential subdivision, staff has required additional landscaping along the eastern property line, the applicant has complied and has shifted the landscape plan to show this request. Consideration to remove a building is a decision for the applicant to make. Regarding the overflow parking, current City Code requires one and half spaces per unit. The applicant has provided 2 spaces per unit, this is above what current Kuna City Code requires.

- 4) **Do you foresee any safety issues with limited access in and out of the complex?**

Staff: Access is determined by Ada County Highway District (ACHD), as they are the traffic experts. One access is all ACHD will allow for this site. The specific location on Hubbard Road was chosen for a couple reason, first, you cannot landlock a parcel according to Idaho State Code, access has to be granted even if it doesn't meet ACHD's policy. Second, Linder Road (which has the existing access) is slated to be five lane road in the future. Hubbard Road (where access is granted from ACHD) is only slated to be a three-lane road. Additionally, staff have called ACHD to inquire if they would consider a second access off of Linder Road and was told "No".

Assistant Fire Chief Terry Gammel: The provided access should be sufficient to accommodate a normal emergency response.

Ada County Highway District: ACHD is required to provide "reasonable access" to all parcels. Linder is planned for 5-lanes, and Hubbard is planned for 3-lanes. As proposed, this layout is better than if the driveway were on Linder.

- 5) **Although ACHD is recommending and making an exception to their policy do you foresee safety issues with the amount of morning/evening traffic at the intersection of Linder/Hubbard in relation to the entrance/exit of the unit?**

Staff: See No. 4.

Assistant Fire Chief Terry Gammel: As with any increase in traffic volume for any specific area an increase in potential can be assumed however I do not see an increase sufficient to impede emergency traffic

Ada County Highway District: It is not unusual for side streets or driveways to have reasonable delays. At certain times of the day it will be more difficult to make left turning movements.

- 6) **Do you feel this allows units a safe measure to enter and exit the complex if needed for an emergency?**

Staff: See No. 4.

Assistant Fire Chief Terry Gammel: The provided access should be sufficient to accommodate a normal emergency response.

- 7) **Is there adequate lighting/visual to ensure the park can be seen or monitored after hours having an exit point that leads into Kelleher units?**

Staff: There is adequate lighting throughout the project, as required in Kuna City Code. However, asking the applicant to install lights on a parcel they do not own, is not applicable to this application. Lights on a HOA lot is a Homeowners association issue, and the City does not get involved with the matters of Homeowners associations.
