

**CITY OF KUNA  
JOINT MEETING PLANNING COMMISSION AND CITY COUNCIL  
AND REGULAR CITY COUNCIL MEETING  
MINUTES**

**TUESDAY, SEPTEMBER 3, 2013**

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

**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

**P & Z COMMISSIONERS PRESENT:** Chairman Lee Young  
Commissioner Mike Bundy  
Commissioner Dana Hennis  
Commissioner Cathy Gealy

**CITY STAFF PRESENT:** Richard Roats, City Attorney  
Gordon Law, City Engineer  
John Marsh, City Treasurer  
Wendy Howell, P & Z Director  
Bobby Withrow, Parks Superintendent  
Brenda Bingham, City Clerk

**7:00 P.M. JOINT MEETING PLANNING COMMISSION AND CITY COUNCIL**

**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 Members Cardoza, Hoiland, Buban-Vonder Haar, Stear and Planning & Zoning Commissioners Young, Bundy, Hennis and Gealy present at the meeting.

**Invocation:** Stan Johnson, Kuna Life Church

**Pledge of Allegiance:** Mayor Nelson

**1. Public Hearing:** *(Timestamp 00:01:58)*

**A. 13-01-ZOA (Text Amendment) – ORD. 2013-14:**

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 5-1-6-2  
MOVING THE TERM “COMMENCEMENT OF CONSTRUCTION” INTO THE  
DEFINITION SECTION; AMENDING 6 CHAPTER 2, “SUBDIVISION APPROVAL  
PROCEDURE” SECTION 4, “FINAL PLAT” TO CLARIFY THAT THE

SUBDIVISION LANDSCAPING REQUIREMENT CAN PROVIDE FOR A FINANCIAL GUARANTEE IF IT IS NOT COMPLETED AT THE TIME THE FINAL PLAT IS SUBMITTED TO THE CITY FOR SIGNATURES; AND GRANTING THE CITY ENGINEER DISCRETION TO DETERMINE WHEN THE CONSTRUCTION OF THAT PORTION OF THE PRESSURIZED IRRIGATION SYSTEM THAT WILL BE DEDICATED TO THE PUBLIC CAN BE DEFERRED UNTIL THE ISSUANCE OF THE BUILDING PERMIT AND REQUIRING CONDITIONS THEREOF, AND PROVIDING AN EFFECTIVE DATE.

Attorney Roats explained the text amendment is to clean up the ordinance and to clarify the final plat check-off list regarding landscaping. Page 4 of 7 reflects clarification items that specifically reference the financial guarantees as provided for in KCC 6-4-3. The significant change is in item 7 on page 5 of 7 that allows the final plats to be signed and requires that the pressurized irrigation main line be installed prior to the building permit.

**Mayor Nelson opened the Public Hearing 7:07 p.m.**

Brad Isner signed up to testify but stated it would not be necessary at this time.

Rick Parrish signed up to testify but stated it would not be necessary at this time.

**The Public Hearing was closed at 7:08 p.m.**

1. Planning Commission recommendation to City Council on amending Kuna City Code Title 5-1-6-2

**Commissioner Gealy moved to recommend for approval Ordinance 2013-14 as presented. Seconded by Commissioner Bundy, all voting aye. Motion carried 3-0.**

2. City Council consideration of Ordinance No. 2013-14 to amend Kuna City Code Title 5-1-6-2

Council Member Buban-Vonder Haar asked for a correction to be made on page 2, B1 changing the language to read: "except a financial guarantee may be provided in lieu of landscaping as noted in KCC 6-4-3."

***First Reading of Ordinance No. 2013- 14 Amending Title 5-1-6-2***

*Consideration to dispense with full reading and three consecutive readings.*

*Consideration to approve ordinance.*

*Consideration to approve a summary publication of the ordinance.*

**Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-14. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**Council Member Stear moved to approve Ordinance No. 2013-14 with the noted changes on page 2 of 7 under section B1. Seconded by Council Member Buban-Vonder Haar 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 Stear moved to approve a summary publication of Ordinance No. 2013-14. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

## **2. Adjourn Joint Meeting:**

The Joint Meeting with the Planning Commission adjourned at 7:15 p.m.

## **REGULAR CITY COUNCIL MEETING**

### **Call to Order and Roll Call**

Mayor Nelson and Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear were present at the meeting.

### **1. Consent Agenda: (Timestamp 00:15:58)**

*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 August 20, 2013 Regular Council Meeting

#### **B. Accounts Payable Dated September 3, 2013 in the Amount of \$176,022.60**

#### **C. Alcohol Licenses: None**

#### **D. Resolutions:**

1. Approve Resolution No. R24-2013 Accepting Pressure Irrigation Easement at Falcon Ridge School

#### **E. Findings of Facts and Conclusions of Law:**

1. 13-02-S; The applicant (DBTV Applewood Farm LLC) is seeking preliminary plat re-approval for Silver Trail Subdivision, a residential subdivision in Kuna consisting of 115 buildable lots and 11 common lots over two parcels, and approximately 29.3 acres.

**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.**

**2. Citizen's Reports or Requests:** (*Timestamp 00:16:33*)

- A. Request to Change the Name of Avenue D to Glen Beck Avenue – Russell Hayes

Mr. Hays was not in attendance to the meeting so the request was not discussed.

**3. Old Business:**

- A. Discussion with Idaho Humane Society Regarding Animal Control Services – Jeff Rosenthal, Executive Director (*Timestamp 00:16:50*)

Jeff Rosenthal, CEO of the Idaho Humane Society, explained due to the growth in their organization they added another level of administration bringing on Leon Gilbert as their CFO. It was noted Officer Morris McCall has 29 years of experience with the Humane Society who was also in attendance at the meeting to answer any questions.

Mayor Nelson explained during the budget process and consideration of the new contract, the Council had concerns on response times for animal control services.

Council President Cardoza explained two separate incidents that required animal control services for stray dogs that he picked up and expressed concerns on the lack of services that he received from the Humane Society.

Mr. Rosenthal apologized for the way things were handled explaining the animal control officers do pick up stray animals from citizens who report them. Response times are on a triage basis where they respond to the more critical calls quicker than the less critical calls.

It was explained that beginning in October the Humane Society will be providing animal control services to the City of Meridian. This will allow more officers to respond to calls in Kuna.

A report was given on call closure times to assure the Council that the response times are reasonable. It was reported they respond to approximately 450 calls in Kuna on an annual basis.

Cats are picked up if they are contained and the humane society provides traps to the citizens for this purpose.

A suggestion was made to place a public notice in the utility bills with information regarding the Idaho Humane Society and the services they provide. The Humane Society staff will work to improve the communications between their office and the Animal Control officers.

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

- A. Adopt Fiscal Year Ending 2014 Budget Ordinance No. 2013-17 – John Marsh, City Treasurer (*Timestamp 00:31:21*)

**Ordinance No. 2013-17 Annual Appropriation Ordinance**

*Consideration to dispense with full reading and three consecutive readings.*

*Consideration to approve ordinance.*

*Consideration to approve a summary publication of the ordinance.*

John Marsh reported the grand total of the budget is \$11,656,787 and explained the general tax levy on all taxable property within the City of Kuna will be levied in the amount of \$1,707,316 which represents an increase of approximately \$120,530.

**Mayor Nelson opened the Public Hearing at 7:32 p.m.**

No public testimony was heard.

A brief discussion took place on the Grant Fund.

A comment was made by a boy scout asking when a recreation center will be built in Kuna.

Mayor Nelson explained it might take approximately three years. There will be a recreation district proposal followed by a bonding of a swimming pool and parking by the Boys & Girls Club and the YMCA.

**Mayor Nelson closed the Public Hearing at 7:40 p.m.**

*Ordinance 2013-17*

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014, APPROPRIATING THE SUM OF \$11,656,787 TO DEFRAY EXPENSES AND LIABILITIES OF THE CITY OF KUNA FOR SAID FISCAL YEAR; AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY; SPECIFYING THE OBJECTS AND PROPOSED EXPENSES FOR WHICH SAID APPROPRIATION IS MADE; AND PROVIDING AN EFFECTIVE DATE

**Council Member Buban-Vonder Haar moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-17. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2013-17.  
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.**

**5. New Business:**

- A. Discussion on Rescheduling or Cancelling the Regular City Council Meeting Scheduled on Election Day, November 5, 2013 (*Timestamp 00:42:43*)

Council Member Buban-Vonder Haar stated her preference was to never hold council meetings on an Election Day to eliminate interference with a citizen's interests in engaging with the civic process in attending a meeting or by voting. She proposed the scheduled meeting be re-scheduled for the following day.

It was the consensus of the Council to reschedule the meeting for the Wednesday following the first Tuesday of the month.

Attorney Roats will prepare a resolution for consideration of the Council in regards to meetings scheduled on Election Day in both May and November.

- B. Resolution No. R24-2013 Authorizing the Assignment of a Certain Number of Osprey Ridge Development Sewer Connections Now Owned By Roy E. Stephenson, a Married Person (34% Interest), Michael Toomey, Trustee of the Albion Enterprises, Inc. Defined Benefit Plan Trust (50% Interest) and William R. Sturgeon, Trustee of Business Services Retirement Plan (16% Interest) (Hereinafter Referred to as "Assignor") and DBTV Agricultural Holdings, LLC, a Delaware Limited Liability Company ("Assignee") – Richard Roats, City Attorney (*Timestamp 00:45:27*)

(A correction was noted changing the resolution number from R24-2013 to R25- 2013.)

**Council Member Buban-Vonder Haar moved to approve Resolution No. R25-2013.  
Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**6. Ordinances:**

**7. Mayor/Council Discussion Items:**

Old School & Gym (*Timestamp 00:50:03*)

A discussion took place with Layne Saxton regarding an inspection of the old school and gym property and possibilities for using it as a city hall.

A suggestion was made to put a poll question on the website to solicit input from the community to see how citizens feel about the old gym facility. The question could be worded to see if it is the building itself that is desirable or the location.

More discussion followed regarding the current use of the building along with maintenance and improvements costs.

*(Timestamp 01:07:18)*

Council Member Buban-Vonder Haar suggested giving out Chamber of Commerce certificates to the employees at Christmas time instead of the coupons for turkeys or ham. This would allow all businesses in Kuna a chance to benefit from them.

**8. Announcements:**

**9. Executive Session:** *(Timestamp 01:09:28)*

A. Adjourn to Executive Session Pursuant to Idaho Code 67-2345(c) to Discuss Property Disposition

**Council Member Buban-Vonder Haar moved to adjourn into Executive Session Pursuant to Idaho Code 67-2345(c) to Discuss Property Disposition. 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: Council Member**

**Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to adjourn out of Executive Session at 8:40 p.m. Seconded by Council Member Stear, all voting aye.**

**Motion carried 4-0**

**10. Adjournment:**

Council Member Stear moved to adjourn the meeting at 8:39 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 9/17/13*