

## OFFICIALS

Joe Stear, Mayor  
Pat Jones, Council President  
Briana Buban-Vonder Haar, Council Member  
Richard Cardoza, Council Member  
Greg McPherson, Council Member



## CITY OF KUNA

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

### City Council Meeting Minutes Tuesday, January 19, 2016

#### 7:00 P.M. REGULAR CITY COUNCIL

##### 1. Call to Order and Roll Call

**COUNCIL MEMBERS PRESENT:** Mayor Joe Stear  
Council President Pat Jones  
Council Member Richard Cardoza  
Council Member Briana Buban-Vonder Haar  
Council Member Greg McPherson

**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  
John Marsh, City Treasurer

2. **Invocation:** Karen Hernandez, United Methodist Church

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

4. **Consent Agenda:**  
(Timestamp 00:02:35)

*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.*

A. City Council Meeting Minutes: Regular City Council Minutes, January 5, 2016

B. Accounts Payable Dated January 14, 2016 in the Amount of \$292,514.73

**C. Finding of Facts and Conclusions of Law:**

Consideration to Approve 15-02-S, Journey's End Subdivision: Preliminary Plat to create a 145 lot residential subdivision containing 87 single family lots, 20 townhome lots, 25 multi-family (four-plex) lots and 13 common lots. Trevor Kesner, Planner II

**D. Consideration to re-adopt Ordinance 2015-12, Idaho Power Franchise Agreement with summary publication – Richard Roats, City Attorney**

**Council Member Buban-Vonder Haar moved to approve the consent agenda.**

**Seconded by Council President Jones with the following roll call vote:**

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

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

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

**6. Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)  
(Timestamp 00:03:11)

**A. Consideration to approve submission of two grants to Idaho Department of Parks and Recreation – Chris Engels, City Clerk**

City Clerk Chris Engels explained the two project applications are to complete the areas to the west of Bridge St.

Project #1 is located behind Indian Creek Elementary which is currently a dirt path. The project has both Law Enforcement and Fire Department support as well as the School District's willingness to deed the property to the city. Included is consideration for a survey of the property so that can occur. The city will be requesting \$19,700 with a minimum match required of 20%. The city will be matching 42% in in-kind labor, equipment and maintenance.

Council Member Buban-Vonder Haar asked if the odds of receiving a grant are better if the match percentages are higher than the minimum required.

Ms. Engels replied; yes, absolutely.

Project #2 would be a rehabilitation of the area at the end of Avenue E to include trailhead parking, ADA accessible parking, landscaping and a connection to the existing greenbelt as well as a connection to the Avenue E sidewalk. The adjacent property owners are supportive of the project. The city will be requesting \$42,000 with the city matching 42% in in-kind labor, equipment, landscaping and

maintenance. The city currently has an agreement with UPRR for the land and this project fits into the use allowed in the agreement.

Council Member Cardoza asked for clarification; the land behind the elementary school has not been donated yet, are we assured that the donation will occur?

Ms. Engels deferred to City Attorney Richard Roats who has been working with their attorney.

Mr. Roats responded he has been in communication with the School District's attorney for several months regarding a long term easement or a quit claim of the property. It was the determination of the School District several weeks ago, they would prefer to quit claim the property to the city. The survey would need to take place in a timely manner to facilitate the School Board's approval of the quit claim at their meeting the beginning of February.

Council Member Cardoza asked if a Resolution can be passed regarding property the city does not own.

Mr. Roats responded; yes

Council Member Cardoza asked if the School District does not follow through, would the allocated funds go back to the general fund.

Mr. Roats confirmed that was correct.

**Council President Jones moved to approve the submission of two grant applications. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:**

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

**Voting No: None**

**Absent: None**

**Council President Jones moved to allocate funds to perform a survey on the donated land from the Kuna School District for paving the greenbelt behind Indian Creek School. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:**

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

**Voting No: None**

**Absent: None**

Council Member Stear recognized and welcomed the scout troop in attendance.

## **7. Business Items:**

- A. Consideration to Approve 15-05-LLA – Lot line Adjustment for P&F Development – Trevor Kesner, Planner II  
(Timestamp 00:13:15)

Applicant/Representative seeks approval to adjust the property line between lots 9 and 10, Mineral Springs #2; in order to establish a more appropriate building envelope for construction of a future residential structure on lot 10.

Planner II Trevor Kesner explained the details of the project. All conditions have been met and he stood for questions.

**Council President Jones moved to approve 15-05-LLA. Seconded by Council Member Buban-Vonder Haar motion carried 4-0.**

- B. Consideration to Approve Resolution R04-2016 Adopting Amendments to the City of Kuna Comprehensive Plan – Wendy Howell, P & Z Director  
(Timestamp 00:14:51)

A RESOLUTION OF THE KUNA CITY COUNCIL KUNA, IDAHO ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN ENTITLED 2015 COMPREHENSIVE PLAN FOR THE CITY OF KUNA, IDAHO; AFFIRMING THAT THE PRESCRIBED NOTICE AND HEARING REQUIREMENTS WERE MET IN ACCORDANCE WITH TITLE 67, CHAPTER 65, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.

P & Z Director Wendy Howell explained this was a formality to the adoption that was approved on August 18th.

Council Member Cardoza asked if the matter was previously adopted in August, what the purpose is tonight.

Ms. Howell explained a Resolution was required by state code.

**Council Member Buban-Vonder Haar moved to approve R04-2016. Seconded by Council President Jones. Motion carried 4-0.**

- C. Consideration to Approve Resolution R05-2016 Naming the W. Greg Nelson Greenbelt – Richard Roats, City Attorney  
(Timestamp 00:16:17)

A RESOLUTION OF THE CITY OF KUNA, IDAHO NAMING THE CITY OF KUNA, IDAHO GREENBELT THE “W. GREG NELSON GREENBELT” IN HONOR OF HIS YEARS OF PUBLIC SERVICE TO THE CITY OF KUNA, IDAHO, AND HIS COMMITMENT TO THE YOUTH IN THE COMMUNITY.

City Attorney Richard Roats stood for questions.

Council President Jones asked if there were funds that needed to be approved for signage.

Council Member Cardoza noted there was no money allocated.

Parks Director Bobby Withrow responded if the rock signage is to be done this year it will need to come from the contingency fund. He can obtain a cost quote as soon as possible if directed to do so.

**Council President Jones moved to approve R05-2016. Seconded by Council Member Cardoza. Motion carried 4-0.**

- D. Consideration to Approve Resolution R06-2016 Adopting the Personnel Manual – Richard Roats, City Attorney  
(Timestamp 00:17:58)

A RESOLUTION OF THE KUNA CITY COUNCIL, KUNA, IDAHO APPROVING AND ADOPTING THE CITY OF KUNA, IDAHO PERSONNEL MANUAL (VERSION JANUARY 2016); AND REPEALING ALL PREVIOUS PERSONNEL MANUALS AND/OR RELATED PERSONNEL POLICIES AND PROCEDURES; AUTHORIZING THE MAYOR TO EXECUTE THE MANUAL, AND THE CITY CLERK TO ATTEST TO THE SAME; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Richard Roats explained there has been discussion about 18.1 and requests to remove it from the manual at this time and pass the personnel manual. 18.1 and 18.2 will continue to be worked on and will be brought before Council at a later date. He stood for questions.

**Council President Jones moved to approve R06-2016 removing 18.1. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.**

## 8. Ordinances:

- A. *First Reading* of Ordinance 2016-01 Idaho State Land Department Lands and Blevins Annexation – Troy Behunin, Senior Planner  
(Timestamp 00:19:45)

*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 NUMBER S1427314800 AND PARCEL NUMBER S1427325560;

SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO 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.

Mayor Stear asked if this can be passed by Motion. City Attorney Richard Roats responded yes.

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-01. Seconded by Council President Jones.. Motion carried 4-0**

Mayor Stear asked if this needs to be done by roll call or by Motion. City Attorney Richard Roats responded by Motion.

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-01. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2016-01. Seconded by Council President Jones. Motion carried 4-0**

B. *First Reading* of Ordinance 2016-02 Heimbuch Annexation – Troy Behunin, Senior Planner  
(Timestamp 00:21:56)

*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 NUMBER S1428111000; SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO 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 Cardoza asked if the properties were currently zoned agricultural in the County.

P & Z Director Wendy Jones said she thought they were.

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-02. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-02. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2016-02. Seconded by Council President Jones. Motion carried 4-0**

C. *First Reading* of Ordinance 2016-03 Falcon Crest, LLC Annexation – Troy Behunin, Senior Planner  
(Timestamp 00:24:01)

*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 NUMBER S1422336000; SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO 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 President Jones asked if this included the golf course.

P & Z Director Wendy Howell said it would come in later.

City Engineer Gordon Law explained the location of the parcel.

Council President Jones thanked Mr. Law.

Council Member Cardoza asked Ms. Howell if the adjoining land was designated agricultural in the comp plan.

Ms. Howell wasn't sure; she thought it might be medium density. Their plan is to develop.

Council Member Cardoza asked City Attorney Roats if Council can pass an annexation that is designated agricultural if the city comp plan has a different designation.

Mr. Roats indicated he didn't know the zoning designation but it should be consistent.

Ms. Howell said she would look it up.

Council moved to the next item.

Ms. Howell returned and explained the designation for this portion is agricultural.

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-03. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-03. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2016-03. Seconded by Council President Jones. Motion carried 4-0**

**D. *First Reading* of Ordinance 2016-04 Employee Background Check Amendment – Richard Roats, City Attorney  
(Timestamp 00:28:30)**

*Consideration to waive three readings*

*Consideration to approve ordinance*

*Consideration to approve a summary publication of the ordinance*

AN ORDINANCE AMENDING KUNA CITY CODE 1-16-1, ET SEQ. TO SET FORTH THE PRACTICE AND PROCEDURE FOR OBTAINING, REVIEWING AND MAKING AN ADVERSE DECISION RELATED TO AN APPLICANT OR EMPLOYEE'S CRIMINAL HISTORY; PROVIDING FOR A SEVERANCE CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Richard Roats indicated there was a clean version and redline version of the ordinance for review and stood for questions.

Council President Jones asked what the city policy would be if someone applies that has a substantial history. Who would approve hiring?

Mr. Roats explained access to histories is limited. There would be a general discussion with the Supervisor or Director regarding any problems. A decision would be made at that time if a candidate should move forward.

Council President Jones said the Mayor has final approval for all new hires so that would be sufficient correct?

Mr. Roats confirmed that is correct.

Council Member Cardoza asked if section 6.12 should be more specific as to who is authorized to review the background checks.

City Clerk Chris Engels responded; in our agreement with ISP and BCI in order to do Federal background checks, we are required to provide a list of who is authorized to review them. That list only includes those persons that need to have

hands on those documents. There are only three people on that list, the City Treasurer, the City Attorney and the City Clerk.

Council Member Cardoza asked if those three positions should be named specifically due to privacy issues.

Mr. Roats said he could make that amendment.

Council President Jones feels it would be best to name the three authorized positions.

Mr. Roats said he will make that change.

Mayor Stear asked if Council was agreeable. Council agreed.

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-04. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-04 with changes noted. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2016-04. Seconded by Council President Jones. Motion carried 4-0**

E. *First Reading* of Ordinance 2016-05 Repealing Kuna City Code 1-8-1 – Richard Roats, City Attorney  
(Timestamp 00:37:08)

*Consideration to waive three readings*

*Consideration to approve ordinance*

*Consideration to approve a summary publication of the ordinance*

AN ORDINANCE OF THE KUNA CITY COUNCIL, KUNA, IDAHO REPEALING KUNA CITY CODE (KCC) 1-8-1 PURCHASING PROCEDURE; AND PROVIDING AN EFFECTIVE DATE.

City Attorney Richard Roats explained the code was inconsistent with state law and stated it would be appropriate to follow state law.

Council Member Cardoza said in the budget process each line item is allotted a certain amount. If the funds have already been allocated, it should not need to be brought before Council.

Mr. Roats explained this was for bid items not budget items and would be consistent with state law.

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-05. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-05. Seconded by Council President Jones. Motion carried 4-0**

**Council Member Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2016-05. Seconded by Council President Jones. Motion carried 4-0**

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

*(Timestamp 00:40:21)*

Mayor Stear explained he will be meeting with Tim Gordon on the cost of this building and hopes to have a package ready for the next meeting on possible city hall options for Council review.

Park Impact fees have been calculated and will be presented to the Park Impact Fee Committee for review. He invited Council to attend but to notify City Clerk Chris Engels so she can post it if several council members will be in attendance.

January 29, 2016 will be the dedication with Idaho Air National Guard for the Nose Art to be dedicated to Kuna.

Mayor Stear invited anyone to stop by his office anytime.

Council President Jones asked if staff needed direction regarding vacation accruals now that the personnel manual has passed.

Mayor Stear responded there will be a Directors meeting to discuss options. If there is specific direction at this time, please mention it.

Council President Jones said he would like focus to be placed on the larger vacation accruals first. Attention should also be given to pay rates.

**10. Announcements:**

**11. Executive Session:**

**12. Adjournment:**

**Mayor Stear adjourned the meeting at 7:45 p.m.**



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk

*Minutes prepared by Dawn Stephens, Deputy City Clerk  
Date Approved: CCM 02.02.2016*

