

## OFFICIALS

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



## CITY OF KUNA

Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634

City Council Meeting  
MINUTES  
Tuesday, October 2, 2018

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

#### 1. *Call to Order and Roll Call*

##### **COUNCIL MEMBERS PRESENT:**

Mayor Joe Stear  
Council President Briana Buban-Vonder Haar  
Council Member Richard Cardoza - Absent  
Council Member Warren Christensen  
Council Member Greg McPherson

##### **CITY STAFF PRESENT:**

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

#### 2. *Invocation:* None

#### 3. *Pledge of Allegiance:* Mayor Stear

#### 4. *Consent Agenda:* ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS (Timestamp 00:00:48)

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

#### A. City Council Meeting Minutes:

##### I. Regular City Council Minutes, September 18, 2018

**B.** Accounts Payable Dated September 27, 2018 in the Amount of \$256,825.99

**C.** Resolutions

**1.** Consideration to approve Resolution No. R77-2018

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING RESOLUTION NO. R36-2018 APPOINTING ONE (1) NEW MEMBER TO THE KUNA ARTS COMMISSION TO PEPLACE ONE (1) MEMBER WHO RESIGNED.

**2.** Consideration to approve Resolution No. R78-2018

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT WITH THE ADA COUNTY SHERIFF FOR SHERIFF'S COMMUNITY SERVICE (SCS) WORKERS FOR THE FISCAL YEAR 2018-2019 FOR THE CITY OF KUNA, IDAHO.

**3.** Consideration to approve Resolution No. R79-2018

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE SERVICE AGREEMENT WITH STRICTLY CLEAN LLC TO REPLACE THE EXISTING SERVICES WHERE THE CITY FACILITIES RECEIVE CLEANING SERVICES TO THE SENIOR CENTER, CITY HALL AND THE NORTH WASTEWATER TREATMENT PLANT.

**D.** Final Plats

**1.** Consideration to approve Case No. 18-14-FP (Final Plat) for Greyhawk Subdivision No. 8

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

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

**Voting No: None**

**Absent: Council Member Cardoza**

**Motion carried 3-0-1.**

**5. Community Reports or Requests: None**

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

**A. Public hearing recessed to October 2, 2018. Deliberation will continue; no additional testimony will be accepted.**

Public Hearing and consideration to approve 18-01-A (Appeal) and 18-12-DR (Design Review) for Kelleher Subdivision No. 2 – Jace Hellman, Planner II  
ACTION ITEM  
(Timestamp 00:01:26)

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

Council Member Warren Christensen wanted to set a date certain to reopen the public hearing to have additional testimony from the applicant, public, fire department and police department regarding safety measures and greenspace.

Mayor Stear explained they would need a motion and explained the specifics that would need to be included.

Council Member Christensen asked for staff to be ready to give input on the amount of greenspace proposed and the amount that they could look at putting in.

Council President Buban-Vonder Haar briefly reviewed the deliberation worksheet they had. She wanted to be certain of which application Council Member Christensen had questions about.

Council Member Christensen responded his questions were design review related and cited the specific items on the design review and listed in Kuna City Code 5-4-6A. He wanted to do his due diligence.

Planning & Zoning Director Wendy Howell confirmed his questions would be regarding the Design Review.

Council President Buban-Vonder Haar suggested getting the questions disseminated to staff before the next meeting in order to be more productive.

**Council Member Christensen moved to continue the public hearing with additional testimony and consideration to approve 18-01-A (Appeal) and 18-12-DR (Design Review) at the October 16, 2018 meeting.**

**Motion failed due to lack of second.**

Council President Buban-Vonder Haar noted they would need a unanimous decision to approve the application. She asked if they would be able to do the Preliminary and Final Plats if the Design Review was denied.

Ms. Howell explained they would be able to move forward with the Preliminary and Final Plats if the Design Review was denied and the steps that would be taken if that happened.

Council President Buban-Vonder Haar reviewed the Design Review Worksheet questions and answers.

Council Member Christensen noted the plan at the last meeting had open access to the park and did not include a gazebo or a horseshoe pit. That was cause for question.

Council President Buban-Vonder Haar believed the plan to have access to the park was part of the application for Design Review and those plans were specifically identified in the record.

Council Member Christensen stated if the answer was no they should consider reopening the public hearing for the purpose of receiving evidence, which he did.

Council discussed which plans were put into record.

Council President Buban-Vonder Haar continued her review of the Design Review Worksheet.

Council Member Christensen did not agree with the general objectives section. He started with site design objectives. Number 1 stated site plan design should minimize the impact of traffic on adjacent streets, provide for safe pedestrian access and use, and provide appropriate safe vehicle parking. ACHD had mentioned overflow parking was the responsibility of Kelleher. Overflow parking was nonexistent. They had 2 spaces per unit which did fit code but there was no overflow parking and no parking on Linder or Hubbard which meant those cars would be parking would be in the neighborhood in front of people's houses. Safe pedestrian access and use with the 1 way in and 1 way out was something he wanted to ask the police and fire departments. He could not ask them that night but he felt it was important. He asked if there were any questions for him regarding that section before he moved on to section 2.

Council President Buban-Vonder Haar clarified he felt the parking was insufficient.

Council Member Christensen stated there was no overflow parking and ACHD stated that was Kelleher's responsibility. He could not find exactly where that was stated and thought it might be in the packet from the last meeting but, based on the

quote they did find, he still felt they had not provided safe and adequate vehicle parking.

Council President Buban-Vonder Haar struggled with that because they exceeded the number of vehicle spaces required by the City and did not know what they could point to in order to conclude the parking was insufficient.

Council Member Christensen went off of ACHD's recommendation regarding overflow parking and this was a multifamily complex so it would have overflow. He offered to dig for the statement if he needed to find it for her.

Council Member McPherson compared this proposed complex to the White Barn Apartments behind the Fire Station. White Barn was 1.17 acres with just under 2 spots per building and this application was closer to 2 acres with exactly 2 spaces per parking. Between 2005 and 2016 when he was employed full time at the fire station he bet less than 10 times they had people overflowing into their public parking lot and Boise St was also a no parking zone like Hubbard and Linder. He did not think there would be a problem with the parking at this location.

Council Member Christensen shared his personal experience with apartment complexes that had 2 spaces per apartment. He wanted to find ACHD's recommendation on overflow parking because it was important to him.

Mayor Stear stated he did not think they would be coming to an agreement on it that night so the application would either be continued or denied.

Council President Buban-Vonder Haar wanted to make sure that if they continued it they had all of their questions ready in advance so that staff could come prepared to answer them and if there were any issues with the Design Review, utilizing only the criteria for the Design Review, they needed to be ready to specifically articulate the reasons why it would be denied.

Council Member Christensen wanted to take his questions to their source instead of bouncing back and forth off each other.

Council President Buban-Vonder Haar pointed out the reason there was no ACHD review or feedback from the Police was because they were not required for the Design Review. She stated they should take care as they moved through this to be sure they were considering the specific question before them and not things beyond that.

Mayor Stear asked if the questions would be related to both the Design Review and the Preliminary and Final Plats.

Council Member Christensen responded they would be strictly design and he was ready to vote on the Preliminary and Final Plats.

**Council Member Christensen moved to continue the public hearing with additional testimony and consideration to approve 18-01-A (Appeal) and 18-12-DR (Design Review) at the October 16, 2018 meeting. Seconded by Council Member McPherson.**

Planning & Zoning Director Wendy Howell asked if they should consult William F. Gigray, III, legal counsel for the City, who was present.

Council President Buban-Vonder Haar asked Mr. Gigray if reopening the public hearing at the next meeting to receive testimony from the Chief of Police, ACHD, and Fire was appropriate.

Mr. Gigray indicated it was appropriate if it was relevant to the design standards which were subject for review. Any issues they were not sure of could be heard and then they could sort out if it was within standards.

Council President Buban-Vonder Haar requested they get the questions to relevant parties in writing as soon as possible to give them time to prepare or submit a written response.

Mr. Gigray said the questions could be done and answers obtained as discussed. Then staff could sort out what was relevant as they put it into the packet.

**Council Member Christensen moved to continue the public hearing with additional testimony and consideration to approve 18-01-A (Appeal) and 18-12-DR (Design Review) at the October 16, 2018 meeting and to ask staff to prepare to receive questions to include in the packet depending on their relevance. Seconded by Council Member McPherson. Approved by the following roll call vote:**

**Voting Aye: Council Members Christensen and McPherson**

**Voting No: Council Member Buban-Vonder Haar**

**Absent: Council Member Cardoza**

**Motion carried 2-1-1.**

***B. Public hearing recessed to October 2, 2018. Deliberation will continue; no additional testimony will be accepted.***

Public Hearing and Consideration to approve 18-01-CPF (Combination Preliminary and Final Plat) for Kelleher Subdivision No. 2 – Jace Hellman, Planner II **ACTION ITEM**

*(Timestamp 00:49:01)*

On behalf of Open Door Rentals, Inc. the applicant, Trilogy Development, Inc. requests approval to subdivide approximately 1.96 acres through the combination preliminary plat & final plat process into nine lots, consisting of eight multi-family lots and one common lot and have reserved the name Kelleher Subdivision No. 2. The subject site is located on the south east corner of West Hubbard Road and

Linder Road, Kuna, ID 83634, within Section 13, Township 2 North, Range 1 West; (APN# R4865420080).

Council Member Christensen was confident all of his questions pertained to the Design Review and he had no issue going through with this application.

Council President Buban-Vonder Haar stated, in looking through the packet in conjunction with the testimony previously received, it appeared the proposal complied with the Comp Plan and City Code. It did not result in inappropriate taking of land and met with their goals of encouraging a balance of land use and providing a wide range of housing varieties. The site looked to be physically suitable for the proposed development and appeared to avoid detriment to the present potential surrounding uses.

Council Member Christensen asked if approving this would lock in the number of units and lots because there was design concern regarding that.

Planner II Jace Hellman clarified the preliminary plat approved the 3 lots and 1 common lot however in order to build on the lots they would still need design review approval which is what was recessed.

**Council President Buban-Vonder Haar moved to approve 18-01-CPF (Combination Preliminary and Final Plat) with the conditions of approval as listed. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza absent.**

## **7. Business Items:**

*See Section 11.*

## **8. Ordinances:**

- A. Consideration to approve Ordinance No. 2018-35 ACTION ITEM  
(Timestamp 00:55:04)

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING ALL OF PARCEL S1313131750, AND REFERRED TO AS GREYHAWK SUBDIVISION NO. 8 WHICH IS OWNED BY PATAGONIA DEVELOPMENT INC., INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE NEW YORK IRRIGATION DISTRICT; THUS, CHANGING THE BOUNDARY OF THE KUNA MUNICIPAL IRRIGATION DISTRICT; 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.

*Consideration to waive three readings of ordinance*  
*Consideration to approve ordinance*

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2018-35. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza absent.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2018-35. Seconded by Council Member McPherson. Approved by the following roll call vote:**

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

**Voting No: None**

**Absent: Council Member Cardoza**

**Motion carried: 3-1-0**

- B.** First Reading of Ordinance No. 2018-36 – Chris Engels, City Clerk  
(Timestamp 00:56:26)

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

City Clerk Chris Engels presented the request and stood for questions.

William F. Gigray, III, legal counsel for the City, asked for clarification regarding the fees.

It was explained the fees were yet to be determined.

#### **9. Mayor/Council Announcements:**

(Timestamp 00:58:28)

Mayor Stear asked Economic Development Director Lisa Holland to share the new Economic Development video.

Ms. Holland briefly reviewed the history of the project and presented the video.

Council liked the video.

Ms. Holland explained this would be pushed out later that week and the next portion on businesses would be worked on in the next month with the goal of having it done by the end of October or middle of November.

**10. Executive Session:**

**Action Item**

(Timestamp 01:01:04)

- A. Executive Session is anticipated at the time of posting this Agenda Notice pursuant to:

Idaho Code § 74-206(1)(b)

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent of the City.

**Council President Buban-Vonder Haar moved to conduct an Executive Session Pursuant to Idaho Code 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent of the City. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza absent.**

Mayor indicated he, Council, and William F. Gigray, III legal counsel for the City would remain for the executive session and that Council President Buban-Vonder Harr would serve as special clerk to take the minutes of the Executive Session.

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**Executive Session Minutes of October 2, 2018** – The session commenced at 7:03 p.m. with the Mayor and members of the City Council and Wm. F. Gigray, III legal counsel for the City. Council President Buban-Vonder Haar was appointed as secretary to take the minutes of this executive session. Information was then exchanged among the Mayor, members of the City Council and Wm. F. Gigray, III legal counsel on the subject of the executive session. No action was taken. A motion was then made by Council President Buban-Vonder Haar and seconded by Council Member McPherson to come out of executive session which motion passed unanimously at 7:23 p.m.

Signed By: 

Briana Buban-Vonder Haar, *Council President*, Secretary of Executive Sessions.

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City Clerk Chris Engels again assumed the duties of City Clerk for the remainder of the meeting.

**Open session resumed** and Mayor Stear reported that information was received in relation to the announced purpose for going into executive session and no action was taken by the Council Members.

**11. Business Items Continued:**

- A. Consider a recommendation by the Mayor to the City Council for removal and discharge of the City Attorney employee in accordance with the provisions of

Chapter 1 section 1.1.1 B of the City Personnel Manual and in accordance with Idaho Code Section 50-206. – Mayor Stear ACTION ITEM

**Council President Buban-Vonder Haar moved to a remove and discharge the City Attorney employee in accordance with the provisions of Chapter 1 section 1.1.1 B of the City Personnel Manual and in accordance with Idaho Code Section 50-206. Seconded by Council Member McPherson. Approved by the following roll call vote:**

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

**Voting No: None**

**Absent: Council Member Cardoza**

**Motion carried: 3-1-0**

**B. Consideration to approve Resolution No. R80-2018 – Mayor Stear ACTION ITEM**

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO SETTING FORTH CERTAIN PURPOSES, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY COUNCIL THAT CERTAIN AGREEMENT ENTITLED THE “AGREEMENT FOR CITY ATTORNEY CIVIL LEGAL SERVICES”, DIRECTING THE CITY CLERK, AND SETTING AN EFFECTIVE DATE.

William F. Gigray, III legal counsel for the City explained the difference between the interim basis agreement and the second agreement.

**Council President Buban-Vonder Haar moved to approve Resolution No. R80-2018. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza absent.**

**12. Adjournment: 7:27 P.M.**

ATTEST:

  
Chris Engels, City Clerk



  
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Joe L. Stear, Mayor

*Minutes prepared by Ariana Welker, Deputy City Clerk  
Date Approved: CCM 10.16.2018*