

OFFICIALS

Joe Stear, Mayor
Pat Jones, Council President
Briana Buban-Vonder Haar, Council Member
Richard Cardoza, Council Member
Greg McPherson, Council Member



CITY OF KUNA

Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho

City Council Meeting MINUTES Tuesday, October 18, 2016

Please note the new City Hall location: 751 W 4th Street, Kuna, Idaho

6:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

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

CITY STAFF PRESENT: Richard Roats, City Attorney
Chris Engels, City Clerk
Wendy Howell, P & Z Director
Gordon Law, City Engineer
John Marsh, City Treasurer
Bob Bachman, Fleet/Facilities Director
Bobby Withrow, Parks Director
Troy Behunin
Trevor Kesner

2. Invocation: Stan Johnson, Kuna Life Church

3. Pledge of Allegiance: Mayor Stear

4. Consent Agenda:
(Timestamp 00:01:20)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.

A. City Council Meeting Minutes:

1. Regular City Council Minutes, October 4, 2016

B. Accounts Payable Dated October 14, 2016 in the Amount of \$664,771.71

C. Final Plat

1. Consideration to approve 16-11-FP (Final Plat) - Applicant is requesting Final Plat approval for Sailer Shores Meadows residential Subdivision. The Final Plat for Sailer Shores Meadows proposes 26 residential lots and two (2) common lots on approximately 4.77 acres (APN #R0615251610)

D. Resolutions

1. Consideration to approve Resolution No. R75-2016 – Approving Resolution Accepting Easement from Emmett Partners, LLC for Water and Pressure Irrigation Mains

RESOLUTION APPROVING ACCEPTANCE OF A TEMPORARY EASEMENT ON PROPERTY OWNED BY EMMETT PARTNERS, LLC FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING WATER AND PRESSURE IRRIGATION MAINS

2. Consideration to approve Resolution No. R76-2016 – Approving the purchase of a 2016 Ford F-150

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE CITY OF KUNA, IDAHO'S FACILITIES DIRECTOR, BOB BACHMAN TO NEGOTIATE THE PURCHASE OF A 2016 FORD F-150 FOR \$28,597.44 AS PER HIS MEMORANDUM, ATTACHED HERETO AS EXHIBIT A; AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE AGREEMENT; AND AUTHORIZING THE CITY OF KUNA, IDAHO'S TREASURER, JOHN MARSH TO PAY THE INVOICE FOR THE 2016 FORD F-150 IN THE AMOUNT OF \$28,597.44 UPON RECEIPT.

3. Consideration to approve Resolution No. R77-2016 – Approving Agreement with ACHD for Paying Cost of Casing Sleeve Beneath 4th Street Bridge

RESOLUTION APPROVING AN AGREEMENT BETWEEN ADA COUNTY HIGHWAY DISTRICT AND THE CITY OF KUNA WHEREIN SAID CITY AGREES TO PAY SAID DISTRICT FOR THE COST OF INSTALLING A CASING SLEEVE BENEATH THE 4TH STREET BRIDGE; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER OF SAID CITY TO EXECUTE AGREEMENT DOCUMENTS WITH SAID DISTRICT.

4. Consideration to approve Resolution No. R78-2016 – Approving the Purchase of a 2016 RMT Mower

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO
AUTHORIZING THE CITY OF KUNA, IDAHO'S FACILITIES DIRECTOR,
BOB BACHMAN TO NEGOTIATE THE PURCHASE OF A 2016 RMT
MOWER FOR \$55,985.00; AUTHORIZING THE MAYOR TO EXECUTE
THE PURCHASE AGREEMENT; AND AUTHORIZING THE CITY OF
KUNA, IDAHO'S TREASURER, JOHN MARSH TO PAY THE INVOICE.

E. Findings of Fact and Conclusions of Law

Council President Jones clarified that the GL period in Accounts Payable is the month in which the expenses are charged. He noticed that a few items were listed as 13/16.

City Treasurer John Marsh explained that 13/16 represents the 13th period or year-end accrual period. When there is an invoice that actually belongs in Fiscal Year 2016 but is not processed or paid until Fiscal Year 2017 it is accrued in after 2016. This process allows for those invoices to be accrued back into 2016 as 13/16 to keep the first twelve (12) months separate.

Council President Jones asked about the resolution for a pickup truck that was purchased for the building inspector.

Mayor Stear confirmed that was correct.

Council President Jones asked about the verbiage of the resolution. It asks for approval of the negotiations and purchase of a truck that was already purchased. He explained that he has no issue with the purchase of the truck; just the wording of the resolution and the fact that it comes after the purchase. He would like it noted that there are no future negotiations or a future purchase needed.

Facilities Director Bob Bachman clarified that the resolution is for a pickup for the Water Department not the Building Inspector.

Council President Jones asked about the resolution for a water pipe. There wasn't a cost associated with it.

City Engineer Gordon Law explained the item is waiting to be bid on. The bids will be competitive. The Council is being asked to approve the agreement to reimburse the cost associated with installing the sleeve underneath the 4th Street Bridge. He will not know the answer until the bid is received.

Council President Jones asked if the final bid will be brought back to Council for approval.

Mr. Law responded it is an Ada County Highway District (ACHD) bid. The idea is to include the sleeve in their project so the City does not have to come back and do it later.

Council President Jones said he is hesitant to approve the purchase of something that has no cost associated with it.

Mr. Law said that is what is being asked.

Council Member Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson.

Council Member Cardoza asked Council President Jones if he wanted Resolution No. R77-2016 pulled out of the consent agenda before approval.

Council President Jones said he is assuming it will not be brought back before the Council so it needs to be approved or accepted the way it is.

Mr. Law explained that the purpose of this is to put the sleeve in under Open Cut Procedures rather than Jack and Bore Procedures. The cost is dramatically different for Jack and Bore. They are asking that it be approved now in order to include it in the bid. ACHD will be picking up the agreement in the morning. He clarified that Council will not have authority to approve the bids ACHD receives. If the Council does not want to approve this agreement they will be choosing the Jack and Bore Procedure.

Council President Jones said that would mean he would have to place his faith in ACHD to choose a bid that would make Council happy without Council seeing it.

Mr. Law said yes.

Council Member Buban-Vonder Haar clarified that this is something that has to get done no matter what and if they have ACHD include it in their project it will be cheaper than the City doing it on their own.

Mr. Law agreed.

Council President Jones said he has no issue with that; he just does not like that there is no cost associated with it.

Council Member 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, Buban-Vonder Haar, and McPherson.

Voting No: Council President Jones

Motion carried 3-1.

5. Community Reports or Requests:

(Timestamp 00:08:04)

A. Domestic Violence Awareness Month Presentation – Bea Black, Women’s and Children’s Alliance Executive Director

Mayor Stear stated that he asked for this presentation. He had become aware of the importance of awareness of an outlet for people when they are in trouble and have nowhere else to go. The Women’s and Children’s Alliance (WCA) provide that outlet and give hope when there is no hope. He thanked Bea Black of the Women’s and Children’s Alliance for coming.

Ms. Black thanked the Mayor, Council, and attendees. She was pleased to be invited to present at this Kuna City Council meeting after the historic signing of the Domestic Violence Awareness Month Proclamation. The Mayor and several Kuna law enforcement officers were in attendance as well as all of the other mayors in Ada County. The Women’s and Children’s Alliance (WCA) feel that getting the word out and talking about the issues is very important in helping them turn the tide and that will require everyone’s help.

Ms. Black discussed some of the issues of domestic violence. She has been with the Women’s and Children’s Alliance (WCA) for eight (8) years. She has learned that the statistics are quite horrifying. They know no socio-economic boundaries and have no distinguishing features other than the percentages being very high. The numbers show that somewhere between 1 in 3 and 1 in 4 women will be in a domestically abusive relationship at some point in their life and 1 in 7 men will be. In respect to sexual assault, it is 1 in 4 for women and 1 in 6 for men. The numbers seem unreal until put into perspective. Ada County Paramedics have said there is not a single shift they work where they do not go on a domestic violence call. They also report that many suicides they follow up on are at homes where they have previously been for domestic violence calls. Those cases are not necessarily reported as domestic violence or abuse related. This is why Kuna’s support and outreach is so important. These numbers are not acceptable and they would like to see them change. Another thing Ada County Paramedics report is that it does not matter what a neighborhood looks like. They have been to domestic violence calls in wealthy and poor neighborhoods. No matter the outside appearance the signs of abuse are still similar on the inside.

Ms. Black said these things have really hit home with the Women’s and Children’s Alliance (WCA) in the last year. They know the statistics but these reports bring it closer to home so they ask what we can do about it. She handed out a brochure, *Safety, Healing, and Freedom*, that talks about the services the WCA offers. They operate two (2) 24-hour hotlines available to anyone who needs to call; one (1) for domestic abuse and one (1) for sexual assault. They also have court advocates available every morning that will meet anybody down at the Ada County Court House that is choosing to file a protection order. They offer safe shelter to those who need it. Over 35% of the women who entered their safe shelter last year reported that

their last incident of violence had been attempted strangulation and another 35% reported that they had received daily abuse. After safe shelter is given they talk about healing. The WCA has five (5) master level clinicians who work with men, women, and children. There are also two (2) case managers who help individuals move forward in getting what they need to take care of themselves and their children. All of these services are free and are supported by community members, neighbors, friends, and some grant funding. Nobody should be afraid to call because they don't have money.

Ms. Black shared a small resource card. WCA calls it a shoe card because it is small enough for someone to put in their shoe if they are afraid of their abuser seeing it. It is also easy to give to anyone who might need it; hand it to them with a brief word as to its contents and walk away.

Ms. Black thanked everyone and stood for questions.

Mayor Stear thanked Ms. Black.

6. Public Hearings: (6:00 p.m. or as soon thereafter as matters may be heard.)
(Timestamp 0015:05)

A. Public Hearing and consideration to approve 16-02-S (Subdivision) and 16-02-ZC (Rezone) – Trevor Kesner, Planner II

A-Team Land Consultants representing Don Young Land Company requests approval to subdivide the 22.88 acre site and rezone approximately 8.76 acres from the existing R-4 (Medium-Low Density Residential) to a C-1 (Neighborhood Commercial) zoning designation, and rezone the remaining approximately 14.04 acres from the existing R-4 (Medium-Low Density Residential) to an R-6 (Medium Density Residential), to create a 102 lot mixed use subdivision (Airenel Park). The site is located southeast of the intersection of South Orchard Avenue and East Avalon Street/Kuna Road and west of South Kay Avenue.

Mayor Stear asked Council if any ex parte discussions concerning this item had occurred.

Council did not report any ex parte.

Planner II Trevor Kesner provided information to Council on the project. The applicant proposes 41 single family home lots, 16 townhome lots and 21 multi-family four-plex lots. There are 21 proposed common lots which make up approximately 21% of the entire site. The Airenel Park development will provide improvements and connections to extend the Greenbelt pathway system along Indian Creek and will deed those pathways to the public once they have been improved; much like the Journey's End Subdivision east of this development it will be a continuous pathway. The applicant has submitted all of the required documents for

the preliminary plat, the rezone, and the special use permit request. They have complied with City Staff's recommended modifications to the proposed preliminary plat and the site plan. The rezone from an R-4 to an R-6 is appropriate for this site and the zoning of the commercial portion generally follows the comprehensive plan because it has been designated as a mixed use parcel in the future land use map. If the rezone and special use requests are approved they would provide a mechanism to construct the multi-family units and townhomes. The neighborhood meeting was held on April 20, 2016 and agencies were notified of this action on July 11, 2016. Property owners within 300 feet of the property were mailed notice of the original hearing date. The notices had the wrong City Hall address so the hearing was tabled until this meeting, October 18, 2016, to make sure anyone who wanted to testify could. The site was posted to reflect the new hearing date of October 18, 2016 on October 9, 2016 and the hearing notification for the original date was published in the Kuna-Melba News on September 14, 2016. An additional notification was mailed out to all the neighbors within 300 feet on October 4, 2016 to let them know the item was tabled until the next meeting. The City Engineer has provided recommendations for all the required improvements and any modifications to the submitted construction plans. Based on staff's review of the application, Planning and Zoning concludes that the application complies with Title 6 of Kuna City Code which provides for several goals and policies within the comprehensive plan. Staff puts forward a recommendation for approval to the City Council with the conditions as stated in the staff report and any additional conditions Council sees fit to require. He stood for questions.

Council Member Cardoza asked the facts in relation to the comprehensive plan designation. There appeared to be conflicting agency information regarding the current zoning designation of the project site.

Mr. Kesner explained the statement was made in the staff report after staff conferred with Ada County Highway District staff about the zoning they were showing on their mapping. It was a discrepancy at the agency level. The City relies on the Ada County Assessor's Office which says the entire site is R-4.

Steve Arnold, A-Team Land Consultant, 1785 Whisper Cove, Boise, Id 83709, represented the applicant, Don Young Land Company. He said Mr. Kesner did a great job covering the facts of the project. He shared the vision of the project as being a true mixed use development like Journey's End, but with the addition of the commercial component. They worked with Idaho Transportation Department and Ada County Highway District on access. They are proposing to make Blue Diamond Lane public and bring it into the subdivision as a commercial street; transitioning to a detached sidewalk and rural residential street as it goes further south. They are going from commercial, a higher intense use, to townhomes, and then to single family where it is adjacent to Indian Creek along with a very similar pathway system to what they did at Journey's End. They will carry that pathway along the entire southern boundary.

Mr. Arnold said the multi-family off of Kay Avenue was chosen for that location because it is across from the other multi-family that was approved for Journey's End. They believe it lends a natural progression across the road. The buildings on that multi-family in Journey's End are very similar to what will be done in this project. It is a pinwheel design of townhouse type apartments. Each unit will have nobody living above or below. That usually allows for a higher rate of rent. These will be anywhere between 3,800 to 4,100 square feet. There is no specific plan for those yet but they are reserving the location for that.

Mr. Arnold explained the first of the five (5) phases will most likely be the commercial transitioning as it goes south. He says that plan goes well with what is planned for the sewer in that area. They have been working quite a bit with City Engineer Gordon Law and area neighbors on the existing lift station that is in Orchard, which is at or above capacity, and on easements to extend a trunk line for future development east of town. They have dedicated easements for those trunk lines; one of which has been signed, accepted, and recorded and essentially relocates the City's pump station into their subdivision. They are not exactly sure when the single family portion will come in, but if someone wants to construct that sewer line they have provided those easements for the City and construction by which ever developer comes in first. A unique aspect of this project is that it opens up quite a bit of future capacity for development to the east.

Mr. Arnold expounded on the development's access and setup. They are providing Kay Avenue with a 40 foot collector street section, a 36 foot collector street section on Orchard, and the extension of Blue Diamond Lane as a public street. They are not proposing any other access along Avalon. There will be a cross access agreement so that all access will be on the newly built public street. Currently, Ada County Highway District's system recognizes the use and Ada County's GIS system recognizes the actual zoning that is on the property; it is a commercial use that was going along there. They are asking that the portion be commercial along with multi-family. A park central to the subdivision and pathway systems connecting to it will be provided. The pathway system will also connect to the south, west, and into the multi-family. He is a big fan of pedestrian pathways. They are one (1) of the highest used amenities provided in subdivisions so theirs will be extensive. They are also putting in a club house to be utilized by both multi-family and single family units. There will be an HOA for multi-family and an HOA for single-family that will have a joint responsibility on the club house but individually maintain the landscape areas in their portions of the development. They have read through all the agency reports and made changes accordingly. They read through all the staff reports and will comply with all the conditions set by the City Engineer and planning staff. He stood for questions.

Council President Jones clarified they would comply with Ada County Highway District's requests.

Mr. Arnold said all agency requests will be complied with.

Council Member Cardoza asked about the historical stone building covered with ivy on Orchard. He thought it used to be a sausage storage and wanted to know what was happening with it.

Mr. Arnold wasn't aware of the building and said it is not on their property.

Mayor Stear clarified it is behind the carwash.

Mr. Arnold said he did not know anything about a historical building but all of the commercial buildings up front would be removed and replaced with new commercial buildings. The carwash is not included in that.

Council Member Cardoza asked Facilities Director Bob Bachman if a condition of acceptance for those annexing along the greenbelt would be that they have lighting available.

Mr. Bachman said he did not have an answer for that at the moment. There is a street light ordinance that has some of that detail in it so it might fall into that. He would have to look at it more closely.

Council Member Cardoza asked City Attorney Richard Roats if lighting along the greenbelt could be made a motion of acceptance.

Mr. Roats said it could be proposed as a condition of approval.

Council Member Cardoza asked if Council had any objection to that proposal.

There was none.

Council Member Cardoza asked about the separate HOAs when they are all in the same proximity.

Mr. Arnold said, with the way this is setup, it is better to have separate entities maintaining areas that do not affect both types of housing areas with some collaboration on the amenity they share, the club house. It is the same thing they did with Journey's End; combine language that discusses payment and use of the club house with the idea of getting the club house to a quality that both uses can utilize.

Council Member Cardoza said if the club house is under one (1) HOA but is available to the other HOA there might be conflict.

Mr. Arnold said no, the HOAs mainly deal with the fees collected and those would be set in place; what the multi-families do per unit and what the single-families do per unit. The idea of the mixed use is to bring them together. He does not think the single-families should be paying for the paving of the multi-families area. The

homeowner in the single family is not going to want to pay for painting the multi-family units. In that aspect, there is a separate HOA that is just for the multi-family. There will also be one (1) for the commercial section.

Council Member Cardoza clarified that his concern is that the one (1) HOA over the club house could make conditions to the other HOAs that might not be acceptable but they could override because their HOA controls the club house.

Mr. Arnold said no, there is some pretty clear language that spells out who is responsible for what and they share in a fee and a use. He has not had any issues in similar subdivisions.

Mayor Stear opened the public hearing.

In Favor: None

Neutral:

Jim Russell, 781 S. School Street, Kuna, Id 83634, said his property is within 300 feet of this project on Avalon. He is concerned with public parking and access for greenbelt use. There will also need to be a traffic light on Kay and Avalon. He wanted to know who burdens the cost of the intersection lights.

Council Member Buban-Vonder Haar said Ada County Highway District (ACHD) and Idaho Transportation Department (ITD).

Council Member Cardoza said he thought it was an Idaho State intersection but ACHD does all of the light fixtures along that highway by contractual obligation to the state.

In Opposition:

Tom Sidener, 221 S. Blue Diamond Lane, Kuna, Id 83634, said the way he understands it, the townhouses would be between his property and neighbors. There is no fencing on the map and his property is higher than the development property. He would like to know if there will be a fence or retaining wall. He said he is not in favor of doing that many houses because Avalon will not be able to support that many people.

Cathy Campbell, 208 S. Blue Diamond Lane, Kuna, Id 83634, handed out a document with a screen shot of page 81 of the October 4, 2016 Council Packet and a list of the six (6) major concerns she has as well as a Vicinity Map to the Council Members. It was noted that they did have a neighborhood meeting in April 2016. At that meeting the A-team gave out a document that does not look like what is being presented now. None of the changes were ever presented to any of the neighbors. That was a big issue. She moved on to her list. Her first concern is that Blue

Diamond Lane is to be partially changed to Blue Diamond Way. It encompasses two (2) properties but leaves her property and Mr. Sidener's property as Blue Diamond Lane, a private street. The name change causes postal concerns and issues with giving directions. The second concern is the parcels circled on the snapshot. They are noted by the developers as being a soft buffering into the neighborhood where they are proposing ten (10) townhouse units on each side. The townhouses do not need to be townhouses because there are residential homes on both sides. There is no need for a soft buffering. It creates multi-levels looking into a neighbor's backyard and it incurs traffic concerns exiting onto Blue Diamond Way to get to Avalon. ACHD, whom the A-team says they will comply with, has said that because it is not 108 parcels they do not need to look at it. The A-team is proposing 102. There seems to be a maximum benefit for them by going slightly below 108 to avoid a traffic study that addresses that specific situation. If she were buying a property on Heritage Ave she would not go down to Kay to go back out by Walgreens. It makes more sense to make a right turn on Silver Rush and go out Blue Diamond Way. That means over 70 vehicles every day, twice a day dumping onto Avalon in a spot where there will never be a stoplight because of the way it lines up with Albertsons across the street. Her third concern was a piece of property not addressed by the developer that affects three (3) properties. Mrs. Campbell's time ran out so she wrapped up by saying she feels she has laid out in black and white several issues of concern for council to take into consideration.

Council President Jones asked for clarification on Blue Diamond Way's directionality.

Mrs. Campbell pointed out the area she was referring to. The street is being split in half.

Council President Jones said he thought there was a roadway that goes south off of that corner so he is unsure how splitting the road works.

Tom Sidener approached Council to show them a map of Blue Diamond Way.

Council President Jones said it goes to a corner like he thought.

Council Member Buban-Vonder Haar clarified that the map Mr. Sidener showed Council has Blue Diamond Way going directly south and ending at the proposed lot.

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

Mr. Arnold explained the easement for the roadway sits on their property. There may be some easements further to the south that he is unaware of but they are essentially taking the easement of the private lane and dedicating that as a public road. They believe that is best for surrounding neighbors and existing uses in the area. Once it is built as public it will be dedicated to ACHD and ACHD will maintain it. The

addressing, he assumes, would switch over from a lane to a way. However, they could probably keep a private lane off of that public street in the future. What they have control over is making that into a public street. They believe that is a better situation for adjacent uses that access that street. They could have left it as an easement and only used it for commercial purposes but they believe making it a public street really will be better.

In regards to the traffic concerns, Mr. Arnold stated that ACHD looked at the site and evaluated the need for a traffic study. A traffic study had been done for Journey's End Subdivision to see if a traffic signal would be needed for that project. They looked at the construction of this project, the Merlin Point project, and the Sailor Subdivision to the east of Journey's End. That traffic study showed no need for a signal in the near future but Kay and Avalon will be signaled. There will be perimeter fencing around the site and they will coordinate their grades with the construction of that fencing. The plan is to fence along their townhomes, the greenbelt, and the perimeter as per city code. Access to the greenbelt will be through the subdivision for those residents and public access will be where Kay Avenue terminates. He stood for additional questions.

Council Member Cardoza asked Mr. Arnold about Cathy Campbell's statement that the developer did not provide the same rendering to neighbors but provided a much different presentation of lot division.

Mr. Arnold explained a concept plan is provided at the neighborhood meetings. The concept of going from commercial to townhomes to single family and to multi-family has not changed since the beginning of doing the concept plan. He does try to get e-mails at neighborhood meetings to send updates to. He also tries to be an open book at those meetings as well. They have nothing to hide. A lot of this is a planning effort that they work with City staff on and try to keep neighbors apprised of. He is not aware of any different drawings that are too far off from what they have now; only the minor changes they worked with staff on.

Council President Jones asked if Journey's End went all the way to the creek.

Mr. Arnold said that is correct.

Council President Jones asked if there is anything at the end of Kay that would facilitate a parking lot.

Mr. Arnold said when they get to that phase in Journey's End they will try to work with ACHD to do parking instead of a turn around.

Council President Jones asked about the transition from single family to multi-family in Journey's End.

Mr. Arnold confirmed that the townhomes were the transition in that subdivision as well. The only difference in transition on that project versus this one is the commercial.

Council President Jones said he was concerned about the townhome pocket being separated on the east and west by an R-4 designation and the single family homes being an R-6. He would feel more comfortable with an R-4 designation all the way in between instead of having a line that goes across. He wanted to know why they did it the way they did.

Mr. Arnold said their thoughts behind that were they had an area there with multi-family on one side of Kay with Journey's End. The other place to put the townhomes is adjacent to Indian Creek. They felt the town homes were a natural buffer going from commercial to less intense uses. Currently the R-4 zones Council President Jones referred to are also backed up to commercial uses. They are not suggesting any higher zoning next to those zones than what they are next to now.

Council President Jones said putting an R-4 where they have their townhomes would be consistent with what is already there.

Mr. Arnold said another option would have been to extend the commercial.

Council President Jones said that is true but he would still have the same question regarding that option. He personally does not think the townhomes in that location is a good fit. He felt an R-4 would be feasible there. He was also concerned that each subdivision presented to the Council by the A-team would have townhomes, multiplexes and R-4s. He hopes that is not the case.

Council Member Buban-Vonder asked what would be wrong with that.

Council President Jones said having R-4s on either side makes it a mess. He prefers consistency instead multi-zoning. He asked if the applicant would be willing to put R-4 homes in the spot instead if there is not a need to have the townhomes.

Council Member Buban-Vonder Haar clarified that Council President Jones was objecting to the concept of having these three (3) types of housing together and not the zoning.

Council President Jones said his issue is with the zoning. He approved the way Journey's End was laid out but in this case the townhomes do not go straight across. If they did it would take care of the R4s and he would be fine with it. He does not like having a pocket of higher density but if the applicant has met all of the codes and requirements set out by the City he has no legal basis to deny this application. He does believe, however, that he has a say in the rezone.

Council Member Buban-Vonder Haar asked Planner II Trevor Kesner to clarify if the rezone was just for the commercial or if it is because there are multiple uses anticipated.

Mr. Kesner said the C-1 takes care of the multi-family, commercial, and townhomes only. The R-6 goes to the single family.

Council President Jones asked about the current land use.

Mr. Kesner said it is currently zoned R-4. The zoning change would be from an R-4 to an R-6.

Council President Jones asked if they were going from an R-4 to a C-1 for the townhomes.

Mr. Kesner said that is correct.

Mayor Stear asked about Council President Jones' comment on something being high density.

Council President Jones said that was his mistake. He thought it would be an R-12 but what is actually being requested is a C-1.

Council Member Cardoza was still concerned about Cathy Campbell's statement that the neighbors were presented with a different rendering. He would like to know why she believes what they were shown was different from what is being presented now. He asked Ms. Campbell if she had anything that would show what they have shown and how it differs from what is being seen now.

Ms. Campbell had a copy of what was presented by the developer at the neighborhood meeting. She showed Council Member Cardoza where it differs. The pinwheel design properties were not proposed to the neighbors and neither was the street connection where the outlet would affect them. The townhomes, commercial, and residential all remain the same and everything else is completely different.

Mr. Arnold said he did not have the exact pinwheels on the rendering but he did have the area blocked out for multi-family. He apologized if he was not clear enough in regards to the multi-family at that meeting. It is not his intention to hide anything. It is a public forum and a public process. He pointed out that what they ended up with is the 5.17 acres being presented.

Council President Jones asked if Mr. Arnold was willing to work with the neighbors to provide some sort of buffer on the east and the west between them and townhomes.

Mr. Arnold said to some extent. They are planning on doing fencing so maybe they could do a taller fence; a typical fence is 6 foot so maybe they could do an 8 foot fence. They could also possibly push as close as possible to the street with the units as they enter into the site. They are open to working with the neighbors to the extent of not being held hostage on what happens there. It is going to be single family townhomes so their height will not be any different than a single family home. There also won't be any balconies. They can add all that into the language. They could also provide additional land buffering.

Council President Jones said that is definitely something to look at later but it does not have to be settled right then.

Mr. Arnold said it would be done through a design review.

Council President Jones verified with Planner II Trevor Kesner that everything proposed is within City code and the applicant has met all the requirements.

Mr. Kesner said that is correct, they meet all the requirements for a mixed use development and what they are proposing within these designated rezones would meet the density requirements and all the requirements of Kuna City Code and the comprehensive plan.

Council Member Cardoza asked if this mixed use is allowed under Kuna's Comprehensive Plan.

Mr. Kesner said it is.

Council Member Buban-Vonder Haar said the comprehensive plan is Council's guiding document when looking at these types of proposals. There are provisions like the community vision statement which talks about the creation of business and like commercial use centers within neighborhoods which would include commercial as well as multi-family use facilities and other mixed use developments. There is also a focus on providing mixed residential and like commercial closer to the city core and using a mix of residential type dwellings in order to give a greater mix of lot sizes and house prices to appeal to a variety of people. She felt this project would certainly meet those goals. It is right next to a lot of commercial facilities, including a grocery store, making it a great location for multi-family and single family housing. One (1) of the big goals of the comprehensive plan is making sure there is an adequate supply of housing for all income levels and this project would accommodate that. It also facilitates pedestrian connections which are also mentioned multiple times in the plan. This project has connectivity within the plan and an extension of the greenbelt, which is another big goal this project helps with. This also comports with Kuna's neighborhood core concept. There is a section of the comprehensive plan that talks about neighborhood districts that have mixed residential housing and close access to community services. In looking at the comp

plan, she feels this would be an acceptable project. She agrees with staff's analysis that the proposal complies with Idaho Code and the Kuna Comprehensive Plan.

**Council Member Buban-Vonder Haar moved to approve 16-02-S (Subdivision) and 16-02-ZC (Rezone) with the conditions of approval as listed in the packet and coming to an agreement on consistent greenbelt lighting. Seconded by Council President Jones. Approved by the following roll call vote:
Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.
Voting No: None
Motion carried 4-0.**

7. Business Items:

(Timestamp 01:10:25)

- A.** Consideration to approve 16-04-LS (Lot Split) Thomas Maile with New Horizon Construction – Troy Behunin, Senior Planner

Consideration to approve a Lot Split, on a qualifying lot in Kuna, in order to prepare the lands for a preliminary plat that will be developed for eight residential lots, within an R-6 zone. Applicant proposes to connect this site with the Sailor Shores Meadows subdivision on its northern boundary with the existing stub street from Sailor Shores Meadows.

Senior Planner Troy Behunin presented an agreement between Thomas Maile of New Horizon Construction with Scott Laidlaw who owns property south of what the City of Kuna knows as Sailor Shores Meadows which is on S. Sailor Place. They have worked out a deal to split Mr. Laidlaw's lot so that Mr. Maile can purchase and develop that into some single family homes. The first thing staff likes to do in these situations is find out if it is an original parcel. This parcel does meet that requirement. It has looked and remained the same since the date of origination for the City of Kuna and thus is eligible for a lot split. The future site characteristics for this parcel, if the lot split is approved, will include access off of Sailor Place and connect it into a stub street that was provided in Sailor Shores Meadows. The applicant has provided everything in the packets and that staff has asked them to provide. He stood for questions. The applicant was also present for questions.

Council Member Cardoza asked if the southern boundary went to Indian Creek.

Mr. Behunin said it did not. The total site acreage is 3.86.

Council President Jones moved to approve 16-04-LS (Lot Split). Seconded by Council Member McPherson. Motion carried 4-0.

- B.** Consideration to re-open the decision portion of the 16-01-ZC (rezone) and 16-01-S (Preliminary Plat) Oasis Properties, LLC hearing conducted on September 6, 2016, to pronounce its decision to remedy procedural due process concerns that occurred

related to the request from Steve Arnold with A-Team Consultants to rezone approximately 6.3 acres from R-6 (Medium Density) to R-8 (Medium Density) residential zone and to subdivide the property creating a 20 lot subdivision (12 buildable lots and 8 common lots). This parcel is located at the south east corner of School Avenue and future Sunbeam Street (Alignment), Kuna, Idaho (APN #: S1326428020). - Troy Behunin, Senior Planner
(Timestamp 01:14:07)

Mayor Stear stated that the public hearing portion of this discussion had been closed and now Council Members need to state for the record any ex parte communications and or bias that could be perceived to affect their decision in this matter.

Council Member Cardoza stated that due to an ex parte conversation he must recuse himself from voting in this matter. He apologized to the citizens of the City of Kuna for his lack of judgement.

Council President Jones stated that he will recuse himself because he had a conversation with a concerned citizen several months before this was brought before Council. Unfortunately, the item was only given to Council five (5) days before they had to make a decision and in a packet that contained 368 pages. He had to spend those five (5) days doing his due diligence to decipher that packet in order to make what he felt would be the best decision. He sits on the Council to represent the people of Kuna. His first and foremost responsibility is the tax payers and citizens of Kuna. He erred in judgement by having what he felt was a minor discussion that had no relevance on his decision and is now being challenged. He does not disagree with that and feels that any Council Member or public official's decisions should be challenged. He felt that the discussion he had represented and concurred with what everyone else presented at the public hearing. There was nothing new or additional said but the code states that if there is any doubt or perception that his decision was based on that conversation he has to recuse himself. He does not like the law but he supports it as he supports any other Kuna code. He thinks he should be able to rebut any challenges made to him but he is not given that opportunity because the perception is that his decision could have been based on that one conversation. There does not have to be any proof. Unfortunately, this means he will have to recuse himself on a circumstantial technicality. He does think there is a lot of misinformation and miscommunication regarding this process and mistakes were made that need to be discussed and fixed at a later date. He knows that a lot of his questions were based on a density decision. The change in the comprehensive plan from medium to high density being removed the day of the public hearing, after he spent hours and hours doing research, made it difficult to remove that from his decision but if the other two (2) items that were brought before Council that night were met within the comprehensive plan there was no basis to deny it. On that basis he probably should have had a different outcome but he is now removing himself from the decision. The thing that does need to be addressed, though, is some of the rules and regulations that are difficult to understand. He will not say that he knows everything, because he does not, and he will not say he is right 100% of the time

because he is not. He feels that he tries to make the best decision for the people and unfortunately he made a mistake in not disclosing his conversation but he felt it was not relevant. However, he can see how others might think it is relevant. His misfortune of not disclosing that, at this point, for the people of Kuna, is causing him to recuse himself because it would cost tax payers money if it became more of an issue. He will recuse himself from the decision. He has no excuse for his misjudgment and has learned from his mistake. All he can ask is that he be given the chance to proceed. He thinks his record shows that he does what he thinks the people of Kuna want. That is what he bases his decisions on but sometimes the law gets in the way of what a popular decision is when there is a right decision that may not be popular. He will take whatever repercussions are deserved. He recused himself from the matter, apologized, and thanked everyone who attended the meeting.

Council Member McPherson stated he had a conversation with a person. This was his first land use issue since being on Council and he was a little confused as to exactly the rights and wrongs of discussion. His discussion was very brief and basically consisted of whether or not he was aware of the project and what did he think. He had looked at his packet but did not know very much about it at that point. Regardless, the conversation was had and, although he did not really express an opinion, was had with more than one (1) person. Based on that, he has been better educating himself as to the requirements of Council and must remove himself from voting. He apologized to the citizens of Kuna. He has worked with City staff to learn how to resolve it next time.

Mayor Stear clarified that citizens are allowed to talk to Council Members about things that are going on in Kuna but the law is intended to protect developers and citizens alike. It could go the other way where a developer tries to bend the ear of a Council Member to make a decision they would not normally make. It is like a court of law; a judge cannot be approached on issues until a decision is made. If citizens would like to talk to Council about the wish for a recreation center or some of the other issues that come up in the way the city is run, that is encouraged. What was inappropriate in this case was that Council Members should let people know when they can't talk about an issue for legal reasons. Mistakes were made so the decision portion has to be reopened in order to avoid unnecessary lawsuits that Kuna would certainly lose. He reopened the decision portion of the discussion on 16-01-ZC (rezone) and 16-01-S (Preliminary Plat) Oasis Properties, LLC.

Council Member Buban-Vonder Haar said in making this decision Council is to be guided by the Kuna Comprehensive Plan so she looked at which sections were applicable. The comprehensive plan and the future land use map designate this property as medium density so the proposed R-8 density is in compliance. Kuna's comprehensive plan also calls for a mix of residential type dwellings and a greater mix of lot sizes and house prices to appeal to a variety of people. This development would provide more multi-family housing which is a housing type Kuna does not currently have much of. The comprehensive plan encourages the use of natural and developed open spaces while providing a variety of housing densities and types to

accommodate various life styles, ages, and economic groups. This project adds a number of high quality housing varieties to the city's inventory for all types of residents. It also proposes more than 70% open spaces and other site amenities along with usable green spaces and pedestrian connections. The comprehensive plan includes a neighborhood core concept providing close access to community services located within the core. This project is located .7 miles from downtown and under a mile from a neighborhood district. With regard to community design goals and objectives, this project complies with the comprehensive plan by utilizing good community and urban design principles through the creation of green spaces, the extension of the pedestrian pathway network, adding to the city sidewalk network. The applicant will also extend Sunbeam Street which adds to the roadway system; thereby complying with the adopted master street plan of Kuna. Idaho State Code requires Council to insure there are no conflicts with the comprehensive plan and that the development would not result in demonstrable adverse impacts upon the delivery of services. Council Member Buban-Vonder Haar said she has considered public testimony suggesting this development would have a negative impact on public services but she is relying on the feedback of those service providers in concluding this project would not create demonstrable adverse impact to the quality of emergency services or the delivery of those services or impose a substantial additional cost to current residents. She said she understands that this is matter about which people have strong emotions and she wanted to reassure everyone that she heard their testimony and is sympathetic to the concerns expressed, however, letting emotion influence the decision is likely to run afoul of the Fair Housing Act (FHA). A decision based on things like stereotypes, prejudices, and fears of crime and reductions in property values may be considered intentional discrimination and therefore a violation of FHA. Several folks testified regarding their fears of property values going down but there was no evidence provided showing that would be the case and in fact studies cited by the applicant show the opposite to be true. In addition, the applicant has proposed designing this project to have the most positive affect possible for adjoining land owners by placing as few units as possible along the southern boundary and installing a significant year round landscaping buffer. The one thing she would ask as a condition of approval would be to insure there is a common Home Owners Association for the multi-family project to insure a level of maintenance regardless of ownership. She could not recall if that was already in the packet or not but it would insure maintenance of the grounds and exteriors, even if a unit or two (2) were to be sold here and there, to make sure it does not impact adjoining properties. There were also concerns expressed about increased crime but, again, no evidence of this fear was found. Instead, based on the testimony of the property management company, it appears residents of the multi-family development would be less likely to be criminals than if single housing family was constructed due to the fact that multi-family applicants will be subjected to a background check and can be excluded based on certain criminal history whereas no similar screening process would exist for single family housing. Finally, the most expressed concern during the public hearing was an objection to high density housing and the applicant did address that by reducing the number of fourplexes in his application so it would no longer be considered high density which means that concern has also been

addressed. Based on the foregoing facts, she felt the site was suitable for subdivision and development into a multi-family project as proposed. She found the case numbers do comply with Kuna City Code and, based on the applicants presentation, the testimony from the last meeting, the codes she discussed, and all that is on record now, she approved case numbers 16-01-ZC (Rezone) and 16-01-S (Preliminary Plat).

Mayor Stear explained that, because it is down to one (1) Council Member to make the decision, Council Member Buban-Vonder Haar's decision is the motion, the second, and the approval. He asked if the audience would like further explanation.

An audience member wanted to know what they could do to change the outcome and what their next step should be.

Mayor Stear asked City Attorney Richard Roats to give a short explanation. This is not something that normally occurs and he did not want to leave people confused as to what happened.

Mr. Roats suggested stepping into the hall to meet with those who had questions.

The audience did not want to do that. They said they all had the same questions and concerns and one (1) audience member said her letter was never read.

Council Member Buban-Vonder Haar said she read all of letters that were submitted.

The audience member asked Council Member Buban-Vonder Haar if she checked the statistics and where the studies came from.

Council Member Buban-Vonder Haar said she did and they did not conclude the things the audience member said they did.

Mayor Stear said he could offer an explanation from City Attorney Richard Roats as to how it came to this. This is not a normal occurrence and something he had never come across before. He was unsure how to handle it at first which is why he is offering an explanation.

An audience member clarified that instead of four (4) votes there is only one (1).

Mayor Stear said yes, because three (3) Council Members had to recuse themselves. He again offered to have Mr. Roats talk with them about it. There was nothing else he could do about the situation other than to expose the City to a lawsuit that would most certainly be lost.

The audience began asking more questions all at once.

Mayor Stear said that is not how this should be done. He offered to let them discuss this issue with the City Attorney out in the hall.

The audience thought they would have to talk to the attorney individually but Mayor Stear clarified that they could all meet with the City Attorney together. He then offered to let them all wait to discuss the issue with Mr. Roats at the end of meeting in chambers. He explained that calling from the audience does not work because people are not on the microphone. Everything that is said is a matter of public record so it needs to be said into the microphone.

An audience member asked Council to explain when a conversation would cause a Council Member to have to recuse themselves, especially in regards to something that will be in a Council Packet that has not gone out yet, and if there was some sort of time frame they should be aware of for next time.

Mayor Stear said there is no time frame. Anything that has to do with a land use issue or development that Council has to make a decision on should not be discussed with a Council Member.

Council Member Buban-Vonder Haar clarified that there is the ability to potential cure the ex parte communication by letting it be known before the decision is made. The main thing is that everyone on both sides knows what the decision is being based off of. If a developer talked to someone and gave them information that may not have been in the packet, citizens would want to know what that information was so they could respond to it. It is the same concept. As long as everyone knows what information is being considered; that is the main goal.

Mayor Stear said from now on he will ask at the beginning of any public hearing if there has been any ex parte communications that need to be disclosed in order to avoid this problem in the future.

The audience began asking questions all at once again.

Mayor Stear said City Attorney Richard Roats will answer their questions.

An audience member said they would like the Council Members to be there too. They wanted everyone to hear it.

Council President Jones said he has no problem answering their questions.

Mayor Stear asked Mr. Roats if it would be reasonable to get through the agenda and come back to this.

Mr. Roats said the City had not published for a discussion on this so the options would be to save it for the next meeting or he can stay after and discuss it.

Audience members wanted it discussed right away.

Council Member Buban-Vonder Haar asked if it would need to be published since the discussion is not pre-deliberative.

Mr. Roats clarified that he was talking about putting it on as a discussion item where citizens could testify and make statements. He suggested continuing the agenda first and then deciding how to proceed.

- C. Consideration to approve Resolution No. R79-2016 – Rejection of Additional Insurance Coverage for Acts of Terrorism – John Marsh, City Treasurer
(Timestamp 01:38:34)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO REJECT ADDITIONAL INSURANCE COVERAGE (COVERAGE OVER AND ABOVE THE LEVEL OF INSURANCE COVERAGE CURRENTLY PROVIDED FOR ACTS OF TERRORISM) OFFERED BY THE IDAHO COUNTIES RISK MANAGEMENT PROGRAM (ICRMP) FOR ACTS OF TERRORISM.

City Treasurer John Marsh explained that this comes up every year. It is basically just waiving additional coverage. If Council would like to add additional coverage it is an additional \$39,000.00. The City is already covered up to \$50 million.

Council Member Buban-Vonder Haar said, as she recalls from their discussion last year, despite KBOI 2's efforts to make it appear otherwise, there is not any city in the state of Idaho that took the supplement insurance so it is not unusual to waive this coverage.

Council Member Buban-Vonder Haar moved to approve Resolution No. R79-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- D. Notice of Release of Development Agreement – Timbermist – Richard Roats, City Attorney

City Attorney Richard Roats presented this item as a resolution to release the development agreement on the Timbermist Development. There are currently two (2) development agreements in place. This is the original development agreement. A modified agreement has been recorded after a public hearing. The changes and conditions stay in effect. This is just on the property and it is being released on the developed lots and undeveloped lots. He asked that the agreement be released and stood for questions.

Council Member Cardoza asked if this supersedes a development agreement that is in place now.

Mr. Roats clarified that it precedes the agreement in place now. When the new owner purchased the property they worked with staff on amending the agreement. Staff kept the terms they wanted, added some terms, and changed some terms. The development agreement to be released precedes that. Everything staff felt was necessary in the development agreement was kept in the new agreement and they are making sure the developer meets the conditions in the agreement as they move forward.

Council Member Cardoza asked if Council looked at and accepted the new agreement.

Mr. Roats said they have and it has been recorded with the County.

Council Member Buban-Vonder Haar asked Mr. Roats if he wanted Council to approve the Notice of Release of Development Agreement or if there was any action required.

Mr. Roats said there should be a Notice of Release to be signed and a resolution approving that signature.

Council Member Buban-Vonder Haar said there was no resolution.

City Clerk Chris Engels said no resolution was provided.

Mr. Roats explained that there should be a resolution with the document releasing the agreement stating that it will be recorded with Ada County.

Council Member Buban-Vonder Haar asked if Mr. Roats wanted the item tabled since there was no resolution at this time or if he would like Council to approve the Notice of release. She wanted to know how they should proceed.

Mr. Roats said Council could approve the resolution that would be releasing that development agreement, referencing the recording number, and allowing the Mayor's signature on the release.

Council Member Buban-Vonder Haar clarified that Council would be approving the unnumbered resolution regarding releasing the development agreement for Timbermist.

Mr. Roats said that is correct.

Council Member Buban-Vonder Haar moved to approve the unnumbered Resolution to Release the Development Agreement for Timbermist. Seconded by Council President Jones. Motion carried 4-0.

- E. Consideration to approve Resolution No. R80-2016 – Approving the Memorandum of Understanding with the Kuna Joint School District No. 3 for Use of Fiber Optic Cable – Richard Roats, City Attorney
(Timestamp 01:43:40)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO
AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF KUNA AND THE KUNA JOINT
SCHOOL DISTRICT NO. 3 PROVIDING THE TERMS OF THE AGREEMENT
FOR THE CITY'S USE OF THE SCHOOL DISTRICT'S FIBER OPTIC CABLE
FOR ACCESS TO THE INTERNET FOR A TERM OF ONE (1) YEAR.

City Attorney Richard Roats explained this is an agreement to utilize the Kuna Joint School District No. 3's Fiber Optic as outlined in the terms and conditions in the memorandum. He stood for questions.

Council Member Cardoza asked what this would cost the City.

Mr. Roats said the City pays nothing to the school district but the City is paying the provider \$300 per month. That is a significant decrease from what the City is paying now once that contract has run out and it is for fiber optics for the plant and City Hall.

Council Member Buban-Vonder Haar moved to approve Resolution No. R80-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- F. Consideration to approve Resolution No. R81-2016 – Approving the Ada County Prosecuting Attorney Contract – Richard Roats, City Attorney
(Timestamp 01:45:18)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO
AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT WITH THE
ADA COUNTY PROSECUTING ATTORNEY TO PROVIDE PROSECUTORIAL
SERVICES FOR CITY MISDEMEANORS FOR THE FISCAL YEAR 2016-2017.

City Attorney Richard Roats said this in the 2016-2017 Ada County Prosecuting Attorney Contract and it was approved in the budget. He stood for questions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R81-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- G. Consideration to approve Resolution No. R82-2016 – Approving the Electric Lightwave Agreement – Richard Roats, City Attorney
(Timestamp 01:46:03)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO
AUTHORIZING THE SIGNATURE OF THE MAYOR ON THE AGREEMENT

WITH ELECTRIC LIGHTWAVE THAT TRANSFERRED AND NOW PROVIDES INTERNET AND PHONE SERVICES AT THE KUNA CITY HALL, 751 W. 4TH STREET, KUNA, IDAHO.

City Attorney Richard Roats shared that this contract is with Electric Lightwave who was the successor in interest to IntegraNet and DataTel who provided the services at the old City Hall. This is just a reiteration of that contract moving it to the new City Hall address and stating it's remaining term of sixteen (16) months. He stood for questions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R82-2016. Seconded by Council President Jones. Motion carried 4-0.

- H. Consideration to approve Resolution No. R83-2016 Approving the Memorandum of Understanding Regarding the Expansion of Josh and Alicia Carver's Septic System – Richard Roats, City Attorney
(Timestamp 01:47:00)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KUNA, IDAHO AND JOSH AND ALICIA CARVER REGARDING THE EXPANSION OF THE CARVER'S SEPTIC SYSTEM AND AUTHORIZING THE CITY TO RECORD SAID MEMORANDUM.

City Attorney Richard Roats reminded Council that approximately a year or so ago the septic code was amended. The goal was to facilitate persons within the city limits that are on septic and there is an extension, upgrade, or replacement of the services. Mr. and Mrs. Carver have a property south of town. They want to add on to their building so the City is entering in to this memorandum with them because they are a little different. They are not building new but replacing a failing system. They have a system that works adequately and only needs to be added to while they add to their house. During the course of discussions an agreement was reached for this memorandum of understanding particularly in that area that may see some development with the creation of a mini LID to fund the extension of the lines down there. That is essentially what they are agreeing to. He stood for questions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R83-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- I. Consideration to approve Resolution No. R84-2016 Approving the Ada County Sheriff's Office Contract – Richard Roats, City Attorney
(Timestamp 01:48:38)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT WITH THE ADA COUNTY

SHERIFF FOR LAW ENFORCEMENT SERVICES FOR THE CITY OF KUNA,
IDAHO

City Attorney Richard Roats said this is the 2016-2017 contract with the Ada County Sheriff and the numbers are what were discussed in budget. He stood for questions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R84-2016. Seconded by Council President Jones. Motion carried 4-0.

8. Ordinances:

- A. Consideration to approve Ordinance No. 2016-31 Adding a Park Standards Chapter to Kuna Municipal Code
(Timestamp 01:49:34)

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING THE CITY OF KUNA'S MUNICIPAL CODE BY ADDING A NEW CHAPTER ENTITLED "KUNA PARK STANDARDS THAT PROVIDES FOR DEVELOPMENT STANDARDS FOR NEW CITY PARKS; PROVIDES FOR A SEVERABILITY CLAUSE; PROVIDES FOR A REPEALER CLAUSE; AND PROVIDES FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Mayor Stear asked if this was something that needed to be slow tracked.

City Attorney Richard Roats said that would be Council's choice but at some point in the short term this needs to be done. It is relatively complex with some of the terms and conditions though. If Council would like to go through it and then have some time to digest some of the standards that are suggested that would certainly be agreeable to staff.

Council President Jones asked if these changes affect developers as far as what they have to comply with.

Mr. Roats explained this would be a new chapter in the Kuna City Code. Currently these standards are not adopted so they would be standards that, when adopted, would affect the developers. This is in line with the Park Impact Fee ordinance that was previously adopted so it brings to Kuna City Code those standards that will be assessed in determining the cost structure for the offsets and other items. If they want to come forward and propose certain things in the park this is what they will have to do to meet those standards.

Mayor Stear asked if there were any developments in the works that would be affected by this in three (3) readings.

Mr. Roats said he did not know if any developers had opted to go the second route of making the park contribution and/or meeting these standards versus just paying the

impact fee per unit. It is new enough that the City hasn't been approached but the ordinance can certainly be slow tracked for one (1) more reading to get a sense of that.

Council Member Buban-Vonder Haar said technically waiting one (1) more reading, since it sounds like the one (1) on November 1, 2016 is canceled, will give people about a month to digest it.

Mayor Stear said that would be his preference since it is complex enough.

- B.** Consideration to approve Ordinance No. 2016-32 Annexing Memory Ranch Subdivision No. 1 into the Kuna Municipal Irrigation District
(Timestamp 01:52:46)

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of ordinance

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING A PORTION OF PARCEL S1303111800, AND REFERRED TO AS MEMORY RANCH SUBDIVISION NO. 1, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE NAMPA~MERIDIAN IRRIGATION DISTRICT; CHANGING THE RESPECTIVE BOUNDARIES OF SAID DISTRICTS; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-32. Seconded by Council Member McPherson. Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-32. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve summary publication of Ordinance No. 2016-32. Seconded by Council Member McPherson. Motion carried 4-0.

9. Mayor/Council Discussion Items:

(Timestamp 01:55:00)

Council President Jones asked about the removal of the vandalism at the pergola.

Facilities Director Bob Bachman said they were letting it run its course with the law and they are getting ready to fix it.

Council President Jones said he has had several people offer to help. He has an answer for them now and appreciates the follow up.

Mayor Stear asked City Attorney Richard Roats how they should proceed in regards to discussion on the 16-01-ZC (rezone) and 16-01-S (Preliminary Plat) Oasis Properties, LLC hearing and ex parte communications.

Mr. Roats said Council could amend the agenda to add the item for discussion while recognizing the public hearing portion has been closed. He again offered to meet with those who wanted to discuss this further.

Council President Jones moved to amend the agenda for discussion on the School House Subdivision having not expected the public to want to make comments and noting that the Public Hearing portion has been closed. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

Mayor Stear requested Mr. Roats lead the discussion so it would be done in an orderly fashion and that those who had questions come up to the microphone so they could be recorded for the record.

Mr. Roats explained the procedure for comments. He asked that those with questions come up to the microphone and that everyone be respectful. The timer would be used and everything would be recorder. He asked that nobody comment from the audience but come up to the microphone instead and to take turns.

City Clerk Chris Engels asked that those who speak state their name and address as well.

Council Member Cardoza asked if City staff needed to stay for this discussion.

Mayor Stear excused any City staff member that wished to leave.

Mr. Roats started by explaining the ex parte communications were reported to him after the public hearing. After it was reported to him he investigated it by questioning the Council Members and the ex parte communications and some biases were confirmed. He thought a question from earlier was when this happened and a social media question asked why this person waited until the last minute. He does not know when the information was brought to that person's attention but it was brought to his attention after the hearing. The City of Kuna's administration is transparent so there was only one (1) choice; to bring it forward and go with the recusals based on the ex parte communications and bias. It was a tough decision for a lot of the audience members. He

said he respects and appreciates the fact that they came to several public hearings to make their voice heard but procedurally it has to be dealt with in this manner which consequently changed the outcome. He stood for questions.

James Russell, 781 S. School Street, Kuna, Id 83634, thanked Mr. Roats and Council for this opportunity. He asked, as a citizen, how to know what can and cannot be discussed with Council, for instance, are they allowed to talk to Council about vandalism. He asked where it is written that a citizen cannot talk to a Council Member. He felt the public is drastically uninformed of this rule. He had heard earlier that the public should not talk to Council but the burden should be on Council to say they cannot discuss the matter. He said, on the other hand, if Council has 4-5 days to look at a packet and citizens have an hour to get to City Hall to express their public opinion, how Council can get the full impact of a project. He couldn't believe that all of their decisions on items boil down to the community's half hour of testimonies. He knows letters are an option but he felt the policy should be more open than that.

Mr. Roats responded that decisions considered quasi-judicial, where the Council sits in judgement of a particular action, are items where ex parte is prohibited. Typically for a city that would be 95% to 100% land use matters so, if it is a land use matter that affects a particular piece of property, the community cannot talk to Council about it while it is pending or may be pending. Council has been instructed not to talk about these issues because it would remove them from the vote which is the fair part of the system. Legislative matters, such as ordinances, can be discussed with Council. If ex parte happens it must be disclosed before the matter is heard. There is a form Council Members can fill out and turn in or they can announce it on the record prior to the matter being heard. The conversation must be summarized so everyone involved knows about it and it can go forward. The other side has to be informed of the conversation. The cleanest way to handle it is to not have those conversations. It is no different than being involved in a court case where one side has access to the judge and the other does not. It comes down to due process. As the Mayor said earlier, the opponents have a right to it and the applicant has a right to; it protects both parties. If the situation were reversed and the community had heard that three (3) Council Members had been approached by an applicant and the vote went the other way it would upset the citizens as well. The clean way to resolve this is for those Council Members to recuse themselves from the vote and for the matter to go forward. That shows that participation in this process means everyone gets to be involved on the record with nothing backdoor behind the meeting room.

Mr. Russell said he understood and thanked Mr. Roats.

Stephen Damron, 818 W. Lunch Box Street, Kuna, Id 83634, stated the citizens of Kuna paid really good money for Land Use and Future Development Plans. It seems, from going to the zoning and City Council Meetings, that if any developer comes in and they are within the limits of that zoning or get the approval for that zoning, whatever they want to put in there, if it meets all the zoning requirements, Council has no choice but to approve that development. Council does not take into account the emotions of the

surrounding area. Council has to approve it, by law, if it meets those requirements. It appears that, if developers were involved in the Land Use and Future Development Plans, Council was out maneuvered by the development community because they are locked into a decision that Council and the City of Kuna cannot change regardless of what they do.

Mayor Stear responded that, looking at the comprehensive plan, it does not take into account a lot of public input. In order to rectify that, with this years' budget, Council approved for a rewrite of the Kuna Comprehensive Plan. It has also been done with the water, wastewater, and pressurized irrigation so that plans better fit what Kuna should be. This issue has occurred more than once. If a development follows the laws and the rules, Council has to have a basis for denying something other than not liking it or wanting it. Aggressive steps have been taken towards rectifying that through a rewrite of the comprehensive plan. The City has put out for a Request for Proposals in order to get it done as soon as possible but these things do take time. He did not have a timeline but as it progresses public comment will be taken so that it better fits what the citizens would like to see in the city of Kuna.

Mr. Roats added that being involved in the process of that rewrite of the comprehensive plan is the opportunity for citizens to take part in the direction of the city. When community members see those notices for surveys, studies, and hearings their involvement there is critical. That is the process that sets the goals for the city and it is where citizens get to speak to what they think the direction of the city should be.

Mayor Stear commented that is the frustrating part for Council. They took an oath of office and have to follow the law. When they don't, and base their decision on emotion, they put the city in jeopardy. This rewrite is a remedy for that and hopefully it can get done as soon as possible. Unfortunately, it won't help out in this case. The current comprehensive plan was done several years ago and the City is seeing that they do not like everything that is in it.

Council President Jones asked Mr. Roats to explain, if a developer meets all of the guidelines and has presented a package that follows the code, the purpose of the public hearing. He said if the public has no input, why ask them to show up and give them the false hope that they may have an impact on a decision that is cut and dry.

Mr. Roats said the public hearing is part of the due process for the citizens. What has to happen is, if there is a project someone opposes, they have to go through the comprehensive plan, city code, and state code to find factual grounds for their objection. What Council cannot do is deny a project based on emotions because they would be overturned based on Fair Housing. The argument is considered arbitrary and capricious because it is not supported by the facts and the City ends up writing a check to the tune of a couple hundred thousand dollars to the other party's attorneys because the decision was made strictly on emotion. When someone comes into testify they need to come in with factual opposition gleaned from the comprehensive plan and code. Make that basis known at the public hearing and Council will take it into consideration.

Council Member Cardoza asked Planning and Zoning Director Wendy Howell to tell the citizens the normal make-up of the committee that studies the comprehensive plan.

Ms. Howell responded that it depends on how it is put forward. It could be a steering committee or several committees based on subject. She was not sure what happened last time since it was prior to her hire date.

Council Member Cardoza asked Ms. Howell to talk about citizen participation in the committee. He thought they tried to get a realtor and a developer but he did not know who else might have been on the committee.

Ms. Howell said she did not know because she was not here at the time.

Council Member Cardoza asked who made the comprehensive plan in Middleton; the city Ms. Howell previously worked at.

Ms. Howell said it was a collaboration of citizens at town hall meetings giving their input and vision for the city.

Mayor Stear said usually, and what he assumes will happen in this case, is an ad hoc committee will be formed that has a diverse group of people consisting of citizens and business people; basically people who have all types of experience that could provide the best input for the project.

Council Member Cardoza explained that he is try to impress upon the citizens their effort to diversify that committee with the different viewpoints of realtors, developers, and concerned citizens. The goal has been to keep it as broad as possible so that no individual party mandates use of land in the city.

Diane Rampelberg, 795 W. Tallulah Drive, Kuna, Id, 83634, asked if there is any recourse left, as citizens, to stop this development.

Mr. Roats said he cannot give legal advice and suggested speaking to a private attorney to find what their recourse is. There are avenues to do that.

Ms. Rampelberg shared that in one (1) of their first meetings with Steve Arnold, he told them that the City of Kuna was looking for ways to develop new things and mentioned Mayor Stear in particular. He said they sat down with the people to develop this. He was excited about it and thinking they would be excited about it; which they weren't. She asked if that was recourse for them because the developer sat down and gave input on the matter before it was presented.

Mayor Stear said he did not know when he would have sat down with Steve Arnold or anyone from A-Team Construction to give them any direction. If she was told that it was in error because it did not happen.

Ms. Rampelberg said Mr. Arnold said Mayor Stear was in favor of development and business development in the city.

Mayor Stear said he is in favor of commercial development to help Kuna's tax base and that is a well-known fact but he never had that discussion with Mr. Arnold or A-Team.

Melissa Peterson, 883 S. Pencil Ave, Kuna, Id 83634, said she lives right on the fence line of this development. She used to live in a direction where Corey Barton came in and built a lot of homes. It was about two (2) years before he could finally come to an agreement. Johnston at that time was very adamant about meeting the moratorium on smaller homes which was not part of the conceptual plan. A brand new high school had just been brought in and it was already at capacity. It was supposed to last for many years but there was such an abundance of development. She just listened to all the development approved because it met the plan. Ms. Peterson asked if there was a provision or direction that can be looked at because the town cannot support the growth. She brought pictures of a bathroom in Hubbard Elementary that was converted into a special education classroom because they ran out of room. The City was able to put a moratorium on the postage stamp house. Developers come in and lie about Housing and Urban Development (HUD) requirements. She brought in a HUD person who said they do not give any idea of what kind of housing is needed. HUD does not give a size but Developers will twist it and work it while the City has to follow the law. There is also the issue of the railroad tracks. People, including police officers, get stuck waiting for trains. She felt there had to be something that can be done. Just because something fits the plan doesn't make it right. Ms. Peterson concluded by saying Mr. Arnold lied and threw Council under the bus. She does not know how the ex parte happened or how it works but she finds it creative and thought the developers may have planted these people for ex parte just to make it work. The citizens are not saying they don't want development; they just want responsible development so the weak link needs to be fixed.

Mayor Stear agreed and is working with the schools to create a better plan.

Ms. Peterson said she is a lender and has been in it for 20 years. There is a statistic, 2.4 children per household, doing the math on that spot out there adds up to a lot more kids trying to get across those tracks to try to find a spot in a school. They talked to Mr. Arnold about that because he was proud of the one (1) basketball hoop being put in at the development for all of those children. Their subdivision is a very tight knit subdivision where they all play with their kids but all they can think about is all of these kids with only one (1) basketball hoop. They are wondering if the plan presented next will show how the developers will develop that area and will they be able to ask for more support for the number of kids that will be living there.

Council Member Buban-Vonder Haar said yes, and explained that the number of kids per household is lower for multi-family housing than single family housing so hopefully it will not be as many kids as they are anticipating. The developers are also paying \$40,000.00 in park fees so in addition to the amenities being put in the development they are paying a lot more so additional park facilities are available.

Ms. Peterson said the subdivision is 7 miles from the closest park. They are out a ways and on the other side of the tracks. Multi-units also come with a statistic about single parents and affordable housing. Mr. Arnold said they were hoping to attract affordable housing because that is what HUD said they needed. If those families are brought in, how are the kids going to get to those parks the \$40,000.00 would be for. Their subdivision has two (2) parks in it and she was not sure they could support all those kids. She suggested the developers use the area they have to give those kids someplace to go while their parents are at work.

Council Member Buban-Vonder Haar said that is the part of the idea behind the park impact fee since subdivisions are not required to put a park in their development. Subdivisions can build a park or they can pay a fee if they do not have the money or interest to do that. Then the City can pool money from different developments for a City park. The money can't be used to improve Bernie Fisher Park, for example. It has to be used around the developments and for the neighborhoods from which it came for a new City park but it does not have to be squeezed into that development.

Mayor Stear said the City is trying to get away from pocket parks because they are usually a problem and are only accessible to people in the immediate vicinity.

Ms. Peterson said something is needed for the kids in the new subdivision because what Schoolhouse Park has will not support them but they are the parks those kids can walk to. She asked if the next step is for the developers to present their plan for approval.

Mayor Stear said yes, it has to go through a design review process.

Ms. Peterson asked if it would come back out for community input.

Council President Jones asked Mr. Roats if that would come before Council.

Mr. Roats said no, not the design review but the final plat does.

Council President Jones asked if they would have to recuse themselves from the final plat vote now that all of the ex parte is disclosed.

Mr. Roats said they should recuse themselves throughout the process.

Council President Jones asked if he can talk about the matter with citizens since he recused himself.

Mr. Roats said yes, as long as he continues to recuse himself throughout the process. He added that final Plats go before Council for technical compliance only.

Council President Jones said there is a bigger picture. There is no excuse for the nondisclosure. He felt the relevance of the conversation he had was no different from what was discussed at the hearing. He said the comprehensive plan change is where

citizens will have their voice heard because Council is bound by codes. From his point of view, this project was presented as a high-density. He was told at the very last minute about the change to medium density, leaving only two (2) items to approve and at that point the developer had met all of the qualifications whether Council likes it or not. His vote should have been yes because he has to follow the law. He gets where the community is coming from and he is just as disappointed because he expects citizens to tell him how they feel. He feels that is their right because he is a middle person between them and the City. He said that may be a misinterpretation of what his job is but that is how he feels.

Mayor Stear said actually Council Members are the City.

Council President Jones said he feels citizens should have that right and should challenge his decision. It is unfortunate he cannot take the number of people in opposition, no matter how great, into account. As long as a developer follows the comprehensive plan Council has to pass it.

Council Member Buban-Vonder Haar wanted to take a minute to reiterate. She said she knows everybody is really frustrated with her but she wanted to make sure they knew she did hear them. She listened to all the testimony and read through the studies cited but, as has already been noted, her hands were genuinely tied. Nothing provided in the testimonies gave her grounds to say no. If she were to cite the fear that criminals would live in the development that would be considered a discriminatory basis. She might be able to gain points with constituents by voting it down but in the grand scheme of things, if it were to be challenged in court, the City would end up paying the opposition's attorney's fees. The outcome would still be the same, the multi-family project happens because there was no legitimate basis for it to be denied, but then the City is also out a couple of \$100,000.00. It was not worth it to her to maintain popularity but have it cost the City that much money. She hoped the differences in the original plat to what ended up being approved showed that she was listening. There are far fewer fourplexes along the shared fence line. They are pushed as far back as they can be. If it were single family housing they could be 10 – 15 feet off the back property line and there would be no guarantee of landscaping. There would be no control over whether a whole neighborhood of sex offenders moved in. They tried to make sure it was as good as it could be, given there were no grounds on which to say no, by making sure there is really nice landscaping to provide a year round buffer, pushing the housing as far north as possible so they border the street instead of the shared fence line, including a provision that the entire fourplex subdivision is under one (1) HOA so that, even though he has made representation that he does not intend to sell these units off, neighbors do not have to worry about things falling into disrepair and the common areas being maintained. If there is an overarching management in place it can help address those things. The intent is to address citizens' concerns as much as possible within the bounds of the law. She knew it was not a popular decision and she was sorry for that. She was happy to continue talking about it if they had more to say and hoped they understood where she was coming from.

Mike Brunetti, 763 W. Sandbox Street, Kuna, Id 83634, wanted to confirm that Council Member Buban-Vonder Haar said she talked to community services and they said there would not be any impact.

Council Member Buban-Vonder Haar said the City did as part of the process. There are letters included in the packet. All of the community services were notified and could respond.

Mr. Brunetti said that the police department, fire department, and emergency medical technicians all said that as population increases they will have no need for further personnel.

Council Member Buban-Vonder Haar said nobody said that.

Mr. Brunetti said this is about people's welfare. They live on the other side of the tracks and have to wait for the train. He listed different kinds of emergency situations and asked how all of these people could say there would be no impact at all for anyone's welfare. He wasn't sure if welfare is discriminatory but that was his concern. He asked how they could say they don't care about people's welfare because the number of people going into this spot will increase the number of calls to emergency services and other first responder personnel. He did not see how they could possibly say there will be no impact.

Mayor Stear said citizens can go on the City's website and view the Council Packets. They can see everything Council gets. When one (1) of these projects comes forward the City sends out notifications to the fire department, Ada County Highway District, and all the other community service entities. Those entities then send comment to the City. All those comments are then made part of that record and are posted in the Council Packet. If citizens want to see what those entities actually say they can go onto the City's website and click on "most recent packet" which would show the October 18, 2016 meeting packet if they did it soon otherwise they could look at old packets to see exactly what the comments were. The City does not control those other entities.

Mr. Brunetti said Council Member Buban-Vonder Haar is a member of City Council so he should be able to depend on her statement that there would be no impact and not have to check on it.

Council Member Buban-Vonder Haar wanted to clarify that she did not want to imply there would be absolutely no impact but that there would be no demonstrable negative impact. Council has to rely on what the experts in those fields say. She is not an expert in those areas so it would not be appropriate for her to impose her judgement on them.

Council President Jones said one of his concerns was there is no plan for future growth. The comprehensive plan is being taken care of and the school district is now making a plan. He does not necessarily have any issues with the police department since they have the resources but he does not know what their plan is, such as putting a substation across

the highway. He also does not know if the fire department has plans to put anything in that area. That is something he wrestles with a lot as a Council Member considering he has concerns as a citizen. Growth is going to happen and probably faster than what they would like. He doesn't know if that kind of thing can be added as a requirement in the comprehensive plan. He thinks it would ease his concerns, and hopefully those of citizens', if there were plans out there for people to see that it is at least being talked about. There are only a few entities that respond to every single application.

Mayor Stear said the fire department has five (5), ten (10), fifteen (15), and twenty (20) year plans and if people would like to review those they are welcome to look at them anytime.

Council President Jones asked if those plans were available on a website.

Mayor Stear said he did not know for sure.

Council Member Buban-Vonder Haar suggested the City get in touch with them to get those plans hyper-linked onto the City's website.

Council President Jones said that would be great to know.

Stephen Damron, 818 W. Lunch Box Street, Kuna, Id 83634, said it would behoove the City to get together with the Fire Board to go over the City's plans so they can plan and budget for future events as more and more is built out there. That is a huge thing. He ran many years as a paramedic in a rural area like Kuna and getting the faraway calls is extremely difficult. A lot of people die just because of the distance. Council can't deny people housing on based on their financial ability but when a developer and rental agency come to the City Council to promote something to the citizens they are going to make it look as good as possible. There is a house in their subdivision that had low income, section 8, renters. Those renters are finally gone but the house is well known to the Kuna Police. The S.W.A.T. team has been out there on several occasions as well. He talked to the owners of the property who said they ran through a rental agency. There was supposed to be a mom and two (2) kids living in the house but in actuality it was the mom, two (2) kids, her sister, her sister's kids, their two (2) brothers, and a mother. When he talked to the owner he was told there was over \$20,000.00 in damage to the inside of the house. This is what people are concerned about with section 8 housing. They can't deny them based on finances but how do they make a community that is viable and will grow and not be stifled by these kinds of situations. To do that they need to have the services provided by Ada County Sheriff's Office, Kuna Police Department, and the fire department. As more and more is built out there, plans need to be made ahead of time and with common sense. There are rules and laws that have to be obeyed, but, if the City uses common sense when making these decisions, changes can be made without denying them.

Mayor Stear said that is something the City has been spending a lot of time on recently; working with COMPASS (Community Planning Association) on smart growth and

gaining education on the best way to do those things so everything is part of a plan and not just willy-nilly. All of those things will be relayed in the comprehensive plan. The City will try to make good sense out of this. Ada County Highway District does, to his knowledge, have a light in future plans for that intersection. He could not recall exactly what that time frame is but it is on the books. He reiterated Council Member Buban-Vonder Haar's statement that the City asks for comment from those entities. Central District Health is even consulted. That is what Council has to base their decisions on. He said Mr. Damron is absolutely right in that the City has to follow that.

Rachelle McGillivray, 247042 37th Place South East, Maple Valley, Washington, said she owns the home at 883 S. Pencil Avenue, and her renter, Melissa Peterson, is wonderful. Her family had to move in 2015 due to a job obligation but kept their home as a future investment; a place to come back to for retirement and a place for their son to come back to when he goes to school or just to live. She knew in 2006 when they bought their home that townhouses would be going in behind them. Her asked how the City maintains the checks and balances with them as they are building. She asked what the footage is on her back fence. She is the two (2) houses nobody is talking about; the south not the east. She asked how far they have to be, what are the checks and balances for that, and what is the landscape plan. She wanted to know if it is two (2) trees every four (4) feet and is it a maple tree that will take fifty (50) years to grow. She wanted to know the plan and how to keep those checks and balances in place.

Mayor Stear said the building inspector takes care of a lot of the offset measurements and that type of thing. He asked Facilities Director Bob Bachman if he would like to give any input.

Mr. Bachman said inspectors do go out and verify those setbacks so, when the footing goes in the ground, the developers call for a footing inspection. At that time all setbacks are verified. Setbacks are established by the property owner so they verify off that.

Ms. McGillivray said she trusts her city and Kuna is her city. She moved to Kuna from southeast Boise in 2006 to get a better life in a smaller community for her son. She loves where Kuna is going. She loved the new round-about as she was coming into the city. However, how can she continue to trust the City to let her know those things are correct after what has happened. She wanted to know how the City could regain her trust to make her feel more comfortable when she is not here to verify for herself that what is being said is going on with the property behind her house is actually what is happening.

Council Member Buban-Vonder Haar clarified that Ms. McGillivray was asking what happens if the measurement is found to be off.

Ms. McGillivray said she is asking how she can trust what she is being told.

Mayor Stear said before concrete can be poured into any kind of a footing they have to call Planning and Zoning to get an inspection. If they do not do that and go ahead with pouring the footing, they will have to tear the footings out if they are found to be off.

They make sure they get that inspection. They watch that very closely. Occasionally people will put awnings on the back of their houses that go right to the fence line and that is against code. A lot of people do not like when the City tells them what they can and can't do but the City tries to enforce those things. He said the City Building Inspector that goes out in place of Mr. Bachman is even pickier than Mr. Bachman.

Ms. McGillivray said her family has worked with Mr. Bachman before. Her son built a picnic shelter with him. They have worked with these guys quite a bit over the years. She explained that she and her family get the notices a little later than everyone else so it is hard to get to Kuna in time for these meetings. They have written letters but she doesn't know if they were read or in packets. She is not concerned about the property value issue. They bought the house and it is their house. Their property still has not increased to what they paid for it and that is fine. She just wants to be sure the checks and balances are in place because she and her husband were the only people at one time to take on Mr. Pieroni himself because he wanted to reduce the square footage in Schoolhouse Park to 1,000 square feet in order to build another trail site when the HOAs were 1,400 square feet. He wanted to make those section 8 housing. There was no public notice that went out except for in the Kuna Melba News. She just happened to read the paper that day and was surprised. She came in and it got shut down which they were ecstatic about. It was not the section 8 that concerned them but the square footage which would have devalued their house. She has had multiple conversations with Mr. Arnold. She said his communication stopped after she gave him feedback on his plan which was very constructive; such as twisting the buildings a different way or maybe move ten (10) feet into a certain corner. There has been no communication since then. She felt that, as a neighboring subdivision, they should be able to work with the developer, who developed their subdivision with their best interest in mind at the time, on the next development. She asked how they do that now that they are at war. She asked if they work with them and give them their ideas at the design review. She asked how they change things if they want to give feedback.

Mayor Stear asked Planning and Zoning Director Wendy Howell to explain the design review process.

Ms. Howell said the design review process is a public meeting rather than a public hearing. It is presented to the Planning and Zoning Commission for a decision. Basically, they are looking at the aesthetics of the buildings, the facades, landscape, parking, and any signage that is brought before them.

Ms. McGillivray asked if the positioning of the buildings was brought up in that meeting as well.

Ms. Howell said not necessarily. They can ask or recommend on that but they can't make them reposition the buildings. There is nothing in code to allow that.

Ms. McGillivray asked where Mr. Arnold is putting the park.

Someone in the audience said it is a basketball hoop not a park.

Ms. McGillivray asked if that was like the volleyball court they were supposed to get but never did. It is in her HOA paper but it never happened and that is why she is concerned with this developer. She moved on to her safety concerns. In 2006 she moved into her house and her neighbor's house burned to the ground and a guy had a heart attack at a rodeo event. They could not get emergency services out there. She moved from Kuna, Idaho to Maple Valley, Washington which is 25 miles southeast of Seattle and has a population of 20,000 people so it is no larger than Kuna except they have a Fred Meyer. She literally sits in traffic all day long on a two-way highway and watches emergency vehicles go down the sides of the road and up onto medians and curbs to get around traffic solely because there are not enough traffic lights and stop signs and there are too many cars. They did the same thing that is happening in Kuna. The cart is going before the horse and now they are in trouble. On September 13th, 2016 she got a call her son had been in a head on collision with a guy going the wrong way on the highway. It took her an hour and a half to go twenty (20) miles at 10 o' clock at night to get to her child that might be dead.

Mayor Stear said Kuna is very fortunate to have the Ada County Highway District. This is one (1) of the very few areas that have one (1) district that takes care of everything. In Canyon County there are, he believes, seven (7) different districts that take care of their roadways and their coordination is not necessarily the best. Ada County Highway District has a long term plan and everything is in that plan to make sure Kuna does not get to those points where it takes forever to get from point A to point B because of traffic. Some of those things do not happen as quickly as people would like them to but the things that do happen around Kuna are based on impact fees, fees that they collect from Kuna, and Kuna's growth. As those things occur it puts more money in the pot to get projects done. He has been in discussions about an overpass and trying to run that through a county wide bond rather than just a Kuna bond so Kuna doesn't have to pay for everything. He didn't know if they will get anywhere with that but he wanted to assure everyone that he has not forgotten about an overpass and is doing the best he can with that short of asking the citizens of Kuna to shell out \$20 million for an overpass. He is kind of tied as to what he can do. At some point, if the citizens call for it and want to pay for it, it can be done that way. Otherwise, he is working all avenues and routes he possibly can.

Ms. McGillivray said there are park impact fees so why not do road impact fees for developers that are so anxious to put in multi-family housing.

Mayor Stear said ACHD has impact fees but the City does not control the roads so does not get to impose those. Those issues are being worked on to make sure the cart is not being put before the horse.

Ms. McGillivray suggested putting the comprehensive plan in place with the Ada County plan. She works with COMPASS through her job and she knows exactly what they do and she has worked with ACHD. She was involved in the overpass ideas. If all

entities can come together to put those pieces and parts together, then the GIS people in the City of Kuna can take those pieces that are public information and compile them for the Council and citizens to look at.

Mayor Stear said that is the direction the City is going. A lot of effort has gone into making everything a regional discussion rather than a specific entity discussion. That way everyone works together and a little part of a plan becomes part of a big plan and it all makes sense. Not working together is how cities end up with roads and sidewalks that go to nowhere. They are working at that diligently. He goes to a lot of meetings all the time.

Ms. McGillivray asked about the retention basin and the acreage with that. She wanted to know if that acreage was included in the acreage for where the parcels were. She said they have a retention basin in their subdivision that is for so many acres and she wanted to know if that was that included in the acreage for the development.

An audience member said the developer is saying the retention basin is his.

Another audience member said the homeowners have been maintaining it since the creation of Schoolhouse.

A different audience member said that is where the volleyball court is supposed to go.

Someone else said that makes sense since there is sand at the bottom of the basin.

Ms. McGillivray said that answered her question.

Natalie Kleinsasser, 906 S. Library Avenue, Kuna, Id 83634, said three (3) years ago she and her husband purchased Marty Pieroni's home. They asked him what he was going to do with the lot. He said he wasn't going to do anything because it would cost him too much to expand Sunbeam. He lied to them. They would not have spent the money on that house had they know what he was going to do. Also, at the meeting with the Planning and Zoning Commission before the public hearing it was brought up that Ada County Highway District said there would really be no impact on travel. She worked downtown Boise and on certain days it would take her 45 minutes not the 15-20 minutes they had stated. In the winter it would take her almost 2 hours to get to work. Adding all these new buildings will make it even longer. Her house backs up on the southeast corner of this new development. In regards to the setback, she pointed out on a map, looking out on School from Sandbox, from where a fence along a resident's house to the sidewalk is how close it will be. There will be loomers looking into her back yard. Mr. Pieroni knew that when he sold them their house. Park Place can say they will do background checks but those will only go as far as the person who is applying for it. It is like the situation with the S.W.A.T. team; there were many young men going in and out. She added that when Council took their oaths they knew what their job was. She is a nurse and she knows what her job is. She knows what is expected. When she is given something to read she reads it. Obviously Council did not and they should be ashamed

of themselves. She plans on writing a letter and she was going to call the news that night so this meeting is not the end of it. She said Council should be ashamed; this is horrible. Council has affected hundreds of homeowners by not saying they can't talk about this. Almost all of Council should step down because if they can't do their job right the first time they shouldn't be given a second chance.

Council President Jones asked where his job description is written.

Ms. Kliensasser said he took an oath and was given 300 and some odd pages to read through.

Council President Jones said he had been referring to 368 pages of a packet earlier, not a job description. He has no official training, no prior planning and zoning knowledge, and no prior legal knowledge. He understands her frustration but there needs to be some care as to what is being required of a Council Member. He will make mistakes and he is sorry but his mistake, while she may think it jeopardized what happened, actually had no effect on that approval. It would have been approved anyways. She is telling him he can't learn from his mistake, which is her right, and he does not question her challenge, but he does not have any of this knowledge she thinks they are given. Council does have opportunities to go to meetings to learn this stuff but how can he do that when he works a full time job. Council positions are not full time. He is not recommending they be full time either but there is a lot that goes into what they have to do. If she is going to base his position and what he has done for Kuna on this one example that is her right but he disagrees with her. He does not think it is warranted. She is telling him he can't make a mistake and she can't tell him she has never made a mistake at her job.

Ms. Kliensasser said she can't say that.

Council President Jones said he is not perfect; he is far from it.

Ms. Kliensasser clarified that he did not know when he was approached that he should have said he can't talk about it.

Council President Jones said, at the time, no, but his discussion was a long time ago. It was before the development was even presented to Planning and Zoning. They don't understand that they find out about so much more that he does. He finds out from them when something is going in. He has asked for information as far as public hearings go. At this point it does not matter because he has learned from his mistake but she is telling him that he does not have that opportunity. He would not push that on her either. What he did was not criminal. He made a mistake and if she wants to hold him accountable for it that is fine but he does not think his judgment in the past reflects that. He spends hours and hours making sure he is making the right decision for the people of Kuna. It is a very difficult and stressful job. He gets paid for it but not enough that he could quit his full time job to do this full time. He understands where her expectation of Council is and he thinks it is a little high. He does not fault her for that but they would have to have all lawyers sitting on Council. He does not deal with ex parte in his job or personal life. He

has had no formal training on how to be a Council Member and it is not required of them. Council can ask as many questions as they want and he asks a lot. Sometimes that can have a negative impact on him but he feels he is doing the right thing. He can't stop her from doing anything and she is entitled to do what she feels is right. He does not know why she is expecting them to know everything from day one (1).

Ms. Kliensasser said she and her neighbors assumed Council knew the law and that they would uphold what the citizens want. They vote Council in. It is ridiculous that it is down to one (1) vote and obviously they have their opinions of how she will vote all the way through. When they had their Planning and Zoning Commission meeting the school district and fire district had not responded yet. She asked if they had responded to the September 6th, 2016 meeting and if they had given any of the information that was requested.

Council President Jones said he was not aware of it.

Mayor Stear said he did not recall if they had.

Council Member Buban-Vonder Haar said she did not think they had.

Ms. Kliensasser said she thought Council Member Buban-Vonder Haar said everyone they requested information from had responded.

Council Member Buban-Vonder Haar said no, if she led anyone to believe that she apologizes. She said none of the entities from whom the City requested input said this would have an appreciable negative impact.

Mayor Stear clarified that this does not mean there will be no impact just that there will not be enough impact to where they would have to make substantial changes in the way they operate, such as widening roads. Council determines whether or not there is negative impact off of what the entities tell them.

Ms. Kliensasser asked how the citizens would know who approached Council. She wanted to know how they could know it wasn't someone Mr. Pieroni or Mr. Arnold had sent in order to push the development through. She said it is funny that it came up all at once.

Council President Jones said he did not think, based on the outcome and what has happened, that it is irrelevant because he did not disclose who he talked to. He has asked the City Attorney if he has to disclose overhearing someone talking about a subdivision while he is at a restaurant. He tries to stay away from all the social media because that is usually not accurate but if he reads anything by chance and realizes it someone's opinion on a land use issue he would have to disclose that. He asked where to draw that line on what to disclose and what not to. He has only been in Kuna for ten (10) years but there are people who have been in Kuna their whole lives and probably know everybody so how do you get away from that. It is that small town community that everybody wants.

If a citizen comes to him and says they have a problem, it is hard to justify telling them he can't talk about it. If the situation was reversed he would be pissed whether he understood the law or not; he would be disappointed. He said there can be more information out there. A lot of things can be done better. He could have done a better job too but he can't know what he can do better unless they talk about it and he can't fix what he has done unless he admits he has done something wrong. He is willing to do that and he has. All he can ask for is their forgiveness and a second chance and if they don't want to do that it is their right. He asked that they keep in mind that he tries to do everything in his power to represent the people. Based on what has happened in this situation, the outcome probably would have been different if the information was presented to Council properly giving him the chance to dissect that information properly. When Mr. Arnold came up in the middle of that meeting and said he was pulling the comprehensive plan change Council President Jones did not take it out of the equation. It is a difficult thing to do and not something he deals with on a daily basis. He personally thinks it should never have been presented that way. That is something that can be fixed later. He can't justify giving excuses because really it boils down to him not disclosing his discussion even though he thinks his non-disclosure, if this had been done 100% correctly including his conduct, would not have mattered because the developer met all the requirements. Council President Jones' conversation was about the density as well and that was completely pulled out so whether or not he really needed to recuse himself he wasn't sure but he did it because he does not want to spend the tax payers money to try to defend himself when all that needs to be proved is suspicion that he made his decision based on that conversation; all they have to say they think the conversation happened and they win.

Ms. Kliensasser asked how he can come in with one (1) plan not approved by the Planning and Zoning Commission and change it on the fly.

Council President Jones said Mr. Arnold did not necessarily change the plans. There were three (3) parts and he took one (1) part off the table. He said what he was told is that when Mr. Arnold removed the high density making it medium density it was not a significant change that would require him to go through the process again.

Mayor Stear clarified that when Planning and Zoning make a decision it is a recommendation to Council. In this case, the application came to Council the way it was presented to the Planning and Zoning Commission and then that night at the public hearing the high density was changed to medium density. That took away the need for a comprehensive plan change which took that portion of the problem out of the equation. Council could have said they are not willing to go to high density here and then the developers could have adjusted it down at that point but they chose to take that out in the first place so it met the requirements of the comprehensive plan. He does not know that they actually did anything underhanded; they just figured out that it would never pass if they did not make a change to the density. He reiterated that when the Planning and Zoning Commission make a decision it is a recommendation to Council.

Elizabeth Olacsi, 603 W. Tallulah Drive, Kuna, Id 83634, said she appreciated that they were allowed to address the issue because if they hadn't been they would be leaving much more frustrated. She met with the City Attorney on Friday, October 14, 2016, about what was going to be happening at this meeting. She was very shocked by two (2) things. First, that the many times she has come up to testify her feelings and the impact she felt items would have on the community were not valid or important in the Council's decision making process. She recommends that in the future when notices are sent out to residents informing them of Planning and Zoning or City Council Meeting Public Hearings it is made known that when they testify it does not matter what they say unless they have proof of negative impact. Residents are coming up and sharing how they feel to Council but it has no bearing on the decision. It is important people know that ahead of time. She has lost time with her family and her husband has lost money at work to come to these meetings for nothing.

Mayor Stear said he wanted her to know that what she has said has not gone unnoticed. As the City works through the new comprehensive plan what has been said will be taken into account. The City realizes there is a situation on this outside of the tracks and in these areas where there is a true problem. Their testimonies will make the City look at that a little harder so her time was not wasted. It may not have affected this project but Council has paid attention and their concerns will be considered in the comprehensive plan.

Ms. Olacsi said she wants to be sure citizens in the future realize that when they testify against something it will not make a difference in the Council's decision. The other thing she wanted to address was for Council Member Buban-Vonder Haar. She clarified that Council Member Buban-Vonder Haar was the only Council Member nobody approached to discuss this project.

Council Member Buban-Vonder Haar said yes, she did not talk to anyone about it.

Ms. Olacsi wanted to be sure they just happened to go to everyone but Council Member Buban-Vonder Haar.

Council Member Buban-Vonder Haar said that is correct. She thought there was a concerted effort not to disclose identity but there is also an unfair suggestion that it is part of a big master plan. It was definitely someone who was opposed to the development. She could not say who it was because she was not involved and it was not her place.

Ms. Olacsi asked Council Member Buban-Vonder Haar how she knew.

Council Member Buban-Vonder Haar said she knows who it was. Council had to have a conversation about the situation in order to figure out the appropriate way to move forward. It was in an executive session so it was not subject to the public being present but they all had to be very honest about the conversations each Council Member had so they would know how to proceed to remedy the errors that had been made. She

reiterated that she was not involved in the conversations so it was not her place to say who it was but, as much as they will take her word for it, it was definitely someone who was opposed to the development.

Ms. Olacsi said she was kind of confused about there being nothing against the development in regards to emergency services. She asked if the entities did not respond at all and, if that is the case, was Council Member Buban-Vonder Haar taking their non-response to mean everything is ok for getting emergency services to that side of the tracks.

Council Member Buban-Vonder Haar said that as people were talking she went back through the packet and found nothing from the fire district but there is an expectation when the City reaches out to these different entities. If they have something to say they are going to say it.

Mrs. Olacsi said she believes they are very busy helping the community, saving lives, putting out fires, and responding to emergencies so they may not have the time to respond to every single request the City has. She does not think the fact that they did not respond means it is ok. She said to use common sense. She referenced an incident where kids that were floating the creek were stranded on an island. A train had held up emergency services an extra twenty (20) minutes.

Mayor Stear said there is administrative staff at the fire department that does not respond to emergencies. He was with the fire department for seventeen (17) years as a fire commissioner and he knows how they operate so to say they were busy with emergencies is not accurate.

Ms. Olacsi said it is negligence on the fire departments part then. They should be responding if they are not busy with emergencies and their job is to handle these kinds of things. The fact that there is no response in this matter is not right. She said Kuna should be able to look at the issue and know without the fire department saying anything that there is a problem because of the train and traffic. The problem will only increase as the population increases on that side of the tracks.

Council Member Buban-Vonder Haar explained that they may have decided a substation on the south side of the tracks is not necessary yet because the population doesn't justify it but maybe adding another development will help to hit that tipping point and result in a substation.

Ms. Olacsi asked if the City was concerned someone might sue them if there was a death as a result of emergency services not being able to get to them on time.

Council Member Buban-Vonder Haar said she did not know if the City would be liable.

Someone in the audience said the City and the fire department are different entities. They suggested Ms. Olasci attend a fire commission meeting. They are held the second Wednesday of every month at the fire station at 7 o' clock.

Ms. Olasci said she is not worried about them not trying to get to her; she is worried about the train preventing them from getting to her. She wanted to know if the City was concerned about that since there is no information from the fire department on the affect this development would have before putting the decision through. She said the City's possible liability in a situation where emergency services are unable to get to someone is something to think about. She thanked Council for the opportunity to speak and for their apologies.

Council President Jones said he agrees with the concern about getting entities together. The Mayor made a point that he is attending regional meetings and doing his best to bring these groups together. He added that he likes to be proactive because it makes a job easier but unfortunately this won't happen overnight. Everyone's concern about that has been addressed and the Mayor will do what is best for the City regarding that and to get these groups together. He would be more than happy to help the Mayor with that as well.

Natalie Kleinsasser, 906 S. Library Avenue, Kuna, Id 83634 said she remembers when Mr. Arnold said they could look at other developments; one was at Overland and Cloverdale. She drives past that every day and it has so many people living there now. It is the same pinwheel design that is being used for this project. There are so many vehicles at the Overland and Cloverdale development that they are now parking out of the designated parking areas and along the roads. She asked that be taken into consideration. The developers are saying one (1) thing but they are seeing another. Also, Park Place is going to be the property management company. They did not have a contract written at the Planning and Zoning meeting. Park Place has also been in the news multiple times for not fulfilling maintenance issues with their tenants.

Mr. Roats commented on a couple things Elizabeth Olasci discussed. She had said that the City should let the public know their comments won't be considered but he wanted her to know the public can always come in and make any comment about a project. The Council just can't base their decision on those. As has been shown in past hearings, citizens will always be allowed to make a statement regardless but, from a legal standpoint, Council can't base their decision on anything that is not factually based on the comprehensive plan and codes. As to the person who engaged with Council in ex parte communications, Council has done well but if Mr. Roats is asked he will say who it was. Regarding her question about the public entities lack of comment and essentially asking that Council speculate whether or not there would be a demonstrable impact, Council can't do that and deny an application if those facts are not on the record. Presumably when the public entities are given the opportunity to respond, if they do not respond it is evidenced in the record and if they respond negatively that would be considered.

Council President Jones said he thinks that is another tool for citizens to get with the separate entities and voice their concerns; to ask why they do not respond to these notices. Having separate entities can be good and bad. It hurts a little in this situation but the citizens voices can be heard at any entity's public hearing so there are avenues for them to use. Unfortunately, it is already decided by the time it gets to Council and they can't go against what is said in code.

James Russell, 781 S. School Street, Kuna, Id, 83634, clarified that R-6 and R-8 are considered medium density in Kuna's zoning. In the future, as the comprehensive plan is worked on that should be defined in smaller increments. This subdivision was originally plotted as R-6. He asked if a developer can change an R-6 to an R-8 anytime and if the Council has no control over that.

Mayor Stear said as long as it meets the confines of the comprehensive plan it will be approved.

Mr. Russell said that is a detriment to the public. People buy into a subdivision in an area zoned as R-6 and then part of it is turned into R-8 and the Council has no control over that. He then clarified that, for land development, a developer can come to the City to submit an application and tell their story. If it fits the comprehensive plan and zoning codes, by law, it has to be approved and for public input to matter it is up to them to bring burden of proof.

Council Member Buban-Vonder Haar said there are two (2) ways public testimony can have an impact. It is being discussed as not mattering because it might not change the outcome of the decision since Council is bound by the comprehensive plan and has to base their decision off of that. Even if the decision is to approve a development, the testimonies given could changes things about how the development proceeds such as limiting the number of fourplexes that border on the property line, changing unit positioning, and adding more landscape buffering. Things like that could mitigate some of the concerns can be asked for. There is still some impact based on public testimony. It does not mean the whole decision will go the way they ask in testimonies but she does not want them to feel that there testimonies do not matter. It does still factor in.

Mayor Stear added that when enough people voice their concern, giving Council cause for concern, they can table a decision to give themselves more time to determine if there is something in the comprehensive plan to give grounds to deny an applicant. Those decisions do not have to be made right then. They do not have to hire an attorney to look through the comprehensive plan when a decision they don't like is coming up.

Mr. Russell said he felt bad about the change in density at the public hearing. No one could prepare for opposition of that.

Mayor Stear said they did not change it much to get it to medium density. They removed two (2) buildings.

Mr. Russell said they were at R-12.

Council Member Buban-Vonder Haar said she thought they were at 8.8 which meant they had to ask for R-12.

Mr. Russell said, in the future, as they work on the comprehensive plan a lot of the issues could be solved by saying zoning should stay as is; an R-6 should stay an R-6.

Mayor Stear said the City can't dictate what someone is going to do with a piece of property forever. A property owner may want to take their R-6 and turn it into a grocery store. The City can't say no because this is an R-6. People have to have due process when looking at their property. In the comprehensive plan, though, an area can be deemed unfit for an R-12.

Mayor Stear thanked everyone for coming. He was sorry it did not work out the way everyone wanted it to but he did not want to leave the issue up in the air with no explanation of what happened and how.

10. Announcements:

11. Executive Session:

12. Adjournment: 9:26 pm



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk



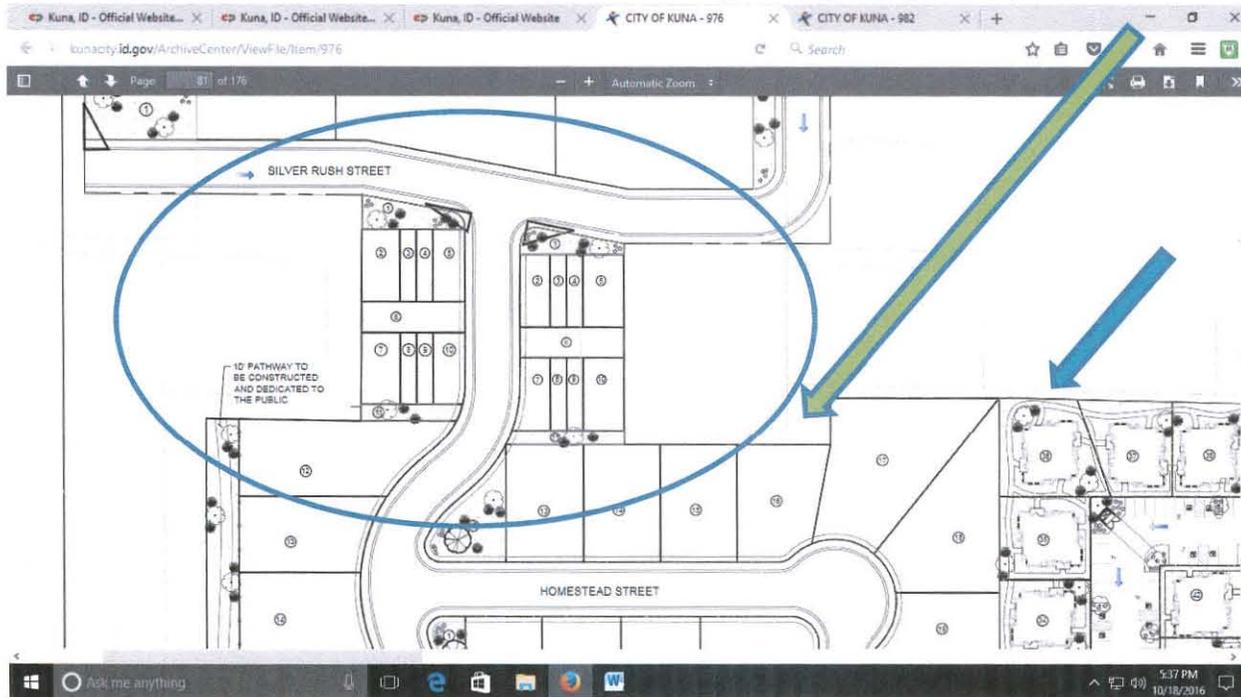
Minutes prepared by Ariana Welker, Customer Service Specialist
Date Approved: CCM 11.15.2016

1. Blue Diamond Lane is proposed as now partially listed as Blue Diamond Way.

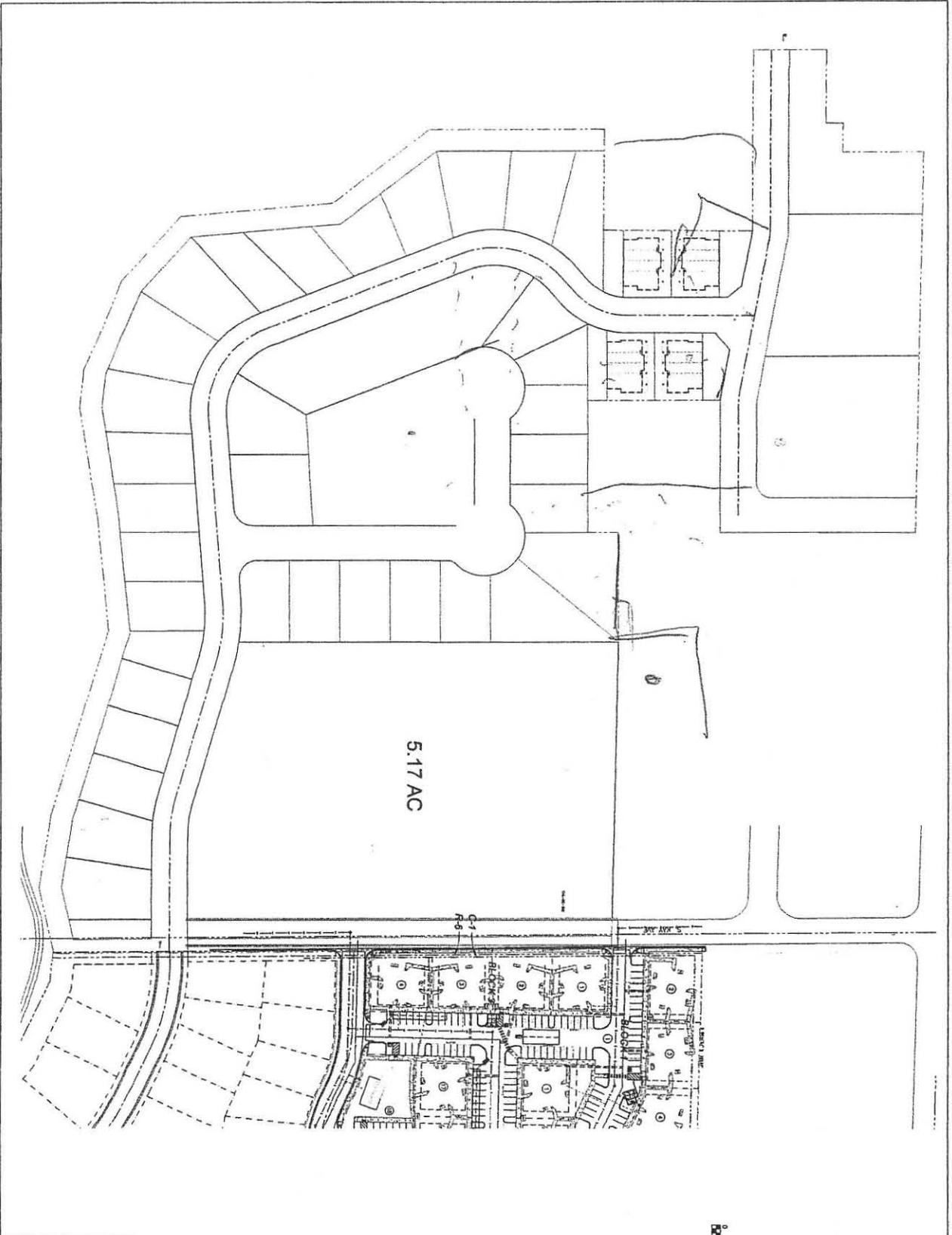
What happens when part of the street is City and part of the Street is Private when only 2 homes are on the private Lane?

Lost Mail, Lost visitors, such as vendors etc.

2. Parcels 2-10 E and 2-10 W on Silver Rush/Heritage Ave are not a buffering into a residential neighborhood when existing single family homes are all around the subject entrance. Soft Buffering in this case creates an exit onto Blue Diamond Way that increases traffic concerns greatly with commercial ingress and egress. These need to be reconfigured to be single family to single family. Circled in area noted below.



3. Green arrow denotes a section unaddressed by developer. This is a grade issue and lot line issue. As it affects 3 existing parcels one in Family Fitness 2nd is Campbell, 3rd is Loretta Young D... Campbell residence has 5 foot grade issue where the bottom of their pool would be on top of the proposed new fence line of parcel 17 on proposed Homestead St.
4. The developer never provided such a rendering to neighbors but provided a much different presentation of lot division.
5. The Mini lots on SilverRush height is an issue due to these properties having full view of Lorretta's back yard. Same with Pinwill design 4 plex condo-apartments looking down onto Campbell backyard pool area. These lots need to be single level properties not possible with current proposed lot division.
6. ACHD noted that a traffic study is not warranted based on quantity of properties proposed, however if noting the fact that Journey's end and Sailor's Shore to impact the ingress-egress on to Avalon from Kay the development exceeds the need for a traffic study. The very fact of a minimum of 70 plus trips onto Avalon from Blue Diamond will increase to along with the unknown Commercial truck traffic. This is reason to send the developer back to the drawing board.



5.17 AC



<p>TEAM Architectural Firm</p>	
<p>PRELIMINARY LAYOUT AERIAL</p>	
<p>1715 W. W. R. SQUARES OF SEC. 25</p>	
<p>OWNER OF RECORD DOW YOUNG 7 KNOX, IN</p>	
<p>DEVELOPER</p>	
<p>PLANNER / CONTACT STEVE ARNOLD A-TEAM LAND CONSULTANTS 1715 WHISPER COVE AVE. BLOOMINGTON, IN 47408 317-341-1728</p>	
<p>SHEET 1 OF 1</p>	
<p>DATE: 08/05/2010</p>	
<p>FILE: 080510A01.dwg</p>	