

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, January 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
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Richard Roats, City Attorney
Paul Stevens, City Engineer
Troy Behunin, Planner III

2. *Invocation:* Karen Hernandez, United Methodist Church

3. *Pledge of Allegiance:* Mayor Stear

4. *Consent Agenda:*
(Timestamp 00:01:45)

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, January 2, 2018

B. Accounts Payable Dated January 11, 2018 in the Amount of \$468,916.41

C. Alcohol License

I. Doughboys LLC dba Slyce Box 1353 N Meridian Road #103 – Liquor by the Drink & On Premise Beer

D. Resolutions

I. Consideration to approve Resolution No. R06-2018

A RESOLUTION OF THE CITY COUNCIL, OF KUNA, IDAHO APPROVING AND ADOPTING AN AMENDMENT TO THE CITY OF KUNA, IDAHO PERSONNEL MANUAL (VERSION JANUARY 2016) BY STRIKING THE CITY ENGINEER IN SECTION 10.1.1C FROM THE NAMED APPOINTED OFFICIALS SO THE CITY ENGINEER NOW IS AN EMPLOYEE SUPERVISED BY THE PUBLIC WORKS DIRECTOR; REQUIRING THE CITY CLERK TO DISTRIBUTE COPIES TO THE HOLDERS OF THE PERSONNEL MANUAL; AND PROVIDING AN EFFECTIVE DATE.

2. Consideration to approve Resolution No. R07-2018

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AMENDING R45-2017 TO EXTEND THE CONTRACT BY 161 DAYS FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION OF THE ORCHARD LIFT STATION REPLACEMENT PROJECT TO KELLER ASSOCIATES, INC. IN THE AMOUNT OF \$240,200.00; DIRECTING EXPENDITURE OF FUNDS FROM THE SANITARY SEWER FUNDS FOR SAID PROJECT; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH KELLER ASSOCIATES.

E. Findings of Fact and Conclusions of Law

I. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 17-08-AN (Annexation) for Danskin Ridge Subdivision No.s 2, 3, & 5.

2. Consideration to approve Findings of Fact and Conclusions of Law for Case No.s 17-06-AN (Annexation) and 17-08-S (Subdivision) for Wapiti Creek Subdivision

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:

- A. Project Impact STEM Academy Presentation – Mr. Neddo, Interim Director of Education and Founder
(Timestamp 00:02:25)**

Interim Director of Education and Founder Dan Needo presented a PowerPoint to Council and reviewed the basics of the STEM program and the background. He stood for questions.

Mayor Stear thanked him for the presentation.

Information could be found on the website PISTEM.org or through info@istem.org.

- B. Kuna Rural Fire District Impact Fee Report – Anne Wescott, Galena Consulting
(Timestamp 00:17:03)**

Anne Wescott with Galena Consulting presented a PowerPoint to Council and reviewed the details of the impact fee. She stood for questions.

Mayor Stear thanked her for the presentation. He asked when they would want to put together an agreement.

Ms. Wescott replied immediately if the City was ready to go ahead.

Council Member Christensen asked about the unstaffed station.

Ms. Wescott explained the plans for the unstaffed station.

Council Member Christensen wanted to know about the replacement of all the engines.

Ms. Wescott clarified the replacements were done based on best practices for those kinds of units.

Council Member Cardoza asked if apartments would be classified as commercial or residential.

Ms. Wescott replied residential.

Council Member Cardoza asked why they were doing \$701 instead of \$886.

Ms. Wescott explained how they came to that number.

Council Member Cardoza asked why Kuna was paying more than Meridian, Caldwell, and Boise if the cost was consistent.

Ms. Wescott replied the cost was consistent but the growth was not. She detailed how that would affect the numbers.

Council Member Cardoza asked about ISO.

Fire Chief Perry Palmer provided details of fire operations.

Mayor Stear asked that they let the City know when they were ready to put something together and the City Attorney would be willing to help.

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

- A. Public Hearing that was tabled from the January 2, 2018 City Council Meeting and consideration to approve 17-11-S (Subdivision) for Merino Cove Subdivision – Troy Behunin, Planner III**
(Timestamp 00:48:53)

A request from Quadrant Consulting, representing Varialle Construction for preliminary plat approval for an approximately 6.8-acre subject parcel within an existing R-6 zone, in order to subdivide the land into 25 single family lots, and an additional two (2) common lots. The site is located on the north side of W. Hubbard Road, approximately 500 feet east of S. Magellan Avenue; addressed as 882 E. Hubbard Road, Kuna, Idaho.

Chuck Christensen from Quadrant Consulting presented the application request to Council. He asked to discuss the installation of an 18 inch sewer trunk main that staff recommended they install in Hubbard Road and if it would be reimbursable. He stood for questions.

Mayor Stear clarified his request about the 18 inch main and the reimbursement request.

Public Works Director Bob Bachman said he wasn't notified until 4:00 pm that day and the matter needed more time to vet the request. There may be a portion eligible for reimbursement.

City Attorney Richard Roats clarified the possible reimbursement would have no bearing on the decision before Council that night.

Planner III Troy Behunin reviewed the staff report for Council and stood for questions.

Council President Buban-Vonder Haar did not see anything about the pathway in the packet and wanted to know if it was something they needed to add specifically.

Mr. Behunin replied it would need to be added.

Mayor Stear opened the public hearing.

Support: None

Against: None

Neutral: 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 agreed with the staff analysis included in the packet and noted this had been approved by the Planning & Zoning Commission.

Council President Buban-Vonder Haar moved to approve 17-11-S (Subdivision) with the note that all parties would continue to work on the Patagonia Sub pathway continuation as well as the rest of the conditions of approval as listed in the packet. Seconded by Council Member McPherson. Motion carried 4-0.

- B.** Public Hearing and consideration to approve 17-10-S (Pre-Plat) for Gran Prado Subdivision – Troy Behunin, Planner III
(Timestamp 01:04:27)

A request from Kirsti Grabo with KM Engineering, for approval to subdivide approximately 132.80 acres, (previously zoned R-4), into 530 single family residential lots and 67 common lots, with one shared driveway. The site is located at the north-west corner of Ten Mile and Lake Hazel Roads, the site is located Between Amity Road and Lake Hazel, west of Ten Mile Road, Kuna, Idaho, in Section 34, T 23N, R 1W, B.M

Kevin McCarthy with KM Engineering presented the application and stood for questions.

Planner III Troy Behunin provided the staff report for Council and stood for questions.

Mayor Stear opened the public hearing.

Support: None

Against:

Matt Christensen, 3649 N. Lakeharbor Lane, Boise, ID 83703, was the attorney representing the Bittercreek Meadows HOA, the neighborhood just to the north of this subdivision. Mr. Christensen noted some homeowners didn't receive notice of the hearing until last week and they had some concern regarding that. More substantially, they were concerned about their sewer pipe that ran through Gran Prado being underneath at least 5 or 6 lots. There was an easement granted to his clients by the previous owners of that subdivision to maintain and access that pipe. That perpetual easement was directly across those lots as well. They wanted those pipe and easement rights addressed.

Council Member Christensen, no relation, asked if building homes over the pipe would eliminate his clients' ability to do what they needed to do.

Mr. Christensen did not know that it would eliminate it but it would not be practical and would definitely limit them. There was a proposal that the current subdivision would connect up to Bittercreek Meadows and provide sewer services through the proposed subdivision which would solve the problem of the pipe and easement but his clients had not agreed to that nor did they have to.

Council Member Cardoza asked if there had been any discussion about moving the pipes.

Mr. Christensen replied he was not aware of any.

Neutral: None

Rebuttal:

Timothy Eck, 6152 W. Half Moon Lane, Eagle, ID 83616, the applicant, explained they worked extensively on this plat to deal with the very complicated series of out parcels. The unique layout of the interior roads was to follow the existing sewer lines. Contrary to their comments, about three years prior to the litigation that was entered into between the Bittercreek Meadows HOA and the City of Meridian over the City of Meridian's decision to eliminate a lift station they were going to build to provide conveyance of their sewer, Mr. Eck purchased the property including all appurtenances. The sewer pipe running through the ground was considered an appurtenance. They did have an easement which was for ingress and egress and for use of the pipe. The easement was granted to the lagoon which was the dominate estate. The easement did not provide access to the lagoon; it provided access to the sewer main from the lagoon. Part of the settlement agreement they entered into with

the City of Meridian, with his cooperation and extensive work with the City of Kuna, was when they got the sewer main extended to them they would then connect to the City of Kuna sewer. Their settlement agreement anticipates that the City of Meridian would maintain their current facilities until such time that connection was achieved. That connection would be made in Phase 4. All the sewer issues would go away at that point. The easement would be for a pipe that was no longer in use. He reiterated that he owned the pipe and if it could be used they would change the direction of the furthest west portion to go directly to the sewer plant. He stood for questions.

Council Member Christensen inquired about the time frame for completing Phase 4.

Mr. Eck replied they were hoping to do roughly a phase a year. They should be connected in about 5 years.

Tom Dvorak, the attorney for Mr. Eck, stated there were remedies in terms of the legalities of who owned the pipe but this was not the time and place for that. It should really be a non-issue for approving the plat. He stood for questions.

Council Member Cardoza asked Mr. Eck about Ada County requiring a signal on Amity and Ten Mile and the possibility of a round-a-bout at that intersection in the near future.

Mr. Eck explained the options for the improvement of the traffic counts at Amity and Ten Mile.

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

Council Member Cardoza stated he personally felt it looked like a very nice subdivision with a lot of flexibility in it. He asked City Attorney Richard Roats if the pipe was an issue that could have repercussions for the city if this was approved.

Mr. Roats stated that would be an issue for litigation between the HOA and Mr. Eck and would not concern the City Council and this decision.

Council President Buban-Vonder Haar agreed and stated this was in substantial compliance with the city's comp plan including some nice green spaces and improving connectivity. She also noted the Planning & Zoning Committee signed off on it. She appreciated their input and approval. She asked if there was any further discussion.

Council President Buban-Vonder Haar moved to approve 17-10-S (Pre-Plat) with the conditions of approval as outlined in the report. Seconded by Council Member McPherson. Motion carried 4-0.

7. *Business Items:*

- A. *Informational Only* Financial results of operations YTD through December 31, 2017
– John Marsh, City Treasurer
(Timestamp 01:34:15)

City Treasurer John Marsh summarized the report and stood for questions.

- B. Consideration to approve 17-03-LS (Lot Split) and 17-04-LLA (Lot Line Adjustment) for Spaulding's – Troy Behunin, Planner III
(Timestamp 01:35:23)

Applicant seeks Lot Split and Lot Line Adjustment approval to adjust the existing lot and create two lots on the subject site, an original parcel. The site is located at 3975 W. Amity Rd., about 1/3 mile south of Amity Road. The Lot Split, if approved, would provide the owners with an opportunity to build a new home on the newly created parcel in the future. The Lot Line Adjustment is intended to accommodate the proposed Gran Prado Subdivision.

Planner III Troy Behunin reviewed the staff report and stood for questions.

Council President Buban-Vonder Haar noted the sewer system item Mr. Behunin had discussed was not in the packet.

Mr. Behunin replied it was an oversight and it could be added. It was just to insure that should the septic system become a failure they connect to the city.

Council Member Christensen clarified the septic system was completely separate from what Mr. Behunin was talking about in regards to Phase 4 and the sewer system.

Mr. Behunin replied that was correct. He explained which was which and confirmed who would cover expenses when the different systems were replaced.

Council President Buban-Vonder Haar moved to approve 17-03-LS (Lot Split) and 17-04-LLA (Lot Line Adjustment) with the conditions of approval as listed in the packet with the addition of an MOU with the owner and the City regarding the septic system and connection with the City Sewer at a future date. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar noticed the case numbers were listed incorrectly. They should be 17-04-LS (Lot Split) and 17-03-LLA (Lot Line Adjustment). Council reopened item 7B after approving item 7C.
(Timestamp 01:46:40)

Council President Buban-Vonder Haar moved to amend her original motion and to approve 17-04-LS (Lot Split) and 17-03-LLA (Lot Line Adjustment) with the conditions of approval as listed in the packet with the addition of an MOU with the owner and the City regarding the septic system and connection with the City Sewer at a future date. Seconded by Council Member McPherson. Motion carried 4-0.

- C. Consideration to approve 17-05-LS (Lot Split) and 17-04-LLA (Lot Line Adjustment) for Anderson – Troy Behunin, Planner III
(Timestamp 01:42:41)

Applicant seeks Lot Split and Lot Line Adjustment approval to adjust the existing lot and create two lots on the subject site, an original parcel. The site is located at 3985 W. Amity Rd., about 1/4 mile south of Amity Road. The Lot Split, if approved, would provide the owners with an opportunity to build a new home on the newly created parcel in the future. The Lot Line Adjustment is intended to accommodate the proposed Gran Prado Subdivision.

Planner III Troy Behunin reviewed the staff report and stood for questions.

Council President Buban-Vonder Haar moved to approve 17-05-LS (Lot Split) and 17-04-LLA (Lot Line Adjustment) with the conditions of approval as listed in the packet. Seconded by Council Member McPherson. Motion carried 4-0.

Council returned to item 7B.

- D. Consideration to reappoint Lee Young, Dana Hennis, and Cathy Gealy to the Planning & Zoning Commission for a period of three years, which will expire on January 2021. – Wendy Howell, Planning & Zoning Director
(Timestamp 01:50:45)

Planning & Zoning Director Wendy Howell asked for approval of the reappointment. She stood for questions.

Council President Buban-Vonder Haar moved to reappoint Lee Young, Dana Hennis, and Cathy Gealy to the Planning & Zoning Commission for a period of three years, which would expire on January 2021. Seconded by Council Member McPherson. Motion carried 4-0.

8. Ordinances:

- A. Consideration to approve Ordinance No. 2018-01
(Timestamp 01:53:11)

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTIES INTO THE CITY OF KUNA, IDAHO, TO WIT:

DANSKIN RIDGE SUBDIVISION NO. 2, ALL OF LOTS 12 THROUGH 31 EXCEPTING OUT 26, DANSKIN RIDGE SUBDIVISION NO. 3, ALL OF LOTS 32 THROUGH 49, AND DANSKIN RIDGE SUBDIVISION NO. 5, ALL OF LOTS 55 THROUGH 67.

ALL PROPERTIES SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA INTO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTIES; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED 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. 2018-01. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2018-01. 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.

Council President Buban-Vonder Haar moved to approve the Summary Publication of Ordinance No. 2018-01. Seconded by Council Member McPherson. Motion carried 4-0.

9. Mayor/Council Announcements:

(Timestamp 01:55:28)

Mayor Stear updated Council on the recent town hall meeting with Kuna Police and its success.

Police Chief Jon McDaniel provided details of the meeting.

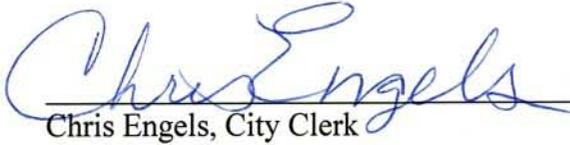
10. Executive Session:

11. Adjournment: 7:58 pm



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 02.06.2018



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

January 16, 2018 – City Council, Public Hearing

Case Name: Merino Cove Sub, Pre Plat; Request by Chuck Christensen of Quadrant Consulting;
Case Type: Request for preliminary plat approval for an approximately 6.8-acre subject parcel within an existing R-6 zone, in order to subdivide the land into 25 single family lots, with two (2) additional common lots. Site is located on the north side of W. Hubbard Road, approximately 500 feet east of S. Magellan Avenue; addressed as 882 E. Hubbard Road, Kuna, Idaho 83634

CASE No: 17-11-S (Preliminary Plat) **Merino Cove Subdivision**

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	
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<i>Chuck Christensen</i>					
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NEUTRAL

IN OPPOSITION

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SIGN-UP SHEET

January 16, 2018 – City Council, Public Hearing

Case Name: Gran Prado Subdivision, Pre Plat; Request by Kirsti Grabo with KM Engineering;
Case Type: Request to subdivide approximately 132.80 acres, (previously zoned R-4), into 530
single family residential lots and 67 common lots, with one shared driveway. The site is located at
the northwest corner of Ten Mile and Lake Hazel Roads, and is located Between Amity and Lake
Hazel, west of Ten Mile Road, Kuna, Idaho, In Section 34, T 23N, R 1W.

CASE No: 17-10-S (Preliminary Plat) Gran Prado Subdivision

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has rows for Testify/Not Testify checkboxes and fields for Print Name, Print Address, City, State, Zip. Includes handwritten entries for Linda Love, Timothy Lee, Dan Cheney, Matt Christensen, and Tom Dvorak-Nit-Eck.

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IN FAVOR

NEUTRAL

IN OPPOSITION

Testify Not Testify

Richard McConel
Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Print Name

Print Address

City State, Zip

Testify Not Testify

Kevin M. Carthy
Print Name

9233 W. State St.
Print Address

Boise ID 83714
City State, Zip

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