

**CITY OF KUNA  
COUNCIL MEETING  
MINUTES**

**TUESDAY, AUGUST 20, 2013**

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

**REGULAR COUNCIL MEETING 7:00 P.M.**

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

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

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

Mayor Nelson welcomed everyone and called the meeting to order at 7:00 p.m. Roll call reflected Council President Cardoza and Council Members Hoiland, Buban-Vonder Haar and Stear present at the meeting.

**2. Invocation:** Randy Maxwell, 7<sup>th</sup> Day Adventist

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

**4. Consent Agenda:** *(Timestamp 00:01:46)*

*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. Approve Minutes of August 6, 2013

B. Accounts Payable Dated August 20, 2013 in the Amount of \$305,424.55

**Council Member Stear moved to approve the Consent Agenda as presented. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**5. Citizen's Reports or Requests:**

## 6. Old Business:

### A. Deliberate for Decision on Silver Trail Preliminary Plat – Richard Roats, City Attorney (Timestamp 00:02:14)

Attorney Roats reminded the group a public hearing was held at the last meeting on the Silver Trail Preliminary Plat. The two issues to be resolved involve the request to restrict the building of two-story houses to single-story homes along the Ten Mile corridor and the landscaping of common areas from the previous developer.

Mr. Roats reported he visited with the developer regarding the landscaping request by the Home Owner Association (HOA) requesting the common lots along Ten Mile be completed. The developer has agreed to do the landscaping independent of the Silver Trail request for the plat and will complete the landscaping at the time the lots in the subdivision along Ten Mile are constructed. Mr. Roats will work with the developer to prepare a written agreement to assure the landscaping will not be a burden for the HOA or the City.

It was also noted that there was nothing in writing from the previous developer that promised a swimming pool would be constructed as an amenity.

Mr. Hoiland requested the secondary agreement for the common areas be agreed upon at the same time as the preliminary plat.

Mr. Roats replied that the developer has asked that the secondary agreement be independent. The Attorney will be working on the agreement to make sure it is binding so that when the developer begins construction on the lots that it will be enforceable.

Discussion took place on the issue of allowing two-story homes to be built along Ten Mile.

Attorney Roats explained there was a request by one of the home owners across the street to limit the construction to single-story homes along Ten Mile and the motion needs to include Council's decision on it.

Council President Cardoza reported the recommendation from Planning & Zoning (P&Z) was to construct single-story homes along the eastern part of Ten Mile.

Troy Behunin reported the proposed Findings of Fact reflected a recommendation from P&Z that single-story homes be constructed on lots that back north Ten Mile. This is from an original approval which was not part of the discussion that staff had with the developer. This issue re-surfaced during the public hearing with the P&Z Commission as a request from the citizens. One two-story home already exists on the property. There is nothing in code that requires any type of housing structure on any classified road.

**Council Member Stear moved to approve the Preliminary Plat for Silver Trail and also allow for the two-story buildings on the Ten Mile frontage. Seconded by Council Member Buban-Vonder Haar.**

**Discussion on the motion took place.**

**Council President Cardoza expressed concern on allowing two-story homes to be built. He explained the existing two-story home built was built by error. The Building Inspector approved it and then the error was discovered after it was framed which was past the point of stopping the construction.**

**Attorney Roats explained the developer at that time accepted the conditions and complied with those conditions. The Silver Trail Plat is a separate development and there is not a city code that requires any type of corridor to have single-story homes.**

**More discussion took place noting 160' seemed sufficient distance from fence to fence for privacy.**

**Mr. Cardoza expressed concern in going back on a promise made to home owners west of the subdivision that there would not be any two-story homes and likes the idea of one-story homes along the main artery.**

**The Mayor commented that if the Council makes a promise then there should be an ordinance to back it up.**

**Mayor Nelson stated the motion has been moved and seconded to approve the Preliminary Plat of the Silver Trail subdivision.**

**Voting Yes: Council Members Stear and Buban-Vonder Haar**

**Voting No: Council Members Cardoza and Hoiland**

**Motion tied: 2-2**

**Mayor Nelson voted "Yes" to break the tie.**

**Motion carried 3-2**

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

**8. New Business:**

- A. Resolution No. R21-2013 Authorizing the Mayor to Execute the Assignment Release and Assumption Agreement between JLJ Enterprises, Inc., and E4 Partnership, LLLP and Corey Barton Homes, Inc. DBA, CBH Homes – Richard Roats, City Attorney  
(Timestamp 00:21:48)

**Council Member Buban-Vonder Haar moved to approve Resolution No. R21-2013. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

- B. Resolution No. R22-2013 Authorizing the Mayor to Execute the Amendment to the Reimbursement Agreement Between E4 Partnership, LLLP and Corey Barton Homes, Inc. DBA, CBH Homes and the City of Kuna, Allocating the Reimbursement Payments as Agreed to by and Between E4 Partnership, LLLP and Corey Barton Homes, Inc., DBA CBH Homes – Richard Roats, City Attorney (*Timestamp 00:23:28*)

**Council Member Stear moved to adopt Resolution No. R22-2013. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

- C. Resolution No. R23-2013 Authorizing the Mayor to Execute the Letter to ACHD Regarding the Vacation of the Alley Between North Avenue D and North Avenue E, Old Kuna High School – Richard Roats, City Attorney (*Timestamp 00:30:12*)

**Council Member Stear moved to approve Resolution No. R23-2013. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

## **9. Ordinances:**

- A. **First Reading of Ordinance No. 2013-16 Amending Ordinance No. 2006-35 – Applewood Subdivision** (*Timestamp 00:33:16*)

*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 AMENDING ORDINANCE NO. 2006-35 THAT ANNEXED CERTAIN REAL PROPERTY, THEN KNOWN AS PARCEL NUMBER S1311336210 AND SITUATED IN 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 ESTABLISHED THE ZONING CLASSIFICATION AS A, AGRICULTURAL, TO CORRECT THE ZONING CLASSIFICATION TO R-6 AS ANNEXED, AND TO CORRECT THE LEGAL DESCRIPTION TO REFLECT THE ACTUAL LEGAL DESCRIPTION AS DESCRIBED IN THE PLAT; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

**Council Member Buban-Vonder Haar moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-16. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2013-16. Seconded by Council Member Stear with the following roll call vote:**

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

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2013-16. Seconded by Council Member Stear all voting aye. Motion carried 4-0.**

**10. Mayor/Council Discussion Items:** *(Timestamp 00:38:27)*

Council Member Stear reported the Kuna United Methodist Church Living Hope is beginning a Parent Support Group on the first and third Wednesday's at 7:00 p.m. beginning September 18, 2013 to assist with the drug free efforts being done in the community.

Gordon Law reported the irrigation was originally scheduled to be turned off on August 21 but due to the amount of water left in the allotment, the date has been extended to August 23.

The next Joint School Board Meeting will be held at the School District on Tuesday, September 10, 2013 at 5:30 p.m.

*(Timestamp 00:42:17)*

Concerns regarding the lack of services from the Idaho Humane Society were reported. Mayor Nelson will discuss the concerns with the director before the next contract is signed. The Council requested for copies of the reports to be dispersed to them.

Council Member Stear expressed concern on the decision made for employee merit increases to be given on a yearly basis where the increase is dropped off at the end of the year. He would like to consider giving a 3% COLA increase due to the lack of increases in the past due to the poor economy. It was noted it might be a little late to make a change for this year. More discussion took place with a request made for a comparison to be made with what other cities are giving for increases.

Council Member Hoiland expressed concerns on ACHD projects in Boise and Meridian in comparison to projects in Kuna.

A discussion took place on the council meeting scheduled for Election Day. This item will be placed on the next agenda for discussion.

**11. Announcements:**

**12. Executive Session:**

A. Adjourn to Executive Session Pursuant to Idaho Code 67-2345(c) to Discuss Possible Acquisition of Property *(Timestamp 00:41:27)*

**Council Member Buban-Vonder Haar moved to adjourn into Executive Session under Idaho Code section 67-2345(c) to discuss possible acquisition of property.**

**Seconded by Council Member Stear with the following roll call vote:**

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

**Voting No: None**  
**Absent: None**  
**Motion Carried: 4-0**  
**Time: 7:45 p.m.**

*(Timestamp 00:41:56)*

**Council Member Buban-Vonder Haar moved to adjourn the Executive Session.**  
**Seconded by Council Member Stear, all voting aye.**  
**Motion carried 4-0.**

**13. Adjournment:**

Council Member Stear moved to adjourn the meeting at 8:23 p.m.

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W. Greg Nelson, Mayor

ATTEST:

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Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham*  
*Date Approved: CCM 9/3/13*