

**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 21, 2020**

**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:**

Bob Bachman, Public Works Director  
Jared Empey, City Treasurer  
Chris Engels, City Clerk  
Marc Bybee, City Attorney  
Lisa Holland, Economic Development Director  
Wendy Howell, Planning & Zoning Director  
Nancy Stauffer, Human Resources Director  
Bobby Withrow, Parks Director  
Troy Behunin, Planner III  
Jace Hellman, Planner II  
Doug Hanson, 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 00:00:46)*

*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*

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk's Office at 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

*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.** Regular City Council Meeting Minutes, January 7, 2020

**B.** Accounts Payable Dated January 16, 2020 in the amount of \$1,178,585.12

**C.** New Alcohol License:

Family Dollar Inc dba Family Dollar Store #27198 349 E Avalon Street – Off Premise Beer & Off Premise Wine

**D.** Resolutions:

**1.** Consideration to approve Resolution No. R09-2020

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 2020 YEAR OR UNTIL REVOKED BY ACTION OF THE MAYOR, AS PROVIDED FOR IN RESOLUTION NO. R33-2018.

**2.** Consideration to approve Resolution No. R10-2020

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPOINTING SEVEN (7) MEMBERS TO THE ECONOMIC DEVELOPMENT EXECUTIVE COMMITTEE.

**E.** Final Plat:

Consideration to approve Case No. 19-08-FP (Final Plat) for the Memory Ranch Subdivision No. 3.

**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:**

Introduction of Sergeant Brian Keene – Jon McDaniel, Kuna Police Chief  
(Timestamp 00:01:20)

Kuna Police Chief Jon McDaniel introduced Sergeant Brian Keene. This would be his second stint in Kuna and they were happy to have him back. Sergeant Keene had been recently promoted. He had been in law enforcement for over 20 years and had a lot of experience as well as an awesome reputation for being a great public servant and taking care of his troop. In fact, he had already helped Kuna Police recruit two new troops.

Sergeant Keene thanked Council for having him. He appreciated working in a contract city and he liked the smaller community. He also had worked with Chief McDaniel prior to this and they had a good relationship. He was looking forward to being out here and would do everything he could for the city.

Mayor Stear and Council welcomed Sergeant Keene.

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

- A. Public Hearing continued from the November 19, 2019 and January 7, 2020 Regular City Council Meetings for public oral and written testimony and Third Reading with Consideration to approve Ordinance No. 2019-44 – Wendy Howell, Planning & Zoning Director and Bobby Withrow, Parks Director ACTION ITEM  
(Timestamp 00:04:18)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS, PURPOSES AND ORDINANCE ENACTMENT HISTORY; AND
- REPEALING SECTION 20, ARTICLE A, CHAPTER 2, TITLE 4 KUNA CITY CODE; AND
- AMENDING AND REDESIGNATING SECTIONS 21 THROUGH 38, ARTICLE A, CHAPTER 2 OF TITLE 4 KUNA CITY CODE; AND
- AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 KUNA CITY CODE MAKING A TECHNICAL CORRECTION TO THE DEFINITION OF “OPEN SPACE”; AND
- AMENDING SECTION 5, CHAPTER 5 OF TITLE 5 KUNA CITY CODE MAKING TECHNICAL CORRECTIONS REGARDING THE GENERAL REQUIREMENTS OF FENCE REGULATIONS; AND
- REPEALING SECTION 4, CHAPTER 6, TITLE 5 KUNA CITY CODE; AND
- AMENDING AND REDESIGNATING SECTIONS 4, 5, 6, 7, 8, AND 9 OF CHAPTER 6 OF TITLE 5 KUNA CITY CODE; AND
- AMENDING SECTIONS 2, 4, 6, 10, 12, AND 20, CHAPTER 17, TITLE 5 OF KUNA CITY CODE MAKING TECHNICAL CHANGES TO DESIGN REQUIREMENTS AND ADDING REQUIREMENTS FOR RESIDENTIAL OPEN SPACE; AND

- AMENDING SECTION 2, CHAPTER 4 OF TITLE 6 KUNA CITY CODE PROVIDING FOR A CHANGE IN THE TEXT DESIGNATION FOR DEFINITIONS UPON WHICH CITY STAFF CAN RELY AND MAKING A TECHNICAL CORRECTION REGARDING THE MEASUREMENT OF FENCE HEIGHT AND LOCATION OF FENCING; AND
- PROVIDING A SEVERABILITY CLAUSE; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Parks Director Bobby Withrow stated staff had no additional information to present at that time. They wanted to see what the public had to say and go from there.

Mayor Stear re-opened the Public Hearing.

Support:

Cathy Gealy, 4300 Junayo Lane, Kuna, Idaho 83634, thanked Council for the opportunity to speak. She had read the article in Kuna Melba News about the public hearing and looked back at the minutes from November and January. She was very disappointed that no one from the public came to speak in favor of open space. She knew she shouldn't be surprised by that because who would think open space would need to be defended since it was for the public good. She noted the goal for usable open space in the comprehensive plan and said a few words about the need for usable open space. She appreciated staff's efforts to codify the open space goals of the comprehensive plan. It was important to establish and maintain these standards as future development was evaluated. She encouraged Council to approve the ordinance as proposed by staff.

Against: None

Neutral: None

Rebuttal: None

Mayor Stear noted one of the things that came up at the last meeting was comments from the School Board. They sent in a letter that was in favor of the ordinance and was included in the packet.

Council President Buban-Vonder Haar said they had come a long way from what was originally proposed. Originally there was the potential to have 24% or more open space and some potential inequity was visible and maybe enticement to do smaller developments to get around the larger open space percentages. She thought the revised chart did a great job and staff indicated it would still get Kuna to the goal of 1 acre per 80 people expressed in the comprehensive plan. She was inclined to approve what was in front of them.

Council Member McPherson agreed.

Council Member Cardoza also agreed. He felt they finally arrived at a percentage he liked. He was hesitant about the 3% but the 7% was where he wanted to be.

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-44. 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 summary publication of Ordinance No. 2019-44. Seconded by Council Member McPherson. Motion carried: 4-0.**

- B.** Public Hearing continued from the January 7, 2020 Regular City Council Meeting for public oral and written testimony and Consideration to approve new water and sewer system fees and policies – Bob Bachman, Public Works Director ACTION ITEM  
(Timestamp 00:13:20)

Public Works Director Bob Bachman reviewed at the last Council Meeting they were asked to provide additional information on a three-year breakdown and it was provided in the packet. If they needed further explanation, he had City Treasurer Jared Empey to help with that. They would stand for questions.

Mayor Stear said looking at the different phased in approaches it probably would not be a good idea because it ended up making the overall cost more and dragged the City into a precarious situation. He asked if there was a timeline for implementation.

Mr. Bachman said, originally, they had posted it for February 1, 2020 if it had been approved at the previous meeting. Now they were probably looking at March 1, 2020.

Council President Buban-Vonder Haar clarified that would be the earliest.

Mayor Stear stated that would give them plenty of time to get notifications out. The only comments he had since the last meeting mostly had to do with the tiered rate. One suggestion made was to pick a tiered rate with the option to change it during the year. It reminded him of minutes use on a cell phone. If they went over, they were charged extra. Their point was to make it easier to budget. It looked to him like they had the tiered in rates and that they had done okay with it.

Mayor Stear re-opened the Public Hearing.

Support: None

Against:

Dennis Leonard, 1005 N Strike Way, Kuna, Idaho 83634, asked what the reason was for raising sewer \$7.

Mayor Stear explained they had done a rate study. Water was fine and in the black. With sewer the City was falling behind by a little over a million dollars a year because the user fees weren't high enough to keep up with demand for maintenance and repairs on the system. That was the main reason for the increase with sewer. The water was actually being reduced slightly which should help a little bit with the raise in sewer.

Mr. Leonard clarified the user rates encompassed replacing pipes, paying the employees and taking care of the treatment plant.

Mayor Stear replied not exactly and asked Mr. Bachman to explain.

Mr. Bachman explained the user rates went to maintenance and repair of the system which did include labor but was mostly upkeep and repair to maintain the system as it was in the ground at that time. It did not pay for any expansion or future growth.

Mr. Leonard said the old system was very small compared to what had been added on.

Mr. Bachman responded it was more complicated than that. He noted there were multiple lift stations reaching their term of life and multiple other pieces of infrastructure involved in the sewer system that needed or would need maintenance. The approach was to stay ahead of the maintenance instead of having a major break or repair come up that could put the City in a bad situation. It was a little more complex than knowing the age of the pipes in the ground but a significant amount of the infrastructure in the ground was reaching 20 to 25 years old and generally the life expectancy was 15 to 20 years old.

Mr. Leonard was confused on what would have a life expectancy of 15 to 20 years.

Mr. Bachman explained it was more the electronics, pumps, and that such.

Mr. Leonard said thank you.

Neutral: None

Rebuttal: None

Council Member Cardoza asked City Treasurer Jared Empey about the water and irrigation fund figures presented and what a comfortable ratio for the City would be regarding sewer.

Mr. Empey said he would hope to have 25% or 30%. That was a comfortable ratio if they were hoping to avoid the possibility of having to go for bond. If they were willing and able to go for bond then that calculus could change.

Council Member Cardoza asked if that changed with the age of the assets or if it was a standard commitment.

Mr. Empey thought, if they were looking at the historical costs and wanted to avoid a bond, they would want to look at it on a case by case basis but, personally, he would want to see 25% or 30%. That would be the best number.

Council Member Cardoza verified the amount that should be in the sewer contingency was \$20 million.

Mr. Empey said \$15 million to \$20 million.

Mayor Stear noted the situation in Nampa when they got behind. They chose to bond but Mayor Stear felt, to be fiscally responsible, Kuna needed to make sure to keep up with the times. Fortunately, the water system was good. They were just getting behind on sewer.

Council President Buban-Vonder Haar asked how folks felt about water. She reviewed the rates being established.

Council Member Christensen asked, as new construction was built, were they attaching to pressurized irrigation or were they solely being attached to sewer moving forward.

Mr. Bachman estimated over 90% of users hooked up to pressurized irrigation. It was complex in the fact that if a property was brought into city limits and didn't have surface water they might work out a special arrangement with that particular development to run their own pressurized irrigation system but for the most part it was required to hook up to the City's pressurized irrigation system. The only exception to that was because of surface water rights. There were ground water rights, which was where drinking water came from, and surface water rights, which was where irrigation came from. The surface water rights determined if there was enough acreage to spread over that property of water.

Council Member Cardoza asked if there were any subdivisions that did not have pressurized irrigation available to them and if Mr. Bachman knew how many homes were hooked up from Butler.

Mr. Bachman replied almost all of them. He believed they finished that off the previous summer. It was a huge success. To answer the other question, he stated there were other subdivisions that did not have pressurized irrigation. They were working on a master plan to get them pressurized irrigation. It was a top priority for his department. He was hoping to have a plan to bring to Council soon.

Council Member Cardoza asked if they had taken into consideration those who did not have pressurized irrigation available to them and would be using potable water instead.

Mr. Bachman said they had and were working on isolating those users and a separate plan to bring back to Council in the weeks to come.

Council Member Cardoza asked if this made an exception to it.

Mr. Bachman replied it did not.

Council Member Christensen wondered if they were looking at this backwards. He asked, if this was a fund that was already self-sustaining, why not look at making sure those neighborhoods without access to pressurized irrigation had something in place to accommodate it.

Mr. Bachman said they fully understood and appreciated that. They felt the same way. Since it was a smaller group of people it would be best to come back with a seasonal plan for them. He gave some examples of their ideas and pointed out there were people whose neighbors had pressurized irrigation and fell in the same tier but refused to hook up.

Mayor Stear recalled, for the ones that did have access to hook up to pressurized irrigation, the City had made it easy for them to hook up and pay that out on an annual basis so they didn't have to come up with the entire fee at once. They needed to look at those who couldn't hook up so they wouldn't be punished for the City's inability to provide them services. Staff was working on it and he thought they would come up with something good.

Council President Buban-Vonder Haar stated they weren't proposing a change to their proposed billing. It was still in the resolution on page 312 of the entire packet. She read what was under Irrigation Water Use Fee and felt that already addressed it. She asked if they were wanting to tweak that further or adjust for between 5 and 10.

Mr. Bachman explained they just wanted to make sure they got it right and maybe look at it from a seasonal increase in water above that. They wanted to be sure they accurately reflected those costs.

Council President Buban-Vonder Haar clarified, if they implemented this that night, those folks would not be charged \$3.53 for 1,000 gallons of water; it would be \$1 for the irrigation season. They weren't proposing changes to how that was being handled.

Mayor Stear said that might even stay the same. It depended on what the best way to handle it was. It was not a major factor in implementing this as a whole.

Mr. Bachman estimated about 71% of the users would see a rate reduction.

Council President Buban-Vonder Haar asked how Council felt about passing the proposal and implementing that night.

Council was comfortable with that.

Council President Buban-Vonder Haar reviewed the Council's thoughts and concerns on sewer from the last meeting. Based on the lack of feedback she felt her concerns might have been unfounded.

Mayor Stear said, based on the information provided, it looked like the phased in approach would end up dramatically higher.

Council President Buban-Vonder Haar was not sure how to read the information.

City Treasurer Jared Empey reviewed how the phased in approach would work and the results. They were trying to get to a point where, under either plan, it was revenue neutral.

Mayor Stear explained, in order to catch up, the rates would be higher so it was more impactful than not doing a phased in approach at all.

Council President Buban-Vonder Haar was still not clear on what the rate increase would be that year if they went with a phased in approach but before going further down that rabbit hole she wanted to know if Council was interested in the phased in approach.

Mayor Stear said the phased in approach did not seem reasonable to him. His suggestion was to make sure everyone had ample notice of the increase.

Council Member McPherson suggested implementing on April 1<sup>st</sup> instead of March 1<sup>st</sup> to make sure there was ample notice.

Mr. Empey said they had discussed giving 60-day notice for the rate increase.

Council President Buban-Vonder Haar asked if they would be able to get notice out with that months billing.

Mr. Empey said they probably could. It was just a matter of getting it over to BDS. He asked if they wanted it as a flyer insert.

Council President Buban-Vonder Haar just wanted to make sure people were aware it was coming so they could plan for it. She did not want a one-time thing or a little note on the bill. People with electronic billing did not get any of the information printed on the bill.

Mayor Stear did not think a flyer insert would do any good. When he got mailings like that, he threw away everything but the bill. He suggested putting it on the bill and highlighting it.

Mr. Bachman suggested sending out a post card separately to the users notifying them of the change. That could be the best, cleanest way to do it.

Council President Buban-Vonder Haar was not confident people would notice a post card. Also, people who rent might receive the post card and not the property owner. She was not opposed to doing a post card but felt it also should be included with the bill. She was still concerned about how to let those who used electronic billing know about this.

Mr. Bachman said in addition to the mailer they could do a press release. That might be their only other option to reach those folks.

Council President Buban-Vonder Haar was still not confident in that plan.

Mayor Stear said that had been a long-standing problem with notifications. The best they could do was use social media platforms, send out post cards, and do the best they could with that.

Mr. Bachman said they could follow up with Xpress Bill Pay to see if they had an option to reach those customers.

Council President Buban-Vonder Haar said it used to be that a customer could click and view what the paper bill would have been. She asked if that was an option.

Mr. Bachman said they could look into that and do everything possible to make it happen.

Council further discussed the phased in approach.

Council Member Cardoza recommended whatever notice was sent out address the wear and tear on the facilities more than growth. It should be explicit this did not have to do with growth. He also shared some folks asked him why this increase was needed if the City just took a 3% increase and he didn't have an answer for that.

Mayor Stear explained the 3% tax increase went into the general fund and it was illegal to use general funds to pad water and sewer funds.

Council President Buban-Vonder Haar asked if Council felt April 1<sup>st</sup> was enough notice.

Mr. Bachman clarified staff's preference was for the user rate changes to go April 1<sup>st</sup> but the hook up fees to start immediately.

Council President Buban-Vonder Haar clarified what verbiage to use in the motions to reflect that.

1. Consideration to approve Resolution No. R01-2020

A RESOLUTION AMENDING PORTIONS OF RESOLUTION R84-2017 THAT: SETS FORTH THE AUTHORITY FOR ADOPTING WATER CONNECTION FEES AND MONTHLY WATER SERVICE RATES; ESTABLISHES FEES FOR CONNECTING TO THE WATER SYSTEM; ESTABLISHES WATER USE FEES THAT ARE NOW AMENDED WITH WATER RATE CHANGES FOR ALL CUSTOMERS; PROVIDES FOR MISCELLANEOUS WATER CUSTOMER SERVICE POLICIES; SETS FORTH MINIMUM LINE SIZES; REPEALS FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETS AN EFFECTIVE DATE.

**Council President Buban-Vonder Haar moved to close evidence presentation and approve Resolution No. R01-2020 with the notation that the fees as outlined in Exhibit A would go into effect April 1, 2020. Seconded by Council Member McPherson. Motion carried: 4-0.**

2. Consideration to approve Resolution No. R02-2020

A RESOLUTION AMENDING CERTAIN SECTIONS OF RESOLUTION R83-2017 THAT: SETS FORTH THE AUTHORITY FOR ADOPTING SEWER FEES; ESTABLISHES FEES FOR CONNECTING TO SEWER SYSTEM; ESTABLISHES MONTHLY SEWER USE FEES THAT ARE NOW AMENDED WITH SEWER RATE CHANGES FOR ALL CUSTOMERS; SETS FORTH MINIMUM LINE SIZES; REPEALS FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETS AN EFFECTIVE DATE.

**Council President Buban-Vonder Haar moved to approve Resolution No. R02-2020 with the notation that the fees as outlined in Exhibit A would go into effect April 1, 2020. Seconded by Council Member McPherson. Motion carried: 4-0.**

C. Public Hearing and Consideration to approve 19-06-ZC (Rezone) & 19-07-S (Preliminary Plat) – Doug Hanson, Planner I ACTION ITEM  
(Timestamp 00:57:46)

On behalf of Carl Bader (owner), JUB Engineers requests to rezone one parcel consisting of approximately 7.25 acres from an “A” (Agriculture) to “R-6” (Medium Density Residential) zoning district classification and to subdivide the 7.25 acres into 35 total lots (twenty-nine (29) buildable lots, six (6) common lots). The subject site is located at 750 S. Ten Mile Road, Kuna, ID 83634, within Section 26, Township 2 North, Range 1 West; (APN: R5070503500).

Doug Hanson, Planner I, presented the staff report and stood for questions.

Wendy Shrief with JUB Engineers, 250 S Beechwood Drive, Boise, Idaho 83709, represented the applicant. She presented the request and stood for questions.

Council President Buban-Vonder Haar asked if there was a plan to create more centralized open space as recommended by the Planning & Zoning Commission.

Ms. Shrief said unfortunately the hearing had been closed when the commission discussed how they could achieve the net density requirements. They figured out how to achieve that net density without losing a lot. That was their preference so, no, they had not created an additional open space in the center of the subdivision.

Council President Buban-Vonder Haar asked, given that staff specifically mentioned in the report the recommendation that condition continue, if staff was okay with the fact that there was not a plan to do this.

Mr. Hanson replied he made note of it in the report because it was a recommendation of the Commission but, as the site plan sat now, it did meet all the dimensional standards of Kuna City Code. He still recommended, regardless of the conditions proposed, they submit a new preliminary plat so the staff and the City Engineer could review it. The site plan did not have all the specifics they would see on a preliminary plat. It was fairly basic.

Council President Buban-Vonder Haar asked if they should have that before approving.

Mr. Hanson was not sure.

Ms. Shrief felt it was good practice to require a new preliminary plat be submitted prior to submitting the final plat. It could prevent a lot of problems later.

Mr. Hanson suggested this could be approved but staff would have to receive the preliminary plat before they would accept a final plat application to see that the conditions were met on the preliminary plat displaying what was on page 405 of the overall packet.

Ms. Shrief reiterated they met all the dimensional standards for the zone. The recommendation came up when trying to figure out how they could meet those standards.

Council President Buban-Vonder Haar asked if staff wanted them to remove Condition 17 to work with staff to create more centralized open space.

Mayor Stear said they could go with staff's recommendation or they could move on to the public hearing and continue to a date certain where it could come back with a revised preliminary plat.

Ms. Shrief reiterated their preference not to lose a lot but they also wanted to finish the hearing that night.

Council President Buban-Vonder Haar just wanted clarification from staff on the requirements and conditions.

Planning & Zoning Director Wendy Howell said they could move forward that night and provide additional open space between the preliminary plat and final plat. They did not need another preliminary plat.

Council President Buban-Vonder Haar reviewed the issue and asked for clarification.

Ms. Howell said there was no need for a revised preliminary plat at that time and if they were able to reduce their net density down to six dwellings per acre as requested by Planning & Zoning then they could move forward with it as is.

Mayor Stear said open space was a different subject than reducing the number of homes.

Ms. Howell stated recommended condition 16 said “Applicant shall work with staff to reduce the net density to six net dwelling units per acre”.

Council President Buban-Vonder Haar said, as she understood it, at the Planning & Zoning Commission meeting they were sitting at 6.26 so they were technically exceeding R-6. If she was understanding the applicant’s testimony correctly, at that meeting there was discussion about creating more centralized open space, perhaps as a means of achieving, not exceeding, an R-6 designation. They were able to fiddle some things to get to exactly 6.0 without having to create additional centralized open space. So, they would be removing conditions of approval 16 and 17 and there would be no more changes to the preliminary plat in theory.

Ms. Howell said that was her understanding.

Council Member Christensen clarified one condition was contingent on the other. It was not a separate issue when it came to the open space. It was strictly an issue of density.

Ms. Howell said the Commission would have liked additional open space but it was suggested as a way to come up with the net density.

Ms. Shrief stated they were at 5.7% open space and almost half an acre of usable open space.

Mayor Stear asked if the 5.7 % open space included all open space or just the spot coming in.

Mr. Hanson said it was just the usable open space; the one “L” shape in the top left corner.

Mayor Stear opened the Public Hearing.

Support: None

Against: None

Neutral:

Cindy Giesen, 1363 S Ash Avenue, Kuna, Idaho 83634, lived a little way away from this property. She was not opposed to the R-6 because the agricultural lands had been eaten up around them. A lot of subdivisions were in that area now and a lot of them dumped out onto Ten Mile Road. She was concerned about the traffic. They always were. She wanted to remind Council this area was mostly rural roads and south of the railroad tracks where there were no emergency services. This would add more people without solving these problems. The ACHD report said it was based on 2013 traffic flow and since 2013 a lot had been added to that little area of Ten Mile. Also, this plan chose Sunbeam as being their main road so she assumed it would go all the way through to her road, S Ash. They just had a hearing last week about 31 homes on S Ash. That would make 350 homes on their street. Planning & Zoning agreed that was a lot of traffic on their street, access onto Avalon was terrible, there was the blind hill, and danger to children, but they approved the R-6 zoning anyway. She felt they should get an up to date summary on the impact on Ten Mile and Sunbeam that went through. Desert Hawk 4 was approved with the assumption it would not open. That was a year and a half ago and now it looked like it was going to be open since it was going to be a main road. She wanted that looked into. She was also concerned about the missing data. Often at these hearings she would hear applicants say they didn't bring certain documents. She hoped those got into the paperwork because it was impossible to look back and see what was going on. For instance, with a development on Ash Street, three planners asked that the plan be brought back at R-4. When it came back after being delayed 3 months, everyone forgot it was supposed to come back as R-4 and they went ahead and approved it anyways. It wasted everyone's time. She also wanted to talk about lighting. When Desert Hawk came in December of 2017 it was approved and the kind of light was not acknowledged in the Planning & Zoning documents. She tried to find out what kind they would be using because she looked directly at that property. She was told not to worry about it because they would be in the building. Suddenly the lights appeared and they were bright. They were not dark sky in her experience. She had to look at them for a year while they lit up 9 acres of empty land. She tried to live with it but she couldn't. She submitted a report that was never responded to. Now it was 2020 and they had started building the homes and she had been given another lead to another department. She still could not find out what light they were using to know if she even had reason to complain. It was obvious they weren't dark sky because they were bright white.

Mayor Stear asked if she worked with staff on dark sky.

Ms. Giesen appreciated that they looked at that but she wasn't seeing it happening. Until they were included in the P & Z documents, she didn't think they should be approved because they didn't know what was going in.

Mayor Stear clarified she had worked with staff on the City's policy on the lighting.

Ms. Giesen said not specifically, only that they were going to update the zoning codes and that they would put dark skies in there. They put the words dark sky in their documents but she wasn't seeing it.

Mayor Stear thought they had a hearing on it and she had made comments then.

Council President Buban-Vonder Haar said that was for the comp plan.

Ms. Giesen added she also brought it up at other hearings. She said this item did not have the lighting in it and asked that they not approve anything that was incomplete like this and that they get better codes.

Council President Buban-Vonder Haar read the listed condition of approval regarding lighting and dark skies practices.

Ms. Giesen said that was what they always said but there were things about intensity, shielding, and heights of poles. Some of the better plans had different zones. They didn't need lights like those in the Bi-Mart parking lot out in their rural area. She thought it should be part of the plan. It was easy; like telling them what kind of bush they would get.

Rebuttal: None

Council President Buban-Vonder Haar said it appeared everything was in order. It was a nice infill project. They had met all the requirements of Kuna City Code and the comp plan. She was ready to move forward. She asked if anyone had anything they wanted to discuss.

Mayor Stear said he was looking at the Public Works comments on page 415 of the overall package. It talked about the connection into the sewer system. It said there were approximately 89 EDU connections that might be available and developer participation might be needed to extend the Ten Mile lift station. Also, "Will Serve" commitments shall be based on available water and sewer capacities at the time of construction drawing approval. He was concerned it looked like they were getting down to the nitty gritty on number of hook ups available. He asked Public Works Director Bob Bachman if that was still the case or was that just the case when this document was drafted.

Mr. Bachman explained that was the case with everything that was committed. Some of those things changed rapidly. With the size of this they were comfortable moving forward with the "Will Serve". As for the part about maybe asking for participation, they addressed that during the construction drawings. The document did accurately reflect the time this was drafted in October but they had made some changes that helped with the capacity issues.

Mayor Stear said a major concern of his was the ability to serve and connections in that area. He asked Mr. Hanson that, when they got to the final plat, they address the dark skies so that was taken care of.

Mr. Bachman said that actually fell under Public Works. The reason it wasn't in the original packet Council sees was it was part of their standards. There were three lights allowed and they were constantly trying to improve on those as they got feedback. He could say the infill lights inside the subdivision were 46 watts, down from 110, and the boundary lights were in the 100-watt class but were actually 96 watts. They looked at every set of plans that came through the door to make sure the lights were one of those three to make sure they were dark sky compliant. They had been doing a better job at looking at placement of lights too. They were trying to balance that out a little better and be more forward thinking.

Mayor Stear knew they had been working on that quite a while. He just wanted to be sure they addressed Ms. Giesen's concerns.

Mr. Bachman was not sure of the exact science of what color temperature and all that should be used but they were continually working to make it better.

Council Member Cardoza stated he needed to abstain from voting due to a business relationship with Carl Bader.

**Council President Buban-Vonder Haar moved to close the public hearing and approve 19-06-ZC (Rezone) & 19-07-S (Preliminary Plat) with the conditions of approval as listed but deleting conditions 16 and 17 and to approve the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet. Seconded by Council Member McPherson. Motion carried: 3-0-1. Council Member Cardoza abstained.**

- D.** Public Hearing and Consideration to approve 19-07-ZC (Rezone) & 19-03-S (Preliminary Plat) for Robin Hood Subdivision – Troy Behunin, Planner III & Mark Tate, M3 Companies (Owner) ACTION ITEM  
(Timestamp 01:33:04)

The applicant, JUB Engineers, on behalf of M3 Companies (Owner), requests approval to rezone approx. 25.08 acres and subdivide approx. 37.61 acres into 137 total lots. This site is located near the NEC of Cloverdale and Kuna Roads, Kuna, Idaho, in Section 22, Township 2 North, Range 1 East (APN #'s S1422212410; S1422212000; S1422233700).

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

Mark Tate, M3 Companies, reviewed the application and noted the streets in this neighborhood would be public. He stood for questions.

Mayor Stear opened the Public Hearing.

Support: None

Against:

John Lawson, 1537 Cow Horse Drive, Kuna, Idaho 83634, lived in the county not in the city. It was really important to him and his neighbors to know the schedule for this kind of disturbance. They had seen recently, with the addition of a gas line on Cloverdale, that everything could get balled up with rerouted traffic. They were concerned that, when Falcon Crest really started to develop this, Cloverdale was not big enough to handle this. As big as the project was, it could be a long-time traffic would be a mess. He knew it was an ACHD issue but he also thought it was part of proactive planning for a city. He asked for a schedule and if they had any input on where roads went and access. He felt the City should think about how they impacted the county. He thought it would be good to have a schedule and information on how this would happen published in Kuna Melba News.

Mayor Stear was open to discussing that.

Public Works Director Bob Bachman shared they had discussed it in the pre-construction meeting. They talked about getting early notices so they could do press releases and work with the Clerk's Office to get as much information out as they could, especially when there would be closures. Mr. Tate and his team were all on board. He felt they should be able to handle that.

Mayor Stear thought at some point they should make that a policy. He thanked Mr. Bachman.

Mr. Behunin added staff already produced a list of people living within a certain distance of the project. They could reproduce that list in 5 to 6 minutes to make it even easier.

Mayor Stear asked about comments on page 461 of the overall packet regarding the cul-de-sacs connecting and staff's inability to find that connection. Staff said they would support a no connection if the fire district approved it but there was not really an answer to that in the fire district's comment. There was no conversation beyond that.

Mr. Tate explained the connection referred to two cul-de-sacs that were longer than the standard cul-de-sac. He explained the reason for that and shared they had discussed this with ACHD and they were comfortable with the cul-de-sacs the way they were as long as there was adequate emergency access which they were planning to have between the ends of the cul-de-sacs and by the clubhouse area.

Mayor Stear clarified fire would make comment on these things during the construction drawing stage.

Neutral: None

Rebuttal: None

Council President Buban-Vonder Haar said it appeared everything was in order and compliant.

**Council President Buban-Vonder Haar moved to close the public hearing and approve 19-07-ZC (Rezone) & 19-03-S (Preliminary Plat) with the conditions of approval as listed and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet. Seconded by Council Member McPherson. Motion carried: 4-0.**

## **7. Business Items:**

Consideration to approve \$24,000 from contingency for a designated City Hall Vehicle – Bob Bachman, Public Works Director ACTION ITEM  
(Timestamp 01:56:50)

Public Works Director Bob Bachman explained the need for another vehicle for City Hall. He noted they were just about \$22,000 under budget for the vehicles they purchased that year and stood for questions.

Council President Buban-Vonder asked if the plan was to continue getting hybrid vehicles.

Mr. Bachman replied yes. They were looking at probably getting the all-wheel drive Eco-Boost. It wasn't a hybrid but they could look to see if they had any hybrid sport utility vehicles.

Council President Buban-Vonder Haar preferred to be forward thinking and as responsible as they could and hybrid vehicles were better for city driving. If that could bring the City's fuel bill down significantly there was value in that.

Mr. Bachman said okay.

Council President Buban-Vonder asked if he would need more cushion if he hadn't priced that out.

Mr. Bachman requested moving to \$30,000 but he would do his best to stay under that.

**Council President Buban-Vonder Haar moved to approve the expenditure of up to \$30,000 from contingency for a designated City Hall Vehicle, preferably a hybrid vehicle. Seconded by Council Member McPherson. Motion carried: 4-0.**

## **8. Ordinances:**

A. Consideration to approve Ordinance No. 2020-04 ACTION ITEM  
(Timestamp 02:00:57)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; and
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S GREYHAWK LAND COMPANY LLC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE NEW YORK IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2020-04. Seconded by Council Member McPherson. Motion carried: 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2020-04. 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.**

- B.** Consideration to approve Ordinance No. 2020-05 ACTION ITEM  
(Timestamp 02:02:19)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; and
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S PATAGONIA DEVELOPMENT LLC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE NEW YORK IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2020-05. Seconded by Council Member McPherson. Motion carried: 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2020-05. 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.**

**C. Consideration to approve Ordinance No. 2020-06 ACTION ITEM  
(Timestamp 02:03:36)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; and
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S THOMAS PETERSON & TAMELA WHITE; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2020-06. Seconded by Council Member McPherson. Motion carried: 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2020-06. 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.**

**D. Consideration to approve Ordinance No. 2020-07 ACTION ITEM  
(Timestamp 02:04:51)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; AND
- REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY PARCEL NO. S1419333450 OWNED BY SERGEY STADNITSKY JR, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND
- AMENDING THE ZONING MAP; AND

- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2020-07. Seconded by Council Member McPherson. Motion carried: 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2020-07. 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.**

*E. Consideration to approve Ordinance No. 2020-08 ACTION ITEM  
(Timestamp 02:05:57)*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- AMENDING SECTION 4 OF CHAPTER 1 OF TITLE 3 KUNA CITY CODE AMENDING THE ALCOHOLIC BEVERAGES LICENSE REDUCED FEES DATES; AND
- AMENDING SECTION 13 OF CHAPTER 1 OF TITLE 3 KUNA CITY CODE AMENDING THE ALCOHOLIC BEVERAGES LICENSE EXPIRATION DATE; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2020-08. Seconded by Council Member McPherson. Motion carried: 4-0.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2020-08. 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 summary publication of Ordinance No. 2020-08. Seconded by Council Member McPherson. Motion carried: 4-0.**

**9. Mayor/Council Announcements:**

(Timestamp 02:07:15)

Council Member McPherson announced he and his wife were having another baby.

Council and staff congratulated him.

Mayor Stear shared there would be some interesting things regarding the collection of property taxes coming up in the legislative session. He reviewed a few things that could possibly change but nothing was in the form of a bill yet.

**10. Executive Session:**

(Timestamp 02:09:46)

Convene Executive Session pursuant to:

Idaho Code Section 74-206 (1)(c)

- (c) To receive information regarding the acquisition of an interest in real property which is not owned by the City of Kuna.

**Council President Buban-Vonder Haar moved to convene the Executive Session pursuant to Idaho Code Section 74-206 (1)(c) to receive information regarding the acquisition of an interest in real property not owned by the City. Seconded by Council Member McPherson. Motion carried 4-0.**

Mayor Stear indicated he, Council, City Attorney Marc Bybee, and Parks Director Bobby Withrow would remain for the Executive Session.

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**Executive Session City Council Regular Meeting of January 21, 2020** – The City Council, upon a unanimous vote, convened into the Executive Session, pursuant to Idaho Code Section 74-206 (1)(c) to receive information regarding the acquisition of an interest in real property not owned by the City. The executive session was convened at 8:10 p.m. In attendance was Mayor Joe Stear, Council President Briana Buban-Vonder Haar, Council Member Richard Cardoza, Council Member Warren Christensen, and Council Member Greg McPherson. Also, in attendance by request of the Mayor and Council, was City Attorney Marc Bybee, and Parks Director Bobby Withrow. Mr. Withrow was appointed as special clerk to take the minutes of this executive session. Information was then provided by Mr. Withrow, City Attorney Bybee to the Mayor and the Members of the City Council regarding the subject of the executive session. At 8:26 p.m. Council President Buban-Vonder Haar moved and Council Member McPherson seconded to come out of executive session and to reconvene into open session which motion passed unanimously.



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Bobby Withrow, Clerk of Executive Sessions

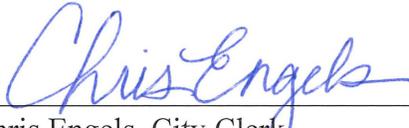
**Open session resumed** and Mayor Stear reported information was received during the executive session relative to the announced purposes and no action was taken.

**11. Adjournment: 8:26 P.M.**



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



*Minutes prepared by Ariana Welker, Deputy City Clerk*

*Date Approved: CCM 02.04.2020*



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# CITY OF KUNA

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## PUBLIC HEARING SIGN-UP SHEET

Kuna City Council Meeting 6:00 p.m.

January 21, 2020

(Continued from January 7, 2020)

### **New Water and Sewer System Fees and Policies Resolution No.s R01-2020 and R02-2020**

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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1005 N Strike Way  
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*(Mayor signed him  
in that comment + was  
not in favor)*

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# CITY OF KUNA

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## SIGN-UP SHEET January 21, 2020 – City Council Public Hearing

**Case Name: 19-06-ZC (Rezone) and 19-07-S (Preliminary Plat) – Kern River Heights Subdivision**

**Case Type:** Kern River Heights Subdivision; On behalf of Carl Bader (owner), JUB Engineers requests to rezone one parcel consisting of approximately 7.25 acres from an “A” (Agriculture) to “R-6” (Medium Density Residential) zoning district classification and to subdivide the 7.25 acres into 35 total lots (twenty-nine (29) buildable lots, six (6) common lots). The subject site is located at 750 S. Ten Mile Road, Kuna, ID 83634, within Section 26, Township 2 North, Range 1 West; (APN: R5070503500).

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.

| IN FAVOR  | NEUTRAL   | IN OPPOSITION   |
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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 21, 20209 – City Council, Public Hearing

Case Name: Robin Hood Subdivision: Request by M3 Companies

Case Type: The applicant, JUB Engineers, on behalf of M3 Companies (Owner), requests approval to rezone approx. 25.08 acres and subdivide approximately 37.61 acres into 137 total lots. This site is located near the NEC of Cloverdale and Kuna Roads, Kuna, Idaho, in Section 22, Township 2 North, Range 1 East (APN #'s S1422212410; S1422212000; S1422233700).

Case No's: 19-07-ZC & 19-03-S – Preliminary Plat and Rezone applications.

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 5 rows of testifier information including checkboxes for 'Testify' and 'Not Testify', and fields for Print Name, Print Address, City, State, and Zip. The first 'IN OPPOSITION' entry is filled with handwritten text: John Larson, 1537 Cowhorse, Boise ID.

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