

**CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, APRIL 1, 2014**

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 Pat Jones
Council Member Joe Stear

CITY STAFF PRESENT: Richard T. Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Bob Bachman, Bldg. Maintenance/Bldg. Inspector
Brenda Bingham, City Clerk

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, Jones, Buban-Vonder Haar and Stear present at the meeting.

Invocation: Marcus Omdahl, New Beginnings Christian Church

Pledge of Allegiance: Mayor Nelson

1. Consent Agenda:

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: (Timestamp 00:01:56)

1. Minutes of March 18, 2014 Board of Correction
2. Minutes of March 18, 2014 Regular Meeting

B. Accounts Payable Dated April 1, 2014 in the Amount of \$254,153.06

C. Alcohol Licenses:

1. Renewal of Kuna Super C Store, 331 Avenue D, Off-Premise Beer and Off-Premise Wine
2. Renewal of PSL Inc. dba Cowgirls, 353 Avenue E, Liquor-by-the-Drink and On-Premise Beer
3. Renewal of Big Smoke LLC #134, 1031 E. Kuna Road Suite 150, Off-Premise Beer and Off-Premise Wine
4. Renewal of PacWest Bars LLC dba Red Eye Saloon, Liquor-by-the-Drink and On-Premise Beer

D. Resolutions:

1. Resolution No. R19-2014 – School Property Lease

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE SCHOOL PROPERTY LEASE AGREEMENT WITH THE KUNA SCHOOL DISTRICT FOR THE USE OF A COMMUNITY GARDEN, CITY TREE FARM, YOUTH HORTICULTURAL ACTIVITIES AND A GREENHOUSE.

E. Findings of Facts and Conclusions of Law:

Council Member Buban-Vonder Haar moved to remove Resolution No. R19-2014 from the Consent Agenda and make it number 5C under New Business. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

Council Member Stear moved to approve the Consent Agenda with the modification of Resolution No. R19-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

2. **Citizen's Reports or Requests:**
3. **Old Business:**
4. **Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)

A. 07-03-DA Development Agreement Modification Request from Ridley's Family Markets and Curt Faus Corp – Troy Behunin, Sr. Planner P&Z Department (*Timestamp 00:03:42*)

Applicant requests modification of the development agreement for the Profile Ridge development at the south west corner of Deer Flat and State Highway 69. This application specifically proposes a full-access into and out of the commercial project. Currently, the approvals for site access are a right-in, right-out, onto and from East Profile Street.

Troy Behunin explained the request above stating this application has met the noticing requirements for public hearings to modify the development agreement.

Mayor Nelson opened the public hearing reporting no one signed up to address the issue. An invitation was extended to the audience to make public comment.

There being no testimony offered, Mayor Nelson closed the Public Hearing at 7:10 p.m.

Discussion took place on the full access at the intersection of East Profile Street and Highway 69 (Meridian Road). Safety concerns in a 50 mph zone were pointed out but it was noted there didn't seem to be enough traffic at this time for a problem. Curbing could be installed in the future to eliminate the left-in, left-out access when traffic has significantly increased in the area.

Council Member Buban-Vonder Haar moved to approve 07-03-DA Development Agreement Modification request from Ridley's Family Market. Seconded by Council Member Stear.

Voting Yes: Council Members Jones, Buban-Vonder Haar and Stear

Voting No: Council President Cardoza

Motion carried 3-1.

- B. Development Agreement Modification Request: Applewood / Danskin (Silver Trail): 06-01-DA – Richard Roats, City Attorney (*Timestamp 00:16:28*)

Attorney Roats explained the request and made recommendation for the development agreement to be released from the affected properties.

Mayor Nelson opened the public hearing at 7:26 p.m.

SUPPORT

None

NEUTRAL

Brad Isner, 9289 S. Cherry Apple Avenue, Kuna, reported there is not an agreement with the Home Owners Association (HOA) but they have requested a written agreement reflecting they would not be held responsible for the landscaping strip along Ten Mile. He explained concerns regarding the landscaping issue that took place in 2006. Concern was expressed that only a verbal confirmation for the landscaping work exists from the developer. If the property sells again then the issue falls back on the HOA to remedy the problem of getting the landscaping completed which could potentially cost them up to

\$45,000. The HOA annual budget is only approximately \$23,000. Mr. Isner asked for a written document that states the HOA will not be responsible for the landscaping improvements.

Richard Roats explained the landscaping issue is not part of the development agreement.

Mr. Roats reported he prepared a landscaping agreement between the City and Tim Eck which has been signed and the property will be landscaped when it is developed.

Dan Carter, 2853 W. Stayman Way, Kuna, stated he confirmed everything Mr. Isner reported on. He said copies of the agreement have been requested but so far neither the developer nor the attorney has provided a copy so they don't know what is stated in the agreement or what is involved. He expressed concern on a verbal agreement being made with no one familiar with it in the future due to different people who may be serving on the council at that time. He does not want the residents of the subdivision to end up being responsible for the landscaping work and asked they be released from the responsibility. The HOA fully intends to continue maintaining all property that belongs to their subdivision.

Lance Jenkins, 9455 S. Cherry Apple Avenue, board member of the HOA, stated they are requesting something in writing regarding the landscaping and asked for a copy of the agreement so they will not be held liable.

Richard Roats explained he has communicated with the HOA attorney, Mr. Evans, in the past and advised him of the landscaping agreement. Mr. Roats explained he does not recall anyone asking him for the document nor has he denied giving it out but he will transmit the agreement to the HOA attorney in the morning.

Attorney Roats stated the development agreement release being discussed on the agenda has nothing to do with the landscaping issue. It is not a condition of the development agreement. It is a separate issue that was part of the plat. Releasing the development agreement today has no affect one way or another on the landscaping issue.

OPPOSE

None

Mayor Nelson closed the public hearing at 7:50 p.m.

Council Member Buban-Vonder Haar moved to approve the release of the Applewood Development Agreement as being satisfied and to approve Resolution R22-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- C. Development Agreement Modification Request: Arroyo Indio Subdivision: 06-06-DA – Richard Roats, City Attorney (*Timestamp 00:51:19*)

Attorney Roats explained the request is a recommendation to amend the Development Agreement to keep the pathway condition along Indian Creek for continuity of the path system going north out of the city into the subdivisions.

Mayor Nelson opened the public hearing at 7:55 p.m. reporting no one signed the list to speak. An invitation was extended to the audience to make public comment. No public testimony was offered. The public hearing was closed.

Council Member Buban-Vonder Haar moved to approve Resolution No. R20-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- D. Development Agreement Modification Request: 107 Acre, Former City Parcels: 09-02-DA – Richard Roats, City Attorney (*Timestamp 00:55:53*)

Attorney Roats explained the request to release the development agreement on the City Farm 107 property located north of the treatment plant. This development agreement contemplated the use of a park and land application for the wastewater treatment plant but it has now been sold for development.

Mayor Nelson opened the public hearing at 8:57 p.m. reporting no one signed the list to speak. An invitation was extended to the audience to make public comment. Hearing no public testimony, the hearing was closed.

Council Member Buban-Vonder Haar moved to approve Resolution R23-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- E. Development Agreement Modification Request: Pawnee Creek: 07-13-DA – Richard Roats, City Attorney (*Timestamp 00:58:10*)

Attorney Roats explained the request to amend the development agreement for Pawnee Creek Subdivision on the west side of town. The property was sold and now owned by a developer who intends to submit an amended plat with a significantly different layout.

Mayor Nelson opened the public hearing at 8:00 p.m. reporting no one signed the list to speak. An invitation was extended to the audience to make public comment. Hearing no public testimony, the hearing was closed.

Council Member Buban-Vonder Haar moved to approve Resolution No. R21-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- F. Development Agreement Modification Request: Waters Edge / (Laketown): 03-19-DA – Richard Roats, City Attorney (*Timestamp 01:00:36*)

Attorney Roats made recommendation to table this item until the April 15, 2014 council meeting.

Council Member Stear moved to table the Development Agreement Modification Request for Waters Edge, Resolution No. R24-2014 until the April 15th council meeting. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

5. New Business:

- A. Valley Regional Transit Annual Report and Transit Project Charter – Kelli Fairless, Executive Director (*Timestamp 01:03:06*)

Kelli Fairless reported that Kuna has been included in all the plans for Valley Regional Transit (VRT) and has a good vision for the transit services to be developed in Kuna. They have been working with the Senior Center over the past few years and other members of the community in an attempt to build more community based transportation options. This has been used as a pilot program to expand to other areas of the region.

A Public Transportation Plan and Budget was presented for the purpose of completing a strategic plan and budget for public transportation operations to serve Kuna. The plan will consider a medium-term service plan with short-term emphasis on developing public transportation options to meet short-term service needs.

Project objectives and outcomes were reviewed. A Project Team was proposed including Kuna staff members with Rhonda Jalbert, VRT Development Director, serving as the project manager. The project team will meet monthly beginning in April. Budget development will begin in the fall 2014 for the Fiscal Year 2016 budget.

- B. March Construction Report (No Action Required) – Gordon Law, City Engineer (*Timestamp 01:20:10*)

The report was reviewed with no questions or concerns noted.

- C. School Property Lease Agreement – Resolution R19-2014 (*Timestamp 01:21:04*)

Council Member Jones explained he is not opposed to the idea and appreciates the School District offering the property for the proposed community garden/tree farm project but expressed concern on the weight of equipment crossing over the bridge, costs of the project and added work load to staff. He suggested moving it to a different location or possibly incorporating it with the Boys and Girls Club.

It was noted that tree seedlings from Idaho Power and the Arbor Day Grant will be planted at the site creating a supply of trees to later be planted at schools and city parks.

The Union Pacific Railroad offered \$5,000 to the project through a safety grant. Various individuals and businesses in the community along with the schools are volunteering labor and supplies for the project.

Concern was noted on possible theft and vandalism to the site.

Mayor Nelson explained the idea is to teach our youth horticulture and to keep them active in beneficial projects. This will be part of the Year of the Kid to involve the children.

Council Member Buban-Vonder Haar moved to approve Resolution No. R19-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

6. Ordinances:

7. Mayor/Council Discussion Items: (Timestamp 01:39:19)

A. Council Chamber TV Discussion – Bob Bachman, Building Maintenance

Bob Bachman explained the input from the computer to the TV went out which makes the TV unusable. He suggested possible corrections for the problem noting they would only be temporary. He also provided information for other solutions to replace the TV with monitors for the council to view.

It was the consensus of the Council to have PowerPoints downloaded on the iPads that are planned for use in the future. The short term solution is for the Council to view the presentations via the wall projector.

8. Announcements:

Mark Barnes, Kuna Melba News Editor, announced the paper has allocated space to cover city information on parks, recreation, activities, community classes, projects, construction and other informative items to inform and educate the public.

9. Executive Session:

10. Adjournment:

Council Member Stear moved to adjourn the meeting at 8:55 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

Minutes prepared by Brenda Bingham

Date Approved: CCM 4/15/14

An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website www.kunacity.id.gov