

CITY OFFICIALS

W. Greg Nelson, Mayor

Richard Cardoza, Council President

Briana Buban-Vonder Haar, Council Member

Pat Jones, Council Member

Joe Stear, Council Member

CITY OF KUNA

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

**Regular City Council Meeting
MINUTES**

Tuesday, November 4, 2015

7:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

Mayor W. Greg Nelson

Council President Richard Cardoza

Council Member Briana Buban-Vonder Haar

Council Member Joe Stear

Council Member Pat Jones – Absent

CITY STAFF PRESENT:

Richard Roats, City Attorney

Chris Engels, City Clerk

Wendy Howell, P & Z Director

Bob Bachman, Facilities Director

Bobby Withrow, Parks Director

Gordon Law, City Engineer

2. Invocation: Randy Maxwell, 7th Day Adventist Church

3. Pledge of Allegiance: Mayor Nelson

4. Consent Agenda:

(Timestamp 00:02:15)

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. Regular City Council Minutes, October 20, 2015

B. Accounts Payable Dated October 29, 2015 in the Amount of \$223,999.74

C. Resolution:

D. Findings of Facts and Conclusions of Law:

1. Consideration to Approve Findings of Fact based on the record contained in Case No. 15-04-S, Ardell Estates preliminary plat, including the exhibits, staff's report and the public testimony at the public hearing.
2. Consideration to Approve Findings of Fact for case No's 14-07-AN and 14-03-LS, Daniel and Gina Safford, as outlined in staff's report, including the exhibits and the public testimony at the public hearing.

Council Member Stear moved to approve the consent agenda. 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: Jones

Motion carried 3-0.

5. Citizen's Reports or Requests:

- 6. Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)
(Timestamp 00:02:55)

Consideration to Approve Case No. 15-01-AN, *Falcon Crest Annexation* – Troy Behunin, Senior Planner

Applicant requests annexation of approximately 294.31 acres into the City limits. Applicant and other property owners are requesting the Agriculture (AG) zone for all parcels. This is to set the stage for the future of the Golf Course. At an unknown time in the future, it is anticipated the remainder of the Golf Course will annex into the City when a specific development plan for the area is known and will go through the application review process at that time.

Senior Planner Troy Behunin introduced the application and the adjoining property touches to annex into Kuna. They have met all the requirements of the application. Planning and Zoning forwarded an approval of the request. The Department of State Lands has asked for an easement across the top of the property for possible future use. The easement has been properly recorded. The Blevins have split their lot and are eligible for city annexation.

Mayor Nelson asked for confirmation; the properties are contiguous?

Mr. Behunin confirmed they are contiguous. He indicated the applicant was present.

Steve Arnold with A Team Land Consultants, Boise ID 83709. Mr. Arnold stated the property had been under development since 1997. The golf course has been built out to its full extent. The development intent has been to develop the space around the course for homes along the greens. Kuna's boundary has come close

enough to annex the golf course with the plan to subdivide the property for homes. This is the first step before services come out to the property. Other steps will come in the future. Additional amenities will be added with each phase as development occurs. The development will be agricultural until development is possible. A neighborhood meeting was held and there was no opposition. There have been no comments from ACHD. Mr. Arnold stood for questions.

Council President Cardoza asked if it encroached on the golf course.

Mr. Arnold said this is just the beginning of the overall property. He envisions a new annexation and possibly a preliminary plat after the required steps are completed. It does not encroach on the golf course.

Council President Cardoza asked if in the agreement, the city is under any obligation to bring services to the property.

Mr. Arnold indicated it does not. It is up to the developer to bring services.

Support: None

Neutral: None

Against: None

Mayor Nelson closed the hearing.

Council President Cardoza asked Mr. Behunin about if the public land has a right of way.

Mr. Behunin responded the easement for the access has been recorded and is in place. It is an easement not a right of way.

**Council Member Buban-Vonder Haar moved to approve 15-01-AN, Falcon Crest Annexation. Seconded by Council Member Stear with the following roll call vote:
Voting Aye: Council Members Buban-Vonder Haar, Cardoza and Stear
Voting No: None
Motion carried 3-0. Jones Absent**

7. Business Items:

- A.** Consideration to Approve Case No. 15-03-LLA; A Lot Line Adjustment request by Gary Herriott - Troy Behunin, Senior Planner
(Timestamp 00:17:17)

Applicant requests to reconfigure two qualifying parcels to better suit the needs of the two parcels.

Senior Planner Troy Behunin introduced the application. The applicant has met all the requirements staff has requested. The lot line will be adjusted to fit the needs of the two parcels. Staff has no concerns. Mr. Behunin stood for question.

Council President requested to abstain from voting because of connections with the current owner.

Council Member Stear moved to approve Case No. 15-03-LLA. Seconded by Council Member Buban- Haar Vonder with the following roll call vote:

Voting Aye: Council Members Buban-Vonder Haar and Stear

Voting No: None

Motion carried 2-0. Jones Absent, Cardoza Abstained

- B. Consideration to Approve Resolution R79-2015 Approving Spectrum Lease Agreement – Gordon Law, City Engineer**
(Timestamp 00:21:21)

APPROVING “SPECTRUM LEASE AGREEMENT”; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE “SPECTRUM LEASE AGREEMENT”.

Gordon Law explained this is a new provider for the water meter readers and the radio reading antennas that go along with the service. The FCC requires a lease agreement for the use of the radio signal spectrum. No money exchange is required.

Council President Cardoza asked about the reference to a \$1.00 fee.

Mr. Law responded that fee was part of a maintenance agreement that was already in place.

Council Member Stear moved to approve Resolution R79-2015. 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

Motion carried 3-0. Jones Absent

- C. Consideration to Approve Resolutions in preparation for the City’s application for a Community Development Block Grant with Idaho Commerce for Downtown Revitalization – Chris Engels, City Clerk**
(Timestamp 00:25:51)

- 1. Consideration to Approve R80-2015 ICDBG Citizen Participation Plan**

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT (ICDBG) CITIZEN PARTICIPATION PLAN; AND AUTHORIZING THE MAYOR

TO EXECUTE THE SAME AND THE CLERK TO ATTEST TO SAID EXECUTION.

City Clerk, Chris Engels explained the purpose of the participation plan is to meet the requirements for the CDBG grant. A minimum of two public hearings to receive input are required, one of which was held last week.

Council Member Stear moved to approve Resolution R80-2015. 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

Motion carried 3-0. Jones Absent

2. Consideration to Approve R81-2015 JUB Professional Service Agreement

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE PROFESSIONAL SERVICES AGREEMENT WITH JUB ENGINEERS, INC. TO PREPARE AN IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT (ICDBG) CITIZEN PARTICIPATION PLAN DOWNTOWN REVITALIZATION PLAN FOR THE CITY OF KUNA, IDAHO; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

City Clerk, Chris Engels explained this RFP was approved by Council previously. The city received two responses, JUB was the successful consultant.

Council Member Stear moved to approve Resolution R81-2015. 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

Motion carried 3-0. Jones Absent

3. Consideration to Approve R82-2015 Establishing a Redevelopment Area

A RESOLUTION TO ESTABLISH A REDEVELOPMENT AREA

City Clerk, Chris Engels explained the purpose is for Council to recognize the boundaries for the first phase of redevelopment for downtown revitalization. Council is currently addressing Phase 1 and 2. In future fiscal years, pursuit of additional funding and grants will be before Council to expand the project. Ms. Engels referenced the map included in the Council Packet.

Council Member Stear moved to approve Resolution R82-2015. 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

Motion carried 3-0. Jones Absent

- D.** Consideration to Appoint Ron Herther to the Planning and Zoning Commission effective November 1, 2015. Mr. Herther's term will expire on November 1, 2018 – Wendy Howell, P & Z Director
(Timestamp 00:31:54)

P & Z Director Wendy Howell indicated she had not received any additional applications.

Council Member Stear moved to approve Ron Herther to the Planning and Zoning Commission. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

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

Motion carried 3-0. Jones Absent

- E.** October 2015 Construction Report – Gordon Law, City Engineer
(Timestamp 00:33:10) (No Action Required)

8. Ordinances:

- A.** *First Reading* of Ordinance No 2015-12 Idaho Power Franchise Agreement – Richard Roats, City Attorney
(Timestamp 00:34:59)

City Attorney, Richard Roats stated he was not able to negotiate down to five years. It is significantly less than 50 years. There is a benefit in the agreement; the city can run fiber optics on Idaho Power poles as part of the Franchise Agreement. He asked that the ordinance be moved to a second reading.

Council Member Buban-Vonder Haar asked about the paragraph referring to franchise fees and voter approval being required over a certain amount and previous franchise agreements have been passed.

Mr. Roats explained it was determined by statute and Idaho Power was different than Cable One.

Council President Cardoza expressed concern about the City being held accountable for reimbursement if unaware of availability of grant monies.

Mr. Roats responded; there would be no liability.

AN ORDINANCE IN ACCORDANCE WITH IDAHO CODE SECTIONS 50-328, 50-329 AND 50-329A GRANTING A FRANCHISE TO IDAHO POWER COMPANY, AN IDAHO CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN AND UPON

THE PRESENT AND FUTURE STREETS, HIGHWAYS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, IDAHO, ELECTRIC UTILITY PROPERTY AND FACILITIES FOR SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE CITY, THE INHABITANTS THEREOF, AND OTHERS FOR A TERM OF TEN (10) YEARS; PROVIDING A RIGHT TO THE CITY TO PHYSICALLY LOCATE AND MAINTAIN TELEPHONE, CABLE, FIBER OPTICS OR OTHER COMMUNICATIONS FACILITIES ON THE POLES AND OTHER FACILITIES OF GRANTEE; PROVIDING FOR A HOLD HARMLESS CLAUSE; PROVIDING FOR A REQUIREMENT FOR INSURANCE; PROVIDING FOR A PROCESS TO IMPLEMENT A FRANCHISE FEE; PROVIDING FOR A NON COMPETE CLAUSE; PROVIDING A CLAUSE THAT PERMITS THE CITY TO GENERATE POWER FOR ITS OWN CONSUMPTION; RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR THE PAYMENT OF FRANCHISE FEES; AND SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE.

- B. *First Reading* of Ordinance No 2015-18 Annexing Real Property – Trevor Kesner, Planner II
(Timestamp 00:40:18)

P & Z Director Wendy Howell said this was a follow up to the approval from the last meeting.

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of the ordinance

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, TO WIT: PARCEL NO. R5070501603 AND PARCEL NO. R5070501602 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; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to waive three readings of Ordinance No. 2015-18. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0 Jones absent

**Council Member Stear moved to approve Ordinance No. 2015-18. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None**

Motion carried 3-0 Jones absent

Council Member Stear moved to approve a summary publication of Ordinance No. 2015-18. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0 Jones absent

9. Mayor/Council Discussion Items:

Council President Cardoza asked if individual letters could be sent to all the candidates thanking them for running for public office.

10. Announcements:

11. Executive Session:

12. Adjournment:

Council Member Stear moved to adjourn the meeting at 7:43 p.m. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0. Jones Absent

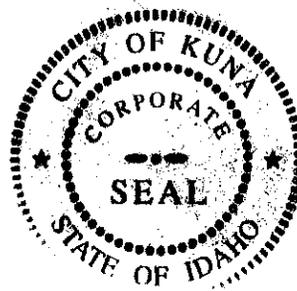


W. Greg Nelson, Mayor

ATTEST:



Chris Engels, City Clerk



*Minutes prepared by Dawn Stephens
Date Approved: CCM 11.17.2015*