

**CITY OF KUNA  
REGULAR CITY COUNCIL MEETING  
MINUTES**

**TUESDAY, AUGUST 5, 2014**

**Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

**6:00 P.M. REGULAR CITY COUNCIL**

**COUNCIL MEMBERS PRESENT:** Mayor W. Greg Nelson  
Council President Richard Cardoza  
Council Member Briana Buban-Vonder Haar  
Council Member Pat Jones  
Council Member Joe Stear

**CITY STAFF PRESENT:** Richard T. Roats, City Attorney  
Gordon Law, City Engineer  
John Marsh, City Treasurer  
Wendy Howell, Planning & Zoning Director  
Troy Behunin, Senior Planner  
Brenda Bingham, City Clerk

**Call to Order and Roll Call**

Mayor Nelson called the meeting to order at 6:05 p.m. The following were in attendance:  
Council Members Cardoza, Jones, Buban-Vonder Haar and Stear present at the meeting.

**Invocation:** Randy Maxwell, Seventh Day Adventist

**Pledge of Allegiance:** Mayor Nelson

**Request to Amend the Consent Agenda** *(Timestamp 00:01:58)*  
*(The council must move to amend the agenda per IC 67-2343 Effective July 1, 2009.)*

Amend Consent Agenda Item 1B to increase Accounts Payable by \$530.00 creating a total of \$396,485.24. Staff became aware of the change at 4:45 p.m. on August 4, 2014.

**Council Member Stear moved to amend the Consent Agenda item 1B to increase the Accounts Payable by \$530.00 creating a total of \$396,485.24. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**1. Consent Agenda:** *(Timestamp 00:02:31)*

*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 Old Business or as instructed by the City Council.*

A. City Council Meeting Minutes:

1. Minutes of July 15, 2014 Regular Meeting
2. Minutes of July 24, 2014 Special Meeting

B. Accounts Payable Dated August 5, 2014 in the Amount of \$395,955.24 \$396,485.24.

C. Alcohol Licenses:

D. Resolutions:

1. Approve Resolution No. R45-2014 Accepting Change Order No. 1 with Dahle Construction for the School PI/Titan Water Mains Project
2. Approve Resolution No. R46-2014 Accepting Change Order No. 2 with Dahle Construction on the School PI/Titan Water Mains Project

E. Findings of Facts and Conclusions of Law:

**Council Member Stear moved to approve the Consent Agenda as presented with the amendment. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**2. Citizen's Reports or Requests: (Timestamp 00:30:11)**

A. Fee Waiver Request from Gianna Garcia for use of Bernie Fisher Park Bandshell on September 27, 2014 for Senior Project Fund Raiser – Presented by Sarah Jimenez

Sarah Jimenez explained the fund raiser is a walk around Bernie Fisher Park and the public is encouraged to participate. It is a non-profit event and they will be getting sponsors. The money raised will go to Stanton Healthcare located in Meridian, Idaho.

**Council Member Stear moved to approve the fee waiver request. Seconded by Council President Cardoza, all voting aye. Motion carried 4-0.**

**3. New Business:**

A. Consideration to Approve Resolution No. R44-2014 Step and Grade Policy for City Clerk's Office, Utility Billing, Planning & Zoning – Richard Roats, City Attorney  
(Timestamp 00:06:58)

A RESOLUTION OF THE CITY OF KUNA, IDAHO ADOPTING THE STEP AND GRADE POLICY FOR THE CITY CLERK'S OFFICE, UTILITY BILLING AND

PLANNING AND ZONING FOR THE CITY OF KUNA, IDAHO AS ATTACHED HERETO; REPEALING THOSE SECTIONS OF RESOLUTION R9-2007 THAT ARE INCONSISTENT WITH THE ADOPTION OF R44-2014; AND DECLARING THE EFFECTIVE DATE.

Richard Roats explained the Step and Grade Policy is for the admin and Planning and Zoning staff and is similar with the policy recently implemented for the Public Works Department. The various step increases and longevity of the policy were pointed out along with the requirements for advancing up the chart.

Compensating employees for taking on additional duties were explained noting the Grant Administrator and staff taking on additional accounting duties would be advanced two levels. This will save the city money by not having to hire an additional full-time employee.

Discussion took place noting concern on compensation at higher levels for more complex duties being performed only part of the time. The chart indicates a person at a higher level doing the duties 100% of the time would make the same amount as the person only doing them part of the time.

A suggestion was made to advance employees only one level for taking on additional duties.

Research was done to gather information for the policy and to learn of salaries for various positions. Concern was noted on losing good employees to other entities that offer better wages. More discussion followed.

*\*Note: Public Hearings agenda items 4A and B were addressed at this time.*

**Council President Cardoza moved to table the item until the next Council Meeting. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

- B. Consideration to Reserve \$2,499.03 Net 2013 Regence Medical Loss Ratio (MLR) Rebate for Employee Health & Welfare Purposes Related to the Planned Health Plan Re-write in 2014/2015 – John Marsh, City Treasurer *(Timestamp 02:29:54)*

**Council Member Buban-Vonder Haar moved to Reserve \$2,499.03 Net 2013 Regence MLR Rebate for Employee Health & Welfare Purposes Related to the Planned Health Plan Re-write in 2014/2015. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

- C. Fiscal Year Ending 2015 Budget Workshop – John Marsh, City Treasurer *(Timestamp 02:32:10)*

## Grant Fund

### 1. General Fund (*Timestamp 02:44:54*)

John Marsh explained revenues at this time for FY 2015 are projected at \$3,312,758 pointing out \$717,340 is projected as carryover funds noting \$118,239 of this revenue has been set aside for health & welfare (\$4,444) and community fitness endeavor donation (\$113,795). This leaves a total of \$599,101 carryover available after reservation items.

Mr. Marsh explained every expense item proposed for consideration and entered amounts preferred by the Council. This was a very lengthy process involving a great deal of discussion. The Council decided against property tax increases for FYE 2015.

### 2. Solid Waste (*Timestamp 02:39:54*)

John Marsh explained the revenue that is billed for this service and the outflow paid to J&M Sanitation is tracked in this fund. The franchise fee comes out when the check is processed to J&M Sanitation. The projection for revenue is \$1,390,928, which is what is billed out. Tim Gordon will be presenting a proposal for increasing rates in the near future.

### 3. Water Fund (*Timestamp 02:33:11*)

Gordon Law presented information on his budgets noting a \$6,000 allocation for a pressure irrigation (PI) storage pump had been removed to help balance the Water Fund. No concerns noted.

### 4. Sewer Fund (*Timestamp 02:33:11*)

Mr. Law reported reductions were done in PI, sewer and equipment requests. No concerns noted.

### 5. Pressure Irrigation Fund (*Timestamp 02:33:11*)

Mr. Law reported reductions were done in PI, sewer and equipment requests. No concerns noted.

### 6. Well Mitigation Fund

This item was discussed at a previous workshop and no concerns were noted.

### 7. Late Comers Fund

This item was discussed at a previous workshop and no concerns were noted.

### 8. Grant Fund (*Timestamp 02:35:13*)

Grant revenue and expenditures are projected at \$234,711. The grant list was reviewed noting the funds first come from the General Fund and then are reimbursed when grant funds are received within the fiscal year. The only item not reimbursed is \$8,000 for the ITD project to install sidewalks on Orchard Street which is budgeted in the Parks Department.

- D. Adopt Tentative Budget for Fiscal Year Ending 2015 – John Marsh, City Treasurer  
(Timestamp 05:30:54)

**Council Member Buban-Vonder Haar moved to adopt the proposed Fiscal Year 2015 Tentative Budget which would include General Fund in the amount of \$3,382,167.00, Late Comer’s Fund in the amount of \$458,851.00, Grant Fund in the amount of \$234,711.00, Well Mitigation Fund in the amount of \$250,000.00, Water Fund in the amount of \$1,935,155.00, Sewer Fund in the amount of \$2,316,218, Irrigation Fund in the amount of \$860,806.00, Solid Waste Fund in the amount of \$1,390,998 for a City Grand Total of \$10,828,906.00 with a Public Hearing set for 7:00 p.m. Mountain Daylight Time on Tuesday, September 2, 2014 at Kuna City Hall. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**4. Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)

- A. 14-03-AN (Annexation) Canberra Estates Subdivision (Timestamp 01:04:23)

Todd and Laura Zimmerman request approval for annexation of approximately 28.5 acres into the City of Kuna as R-4 (Medium Density Residential) zone, creating Canberra Estates Subdivision (two-lots). The lots will be approximately 1.5 acres and 27 acres lot and located approximately ½ mile south from the Lake Hazel Road and Black Cat Road intersection. Presented by Troy Behunin, P&Z Senior Planner

Mr. Behunin explained the request as stated above.

Mayor Nelson acknowledged the petition received to deny the rezoning request signed by property owners with Nampa addresses.

**Todd Zimmerman**, 7206 Lima Drive, Nampa, Idaho is the applicant and explained they have owned the property for 12 years. They have followed the market and progress of Kuna but for now his request is to annex into the city and create a two lot subdivision, a 1.5 acre lot for a shop and a 27 acre lot which they will continue to farm. They want to be prepared recognizing that any further development would be determined upon growth and installation of sewer services. His home is located approximately 5 miles from the proposed subdivision.

Mayor Nelson opened the public hearing at 7:13 p.m.

SUPPORT

None

NEUTRAL

None

OPPOSE

**Jeff Moore**, 4618 W. Saddle Ridge Drive, stated he was the spokesperson for most of the residences in the Saddle Ridge Homeowners Association. He presented a signed petition from the residences of Saddle Ridge as well as a number of residences in Iron Horse Subdivision located on Columbia Road backing up to the proposed Canberra Estates. (Copies of the petition with 45 signatures were previously distributed to the Mayor and Council.) All of the signatures are from homeowners in the Saddle Ridge and Iron Horse subdivision.

He stated they are in opposition of rezoning of the annexation proposal and as requested in the petition, urge the City Council to deny the rezoning of the property. Should the rezoning be approved, they strongly urge the Kuna City Council to zone the annexed area R1 or 1 home per acre in harmony with the overwhelming majority of subdivisions that surround said property. If the City does not have an R1 designation then they requested the Council postpone the rezoning until that designation is added to the City charter.

Currently there are five subdivisions located on Columbia Road between Linder and Black Cat. There is Saddle Ridge, Iron Horse, Old Farm, Danskin and Chisum Valley. Each of these subdivisions has at least one acre in size. Placing a small subdivision next to these larger lots will adversely affect property taxes.

**Jeff Towery**, 4576 W. Saddle Ridge Drive, Nampa, explained if the 28.5 acres were in an R4 Zoning it would create 114 homes, possibly with young families that could potentially create a population of approximately 570 in the area. He expressed concern with the canal near the area and provided information on statistics and canal safety.

He also expressed concern with traffic safety, especially with the intersection between Black Cat Road and Columbia. Concern was also noted on the two-way stop at Lake Hazel and Black Cat and with the poor visibility due to fully developed cornfields. The canal at the beginning of the proposed development creates a visual problem with oncoming traffic.

Mr. Towery stated the average home in their area is approximately \$400,000 - \$650,000 and expressed concern with a negative impact on property values for the existing homes. He also questioned if the proposed property is a spot annexation. He stated if the zoning is anything less than R1 then he would disapprove of it.

Mayor Nelson asked if anyone else wanted to testify.

**Kent Wells**, 7440 S. Black Cat Road, stated he purchased the home the Zimmerman's previously owned. When he bought it, Todd Zimmerman talked about developing the

acreage behind the house into one acre lots. He would have never bought the home in a rural setting if he knew there would be over a 100 homes placed behind him.

At that time, there was no R1 Zone so the Planning and Zoning Commission recommended the R2 Zone.

The initial layout reflected an R6 instead of an R4. Mr. Wells is boarded on three sides of the changes Mr. Zimmerman intends to make.

Mr. Wells agrees with the other speakers, this is not a high density area and none of the homes in the area are high density. There are plenty of vacant subdivisions in the area that are being proposed where utilities are available. This matter should be tabled or zoned R1 until the time it is developed. We would never get an R4 Zone changed back to a R1 or R2 Zone.

**Janelle Wells**, 7440 S. Black Cat Road, stated they purchased the home from Zimmerman's through a short sale in December 2010. During the process of looking and buying the home, Todd Zimmerman told them he would not develop it in less than acre lots and that it would be similar to Saddle Ridge. She feels safe right now but won't with 100 homes due to more roads and cars. She wants it to stay a rural area with an R1 Zone.

No other testimonies were offered so the Public Hearing closed at 7:30 p.m.

**Todd Zimmerman** clarified that development would not be taking place right away. A new plat would need to be approved. He recognized the concerns expressed explaining they would be addressed in the future re-plat of the subdivision. He is just making it into two plots for now and preparing for the future.

**Troy Behunin** stated this is a lot within a platted subdivision, the Saddle Ridge Estates. He clarified that the only subdivision that this proposal touches is Saddle Ridge. It does not border up against any other subdivision. Iron Horse is the closest one but a minimum of 1,100 feet away from this subdivision boundary. Chisum Valley and Danskin are more than a mile down the road. It is part of a subdivision, it is a lot that has been platted and recorded in the Saddle Ridge Subdivision. Because the goal is to split off a 1.1 or 1.2 acre lot and possibly put a house on it and leave the rest of it in an Ag Zone, the only way to accomplish that is to go through the subdivision process. Approximately 27 acres will remain as agriculture. Details of the procedures to develop the acreage in the future were explained. The applicant is seeking an R4 Zone but the Planning Commission has recommended an R2 Zone.

**Council Member Buban-Vonder Haar moved to approve case numbers 14-03-AN, 14-02-DA and 14-01-CP annexation, development agreement and combination plat with the conditions of approval as listed including an R2 zoning designation. Seconded by Council Member Jones, all voting aye. Motion carried 4-0.**

- B. 14-01-PUD, 14-02-S, and 14-02-DR: Timbermist Subdivision by Coleman Homes  
(Timestamp 01:46:37)

Applicant seeks PUD and preliminary plat re-approval for a residential subdivision in Kuna consisting of 211 buildable lots and 11 common lots over approximately 65.14 acres. Through the PUD the applicants request a reduction in the standard lot size, and to reduce the minimum frontage for lots. In exchange, the applicant proposes several site amenities including a central park with playground, gazebo, a pool complex and 8.51 acres of useable open space. Presented by Troy Behunin, P&Z Senior Planner

Troy Behunin explained the request as stated above.

**Becky McKay**, Engineering Solutions, 1029 N. Rosario St. Ste. 100, Meridian, represented Coleman Homes on the application. When Mr. Coleman purchased the property, he brought all the original documents to them for review in 2006. The market was far different then than it is now in 2014. The original plan was under the R4 Zone, 6,600 S.F. lots. The original plan had 233 lots and has now been reduced to 211. There will be a nicely landscaped entrance with detached walk ways and trees along all of the frontages. The new layout reflects an effort to appeal to a larger homebuyer group, increase distribution of useable open-space and consolidate the canal crossing to a single bridge.

Ms. McKay stated they have met with the neighbors and with the ditch master that handles the irrigation to the west. She stated any irrigation or drainage that traverses the site, they are coordinating with those property owners for any piping or relocation of those facilities. They have had their irrigation consultant go out and meet with Mr. Schultsmeier. They are taking additional shots along the canal to make sure what they are proposing is going to work as far as getting the water from the head gate at the Kuna canal over to his property and properly irrigating it and handling the drainage that comes along his north boundary.

Amenities include a pool facility, restrooms, changing rooms, parking area, playground equipment, picnic gazebo, park benches and pathways through the open space. This primary amenity will be built with the first phase. Phase two will be located off of Linder. More details of the development plan were explained.

After ACHD reviewed the Traffic Study, it was determined that Kay street will be constructed in the future and to trust fund for it. Additional information regarding the Kay Street was provided.

Mayor Nelson opened the Public Hearing at 8:06 p.m.

SUPPORT

None

NEUTRAL

**Rick Morino**, 855 W. Hubbard, Meridian, stated he was just interested in what was going on in his neighborhood noting Kay street would affect his driveway.

OPPOSE

None

Mayor Nelson asked if anyone else wanted to testify.

**Judith Pane**, 1285 W. Hubbard, which is across the street from the proposed subdivision. She has lived there for nearly 25 years and expressed concerns on dumping more traffic on Hubbard. She doesn't want to stop progress and is aware Planning and Zoning can make changes. She is next to the canal and owns 5 acres with horses expressing concerns on if she will be able to continue riding her horses. She has dealt with kids shooting pellet and BB guns at her horses and dogs. A developer smashed her fence down letting out her horses causing a large vet bill which was never reimbursed. The traffic flow is a major concern due to her pulling in and out with a horse trailer. She has tried to be accommodating and a good neighbor but stuff often gets dumped in her horse pasture that she ends up cleaning up. She asked that consideration be given to the street situation expressing safety concerns for the children walking to school with speeding cars along the roads.

It was noted a traffic impact study was performed on the subdivision in 2006. New traffic counts were taken and the updated study meets the current Traffic Impact Study standards outlined in the ACHD Policy Manual. The community is projected to generate an average daily traffic volume of approximately 2,009 vehicles, of which the a.m. peak hour traffic is 158 vehicles per hour and p.m. peak is 211.

**Becky McKay** explained they hired Six Mile Engineering to do a traffic analysis noting all new counts were performed in October 2013. The average daily traffic on Linder Road was 3, 386 and 3,972 on Hubbard. Both of these streets are designated as minor arterial roadways. They are trying to evenly distribute traffic as much as possible. As the traffic counts go up the speed limit will go down. She stated this is a better project than what was approved in 2006 and asked for Council to approve it.

**Council Member Buban-Vonder Haar moved to approve Case Numbers 14-01-PUD, 14-02-S and 14-02-DR a subdivision request by Timbermist LLC with the conditions of approval noted. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

*\*Agenda item 3B was addressed at this time followed by items 3C and 3D.*

**5. Old Business:**

**6. Ordinances:**

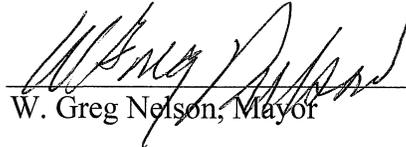
**7. Mayor/Council Discussion Items:**

**8. Announcements:**

**9. Executive Session:**

**10. Adjournment:**

Council Member Stear moved to adjourn the meeting at 12:05 a.m.

  
\_\_\_\_\_  
W. Greg Nelson, Mayor

ATTEST:

  
Brenda S. Bingham, City Clerk



*Minutes prepared by Brenda Bingham  
Date Approved: CCM 8/19/14*

***An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website [www.kunacity.id.gov](http://www.kunacity.id.gov)***