

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, May 21, 2019

6:00 P.M. REGULAR CITY COUNCIL

1. *Call to Order and Roll Call*

COUNCIL MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Bob Bachman, Public Works Director
Jared Empey, City Treasurer
Bill Gigray, City Attorney
Wendy Howell, Planning & Zoning Director
Nancy Stauffer, Human Resources Director
Bobby Withrow, Parks Director
Sam Weiger, Planner I
Ariana Welker, Deputy City Clerk

2. *Invocation: Stan Johnson, Changed Life Church*

3. *Pledge of Allegiance: Mayor Stear*

Mayor Stear presented Scout Troop #114 who was attending the meeting.

4. *Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS (Timestamp 00:01:47)*

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.

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

A. City Council Meeting Minutes

- 1. Regular City Council Minutes, May 7, 2019**

B. Accounts Payable Dated May 16, 2019 in the Amount \$808,559.99

C. Resolutions

- 1. Consideration to approve Resolution No. R36-2019**

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY CHALLENGER DEVELOPMENT, INC., FOR SARANDA SUBDIVISION FOR UNCOMPLETED WORK INCLUDING STREET LIGHTING, FENCING AND LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

- 2. Consideration to approve Department of Labor Internship & Work Experience Program**

- a. Consideration to approve Resolution No. R37-2019**

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE "MEMORANDUM OF AGREEMENT FOR INTERNSHIP" WITH IDAHO DEPARTMENT OF LABOR FOR AN INTERN TO WORK WITH THE ECONOMIC DEVELOPMENT DEPARTMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

- b. Consideration to approve Resolution No. R38-2019**

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE "MEMORANDUM OF AGREEMENT FOR WORK EXPERIENCE" WITH IDAHO DEPARTMENT OF LABOR FOR WORK EXPERIENCE TRAINING WITH THE ECONOMIC DEVELOPMENT DEPARTMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Council President Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson. Approved by the following roll call vote: Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar, and McPherson

Voting No: None

Absent: None

Motion carried 4-0.

5. Community Reports or Requests:

A. Assessment Briefing – Robert McQuade, Ada County Assessor
(Timestamp 00:02:24)

Ada County Chief Deputy Assessor Brad Smith gave a handout to City Council and the Deputy City Clerk. Mr. Smith stated 8,700 assessments had been sent out to the local community in total. He presented the Primary Roll Assessment Summary for Ada County covering Total Kuna City Market Value, Residential Market Value Evaluation, Commercial Market Value including Personal Property, New Construction, Change Estimates for Residential and Commercial Improvement, and Tax Burden for Residential and Commercial. They were seeing huge increases in every aspect of the market. He stood for questions.

Mayor Stear thanked Mr. Smith and stated something they had been talking about was growth. With the rate it was happening they were starting to worry about the sustainability of services because a 3 % certainly didn't keep up with that kind of a growth rate. Mayor Stear said that he wasn't looking for an answer to the statement, just that it was a concern.

Mr. Smith commented that the market definitely didn't seem sustainable with these increases, the population growth, and other factors. They had wrapped up 2006, 2007, and 2008 in the same scenario and then it dropped off. He stated it could be headed to something like that. It was hard to anticipate but it looked like a much happier market than what had been experienced before. He suggested being conservative in running numbers.

Mayor and Council thanked Mr. Smith.

B. City of Kuna 2018 Financial Audit Presentation – Bailey & Co.
(Timestamp 00:11:27)

Cassie Zattiero, Bailey & Co., presented the 2018 Financial Audit. She started with the summary of opinions and explained they had a qualified opinion on some of the City's opinion units due to a change in some governmental accounting standards. In the past the City was not required to address certain standards because the City allowed retired employees to stay on their insurance plan, the City now had an Implicit Rate Liability because of that. She then stated that she could go through the City's financials or offer some highlights.

Mayor Stear asked Council how far they wanted to get into it or if they just wanted to review highlights.

Council President Buban-Vonder Haar said highlights were fine.

Ms. Zattiero stated they would be skipping over the government wide statements as they were long term type items. It was more meaningful to go to the financial statements then briefly reviewed changes and/or increases in each fund. She addressed the transfer activity in accounting and that the deficit in Grant Funds balanced with General Funds until the receivables came in. She completed a quick review of the remaining accounts, commented on the City budgeting well, and stood for questions.

Council thanked her for her presentation and Mayor Stear asked if there were any questions.

City Attorney Bill Gigray recommended the audit be placed as an Action Item on the next agenda for approval and encouraged, if staff had any comments about the audit, they would be invited to express them at that time. He stated per State Statute the audit was required to be approved within 9 months so as long as it was approved in June, it would be timely. Once approved, a copy would need to be provided to legislative services.

Mayor Stear asked City Treasurer Jared Empey if the City would communicate the approval or would the auditor do that.

Mr. Empey thought the City would communicate that to the proper authorities.

Mayor Stear asked that it be placed on the next agenda as an Action Item.

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

- A.** Continuation of Public Hearing held May 7, 2019 to accept testimony regarding the meeting between staff and the applicant as required by City Council and consideration to approve 18-07-AN (Annexation) & 18-05-ZC (Rezone) for Thistle Farm, LLC and Bodahl Farm, LLC – Sam Weiger, Planner I ACTION ITEM
(Timestamp 00:24:52)

Tim Eck seeks approval of an annexation of approximately 40 acres into Kuna City Limits with a Medium Density Residential (R-6) zoning and a rezone of approximately 40 acres from Agricultural (A) to Commercial (C-1). The subject properties are located at the southwest corner of Ten Mile and Hubbard Rd, Kuna, Idaho 83634.

Sam Weiger, Planner I, reviewed the case. He read into the record questions submitted by Council President Buban-Vonder Haar, his email with the answers to her questions, and an email with a memo from the City Attorney. The updated memo from City Attorney Bill Gigray was Exhibit C7 and the Q and A email was Exhibit C6. Staff had determined the request generally complied with the goals and policies for Kuna City Title 5 of City Code, State Code, and the Comprehensive Plan. The Planning and Zoning Commission recommended a condition that stated the

Preliminary Plat for the 38.98-acre parcel would include no more than 25 acres of multifamily housing. Staff also recommended that condition, No. 12 on the Staff Report, be removed from the conditions of approval. He turned the presentation over to the City Attorney.

City Attorney Bill Gigray did not have a lot to add to his memo and his opinion remained that of the updated memo. He felt Staff had tried to be very clear about what their intentions would be if there was a subsequent application for multifamily use in a C-1 zone in the City of Kuna.

Mayor Stear thanked Mr. Gigray and turned the floor over to Jeff Bower, the applicant's attorney.

Mr. Bower stated he had an exhibit to present and passed out copies of the Planning & Zoning Rezone Checklist with "Letter of Intent Indicating Reasons for Proposed Rezone" highlighted. He reviewed the case and their position. They were encouraged by City Council to meet with Staff to explore if a Development Agreement could be implemented with the current rezone application to put some sideboards on the multifamily use. The meeting was held between the applicant and staff, attorneys were not involved, but, it did not produce the results they believed Council expected. It did not recognize the vested rights they had either. It boiled down to a Staff recommendation for a new application without recognizing any of the arguments they had raised and they were not in favor of that recommendation. He proceeded to review their position and background on their rezone application. He then referred to City Attorney Bill Gigray's updated memo. He agreed with the law stated in the memo but disagreed with the facts following it. He pointed out different sections of the rezone application.

Mr. Bower proposed the following conditions: no more than 20 acres of multifamily, multifamily limited to townhome style product only – no apartments or 4-plexes, and density of multifamily not to exceed 10 units per acre. He then stood for questions.

Council President Buban-Vonder Haar asked if Mr. Bower was suggesting applicants were legally bound to develop whatever they included on the initial proposal of a rezone and were not allowed to stray from that at all.

Mr. Bower believed the checklist was a mechanism to inform the Council of what an applicant's proposed uses were for a zone change. He didn't think their application not specifically referencing multifamily was dispositive of the issue but it increased the credibility of their argument.

Council President Buban-Vonder Haar asked if he agreed that a developer would have the ability to completely change what their plan was and not be legally bound to the checklist.

Mr. Bower would agree with that as an attorney for developers but also that the intent wasn't to outline specifics but was a general piece of information for the Council to know.

Council President Buban-Vonder Haar argued the intent would be more to make sure at the beginning that the applicant was seeking the right type of rezone when another might be more appropriate.

Mr. Bower said that made sense.

Council President Buban-Vonder Haar asked if she was understanding correctly the Staff Memo Addendum from May 13, 2019 was wrong or was no longer their position.

Mr. Bower would differ that question for later in order for the applicant, Tim Eck, to answer.

Mayor Stear re-opened the public hearing.

Support: None

Against: None

Neutral: None

Rebuttal:

Tim Eck, 6152 W Half Moon Lane, Eagle, Idaho 83616, stated they articulated in their application what their intended use was and there was no other form or application they could make for a land use application. Land Use was a different matter from development. The Letter of Intent was an integral part of their application and it stated what they thought their intended uses were. He reiterated there was no other application they could have made for this use available at that time. They had a very limited residential component they wanted to consider and were very willing to enter into the conditions Mr. Bower presented. They had always generally stuck to their word and done what had been promised. They just wanted the option available to them if they couldn't find the commercial application that would offer the commercial to residential transition zone. He stood for questions.

Council President Buban-Vonder Haar wanted to be clear the Staff Memo from May 13, 2019 about their meeting was not his position.

Mr. Eck said he left that meeting with a slightly different understanding and felt like he had no assurance any of it would happen. He didn't know where to go from there but felt they were compromising a lot in their reduction of the number of residential units.

Mayor Stear asked if, when he said 200 units, he meant 200 townhomes with 4 dwellings in each.

Mr. Eck said they would look like a traditional townhome but there could be 4 units per building. He believed the original C-1 required 3 units per roof. In past projects they had gone anywhere from 3 to 8 units per building that were attached and they were each situated on an individual lot. He wanted to provide a product that would accommodate better affordability with a higher density next to that commercial component.

Council President Buban-Vonder Haar did not feel any of this was unreasonable, her main concern was if Council had the authority to override their zoning ordinances based on their disagreement on which zoning ordinances apply. She was struggling with how to proceed.

Mr. Bower replied Idaho Law did prohibit a City from allowing a use that their City code otherwise prohibited but explained what they were advancing was the code at the time of the application applied. Idaho Law allowed conditional rezone and advancing with the conditions discussed was allowed. He thought it was a good idea for the City as it would cap future multifamily development.

Council President Buban-Vonder Haar asked if they were willing to do a PUD once they figured out what commercial was there. She was under the impression that would be a way to accomplish having townhomes and commercial in the C-1 zone.

Mr. Bower couldn't speak for Mr. Eck but the code allowed that with a PUD and prohibited uses could be pulled in on a case by case basis. However, it could put them in the same situation because they were discretionary.

Mr. Eck stated they were still not absolutely sure what they were going to do out there but they did want to retain a residential component. They still had rights that protected them from changes. If the Council agreed that their application clearly articulated their intended use, then they had made an application for a use specifically including multifamily and/or apartments.

Council President Buban-Vonder Haar asked, if she was not willing to meet them at that conclusion, would they be willing to do a PUD if they could commit to the restrictions that they presented.

Mr. Eck clarified she was referring to the max of 20 acres with a max of 10 units per acre and a max of 200 units.

Council President Buban-Vonder Haar replied yes.

Mr. Bower asked if the idea was, in addition to those conditions, the fourth condition would be, at the time of any multifamily development, it would be brought forward in a PUD application.

Council President Buban-Vonder Haar thought so but it was her attempt at spit balling. She was trying to avoid going forward with differing opinions of the legal interpretation and having to pursue litigation. She wanted to know if there was a way to resolve the matter in which they got the end product they wanted and the City didn't act contrary to zoning regulations.

Mr. Bower said if they could get a rezone approved that night with the conditions they asked for along with the fourth condition suggested by the City.

Council President Buban-Vonder Haar was not suggesting they would approve a rezone with these conditions because legal was saying they did not have the ability to do that. She was suggesting instead, if they could agree to do a PUD, if the City could give them some assurances, would they meet them in the middle with that.

Mr. Bower replied if they had a mechanism to give them assurance that would be something they would be interested in it.

Planning & Zoning Director Wendy Howell stated all of the things Council President Buban-Vonder Haar was suggesting were discussed in the meeting they had with Mr. Eck. She also commented that residential was never marked or filled out as to the intention on the rezone checklist.

Council President Buban-Vonder Haar didn't see in the Staff memo that a PUD was discussed but, if it was something that was a potential solution, could they offer assurances based on that.

City Attorney Bill Gigray reminded Council that PUDs went through a hearing process and to be pre-committed to an ultimate result would be a mistake. He suggested the applicant find out if Staff would entertain their intended use with a specific application they could make for a PUD that would lock in the ordinance that applied to that application.

Mr. Eck asked if it was conceivable to make a generic PUD application or did they actually have to have a complete layout like a preliminary plat.

Ms. Howell responded he would not need a complete layout but he would need to provide general information about how many acres would be in each zone for a PUD. A Special Use Permit for a PUD would be the application mechanism.

Mr. Eck clarified it would be a PUD application they would submit and run through the process that would lay out those generic zones and sizes. He asked if there would be flexibility within that.

Ms. Howell answered there was flexibility but it would depend on how it was approved. They would assume what was listed was what they would be moving forward with.

Mr. Eck clarified they couldn't just do a PUD for a maximum of 20 acres with a maximum density of R-10 and then go down from there.

Council President Buban-Vonder Haar added to Mr. Eck's statement stating they could just say the remainder would be commercial so in theory all of it could end up being commercial or any other combination going up to the maximum 20 acres.

Ms. Howell was not comfortable answering off the cuff. She believed staff and legal would need additional time to look at that.

Mayor Stear asked if Council was even comfortable with that kind of density in that area. For him that was a bad spot of town to put a whole bunch of houses in due to traffic in the area and the rise in the road. He would not be comfortable approving that density in that area.

Council President Buban-Vonder Haar stated she didn't want to put the cart too far in front of the horse but she didn't have an issue with the density or commercial being next to higher density residential.

Mr. Eck commented if they were going to have higher density anywhere in Kuna where better than right on Ten Mile or Meridian as they were major arterials. All commercial would impact traffic way more than residential would and the traffic impact study would determine all the improvements necessary. He asked, if Kuna did not want a higher density or more affordable housing there, then where would they want it.

Mayor Stear did not know what he meant by affordable housing. He asked affordable to who.

Mr. Eck referred to the information presented by Ada County Assessor Brad Smith and commented seeing \$400,000 to \$500,000 homes would start becoming more commonplace in Kuna and there were many out there who could not afford that. The townhome product was more affordable because it was smaller and sat on less land.

Mr. Bower added there was no opposition to this application and, with the law they had cited, they believed that Council had the authority to grant it.

Council President Buban-Vonder Haar said the issue was she didn't believe they had the authority to grant it.

Mr. Eck said a PUD application could be submitted with a limitation on the residential portion, they just didn't know for sure yet what was going to go out there.

By being as generic as possible they could move forward and get that PUD application submitted as soon as possible.

Council President Buban-Vonder Haar asked if he was okay with continuing to a date certain so they could figure out if the PUD was an option and how to move forward or would they want to table indefinitely while the PUD application moved forward.

Mr. Eck thought, if they could table it indefinitely while staff determined if they could submit a more generic PUD and bring it forward the same night as the rezoning, then he would be ok with that.

Council President Buban-Vonder Haar suggested continuing to the next meeting would give time to see if the PUD would work and, if it did, they could table indefinitely. If the PUD didn't work, they would still be on the agenda to make a definitive decision. She asked Mr. Eck if that sounded like a good plan.

Mr. Gigray thought this idea was probably good. There was a lot of uncertainty with going forward and meeting with Staff about the PUD would be time well spent. He appreciated the applicant's willingness to consider that approach.

Council President Buban-Vonder Haar appreciated it as well. She asked if the next meeting would work for him or if he would rather wait.

Mr. Eck asked to extend to the 18th as it would fit his schedule better and give time to communicate with Staff. He also said there were just so many unknowns.

Council President Buban-Vonder Haar understood his point and appreciated his willingness.

Mr. Eck asked if they were able to move forward with the Steiner application on that annexation and zoning request and table this one to the 18th.

Mayor Stear commented it would still be his preference to table both.

Council Member Christensen agreed.

Council President Buban-Vonder Haar understood what Council was saying but they were separate parcels. She wanted to clarify if Steiner was just an annexation.

Mr. Eck replied it was a request for an annexation and rezone to R6.

Council Member Christensen thought the reason for not moving forward still stood with the reason given last meeting. His preference was to approve them together.

Mr. Eck replied the 2 properties were under separate ownership even though the applications were submitted together, he just happened to be a member of both. Though they didn't know what was happening on the Bodahl property, he wasn't sure why they wouldn't want to know what was happening on the Steiner property. If they moved forward with R-10 it would be contiguous to the R-6 but, if they didn't move forward with that and went straight commercial, then what density did they see as appropriate right next to commercial.

Council President Buban-Vonder Haar felt that was the reason they didn't want to approve just the 1 property and not the other.

Mr. Eck replied, if they had the R-6, approved they would go in and produce a layout that would have higher density contiguous to the commercial and lower density away from the commercial. If it were straight commercial, they would want to go with a higher density next to commercial but, either way, with it at R-6 they would plat with 6 lots per acre.

Council President Buban-Vonder Haar thought the suggestion from Council was, if they hadn't resolved the issues with 1 property, it interfered with the other.

Mr. Eck answered that was a platting issue. What they were moving forward with right now was the land use rights.

Council President Buban-Vonder Haar asked if he was going to start that layout process before the C-1 issue was resolved.

Mr. Eck stated they would not until they had the zoning on the Steiner piece but would begin conceptual layouts with their engineer.

Council President Buban-Vonder Haar asked if it would mess things up significantly for him if they kept the 2 applications together and pushed them out until the 18th.

Mr. Eck said it wouldn't, but he would like to get 1 done so they could focus completely on the other.

Mr. Gigray suggested they may have more clarification on this issue in 2 weeks when they had the opportunity to meet with Staff. Council would still have the option in 2 weeks to move forward with 1 and not the other.

Council President Buban-Vonder Haar asked Mr. Eck if that was ok with him.

Mr. Eck replied yes but he would really prefer to get 1 done.

Council President Buban-Vonder Haar said, if it was helpful, her read on it was that everything complied with the Comp Plan and City code. She didn't see a reason to deny the applications other than the C-1 issue.

Mr. Eck stated if they were moving the C-1 through a PUD it would push it farther down the road without being able to begin looking at a layout on the Steiner property.

Council President Buban-Vonder Haar proposed they tabled everything to June 18, 2019 and at that point they would have more clarity.

Mr. Eck asked if they could proceed with a rezone and a PUD at the same time.

Council President Buban-Vonder Haar confirmed that was correct if everyone could get on the same page with the PUD.

Mr. Eck asked if they could hold the rezone while getting the PUD caught up.

Council President Buban-Vonder Haar replied yes, so they were retaining their rights and, in case that fell apart, they could still have the ability to argue their point.

Mr. Eck said if they came in again looking for a C-1 approval with the multifamily.

Council President Buban-Vonder Haar believed that they were on the same page.

Mr. Eck asked if it could be done that way.

Council President Buban-Vonder Haar confirmed that was what they would be exploring in the next 4 weeks.

Mr. Gigray said it was his understanding they could file multiple applications at the same time and at this point it would be up to Staff to review and comment on what they would support. He thought that tabling would give the applicant and Staff ample time and it was a good thing to go through. He reiterated he was thankful for the applicant's willingness to do that.

Council Member Cardoza asked, if they changed this to a PUD in another hearing, would they have to go back out and republish for public testimony.

Mr. Gigray responded yes, because there was a specific process required to be followed.

Mr. Eck asked if the City would waive the PUD application fees.

Council President Buban-Vonder Haar suggested they first figure out if it was going to work.

Council President Buban-Vonder Haar moved to continue the Public Hearing and consideration of 18-07-AN (Annexation) & 18-05-ZC (Rezone) to the Council

Meeting on June 18, 2019. Seconded by Council Member McPherson. Motion carried 4-0.

7. Business Items:

- A.** 2019 Disabled American Veterans Forget-Me-Not-Days Proclamation – Mayor Stear
(Timestamp 01:47:03)

Mayor Stear read the proclamation.

- B.** Consideration to approve expenditure of \$200,000 out of Park Impact Fee Fund to start construction on Ashton Estates Park – Bobby Withrow, Parks Director
ACTION ITEM
(Timestamp 01:48:39)

Parks Director Bobby Withrow presented the request. They wanted to start with a small parking lot, restrooms, and a fence, then proceed to the approximate 2 acres of open space and playground equipment. He stood for questions.

Mayor Stear clarified this was the park over by where they were building D&B Supply.

Mr. Withrow confirmed that was correct.

Council President Buban-Vonder Haar moved to approve the expenditure of \$200,000 out of Park Impact Fee Fund to start construction on Ashton Estates Park. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

- C.** Request for funds in the amount of \$45,000 for Downtown Street Lights – Bob Bachman, Public Works Director **ACTION ITEM**
(Timestamp 01:50:45)

Request was originally scheduled for FY 2020 but the timeline has accelerated and the cost has gone up due to anticipated 30% Tariff increase.

Public Works Director Bob Bachman reviewed their past budget request and that half of the expense for the lights was approved. Now, due to his understanding of the tariff increases, he was requesting to buy all of the lights. They would be receiving a discount for buying all of the lights ahead of time. He noted there was a small

chance if they did not do it that way, they would have to make sure, with the federal funding, that sole sourcing the lights was ok.

Council Member Christensen clarified it would be contingent on that federal funding.

Mr. Bachman replied yes, and they would have to verify and get the official approval.

Mayor Stear asked why the tariffs applied.

Mr. Bachman explained, due to governmental Buy America Standards, the light poles were American steel but the light components themselves were made in China and that was where the tariffs came into play.

Council President Buban-Vonder Haar remembered it had been previously asked to purchase these to ensure that they matched which was a big consideration to her.

**Council President Buban-Vonder Haar moved to approve the expenditure of \$45,000 from the contingency fund for Downtown Street Lights. Seconded by Council Member McPherson. Approved by the following roll call vote:
Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar, and McPherson
Voting No: None
Absent: None
Motion carried 4-0.**

8. Ordinances:

A. Consideration to approve Ordinance No. 2019-18 ACTION ITEM (Timestamp 01:54:07)

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

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

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-18. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-18. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

**B. Consideration to approve Ordinance No. 2019-19 ACTION ITEM
(Timestamp 01:55:37)**

A MUNICIPAL ANNEXATION AND ZONING ORDINANCE OF THE CITY COUNCIL AND THE CITY OF KUNA;

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. S1325438500 OWNED BY SSM2 COMPANY SITUATED WITHIN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND
- RESPECTIVELY ESTABLISHING R-6 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTY; AND
- AMENDING THE OFFICIAL ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-19. Seconded by Council Member McPherson. Motion carried 4-0.

Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-19. Seconded by Council Member McPherson. Approved by the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

9. Mayor/Council Announcements:

(Timestamp 01:57:06)

Planning & Zoning Director Wendy Howell shared the Comprehensive Plan would be on the next agenda.

Council President Buban-Vonder Haar asked Parks Director Bobby Withrow for an update on the Splashpad.

Mr. Withrow said things were good so far and they had training scheduled for that week. If nothing unexpected happened it would be open for that weekend.

Council President Buban-Vonder Haar stated that was excellent.

10. Executive Session:

A. Adjourn to Executive Session pursuant to:

(Timestamp 01:58:18)

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

- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Mayor Stear indicated he, Council, City Attorney Bill Gigray, Planning and Zoning Director Wendy Howell, and Public Works Director Bob Bachman would remain for the Executive Session.

Council President Buban-Vonder Haar nominated City Attorney Bill Gigray as the secretary to take minutes.

Council President Buban-Vonder Haar moved to adjourn to Executive Session pursuant to Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Seconded by Council Member McPherson. Motion carried 4-0.

Executive Session City Council Regular Meeting of May 21, 2019– The City Council, upon a unanimous roll call vote, convened into the Executive Session, pursuant to Idaho Code Section 74-206 (1) (f) to communicate with the City Attorney in order to discuss the legal ramifications of and legal options for a controversy not yet being litigated but imminently likely to be litigated. The executive session was convened at 7:59 p.m. In attendance were Mayor Joe Stear, Council President Briana Buban-Vonder Haar, Council Member Richard Cardoza, Council Member Greg McPherson, and Council Member Warren Christensen. Also in attendance, by request of the Mayor and Council, were Bob Bachman, City Public Works Director,

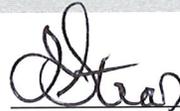
Wendy Howell, City Planning and Zoning Director, and City Attorney Wm. F. Gigray, III. Wm. F. Gigray, III was appointed as special clerk to take the minutes of this executive session. Information was then provided by Bob Bachman, Wendy Howell, and Wm. F. Gigray, III to the Mayor and the Members of the City Council regarding the subject of the executive session. At 8:26 p.m. Council President Briana Buban-Vonder Haar moved and Council Member Greg McPherson seconded to come out of executive session and to reconvene into open session which motion passed unanimously.



Wm. F. Gigray, Clerk of Executive Sessions.

Open session resumed and Mayor Stear reported that information was received during the executive session relative to the announced purposes for going into the executive session and no action was taken by the City Council.

11. Adjournment: 8:37 P.M.



Joe L. Stear, Mayor

ATTEST:



Ariana Welker, Deputy City Clerk

*Minutes prepared by Jessica Reid, Customer Service Specialist
Date Approved: CCM 06.04.2019*



City of Kuna

Primary Roll Assessment Notice Summary

Tax District 17

As of: 5/16/2019

	2019 (preliminary)	2018	% Change 2018-19
Total Kuna City Market Value	1,860,311,200	1,410,884,900	31.85%
Homeowner's Exemption	-531,360,493	-460,428,640	15.41%
Exemptions (Compared to Previous Year)	-360,600		
Operating Property (Last Year's Value)	17,603,130		
Potential Total Ada County Taxable Value	1,346,193,237	966,505,620	39.28%

Residential

Residential Market Value	1,745,557,500	1,300,405,900	34.23%
Residential Parcel Count (residential includes farms & manufactured homes)	8,331	7,399	12.60%

Commercial

Commercial Market Value	105,928,400	88,656,100	19.48%
Commercial Parcel Count	260	251	3.59%
Personal Property	8,825,300	7,674,316	15.00%
Personal Property Count	124	96	29.17%
TOTAL COMMERCIAL	114,754,084	96,330,763	19.13%

New Construction

Residential (Including Manufactured)	78,295,300	49,839,300	57.10%
Residential Count	489	351	39.32%
Commercial (Including Remodels)	12,127,400	7,781,600	55.85%
Commercial Count	10	8	25.00%
New Subs/Change Status	53,174,100	22,837,400	132.84%
Overall (Includes Value Decrease)	143,596,800	80,458,300	78.47%

Change Estimates

Residential Improved	Mean	18.12%	12.82%
	Median	18.49%	11.72%
Commercial Improved	Mean	8.80%	7.84%
	Median	3.61%	5.94%

2018

Residential Property Tax Burden	88.00%
Commercial Property Tax Burden (Operating Property & Sub Roll Included in calculation)	12.00%

Assessment Notices

Assessment Notice Mailing Date	5/24/2019	5/25/2018
Number Mailed	8,715	7,746

DISCLAIMER : THIS IS ONLY AN ESTIMATE AS OF THE DATE ABOVE. THE ASSESSOR SHALL NOT BE HELD LIABLE FOR ANY DAMAGE OR LOSS CAUSED BY THE USE OF THE INFORMATION IN THIS REPORT. ANY PERSON OR ENTITY THAT RELIES ON INFORMATION OBTAINED FROM THIS REPORT DOES SO AT HIS/HER/ITS OWN RISK.



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274
Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET May 21, 2019 – City Council Public Hearing

Case Name: 18-07-AN (Annexation) & 18-05-ZC (Rezone) – Bodahl-Stiner Annexation

Case Type: Tim Eck requests to annex two parcels comprising of approximately 40 acres at 3925 W Hubbard Road into Kuna City Limits with an R-6 zoning designation; and to rezone approximately 40 acres at 3003 N Ten Mile Rd. The subject sites are within Section 15, Township 2 North, Range 1 West; (APN's S1315120800, S1315120700, & S1315110051)

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

IN FAVOR		NEUTRAL		IN OPPOSITION	
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
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City State, Zip

From: "Sam Weiger" <sweiger@kunaid.gov>

Date: Mon, May 20, 2019 at 3:54 PM -0700

Subject: Bodahl-Stiner Questions and Answers

To: "Mayor Stear" <mayorstear@kunaid.gov>, "Briana Buban-Vonder Haar" <bbuban@kunaid.gov>, "Richard Cardoza" <rcardoza@kunaid.gov>, "Warren Christensen" <wchristensen@kunaid.gov>, "Greg McPherson" <gmcpherson@kunaid.gov>, "Timothy Eck" <timothyeck@me.com>, "jeffbower@givenspursley.com" <jeffbower@givenspursley.com>

Cc: "Wendy Howell" <whowell@kunaid.gov>, "Chris Engels" <cengels@kunaid.gov>

Mr. Mayor, Members of the Council, Mr. Eck and Mr. Bower,

Council President Buban-Vondar Haar asked staff questions about Case Nos. 18-07-AN & 18-05-ZC (Bodahl-Stiner Annexation), which will be continued at the public hearing tomorrow evening. I've copied and pasted her questions, staff's answers and the City Attorney's legal review of the questions and answers.

1. Under the current zoning rules, what would be required if the applicant in order to build multi-family housing? (What zoning, what steps from this point, etc.)
 - a. **The applicant will be required to apply for a lot split and rezone the new parcel that comes from the lot split to whichever residential zoning density (R-8, R-12, etc.) meets the applicant's need. This application will have to be submitted after the approval of the applications that are being presented on May 21.**
 - b. **WFG COMMENT: I will defer to your comment above as long as such an application could be made for the R-8, R-12 etc. if such zones could be considered in compliance with the City's Comprehensive Plan. You may want to present an additional approach which would be: That the Applicant amend their application in order to seek the correct zoning for their intended use and development and applicant could at the same time file an application for plat approval in order to lock in the use currently allowed in the zoning designation they request in their amended application. I realize they will have to start over if they follow this approach. Another approach could be a planned unit development pursuant to Chapter 7 of Title 5 Kuna City Code.**
 - c. **All of those suggestions were ran past Mr. Eck. He did not want to move forward with those ideas.**
2. Would the applicant be permitted to build multi-family on this site if it was zoned C-1 but they executed a Development Agreement? What are other options to allow multi-family development short of a rezone?
 - a. **No, the applicant cannot build multi-family on this site with only a development agreement and approval of the current applications. The only option for the applicant is to apply to split the Bodahl property and rezone the split parcel to residential.**
 - b. **WFG COMMENT: I agree with your comment. The City cannot authorize a use not allowed in the zone by a development agreement. [See Idaho Supreme Court decisions: *City of Coeur d'Alene v. Simpson*, 136 P.3d 310, 142 Idaho 839 (2006); *County of Ada, Board of County Com'rs v. Walter*, 96 Idaho 630, 533 P.2d 537 (1984).]**
3. What concerns, if any, does the City have with executing a Development Agreement (or other agreement) in this situation?
 - a. **The City is concerned that executing a development agreement will allow the applicant to get the multifamily that he needs without complying with the new ordinance. The City is also concerned that if the applicant does not comply with the new ordinance, future applicants will attempt to utilize this strategy against the City.**
 - b. **WFG COMMENT: I recommend the answer to this question is the same as the answer to question 2. The Applicant's intended use of the subject property, which is in violation of the uses authorized in the requested C-1 zone, cannot be authorized by a development agreement.**

4. What concerns, if any, does the developer have with executing a Development Agreement (or other agreement) in this situation?
 - a. **The developer did not express any concerns about the development agreement**
 - b. **WFG COMMENT: I recommend that the answer to this question is the same as the answer to 2 and 3. The Developer's intended multifamily use cannot be authorized in a C-1 Zone by a development agreement.**

Thanks,

SAM WEIGER

Planner I

City of Kuna

751 W 4th Street

Kuna, ID 83634

Sweiger@kunalD.gov



Ariana Welker

From: Jeffrey W. Bower <jeffbower@givenspursley.com>
Sent: Tuesday, May 21, 2019 3:21 PM
To: Sam Weiger; Mayor Stear; Briana Buban-Vonder Haar; Warren Christensen; Richard Cardoza; Greg McPherson; Timothy Eck; Ariana Welker
Cc: William F. Gigray; Wendy Howell
Subject: RE: Revised Legal Memorandum [IWOV-GPDMS.FID881695]

Thank you, Sam. We have reviewed. The applicant maintains that its rights were vested at the time of application. We are looking forward to advancing this position at tonight's hearing. See you then.

Jeff

Jeff Bower
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
main 208-388-1200
direct 208-388-1260
fax 208-388-1300
jeffbower@givenspursley.com
www.givenspursley.com

From: Sam Weiger <sweiger@kunaid.gov>
Sent: Tuesday, May 21, 2019 1:27 PM
To: Mayor Stear <mayorstear@kunaid.gov>; Briana Buban-Vonder Haar <bbuban@kunaid.gov>; Warren Christensen <wchristensen@kunaid.gov>; Richard Cardoza <rcardoza@kunaid.gov>; Greg McPherson <gmcpherson@kunaid.gov>; Timothy Eck <timothyeck@me.com>; Jeffrey W. Bower <jeffbower@givenspursley.com>; Ariana Welker <awelker@kunaid.gov>
Cc: William F. Gigray <wfg@WHITEPETERSON.com>; Wendy Howell <whowell@kunaid.gov>
Subject: Revised Legal Memorandum

Mr. Mayor, Members of the Council, Mr. Eck, Mr. Bower,

A revised legal memo regarding Case Nos. 18-07-AN & 18-05-ZC, Bodahl-Stiner Annexation, has been sent to me today from City Attorney Bill Gigray. I have attached the memo to this email.

Thanks,

SAM WEIGER

Planner I
City of Kuna
751 W 4th Street
Kuna, ID 83634
Sweiger@kunaID.gov



White Peterson

Attorneys at Law
5700 E. Franklin Road, Suite 200
Nampa, Idaho 83687
Telephone: (208) 466-9272

Revised Memorandum¹

Attorney/Client Privileged Information

To: Sam Weiger
Planner 1
City of Kuna
Via e-mail to: sweiger@kunaid.gov

From: Wm. F. Gigray, III

Date: May 21, 2019

Re: **18-07-AN (Annexation) & 18-05-ZC (Rezone) for Thistle Farm, LLC and Bodahl Farm, LLC/Tim Eck**
*Letter from Applicant's attorney Mr. Jeff W. Bower addressed to the Mayor and City Council via e-mail to Chris Engels dated March 18, 2019.

I have prepared this legal memo in order to provide legal advice in reference to the above referenced letter from the Applicants' attorney. The issue of concern is the Applicants' claim that they are entitled to pursue, in a subsequent development application, multi-family residential development and use of the real property which is the subject of their applications for annexation and C-1 Zoning even though the C-1 Zoning ordinance has been amended and multi-family use is no longer permitted in a C-1 Zone.

Facts Assumed:

1. The Applicant filed an application for the annexation and an application for the rezoning of the subject real property to a C-1 Commercial Zone.
2. Applicant filed their application for rezone on November 25, 2018.
3. Applicant has not filed any other applications for permits.
4. The City Council adopted Ordinance No. 2019-04 which amended the C-1 Zone allowed uses, which after its effective date upon publication, now no longer includes multi-family residential uses.

¹ This Memorandum has been revised to discuss additional legal authority that supports the analysis provided in our letter dated March 25, 2019.

5. Letter asserts that the City Staff recommendation that the City Planning and Zoning Commission's recommendation: "*The Planning and Zoning Commission recommended a condition that 'The preliminary plat shall include no more than 25 acres of multi-family use.'* Due to Ordinance No. 2019-04, staff recommends that the condition be removed." is incorrect and that the Idaho Supreme Court holdings in *S. Fork Coal, v. Bd. Of Comm'rs of Bonneville Cty.*, 117 Idaho 857 (1990) and *Taylor v. Canyon Cty. Bd. Of Comm'rs*, 147 Idaho 424 (2009) support the Applicant's position.

Opinion: The City Staff's recommendation that the Planning and Zoning Commission's condition, regarding multi-family use, be removed is correct. I agree that it is the law in Idaho that: "... *an applicant's rights are determined by the ordinance in existence at the time of filing an application.*" This rule does not apply to the Planning and Zoning Commission's recommendation because the Applicant has not filed any application for any multi-family development. All that was before the Planning and Zoning Commission and is now before the City Council is an application for annexation and zoning designation, neither of these applications seek a permit or approval of any multi-family development. If the applicants had filed, at the same time they filed for annexation and zoning an application for a PUD or some other application seeking a permit to construct multi-family residences, such an application would have proceeded under the prior zoning ordinance.

Mr. Bower cited two Idaho Cases in support of the Applicant's position, but has failed to consider the distinguishing factual situations presented in those cases to the factual situation now presented by the Applicants' applications.

Review of Cases cited by Attorney Bower:

- *South Fork Coal, v. Bd. Of Comm'rs of Bonneville Cty.* - involved an application for preliminary approval of a PUD of sixty-six single family residential units. The Bonneville County ordinance, at the time the PUD application was filled, would have permitted such a development, but after the application was filed Bonneville County amended its zoning ordinance which only allowed one residence every sixty acres in the zone. The Supreme Court, at page 861, applied the rule that the *applicant's rights are determined by the ordinance in existence at the time of filing an application for a permit.* In this case, the application was for a specific development permit.
- *Taylor v. Canyon Cty. Bd. Of Comm'rs*, 147 Idaho 424 (2009) - involved, among other issues, a determination as to whether a conditional rezone was in accordance with the County's comprehensive plan. The 1995 Comprehensive Plan was in effect at the time the application was filed.

Subsequently, the County approved the 2010 Comprehensive Plan. The issue was which Comprehensive Plan is to be applied in determining whether the application was in accordance with the policies set forth in the comprehensive plan. The Court held, at page 436, that the *applicant's rights are determined by the ordinance in existence at the time of filing an application for the permit.*

Some other Idaho cases involving issue of ordinance application:

- *Urrutia v. Blaine County*, 134 Idaho 353 (2000) - involved an application for subdivision approval. An issue in the case was whether the evaluation of the subdivision application should have been under the 1975 comprehensive plan or the 1994 revision of that plan. The subdivision application was filed when the 1975 comprehensive plan was in effect, and the Idaho Supreme held, at page 359, that *an applicant's rights are determined by the ordinance in existence at the time of filing an application.*
- *Canal/Norcrest/Columbus Action Committee v. City of Boise*, 137 Idaho 377 (2002) - involved an application for a conditional use permit for a mobile home park. There was an amendment to the mobile home park provisions of the City's ordinance after the application was filed. The Idaho Supreme Court at page 379 applied the same rule that *an applicant's rights are determined by the ordinance in existence at the time of filing an application for the permit.*
- *Foster v. City of St. Anthony*, 122 Idaho 883 (1992) – involved a building that the city of St. Anthony had leased to the State of Idaho for use as a correctional facility. A citizen challenged the validity of the lease on grounds that the applicable zoning ordinance did not allow for that use without a special use permit (which had not been issued). The trial court then enjoined the city and State from using the building as a correctional facility. Thereafter, the city amended its zoning ordinance and the property was rezoned as a “public service district.” The state then applied for a new building permit, which the planning and zoning commission approved based upon the amended ordinance that had taken effect. Citing *South Fork Coalition*, the Idaho Supreme Court at page 887 upheld the decision to approve the building permit on grounds that the ordinance in effect when the building permit application was submitted controlled, not the earlier ordinance.

What is different factually from this zoning application now before the City Council and the cases relied upon by Applicant above is: the Applicants' applications and zoning do not include an application for a permit to develop and use the subject property for multi-family

residential uses. Consistent with *Foster*, which is not discussed in Mr. Bower's letter, if such an application had been filed, before the amendment of the C-1 Zone, the prior zoning ordinance governing C-1 zones would apply.

The City has the authority to amend its zoning ordinances which affect existing land uses as provided in Idaho Code Section 67-6511. The Idaho law recognizes when a property owner is in a lawfully existing use of their property prior to an enactment of a zoning ordinance, which prohibits that use after the effective date of the ordinance, even though that use is not in compliance with the new zoning ordinance, it is a lawful *nonconforming use and has grandfather rights which protects the owner from abrupt termination of what had been a lawful condition or activity on the property*. [*Baster v. City of Preston*, 115 Idaho 607 (1989) at page 609; also see *Kootenai County v. Harriman-Sayler*, 154 Idaho 13 (2012) at page 18]. The Applicants have not applied for any permitting of any multi-family residential use of the real property which is the subject of the applications.

The City cannot now permit a use that is prohibited by its land use ordinance. *City of Coeur d'Alene v. Simpson*, 136 P.3d 310, 142 Idaho 839 (2006). Therefore, under the City's current C-1 zoning ordinance, any condition of zoning approval that included a special condition which limited multi-family use development is contrary to the City's current zoning ordinance.

WHITE PETERSON



Wm. F. Gigray, III

W:\Work\K\Kima, City of 25721\Planning & Zoning Matters .002\Legal Opinions\Legal Memo re Thistle Farm and Bodahl Farm 3-25-19 lh.doc



City of Kuna
 Planning & Zoning
 Department
 P.O. Box 13
 Kuna, Idaho 83634
 208.922.5274
 Fax: 208.922.5989
 Website: www.kunacity.id.gov

Rezone Checklist

Rezone requires public hearings with both the Planning & Zoning Commission and City Council. Public hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online.

Project name:	Applicant:
----------------------	-------------------

All applications are required to contain one copy of the following:

Applicant (✓)	Description	Staff (✓)
	Completed and signed Commission & Council Review Application.	
	Letter of Intent indicating reasons for proposed rezone.	
	Vicinity map drawn to scale, showing the location of the subject property. Map shall contain the following information: Shaded area showing the rezone property, Street names and names of surrounding subdivisions.	
	Legal description of the rezone area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	
	Development Agreement & Development Agreement Checklist	
	Recorded warranty deed for the property.	
	Proof of ownership—A copy of your deed and Affidavit of Legal Interest. (All parties involved)	
	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	
	Commitment of Property Posting form signed by the applicant/agent.	

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a Public Hearing be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.



City of Kuna AFFIDAVIT OF LEGAL INTEREST

City of Kuna
P.O. Box 13
Kuna, Idaho 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Web : www.Kunacity.id.gov

State of Idaho)
)
County of Ada)

I, _____ , _____
Name Address

City State Zip Code

being first duly sworn upon oath, depose and say:

(If Applicant is also Owner of Record, skip to B)

A. That I am the record owner of the property described on the attached, and I grant my
permission to _____
Name Address

to submit the accompanying application pertaining to that property.

B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any
claim or liability resulting from any dispute as to the statements contained herein or as to
the ownership of the property which is the subject of the application.

C. I hereby grant permission to the City of Kuna staff to enter the subject property for the purpose
of site inspections related to processing said application(s),

Dated this _____ day of _____, 20_____

Signature

Subscribed and sworn to before me the day and year first above written.

Notary Public for Idaho

Residing at: _____

My commission expires: _____



City of Kuna
**COMMITMENT TO
PROPERTY POSTING**

City of Kuna
P.O. Box 13
Kuna, Idaho 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.Kunacity.id.gov

Per City Code 5-1A-8, the applicant for all applications requiring a public hearing shall post the subject property not less than ten (10) days prior to the hearing. The applicant shall post a copy of the public hearing notice or the application (s) on the property under consideration.

The applicant shall submit proof of property posting in the form of a notarized statement and a photograph of the posting to the City no later than seven (7) days prior to the public hearing attesting to where and when the sign (s) were posted. Unless such Certificate is received by the required date, the hearing will be continued.

The sign (s) shall be removed no later than three (3) days after the end of the public hearing for which the sign (s) had been posted.

I am aware of the above requirements and will comply with the posting requirements as stated in Kuna City Code 5-1A-8

Applicant/agent signature

Date