

**CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES**

WEDNESDAY, NOVEMBER 6, 2013

Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

7:00 P.M. REGULAR CITY COUNCIL

COUNCIL MEMBERS PRESENT: Mayor W. Greg Nelson
Council President Richard Cardoza
Council Member Briana Buban-Vonder Haar
Council Member Joe Stear

EXCUSED ABSENCE: Council Member Doug Hoiland

CITY STAFF PRESENT: Richard Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Brenda Bingham, City Clerk

Call to Order and Roll Call

Mayor Nelson called the meeting to order at 7:00 p.m. Roll call reflected Council President Cardoza and Council Members Buban-Vonder Haar and Stear present at the meeting. Council Member Hoiland was unable to attend due to work responsibilities.

Invocation: Karen Hernandez, United Methodist Church

Pledge of Allegiance: Mayor Nelson

1. Consent Agenda: (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 Old Business or as instructed by the City Council.

A. City Council Meeting Minutes:

1. Minutes of October 10, 2013 Special Meeting
2. Minutes of October 15, 2013 Regular Council Meeting

B. Accounts Payable Dated October 15, 2013 in the Amount of \$28,867.36

C. Alcohol Licenses:

D. Resolutions:

1. **Resolution No. R46-2013 Idaho Non-Criminal Justice Agency Access Agreement**
A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT- IDAHO NON-CRIMINAL JUSTICE AGENCY ACCESS AGREEMENT
2. **Resolution No. R47-2013 Water Main Break Settlement Agreement**
A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE OF CLAIMS AND SETTLEMENT AGREEMENT REGARDING THE WATER MAIN BREAK ON OCTOBER 4, 2012 AT THE LOCATION OF 4th STREET AND LINDER, KUNA, IDAHO.

E. Findings of Facts and Conclusions of Law:

Council Member Stear moved to approve the Consent Agenda as presented. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 3-0.

2. **Citizen's Reports or Requests:** (*Timestamp 00:02:19*)

- A. Fee Waiver Request for Use of the Senior Center on Tuesday Evenings by the Snake River Young Marines – Cynthia Jones

Council Member Buban-Vonder Haar moved to approve the fee waiver request for use of the Senior Center on Tuesday evenings by the Snake River Young Marines for a period of 6 months and then a report will be given back to the Council on what the membership is looking like. Seconded by Council Member Stear.

Attorney Roats will make contact with the group to obtain a lease and insurance.

All voted aye. Motion carried 3-0.

3. **Old Business:**

4. **Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)

- A. **13-02-AN, 13-01-DA, 13-01-ZC and 13-01-S; Merlin Point Subdivision** – Troy Behunin, Sr. Planner (*Timestamp 00:07:28*)

Requests for Annexation, a Zone Change, Development Agreement and Preliminary Plat for approx. 52 acres over 2 parcels, into the City of Kuna, from Steve Arnold (A Team Consultants), requesting C-1 Zoning for commercial and residential uses on site. The site is located at 1380 E. Kuna Road, Kuna, ID. (APN#'s: R0645254601 & S1324449005)

Troy Behunin, Senior Planner, explained the applications 13-01-AN (Annexation), 13-01-DA (Development Agreement) and 13-01-S (Subdivision) is for the Merlin Point

Residential and Commercial Subdivision and Annexation. The site is located at approximately 1380 East Kuna Road. The applicant is TFI, LP which is Tom Nicholson enterprises and his representative is Steve Arnold, A-Team Land Consultants.

Applicants Requests:

- Annexation approval of two parcels with 52 total acres;
- Approval of a Development Agreement to guide future development;
- Approval of a preliminary plat to include 56 residential connected-townhome lots;
- Approval of a preliminary plat to include 20 commercial lots;
- Change the current zone from Rural Urban Transition in the County to C-1 (Neighborhood Commercial District);
- Approval of internal public and private driveways for site traffic circulation;
- Approval of a 30-foot landscape buffer between non-compatible uses, and along road frontages;
- Access to State Highway 69 and Kuna Roads in four places. Three are public streets; including a right-in/right-out driveway, one access is proposed as a private driveway.

P&Z staff has had discussions with Ada County Highway District (ACHD) and the Idaho Transportation Department (ITD) about the access points. Based on the uses that are proposed for the site, staff recommends South Sailer Place and East Ensolorado Street be given full access and that the right-in/right-out not be approved nor the full access on the curb be approved.

The Planning Commission decision is to allow full access at East Ensolorado, Sailer Place and the curve on SH 69.

Troy Behunin explained a letter was received today from ACHD with a request that it be read into the record at this meeting. Copies were distributed and Mr. Behunin read the following letter:



Sara M. Baker, President
John S. Prander, Vice President
Rebecca W. Arnold, Commissioner
Mitchell A. Jaurena, Commissioner
Jim D. Hansen, Commissioner

November 6, 2013

Via E-Mail

Mayor Nelson
City of Kuna
763 W. Avalon
Kuna, Idaho 83634

RE: Merlin Pointe Subdivision

Honorable Mayor Nelson and Council Members:

ACHD appreciates the opportunity to comment on this development application, and requests that this letter be read into the record for the City Council consideration of Merlin Pointe Subdivision. The proposed Merlin Pointe Subdivision is requesting a driveway on the inside of the curve of SH 69. As stated in the ACHD staff report dated August 14, 2013, ACHD has concerns related to this driveway.

- Kuna Road, an ACHD facility, intersects SH 69 at this location.
- The Traffic Impact Study submitted by the applicant demonstrates that the site will function well without the proposed driveway on the inside of the curve.
- The site will be served by two full access public street connections and one right-in/right-out driveway to SH 69; as well as two local street connections and a stub street to the north, giving the site 6 access points without the driveway on the inside of the curve.
- The future southerly extension of Meridian Road is shown in the Long Range Transportation Plan adopted by COMPASS, of which ACHD, the City of Kuna and ITD are all members.
- The future development of the City of Kuna to the south of Kuna Road will dictate when Meridian Road is extended. That extension will necessitate the rebuilding and realignment of the SH 69/Kuna Road intersection. A driveway at this location will complicate or prohibit the design and construction of that intersection in the future. An arterial Road intersection with a private driveway as a 5th leg to the intersection will not function as safely or efficiently as a 4 leg intersection of the two arterial roads.
- Locating an access point on the inside of a curve creates challenges, such as proper sight distance, and is not recommended when better access locations are available.

The ACHD staff report has more information and details on the ACHD recommendations and requirements for this development application. We thank you for your consideration of this information, and appreciate the good working relationship we have with the City of Kuna, and your excellent staff.

Sincerely,

Gary Inselman
Development Services Manager

Mayor Nelson opened the public hearing at 7:20 p.m.

SUPPORT

None

NEUTRAL

(Timestamp 00:20:34)

Nola Miller, 262 N. Sunbird Avenue, signed up for both Neutral and In Opposition because she wasn't sure what plans were for access roads. Concern was expressed on the narrow streets and heavy traffic that may occur. She asked for Steve Arnold to explain the project before making any further comments.

(Timestamp 00:21:38)

Steve Arnold, A-Team Land Consultants, 1785 Whisper Cove, Boise, explained the biggest issue is the access points for the site. Their application was submitted in March of 2013 and a staff report from ACHD was received in July. Mr. Arnold has discussed the sewer analysis with Gordon Law and need to decide how to serve the various corners of the property. Other than access, Mr. Arnold is in agreement with the staff report.

The developer owns all four corners of the property. Mr. Nicholson has the northeast, south and west corner and worked with ITD when they designed the bend coming into the City. At that time, the parcels right-of-way negotiation was deeded the four access points.

Mr. Arnold explained Mr. Nicholson's desire to work with the City to help "kick start" an Urban Renewal District to assist with improvements. Interest in installing a marquis on a portion of right-of-way owned by ITD at the southwest corner of Kuna Road and Meridian Road was expressed. They plan to create a significant amount of landscaping on each side of the entrance into the City.

Their long range plan is to have a building theme for the project that can be used on all four corners.

More lots on the commercial side have been plotted than is anticipated but they most likely will have one large anchor with other uses coming in around it. They have visited with another larger commercial tenant on the west side of Sailer that they hope to bring in to add as a complement to the City.

A central park is planned within the residential portion which at this time is planning to be townhomes but if the market should shift in the future, there is an idea of possibly zoning a portion of it to allow for a single family detached. The zoning they are requesting now is strictly attached housing for townhouses and four-plex units. They are also proposing multiple paths with the central park that would help support approximately 11 acres of the residential subdivision.

The key to successful commercial developments is access as well as safe ingress and egress. (The commercial development at Milwaukee and Franklin in Boise was used as an example.)

Mr. Arnold referred to a letter from him and Mr. Nicholson that supports Meridian Road crossing at that location. They are in favor of it and would support a traffic signal there and would eliminate the driveway. They are not proposing a five-legged intersection.

Mr. Arnold requested the record to reflect that if that road crosses, it is nothing but betterment to the commercial on the other side. They are in full agreement and will not propose a five-legged intersection. They will not ask for the driveway at that time if it is decided.

Mr. Arnold was at ACHD when they first started studying it in 1995 or 1996, they would like it to happen for their site but they do not think it will happen. This is the main reason they are asking for the driveway. ITD has plans to signalize the intersection. Their traffic engineer looked at the site circulation of Ensolorado and Sailer without that intersection it showed that the two public streets functioned at a lower level of service. Meaning, having that driveway service this development only was betterment to those two public streets. They can make the findings that his traffic engineer did that showed that. They demonstrated it to ACHD and understand they want to leave their options open should that become a southerly crossing. Mr. Arnold stated they are in agreement that if it does, they will pull it and will not try to fight that intersection whatsoever.

Discussions have taken place on the traffic and the Urban Renewal District and there is existing sewer and water. Their plan may include pressure irrigation or to create their own system. They will work with the City Engineer on it.

The developers will be connecting to the stub streets and will be extending them through their development as 36' street sections where it is residential. Where it is not, they will be doing 41' sections with detached sidewalks and landscaping.

The traffic study has shown the amount of traffic that went back through the subdivision was minimal compared to what was coming from the subdivision out to and through their development. Perception is, there is traffic on their now and there may be some added but it is well within ACHD's limits and thresholds for a local street. Their traffic study included looking at the internal sites and streets where they found nothing was operating at excessive levels of service.

The Teed Lateral runs through the site and they are fully in favor of pathways and inner-connectivity within the subdivision. This is the best amenity that can be placed inside a subdivision and it is well documented that they are well used. There is a lateral that goes to the north that is proposed for a pathway connection and recommends the City carry this as development occurs to the north up to Deer Flat. Portions of the Teed Lateral will be piped with a 54" reinforced concrete pipe. They will probably eliminate some of the lots which will become open space due to the pipe.

In summary, Mr. Arnold requested the record to reflect that he and Tom Nicholson are not here to create a situation that is unsafe. They have done the site distance studies for the driveway at 55, 45 and 35 mph. At 45 and 35 mph, they know it will work. At 55 mph, it would take some grading issues on the site to create a good site distance. They are not

here to create something that is not safe. This project will probably be a ten year build out.

(Timestamp 00:37:54)

David Szplett, Development Services Manager, ITD, stated he signed up as Neutral because ITD does not have a position on whether the project should be approved. He came because he does not understand the controversy over the project.

Mr. Szplett explained State Highway 69 (SH-69) extends from Orchard Street and East Avalon, past Paul's Market and around the curve to I-84.

The SH-69 roadway carries less than 9,000 vehicles per day at this site. It can carry more than 30,000 per day so they have no issues with capacity.

There is 140' of raw right-of-way so there is plenty of room if the roadway has to be widened to six lanes.

ITD widened the Kuna curve in 2000. They purchased land from the Nicholson's in 1997 and deeded four access points to the Nicholson property. Three of the four proposed access points meet ITD separation policies. Only the western approach by Sunbird Village is too close to Sunbird Avenue and needs to be 250' away.

The proposed main site access aligns with Kuna Road and ITD plans a future traffic signal there. The speed will probably drop to 35 MPH.

ITD has no plans to extend SH-69 to the south. If ACHD wants to extend the road to the south, then ACHD will need to align their extension with the existing intersection on the curve or take over SH-69.

(Timestamp 01:01:16)

Nola Miller, asked about the location of the townhouses noting concern on having two-story houses.

(Timestamp 01:03:26)

Donna Young, 399 N. Meridian Road, Kuna, requested that North Merlin Avenue be moved 80' to the west. Their home sits on the northeast corner and if the 80' is removed then it makes the 1.86 acres smaller. If Kokanee Lane is made then additional acreage is removed. If SH-69 is increased to six lanes then the property shrinks even more.

Steve Arnold replied that the plans reflect it to be moved 300' to the west.

(Timestamp 01:05:31)

Robertta Sailer, 1185 E. Kuna Road, Kuna, explained she lives directly across the street from this project and pleased with the planning taking place on the development. She participated in the Comprehensive Plans meetings for years and wanted to make sure the recommendations were followed as far as colors, designs and Birds of Prey theme so consistency is carried through on the Plan.

Ms. Sailer encouraged drought tolerant plants be used in the landscaping to conserve water.

She has lived in the house for 39 years and knows what the bend in the road has gone through since 1974 and stated it is working well right now. She pointed out ITD put the access points where they thought they were needed for development.

Troy Behunin showed the proposed access points to Ms. Sailer on the map. He explained the pavement areas are only approaches for the current use and will not be used. He showed her on the map the full accesses being proposed.

Ms. Sailer asked how many years out before the light on the plan would be installed. At P&Z, they talked about building an entrance at the curve but not making it accessible until there was a light there.

Mayor Nelson mentioned the time frame could change if the crossing of the railroad tracks as an extension of SH-69 takes place.

Ms. Sailer recommended that if the extension on SH-69 takes place then the entrance could be built but it should not be accessible until the light is installed.

OPPOSE *(Timestamp 01:05:31)*

Bob Sterling, 921 E. Jackpot St, Kuna, stated Nola expressed his concerns.

Bill Dohrmann, 186 N. Sunbird Avenue, replied that his concerns were already addressed.

Mayor Nelson closed the Public Hearing at 8:12 p.m.

(Timestamp 01:12:48)

Steve Arnold explained he has a rough sketch of the development if SH-69 crossed the tracks at the location. They would add landscaping along the lots at the bend near the intersection and possibly pick up another lot in the corner. They hope to get one of the larger tenants in the developed area to warrant the installation of the traffic signal sooner than later.

Proper permits will be obtained, they do not want to create an unsafe situation. They have worked with ITD in creating the radius on all four corners. More explanation on the access points took place.

They hope the City and ACHD will agree to take SH-69 straight across. It will help their other three parcels but they don't think it will happen. They are planning their site as if it doesn't happen but if it does, they will modify their site and will definitely not create a five-legged unsafe access point.

More discussion followed with various questions from the Council. *(Timestamp 01:17:59)*

(Timestamp 01:23:11)

Jeff Lowe, ACHD, reported they submitted the letter and reiterates in the staff report their concerns about the entrance to the curve. There are requirements that will need to be complied with on the internal roadways to meet with ACHD standards for public roads.

Troy Behunin cleared up confusion with the wording on the agenda clarifying there will be a zone change but only because it is going from county to city but it is not a city zone change so the 13-01-ZC should be omitted.

More discussion on the access points and traffic signals took place. *(Timestamp 01:26:24)*

(Timestamp 01:40:56)

Council Member Buban-vonder Haar stated that based on the facts outlined in the staff report and public testimony, moved to approve Case Numbers 13-01-AN, 13-01-DA and 13-01-S an annexation, development agreement and preliminary plat request with the conditions of approval as listed with the exception of number 18 which would be changed to read, applicant shall change the proposed right-in/right-out on East Kuna Road to meet ITD requirements or it will be eliminated; the curb access East Ensolorado and North Sailer Avenue shall be full access should Meridian Road be extended; in the future the applicant agrees to eliminate the curve access to ensure a squared four-way intersection.

Seconded by Council Member Stear. Discussion on the motion regarding the squared intersection and the traffic signal took place.

Council Member Buban-vonder Haar amended her motion to include that on Number 18, when a signal is warranted it is required. Seconded by Council Member Stear, all voting aye. Motion carried 3-0.

5. New Business:

- A. Review Comprehensive Plan Amended Section 3.0 Population and History and Section 4.0 School Facilities – Wendy Howell, P&Z Director *(Timestamp 01:45:05)*

Wendy Howell explained sections of the Comprehensive Plan will be presented for Council review over the next few months. At the conclusion of the reviews, corrections will be made with one more review taking place prior to the public hearing. By request of the Ada County's Board of Commissioners, the public hearing will be a joint meeting between Kuna City Council and Ada County's Board of Commissioners.

An issue regarding a decision of the City of Meridian pertaining to their impact area verses what they can and are willing to serve. Meridian wanted their impacted area to extend to Amity Road but there is a portion of the southwestern area that cannot be served. A meeting with the Mayor of Meridian was held but before a decision can be

made a meeting with Tim Eck will take place.

The second issue was the industrial designation approval in 2009 where several community members were not aware of the designation.
Electronic versions of both the regular format and the track changes will be provided.

B. Project Status Report – Information Only, No Action Required

6. Ordinances: *(Timestamp 01:53:07)*

A. First Reading of Ordinance No. 2013-23 Background Check for Applicants for City Employment and Certain Licensees

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE CREATING A NEW CHAPTER IN TITLE 1 (ADMINISTRATION) OF THE CITY OF KUNA CODE: CHAPTER 16 REGARDING CRIMINAL BACKGROUND CHECKS FOR FINAL APPLICANTS SEEKING EMPLOYMENT WITH THE CITY OF KUNA, OR CERTAIN APPLICANTS SEEKING A CITY LICENSE AS REQUIRED BY SEPARATE ORDINANCE; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-23. Seconded by Council Member Buban-vonder Haar, all voting aye. Motion carried 3-0.

Council Member Stear moved to approve Ordinance No. 2013-23. Seconded by Council Member Buban-vonder Haar with the following roll call vote:

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

Voting No: None

Absent: Council Member Hoiland

Motion carried 3-0.

Council Member Stear moved to approve a summary publication of Ordinance No. 2013-23. Seconded by Council Member Buban-vonder Haar, all voting aye.

Motion carried 3-0.

7. Mayor/Council Discussion Items: *(Timestamp 01:55:14)*

Congratulations were expressed to Pat Jones and Richard Cardoza on their newly elected council positions.

Gordon Law expressed appreciation from Mr. Cobb to the Mayor and Council for their support on the water tower painting project.

The Chamber of Commerce meeting was announced for the third Thursday of each month.

Appreciation was expressed to the Mayor for the many hours of service he provides. Changing the mayor from a part-time position to a full-time position was discussed. The Mayor will prepare a salary recommendation for a full-time mayor based on Kuna's population so it can be considered in FYE 2015 for the newly elected officials. Salaries for the council will also be considered at that time.

Laptops for use during council meetings and for council packets were discussed and will be looked into to see if funding is available for purchasing.

8. Announcements:

9. Executive Session:

10. Adjournment:

Council Member Stear moved to adjourn the meeting at 9:10 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham
Date Approved: CCM11/19/13*