

## 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, August 6, 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 - Absent

**CITY STAFF PRESENT:**

Bob Bachman, Public Works Director  
Jared Empey, City Treasurer  
Chris Engels, City Clerk  
Bill Gigray, City Attorney  
Lisa Holland, Economic Development Director  
Wendy Howell, Planning & Zoning Director  
Nancy Stauffer, Human Resources Director  
Bobby Withrow, Parks Director  
Troy Behunin, Planner III  
Jace Hellman, Planner II

**2. Invocation: None**

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

**4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS  
(Timestamp 00:00:45)**

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

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, July 16, 2019**

**B. Accounts Payable Dated August 1, 2019 in the Amount \$306,057.18**

**C. Resolutions**

**1. Consideration to approve Resolution No. R50-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FOR CRIMSON POINT NO. 9 FROM COREY BARTON HOMES, INC.

**2. Consideration to approve Resolution No. R51-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO ACCEPTING THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FOR WINFIELD NO. 4 FROM TOLL ID I, LLC.

**3. Consideration to approve Resolution No. R52-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO ACCEPTING THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FOR LEDGESTONE FROM ENDURANCE HOLDINGS LLC.

**4. Consideration to approve Resolution No. R53-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO ACCEPTING THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FOR LEDGESTONE FROM JRL PROPERTIES L.P.

**5. Consideration to approve Resolution No. R54-2019**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO ACCEPTING THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FOR LEDGESTONE FROM THEONE J. JOHNSON and G. ELAINE JOHNSON.

**D. Final Plats**

1. Consideration to approve Case No. 19-03-FP (Final Plat) for Ardell Estates No. 3.

**E. Findings of Fact and Conclusions of Law**

1. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 19-01-AN for Guido Annexation.

**Council President Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member Christensen. Approved by the following roll call vote: Voting Aye: Council Members Cardoza, Christensen, and Buban-Vonder Haar  
Voting No: None  
Absent: Council Member McPherson  
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.)**

- A. Public Hearing and Consideration to approve 19-02-AN (Annexation), 19-01-ZC (Rezone) and 19-01-S (Preliminary Plat) for Greyhawk West Subdivision – Troy Behunin, Planner III ACTION ITEM  
(Timestamp 00:01:20)

A request by Providence Properties, LLC. to annex approximately 29.15 ac. into Kuna with an R-6 zone, and to rezone approx. 10.45 ac. from Ag. to R-6 (Med. Density Residential). Applicant requests preliminary plat approval to subdivide the approx. combined 39.33 acres into 174 total lots with a proposed gross density of 3.97 DUA, and the proposed net density is approx. 5.04 DUA. The application also includes a Design Review application for the common lots. The subject site is near the southwest corner of Hubbard and Kay Avenue, Kuna, in Section 13, T 2 N, R 1 E (APN #'s S1313212470 & S1313244650).

Planner III Troy Behunin presented the staff report. He noted the applicant had worked very hard with the Kuna School District to accommodate pick-ups and safe routes to school. The applicant and staff also met with Parks Director Bobby Withrow to come up with a plan to provide a substantial amenity on the west side of the project. If this were to be approved it would add nearly 2,000 feet and connect two adjacent subdivisions. People would be able to walk all the way from Deer Flat to about a quarter mile north of Hubbard Road in the Timbermist Subdivision. He further reviewed the project, stated staff supported it, and stood for questions.

Kent Brown, 3161 E Springwood, Meridian, Idaho 83642, represented the applicant. He reviewed this was an extension from Greyhawk Subdivision, what they had done in the past in Kuna, and what they planned with this application. Mr. Brown also noted the work they had done with the School District and the Park's Department. They would be connecting to the Saranda Subdivision pathway and extending it further. There would be 155 residential lots. A design change next to the Saranda Subdivision reduced the total number of residential lots and eliminated an access to Hubbard Road but an emergency access would remain. The changes had been discussed with the highway district. He stood for questions.

Council Member Cardoza noted the school district was asking for 2 covered bus stops at each entrance off of Kay Street and asked if that was possible.

Mr. Brown replied it was.

Mayor Stear asked if the school district discussed enrollment and school capacity with them.

Mr. Brown said the discussion was about transportation, not enrollment.

Mayor Stear opened the public hearing.

Support: None

Against: None

Neutral:

Rick Morino, 855 W Hubbard Road, Kuna, Idaho 83634, hoped to work with Mr. Brown but wanted to bring attention to his irrigation water which came from a head gate off the Toll Brothers development. It came out in the southwest corner of the development that was being looked at and went north/northeast in a surface ditch. He wanted to make sure things were coordinated so the changes would be done in the off season, or however they wanted as long as there was no disruption. He was also concerned about the durability of the development's fencing. He did a lot of weed control on both sides of his property with spraying and burning and he had livestock around. He figured he could talk to the developer about that. He was not opposed to this project. He just wanted to make sure the changes did not change his way of life. He stood for questions.

Rebuttal: None

Public Works Director Bob Bachman said the City would work with both of them to make sure the point of delivery and the point of discharge were protected and maintained. He invited Mr. Morino to come visit with him at any point during construction if he had any problems.

Council President Buban-Vonder Haar clarified that Mr. Morino was concerned about the type of fencing surrounding Greyhawk West.

Mr. Morino replied yes. He wasn't sure if they were planning on doing a wrought iron along the canal and the walking path. He thought it would be a bit more durable around his property. He preferred it not be vinyl if he had a choice. If it was vinyl, he would have to change how he did some things since he burned along his surface ditch and fence line.

Council Member Christensen asked about the proposed extension of Kay Street and the timeline.

Mr. Behunin said there was phasing in place and it was in the packet. The phasing would go north.

Council Member Cardoza asked if the gross and net DUA should be reversed on the agenda.

Mr. Behunin responded no and explained gross was raw land and net excluded rights-of-way.

Council President Buban-Vonder Haar recommended Mr. Morino address the fence concerns with the developer and that they work it out together. In terms of what was in the packet, it appeared this complied with the COMP plan and future land use map in terms of density. She appreciated the open spaces built into the subdivision. The developer indicated the school requests were being addressed with covered bus stops. The Planning and Zoning commission found it in compliance and recommended approval. She stated it looked like approval was appropriate and asked for clarification on the verbiage and if it was approved this evening or later.

City Attorney Bill Gigray responded that the agenda was set up in the event there was any contention or, if there was not opposition, the entire application could be approved. He would defer to Mr. Behunin that all the necessary documents were in the staff report.

Council President Buban-Vonder Haar said that didn't exactly answer her question and she still needed clarification on how the approval should be phrased.

Mr. Gigray explained in their deliberations they made decisions on how they wanted the findings and final order worded and then, if there was no opposition, those findings were brought before Council at the next meeting under the Consent Agenda for approval.

Council President Buban-Vonder Haar said she would speak with him about it after the meeting.

**Council President Buban-Vonder Haar moved to approve 19-02-AN (Annexation), 19-01-ZC (Rezone) and 19-01-S (Preliminary Plat) with the conditions of approval as listed in the packet and close the Public Hearing. Seconded by Council Member Christensen. Motion carried 3-0-1. Council Member McPherson was absent.**

- B. Public Hearing and Consideration to approve 19-04-AN (Annexation) – Jace Hellman, Planner II ACTION ITEM  
(Timestamp 00:25:53)**

On behalf of Jefferson Washburn (Owner), Dave Washburn is requesting to annex an approximately nineteen (19) acre parcel in Kuna City Limits with an R-8 (medium density residential) zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West; (APN S1303141900).

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

Applicant Dave Washburn described the project and indicated it sat next to Memory Ranch Subdivision. ACHD had requested a connector road on the south property line which would eventually connect Ten Mile Road to Black Cat Road. The COMP plan listed this area as mixed use. It was proposed to have commercial on the south with a transition from Memory Ranch on the north which was why they had requested some R-8. Most of the project, if not all of it, would be under R-6 but along Ten Mile Road and some of the southern boarder would be town homes. Some of those townhomes could be under the R-6 requirement as far as frontage. They intended to do all single-family housing. The project would have nice homes but on smaller, low maintenance lots with affordability. They were looking at a demographic of younger people and folks who didn't want to deal with taking care of a lot of yard. There was a good deal of right-of-way and easement that would be taken out of the project because they had roadways on 2 sides and irrigation on 2 sides. That, with the interior roads and common ground, meant a lot of the property was taken for those reasons. He felt they would be able to do a nice transition project.

Mayor Stear asked how many acres were for commercial.

Mr. Washburn said there wouldn't be any commercial on his property but the COMP plan called for commercial in that area. Their project was all residential.

Planning and Zoning Director Wendy Howell clarified the area was zoned mixed use.

Mayor Stear opened the public hearing.

Support: None

Against: None

Neutral: None

Rebuttal: None

Council President Buban-Vonder Haar stated this complied with the COMP plan and Kuna City Code. She also agreed with the staff report.

**Council President Buban-Vonder Haar moved to close the Public Hearing and approve 19-04-AN (Annexation) with the conditions as listed and incorporating the Findings of Fact, Conclusions of Law as presented in the packet. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member McPherson was absent.**

## **7. Business Items:**

- A. Consideration to approve Resolution No. R55-2019 – Bob Bachman, Public Works Director ACTION ITEM  
(Timestamp 00:35:08)

A RESOLUTION OF THE CITY OF KUNA, IDAHO REPEALING RESOLUTION NO. R33-2012 AND THE CITY OF KUNA EDU (EQUIVALENT DWELLING UNIT) CHART IT ESTABLISHED AND ESTABLISHING A NEW METHODOLOGY OF CALCULATING EDUS AND PROVIDING AN EFFECTIVE DATE.

Bob Bachman, Public Works Director, reviewed the proposed change in calculating EDUs and stood for questions.

Council Member Cardoza asked about food and beverage and the difference between sit down and fine dining. He thought it should be standard or alike.

Mr. Bachman replied that was 1 of the reasons they felt changing to a fixture count instead of that chart was a good move for the City and the end user. It was more accurate and backed up by state code. What Council Member Cardoza was talking about was always a point of conversation when there was a sit-down restaurant. When asked, they all would say they were fine dining, which left staff to determine what was fine dining and what was just dining. It was 1 of the anomalies in the current chart.

Council Member Christensen clarified Exhibit A was what they wanted to get away from.

Mr. Bachman said yes.

City Attorney Bill Gigray added that any new fees that exceeded a 5% increase or resulted in a new fee would require a public hearing.

Mayor Stear said it was just changing how they calculated things so he didn't think it would be a new fee or change any fees.

Mr. Bachman said there was no fee increase. The base fee would stay the same.

Council President Buban-Vonder Haar supported the change and thought the City needed a transparent, predictable, objective EDU assessment method so that anyone looking at it would get the same answer. The current chart had been frustrating and she was happy to pass this resolution.

Council Member Cardoza asked if a doctor would have more fixtures because of cleanliness.

Mr. Bachman clarified state code set the requirements based on patient rooms for doctors and dentists. It was nice that it was all laid out for them in a code adopted by the State of Idaho that was established through the IBC and national building code. It was very fair in determining what style of business needs what fixture to accommodate the public. Using a ratio, roughly 21 fixtures was an EDU, it balanced it out between each business.

Mayor Stear added that a sink wasn't always considered 1 fixture. Depending on what it was and what it was used for, it could be 1.5 or 3 or whatever it worked out to. It was based on the capacity of the sink.

Mr. Bachman agreed and explained a fixture was not as simple as 1 sink is 1 fixture; 1 sink was about 4 fixtures. It added up fairly quickly to get to 21 but it was also based off of the capacity or volume that fixture was able to create.

Council Member Cardoza asked what happened if they passed out handi-wipes in order to avoid putting fixtures in the building.

Council President Buban-Vonder stated that was what was nice about it being in state code. They couldn't do that.

Mr. Bachman added the code set out the minimum standard. If they chose to go above and beyond that, it also addressed that, but if they did not meet the minimum standard set by State Code, they wouldn't be able to open.

Council President Buban-Vonder Haar liked that everybody would be on an even playing field.

Mr. Bachman shared it also was proven to promote conservation of water.

**Council President Buban-Vonder Haar moved to approve Resolution No. R55-2019. Seconded by Council Member Christensen. Motion carried 3-0-1. Council Member McPherson was absent.**

- B.** Request to authorize City Energy Audit by Ameresco – Bob Bachman, Public Works Director **ACTION ITEM**  
(Timestamp 00:47:30)

Public Works Director Bob Bachman presented the request and stood for questions.

Council President Buban-Vonder Haar asked if they decided to do a project, would another RFP be required or was that covered with what was already put out.

Mr. Bachman said what they did with selecting the firm allowed them to continue the project to completion.

Council President Buban-Vonder Haar asked if the \$8,000 would be billed later.

Mr. Bachman confirmed that was correct.

Council Member Cardoza asked if there was anything that wouldn't be provided with the audit that would be an additional cost.

Mr. Bachman didn't think there was unless they entered into an agreement to complete a project and that project was stopped in the middle but he couldn't think of a reason why the project would be. He noted this company was based out of Coeur d'Alene and they had been good to work with; very straight forward. Staff also checked all their references when they submitted their RFP and the firm did get results.

Council President Buban-Vonder Haar supported this. She thought it was great that the City was a community leader with conservation.

**Council President Buban-Vonder Haar moved to authorize the City Energy Audit by Ameresco and Bob Bachman to sign an agreement with Ameresco on behalf of the City of Kuna. Seconded by Council Member Christensen. Motion carried 3-0-1. Council Member McPherson was absent.**

- C. Request for \$8,000 from FY19 contingency to cover a portion of expenses for an Urban Renewal District Eligibility Study in this year's fiscal budget and Consideration to approve Resolution No. R56-2019 – Lisa Holland, Economic Development Director ACTION ITEM  
(Timestamp 00:54:26)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE "PROFESSIONAL SERVICES AGREEMENT" WITH JUB ENGINEERING, INC. FOR THE ECONOMIC DEVELOPMENT DEPARTMENT IN FACILITATING AN URBAN RENEWAL DISTRICT ELIGIBILITY STUDY; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Economic Development Director Lisa Holland presented the request and the professional services agreement. She stood for questions.

Council Member Cardoza asked what the total request was.

Ms. Holland noted it was on the back page of the contract and it was \$18,240. When they first started this process, they estimated an eligibility study cost would fall somewhere within \$15,000 and \$20,000, so it was in the range they expected.

Council President Buban-Vonder Haar was supportive of the request. She found the special session they had with the presentation incredibly enlightening. She thought it was never a bad idea to be armed with information. It was not requiring them to move forward with it or do anything with the information and she was glad that they would not have it before the election because she did not think any of them would know how they would want to move forward with it.

Mayor Stear thought it was a good idea. A feasibility study, in the long run, saved a lot money. If they started to go forward with something without that study, they could end up digging themselves a deeper hole that was of no value.

City Attorney Bill Gigray thought this feasibility study was very important to have for a proposed Urban Renewal District because it established that it was feasible for some financing to be done to facilitate the Urban Renewal Plan.

Council Member Cardoza asked if this was just for an Urban Renewal, not other options such as a LID or BID. He also asked if it was still legal with legislative changes.

Ms. Holland responded this was restricted to an Urban Renewal District and gave a brief review of what the process was for the different districts.

Mr. Gigray said it was legal and these studies were supported by the Association of Idaho Cities. He reviewed his experience with LIDs and BIDS.

Council Member Cardoza stated Kuna's Urban Renewal District had not been active for 20 years. He wanted to know if it was still legally an entity of the city.

Mr. Gigray said yes and because it was done prior to the law change they could continue with it as it was created.

Ms. Holland added that there were certain statues that had changed over time with Urban Renewal so it was more restrictive with what could be done with it but Kuna did have an agency in code. If Council did decide to move forward with creating a district plan after they were done with the eligibility study, it would still have to go through the approval process where it would come to them first. She reviewed how Urban Renewal Districts worked.

**Council President Buban-Vonder Haar moved to approve the expenditure of \$8,000 from FY19 contingency and to approve Resolution No. R56-2019. Seconded by Council Member Christensen. Motion carried 3-0-1. Council Member McPherson was absent.**

- D.** Consideration to approve COLA Payment to Mayor Stear – Jared Empey, City Treasurer ACTION ITEM  
(Timestamp 01:04:50)

City Treasurer Jared Empey reviewed the proposed COLA payment for Mayor Stear and stood for questions.

Council President Buban-Vonder Haar asked, if their goal was to set the Mayor's salary at what it would have been had COLA increases been occurring, what was that number.

Mr. Empey replied it would be the \$68,000 number starting October 1, 2019 which included the COLA increase for FY 2020.

Council President Buban-Vonder Haar stated it occurred to her they did not have any sort of ordinance on the agenda addressing a proposed change to Mayor pay.

City Clerk Chris Engels explained the existing code already allocated for the Mayor to have benefits. As indicated by the City Attorney, he should have been getting COLA all along. It was an oversight on the City's part. If Council wanted to change it from \$62,000 to \$68,000 with the COLA on top of that, they could bring back an ordinance. Otherwise this would just be the catch up of the back.

Council President Buban-Vonder Haar thought at the last meeting they were still talking about whether or not they were going to start including it going forward.

Ms. Engels explained that was discussed with the City Attorney after the Council Meeting and he reviewed it and made that determination.

City Attorney Bill Gigray stated he reviewed the code with staff and it specifically provided the Mayor's salary shall be \$62,000 per year plus City benefits payable in 12 equal payment periods as established by the payroll department. His advice to the City Clerk and City Treasurer was they should review those City benefits that had accrued since January 1, 2016, as established by the payroll department, and to do the calculations of what the Mayor should be owed, if anything, resulting as an interpretation of this ordinance; which is what Mr. Empey did and provided in his memo. This was following the ordinance as it existed. It did not increase the Mayor's salary any more than what was in the ordinance. If they wanted to revise the ordinance so it read differently, they could but they would have to meet the timeline.

Council President Buban-Vonder Haar asked about the figures listed out for Social Security, Medicare, and PERSI on the calculations page and if they were anticipating paying those directly to the employee since they failed to make the contribution.

Mr. Empey clarified he brought those up because they would show as budgetary items. The Social Security was actually the employer's portion. He wanted to make the Council aware of all the costs entailed.

Council President Buban-Vonder Haar asked if this error would be corrected by processing it in such a way that those payments would need to be made to Social Security, Medicare, and PERSI.

Mr. Empey replied yes and explained how that process worked.

Council President Buban-Vonder Haar asked City Attorney Bill Gigray if his position was this was informational and, should they do nothing, the payroll error would be corrected and moving forward the Mayor's pay would start getting the COLA adjustments.

Mr. Gigray said that was correct.

Council Member Cardoza asked Mr. Gigray to site the ordinance again.

Mr. Gigray replied KCC 1-5-2.

Council President Buban-Vonder Haar stated for the record she thought it was important, if this was intended to be a full-time salaried position, that, as with other full-time salaried positions, there would be COLA increases because they were meant to compensate for the cost of living. It was not a bonus. It made sense that be applied so the salary stayed appropriate regardless of the year.

Council Member Cardoza asked if the Mayor, who is elected, was considered an employee of the City.

Mr. Gigray replied yes.

No action was taken.

**E. Consideration to approve the Tentative Budget – Jared Empey, City Treasurer**

**ACTION ITEM**

*(Timestamp 01:17:06)*

1. General Fund Revenue
2. General Fund Expenses
3. Grant Fund
4. Late Comers Fund
5. Water Fund
6. Sewer Fund
7. Pressurized Irrigation Fund
8. Solid Waste Fund
9. Capital Projects Fund
10. Capital Projects Fund Detail
11. Park Impact Fund
12. Police Impact Fund

City Treasurer Jared Empey reviewed the tentative budget. He noted the General Fund Revenue number was finalized. They had received their final information from Ada County to compute that figure. The Property Tax Levy decreased due to high increase in property values throughout Kuna. For 2018 the levy rate was .0027 and for this fiscal year it would be .0026. All other changes were due to last minute payroll adjustments and a few other minor changes noted in final review such as a license or a due or membership that was added. Aside from that, nothing material was changed from the prior presentation. He stood for questions.

Council Member Cardoza clarified there was a total expenditure of \$9,547,100 and \$7,351,117 without contingency for a difference of about \$1,200,000. He asked what the contingency carryover would be.

Mr. Empey confirmed those numbers and noted contingency filled in the gap between the total expenditures and the grand total without contingency. The contingency carryover going into FY20 was approximately \$2.6 million.

Mayor Stear complimented Mr. Empey on his quality work on the budget.

Council President Buban-Vonder Haar asked if she needed to include any special verbiage in her motion.

City Attorney Bill Gigray provided clarification.

Mayor Stear added he did not feel they needed to go into great detail when it was listed out. They could just approve the tentative budget as presented in the packet.

Council Member Cardoza asked if the list of possible additions on page 17 of 19 had been included in the budget numbers.

Mr. Empey explained that detail page showed what was going into the Capital Project Fund, Water Fund, Sewer Fund, and Irrigation Fund as Capital Projects and confirmed they were all included in the budget as presented. He wanted to make sure Council was aware of all the major projects they would be engaging in in case they had any questions as to their appropriateness.

Council President Buban-Vonder Haar noted they were also denoted with a priority number 1 or 2 in case they decided they wanted to delete anything.

**Council President Buban-Vonder Haar moved to approve the tentative budget as presented. Seconded by Council Member Christensen. Approved by the following roll call vote:**

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

**Voting No: None**

**Absent: Council Member McPherson**

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

## **8. Ordinances:**

- A. Consideration to approve Ordinance No. 2019-22 ACTION ITEM**  
(Timestamp 01:25:02)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO

- AMENDING SECTIONS 1, 2, 3 and 4 OF CHAPTER 3 OF TITLE 3 KUNA CITY CODE MAKING TECHNICAL CHANGES TO PURPOSE, LICENSE REQUIREMENTS, LICENSE APPLICATIONS AND ADDING TERMS TO DEFINITIONS TO SOLICITORS AND PEDDLERS LICENSURE REQUIREMENT; AND
- AMENDING CHAPTER 3 OF TITLE 3 KUNA CITY CODE BY THE ADDITION OF A NEW SECTION 11 PROVIDING FOR A LICENSE EXEMPTION; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

City Clerk Chris Engels explained the reason for this change in code.

Mayor Stear stated there were some people that were figuring out new loop holes to get around the City's system by claiming to be non-profits while selling product.

City Attorney Bill Gigray stated he worked on this with Ms. Engels and he tried to make sure that everyone engaged in peddling or soliciting was required to

have a license. The idea was people would not be knocking on peoples' doors disturbing the quiet and peace people had in their homes or business without them knowing the City was aware of who was doing it. It did provide for the Clerk's Office to grant exemptions from the bond or license fee requirements as well as an extension of the six months.

Council President Buban-Vonder Haar asked for a couple minor formatting changes in section 3-3-11. Under A.2. the word "provides" should be "provided" and, for flow and clarity, 3 should be changed to B to make it another subsection with the bullets becoming numbered. She asked if this should be implemented immediately or if there should be 3 readings.

Ms. Engels replied 3 readings would be fine.

Council Member Cardoza asked Mr. Gigray what distinguished a non-profit entity in the eyes of the City.

Mr. Gigray explained they would need to provide, with their application, something that showed how they organized their association as a non-profit entity and what the charitable or educational aspects of that purpose were. The Clerk could demand they make that a part of their application.

Council Member Cardoza asked if this had been a problem in the city.

Ms. Engels replied yes and added that charitable was defined in the ordinance so any decisions would be based on that definition which said it is defined as, and includes, the words philanthropic, benevolent, education, civic, cultural, religious or fraternal. Any of those types of organizations, if they were known to the city or a known civic organization, staff knew they had existing bylaws that laid those things out. It would be unknown organizations that would need to provide.

Council Member Cardoza clarified they were limiting the non-profit status to those that resided in the city.

Ms. Engels thought there was nothing that said that. It would not be required.

Council President Buban-Vonder Haar said it was in License Exemptions under A. She also noted charitable was misspelled in that section.

Ms. Engels did not feel that was necessary. If Kuna didn't have an American Legion in Kuna and the closest was in Meridian, she believed they would recognize them as a charitable organization.

Council President Buban-Vonder Haar asked if they wanted organizations outside of Kuna to come in and solicit people.

Mr. Gigray replied they could. This only exempted them from the fees and the bonds and allowed them to potentially get an extension beyond the 6 months. He felt a solicitors/peddler ordinance was needed because people were going door to door doing who knows what so they should be licensed. The City would know who they were and who was responsible and who to go after. Exempting a charitable organization from that was not a good idea because a lot of people could say they were charitable and go door to door. Not regulating them was not the intent. It seemed to him the proper way to go about this was to give a break to those who were charitable and non profit and raising funds. Those in Kuna would be sponsoring events that would benefit residents and property owners within the City. Those were who he thought would have the priority versus someone in Washington D.C. but it was up to Council and it was easily changed.

Ms. Engels said they would take direction from Council on this. Her only thought was that, as part of this, political candidates that were not running for a Kuna office but represented Kuna may not necessarily have an office in Kuna.

Council President Buban-Vonder Haar said they were exempt. She felt organizations from a larger scale would not necessarily engage in door to door and was trying to think if this there were locals that would not have a Kuna connection.

Economic Development Director Lisa Holland noted there were a lot of regional nonprofits in the valley that might want to walk around to talk about a program.

Council President Buban-Vonder Haar asked if they ever did that.

Ms. Engels said not that she was aware of. She suggested leaving it as it was and if there was a problem, they could bring it back.

Council President Buban-Vonder Haar felt they should do the 3 readings and leave the language in for the next reading so people knew this was the direction they were going and could provide feedback if they wanted to.

Mayor Stear agreed.

**B. Consideration to approve Ordinance No. 2019-26 ACTION ITEM**  
(Timestamp 01:42:46)

**AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO**

- **AMENDING SECTION 2 OF CHAPTER 6 OF TITLE 1 KUNA CITY CODE INCREASING THE COUNCIL PRESIDENT'S SALARY; AND**
- **DIRECTING THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

Mayor Stear noted their previous conversations and asked if anyone had any other thoughts.

Council President Buban-Vonder Haar stated, having been Council President, she felt the duties had substantially increased and was in favor of this. Also, considering they potentially change Council Presidents every 2 years and her term was coming to an end and it was not a foregone conclusion that she would still be sitting there when this went into effect, she did not feel she was giving herself a pay raise.

Council Member Christensen agreed with the increase.

Council determined to publish the ordinance in full.

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-26. Seconded by Council Member Christensen. Motion carried 3-0-1. Council Member McPherson was absent.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-26. Seconded by Council Member Christensen. Approved by the following roll call vote:**

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

**Voting No: None**

**Absent: Council Member McPherson**

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

**C. Consideration to approve Ordinance No. 2019-27 ACTION ITEM  
(Timestamp 01:46:25)**

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO

- AMENDING SECTION 4 OF CHAPTER 6 OF TITLE 1 KUNA CITY CODE MAKING CHANGES TO THE COUNCIL PRESIDENT JOB DESCRIPTION; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Council President Buban-Vonder Haar asked if Council thought where it read “In the case of a temporary vacancy in the office of the mayor due to absence or disability” would cover, for example, when she was at the Arbor Day Proclamation in place of the Mayor.

Mayor Stear did not think so. He was just doing something else that day.

City Attorney Bill Gigray explained he recommended that change in language so it would fit closer to the state code.

Council President Buban-Vonder Haar suggested they modify the second paragraph to say “The president of the council shall meet with the mayor on a monthly and/or as needed basis, shall serve as the mayor’s designee when requested.”.

Mr. Gigray said they could add that in.

Council Member Cardoza asked about the process if the Mayor were to die.

Mayor Stear thought the Council President was the immediate successor and the Council could then choose to elect.

Mr. Gigray found the procedure and read it to Council. Basically, Council could fill the position until the next election.

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-27 as amended. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member McPherson was absent.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-27 as amended. 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: Council Member McPherson**

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

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

*(Timestamp 01:53:33)*

Chief McDaniel gave an update on Kuna Days and said overall it was safe and successful. Citizen assist calls were the largest calls with 20, there were 8 juvenile problems, and 7 fights over 2 nights. He thanked Council for the approval of the Parks Department purchase of golf carts as the police were able to utilize them efficiently over the events.

Mayor Stear added with the golf carts there was an increased presence that was really visible. Staff and the police did a great job all day. He felt there was always room for improvement but this year was quite impressive.

Council Member Cardoza asked why their white command center did not have Ada County Sherriff on it.

Chief McDaniel explained they shared it with other entities.

Council Member Cardoza thought if someone was looking for a police officer it would be easier if the command post had that.

Council President Buban suggested getting a big magnet.

Mayor Stear thought that was a good idea to bring up as something to get for each entity.

Council thanked Chief McDaniel.

Ryan Suppe, the new reporter from Kuna Melba News introduced himself on behest of the Mayor.

**10. Executive Session:**

*None*

**11. Adjournment: 7:59 P.M.**

ATTEST:

  
Chris Engels, City Clerk



Joe L. Stear, Mayor

*Minutes prepared by Ariana Welker, Deputy City Clerk  
Date Approved: CCM 08.20.2019*



# CITY OF KUNA

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## SIGN-UP SHEET

August 6, 2019 – Council, Public Hearing (Tabled from July 16, 2019).

Case Name: Greyhawk West, Annexation, Rezone & Preliminary Plat

1. **Case Type:** Request to annex approximately 29.15 ac. into Kuna with an R-6, (MDR) zone, & rezone approximately 10.45 ac. currently in City limits from A to R-6 (MDR) & to subdivide the approximately 39.33 ac. into 174 total lots. The site is near the Southwest Corner of Hubbard and Kay Ave., Kuna, Idaho; In Section 13, T 2N, R 1W, APN #'s: S1313212470 & S1313244650.

Case No.: 19-02-AN (Annexation), 19-01-ZC (Rezone) and 19-01-S (Prelim Plat).

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <u>Kent Brown</u> Print Name <u>3161 Springwood</u> <u>7015 S 2nd White</u> Print Address <u>Meridian ID 83642</u> City                      State, Zip <i>Added by mayor signed in on wrong sheet</i> <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>	<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <u>Rick Morino</u> Print Name <u>805 Wot Hubbard RD</u> Print Address <u>Kuna Id</u> City                      State, Zip <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> _____ Print Name _____ Print Address _____ City                      State, Zip <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City                      State, Zip <input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City                      State, Zip
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## SIGN-UP SHEET

**August 6, 2019 – City Council Public Hearing**

**Case Name: 19-04-AN (Annexation) – Washburn Annexation.**

**Case Type:** On behalf of Jefferson Washburn (Owner), Dave Washburn is requesting to annex an approximately nineteen (19) acre parcel in Kuna City Limits with an R-8 (medium density residential) zoning designation. The subject site is located at 7015 S. Ten Mile Road, Meridian, ID 83642, within Section 3, Township 2 North, Range 1 West; (APN S1303141900).

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 checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <u>Dave Washburn</u> Print Name <u>7015 S. Ten Mile</u> Print Address <u>Meridian</u> <u>ID</u> <u>83642</u> City                      State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City                      State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City                      State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <del><u>Kent Brown</u></del> Print Name <del><u>3161 Springwood</u></del> Print Address <del><u>Meridian</u></del> <del><u>ID</u></del> <del><u>83642</u></del> City                      State, Zip <u>See 19-02-AN sheet</u>	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City                      State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City                      State, Zip
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