

**CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES**

TUESDAY, DECEMBER 2, 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 Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Bob Bachman, Parks & Fleet Mgt.
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: Chris Bent, Calvary Chapel

Pledge of Allegiance: Mayor Nelson

Request to Amend the Agenda *(Timestamp 00:01:36)*

Amend the agenda originally posted on November 25, 2014 to include the following:

4I – Resolution No. R86-2014 First Addendum to the Master License Agreement between ACHD and the City of Kuna for the Installation of Pressurized Irrigation Piping and Valving Equipment within the Rights-of-Way of the City of Kuna, Idaho.

Revised Agreement for agenda item 4E Agreement with DHM Enterprises for Plumbing Plan Review and Inspection Services

Revised Agreement for agenda item 4F Agreement with Electrical Controls and Instrumentation, LLC to Provide Electrical Plan Review and Inspection Services

The documents for the above agenda amendments were received on December 2, 2014.

Council Member Buban-Vonder Haar moved to amend the agenda to include item number 4I – Resolution No. R86-2014 regarding an agreement between ACHD and the City of Kuna, that we include a revised agreement for agenda item 4E and a revised agreement for agenda item 4F. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

1. Consent Agenda: *(Timestamp 00:02:50)*

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 November 18, 2014 Regular Meeting

B. Accounts Payable Dated December 2, 2014 in the Amount of \$111,092.88

C. Alcohol Licenses:

D. Resolutions:

E. Findings of Facts and Conclusions of Law:

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:

A. Continued Discussion on 2015 Kuna Days Fireworks Funding Request and Park Fee Waiver – Fabiola Giddings, Kuna Chamber of Commerce President
(Timestamp 00:03:15)

Fabiola was unable to attend due to a schedule conflict. She presented her request at the previous council meeting but a vote did not take place due to an absent Council Member and Council Member Jones conflict of interest on the matter.

Council Member Jones recused himself from voting due to his involvement with Kuna Days.

Council Member Buban-Vonder Haar recused herself from voting because she is a Board Member for the Chamber of Commerce.

Council Member Stear moved to approve the funding request for \$2,500 for the fireworks at Kuna Days and the park fee waiver for the Kuna Chamber. Seconded by Council President Cardoza, all voting aye. Motion carried 2-0.

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

- A. **14-05-AN** (Annexation) **14-04-DA** (Develop Agreement) and **14-03-S** (Preliminary Plat) ***Patagonia Subdivision*** - Applicant requests annexation of approx. 150.35 acres to create a 470 lot residential subdivision. Applicant proposes 18 additional common lots approx. 11.95% of the site, or 17.96 acres. One will be developed for sports fields while another will be developed into a swimming pool facility. Others will house tot-lots for children. An HOA will be established. Applicant seeks an R-6 zone and proposes seven phases of development which will be driven by the consumer market. The applicant is aware a development agreement will be recorded to guide development for the project. Presented by Troy Behunin, P&Z (*Timestamp 00:05:18*)

Troy Behunin reported the applicant for the Patagonia Subdivision has submitted all of the proper materials for the applications. They held the neighborhood meeting and met with the School District and all the noticing procedures have been followed. They desire appropriate zoning to allow a pool facility, tot-lots for children and an abundance of common space. The Planning and Zoning Commission has reviewed the application and made a recommendation for approval with the following conditions of approval:

- * Follow all staff recommended conditions of approval and any additional Kuna Rural Fire District requirements.
- * Sidewalk will be placed throughout project according to City standards.
- * Provide Rights-of-Way in sufficient width for the project at City and ACHD standards.

Mr. Behunin explained a Development Agreement was not included with packets due to this project not having anything extraordinary or out of the norm. Everything has either been addressed through the Engineer's memorandum, ACHD, staff or code. Staff is recommending the engineer's report, ACHD, standards, etc. all be included in the conditions of approval so there is not a need for a Development Agreement.

An item in the City Engineer's report was noted for a pressure irrigation pump station as a condition of approval. Applicant is aware of this item.

Council requested a copy of the concerns from the neighborhood meetings to be included with the council packets.

Taylor Merrill, Westpark Co., P.O. Box 344, Meridian, Idaho, thanked the staff and expressed their enthusiasm for the project. Patagonia is a 150 acre development planned for approximately 470 lots. The lots on the east side will be larger, close to 1 and 1 ½ acre lots. Plans include tot-lots as well as a 4 acre park to accommodate youth sports. Parks will be inter-connected by a pathway which will also go along Mason Creek. They would also like to include a couple of bus stops in the first phase. The project will be done

in approximately 40 – 50 lot phases making it about an 8 – 10 year project. Four or five different builders will be used.

Mr. Merrill stated they support ACHD's comments and agree with their Capital Improvement Plan. Access from Meridian Road will warrant a signal at Hubbard Road at some point which is included in the Capital Improvement Plan. It was noted the site was originally named as Criterion Orchards with fruit type street names but these will be changed to Argentinian or Patagonian type names.

Mr. Merrill agrees with Planning and Zoning Commissions' recommendations with the right-of-way on Hubbard Road and the sidewalk is included with the plan. They also agree with the Engineering Department in the design of the irrigation pump and they will conform with the Fire Department's design requirements.

There were only 3 or 4 people (groups or couples) that attended the neighborhood meeting. One neighbor to the east was concerned about his drainage and irrigation which they will address. There were some discussions at the neighborhood meeting but no contention to the plans. They have met with Boise Project on the flood plain and Mason's Creek integrity will remain. They will ensure water will be retained so as not to affect the neighbors.

Mr. Merrill thanked the P&Z staff for accommodating them in their request.

It was noted these will not be starter homes but a higher grade of homes with the average size about 2,500 sq. ft. ranging from \$250,000 to \$280,000.

Greg Johnson, 2037 East Tursa, Meridian explained they are in the process of finishing Tuscany Subdivision of approximately 1,000 homes. It sits in the Victory to Amity and Locust Grove to Eagle section of ground. Approximately three months ago, they conducted a survey of home owners there to determine if another pool would be needed or what types of amenities were important to them. The pools were very important but the number one amenity in Tuscany is the walking/biking pathways. They have approximately 2 ½ miles of pathways in the subdivision. Pocket parks are the second favorite amenity. It works well to have kids practice their sports near their homes. They started developing Bear Creek in early 2000 and Tuscany in 2004. He feels Patagonia will pick up the market that is currently going to Tuscany. The new interchange at Meridian Road will help with traffic congestion in the area. Marketing wise, they attempt to hold the lots about \$15,000 below what the current Tuscany lot pricing is to get back into an affordable price with nicer homes. They plan for a good mix of homes.

Mayor Nelson opened the public hearing at 7:40 p.m. reporting no one signed the list to speak. An invitation was extended to the audience to make public comment.

Heather Bailey, 1090 East Gravel Lane, explained she is a neighbor that borders the property and expressed Gravel Lane is a private lane and asked if a wall will be put up or how people will be kept from her property. She is also concerned about light pollution.

Greg Johnson explained that Ms. Bailey has a private driveway right now and nothing will happen to her road until she decides to annex and plat her property. The roads the developer builds will only be on their property. He explained the barb wired fence will come out and the road will be built to that point. They will have a fence on the inside landscape berm to the south of that road. At the end of the asphalt, they will have barriers that ACHD requires which will state “Dead End”.

Ms. Bailey also expressed concern on potential crime due to the increased population in her area and worried her property values will go down.

Greg Johnson listed names of other builders such as Eagle Wood Homes, Berkeley Builders and Biltmore explaining they build quality homes. Density does bring some issues but in other ways it brings more police force.

Ms. Bailey asked about livestock control when the fence is removed.

Mr. Johnson answered that if it is on the property line, then they will build up to the fence. If ACHD allows it to remain then they will leave it in place.

Ms. Bailey may want animals in the future and wants to make sure she can have them without complaints from the new neighbors.

Mayor Nelson explained she is not annexed into the city so any complaints would go before the County Commissioners. She should be able to continue doing her agricultural pursuits.

Taylor Merrill responded that ACHD does require a barrier at the end of the street and it is the developer’s intention to be a good neighbor.

Mayor Nelson closed the public hearing at 7:55 p.m.

Council Member Buban-Vonder Haar moved to approve 14-05-AN, 14-04-DA, 14-03-Sub with the conditions of approval listed in the packet subject to the Engineer’s report and including Planning and Zoning’s recommended conditions of approval. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

4. Business Items:

- A. Consideration of \$1,250 Match for the Jeff Tunison Community Fund for Economic Development Grants for Downtown Revitalization Consultant Services – Chris Engels, Grant Administrator (*Timestamp 00:57:37*)

Ms. Engel reported that anytime a match can be made on a grant it enhances the application and makes a better candidate for receiving future grants. The tentative amount of the grant application will be for \$20,000.

President Cardoza and Joe Stear recused themselves from voting since they are property owners in the re-development area.

Council Member Buban-Vonder Haar moved to approve an expenditure of \$1,250 from the Contingency Fund to be used as a match for the Jeff Tunison Community Fund for Economic Development Grants. Seconded by Council Member Jones, all voting aye. Motion carried 2-0.

- B. Consideration to Approve Resolution No. R81-2014 – Arbor Ridge Park Drain
(Timestamp 01:08:46)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE AGREEMENT WITH THE DEPARTMENT OF ARMY, CORPS OF ENGINEERS PERMITTING THE CITY OF KUNA, IDAHO TO FILL RELOCATE AND TILE A PORTION OF THE HUBBARD BEAL DRAIN THAT IS LOCATED WITHIN THE CITY OF KUNA’S ARBOR RIDGE PARK; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Buban-Vonder Haar moved to approve Resolution No. R81-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- C. Consideration to Approve Resolution No. R82-2014 Approving Award of Bid to Thueson Construction for Swan Falls Road PI Crossing Construction (Timestamp 01:10:47)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY OF KUNA, IDAHO IRRIGATION FUND TO AWARD A UNIT PRICE BID FOR CONSTRUCTION OF A PRESSURE IRRIGATION CROSSING OF SWAN FALLS ROAD IN THE AMOUNT OF \$14,075.00; AUTHORIZING THE CITY OF KUNA, IDAHO’S TREASURER, JOHN MARSH TO PAY THE INVOICES FOR SAID CONSTRUCTION IN THE AMOUNT OF \$14,075.00; AND AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS RELATED TO SAID AWARD OF BID.

Council Member Buban-Vonder Haar moved to approve Resolution No. R82-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- D. Consideration to Approve Resolution No. R83-2014 Adopting New Health Benefits Plan (information and documents forthcoming) – John Marsh, City Treasurer
(Timestamp 01:17:06)

John Marsh requested for this item to be removed from the agenda due to the need to educate staff on future health care changes.

Council Member Buban-Vonder Haar moved to table the discussion on Resolution No. R83-2014 until the second meeting in January. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- E. Consideration to Approve Resolution No. R84-2014 Agreement with DHM Enterprises for Plumbing Plan Review and Inspection Services *(Timestamp 01:27:03)*

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE AGREEMENT WITH DHM ENTERPRISES AND THE CITY OF KUNA, IDAHO TO PROVIDE THE CITY WITH PLUMBING PLAN REVIEW AND INSPECTION SERVICES; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Stear moved to approve Resolution No. R84-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

- F. Consideration to Approve Resolution No. R85-2014 Agreement with Electrical Controls and Instrumentation, LLC to Provide Electrical Plan Review and Inspection Services *(Timestamp 01:31:28)*

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE AGREEMENT WITH ELECTRICAL CONTROLS AND INSTRUMENTATION, LLC AND THE CITY OF KUNA, IDAHO TO PROVIDE THE CITY WITH ELECTRICAL PLAN REVIEW AND INSPECTION SERVICES; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Stear moved to approve Resolution No. R85-2014 for the electrical. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

- G. Discussion to Set Date for Urban Renewal Special Meeting – Richard Roats, City Attorney *(Timestamp 01:32:35)*

Richard Roats reported that P&Z met earlier today to make a recommendation for the Urban Renewal Plan and to make sure it is in compliance with the city's Comprehensive Plan. Later this week, they will approve those Findings of Facts then a public hearing at city council will need to be held to review the Urban Renewal Plan.

Staff has been working on the Urban Renewal Plan for an area to develop and utilize financing for infrastructure improvement. If this is done prior to the end of the year then Ridley's can be included.

Mr. Roats suggested holding the meeting on Monday, December 29 to meet noticing procedures.

Mark Barnes reported they will be having earlier deadlines for notices in the paper due to the holidays and will provide a list of the deadlines to the Attorney.

Council President Cardoza reported he might be out of town the week of December 22.

Council expressed the importance of being transparent and clear to the public on what we are planning on doing and reasons why it is rushed and taking place at the last minute.

Mr. Roats will discuss a date with the paper and will email Council to let them know.

- H. Continued Consideration and Discussion on Advertising in Kuna Life 2015 Edition by Madison Publications – Mayor Nelson (*Timestamp 01:48:55*)

The Mayor reported that Madison Publications was willing to accept payment in any manner the Council desired.

Council President Cardoza moved to pay Idaho Life Magazines \$600 at the present time for the 2015 edition with the other \$600 payable upon publication. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- I. Consideration to Approve Resolution No. R86-2014 First Addendum to the Master License Agreement between ACHD and the City of Kuna for the Installation of Pressurized Irrigation Piping and Valving Equipment within the Rights-of-Way of the City of Kuna, Idaho. (*Timestamp 01:50:50*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE FIRST ADDENDUM TO THE MASTER LICENSE AGREEMENT FOR MUNICIPAL PRESSURE IRRIGATION SYSTEM WITHIN THE RIGHTS-OF-WAY BETWEEN THE ADA COUNTY HIGHWAY DISTRICT AND THE CITY OF KUNA PERMITTING THE PLACEMENT OF THE CITY OF KUNA'S PRESSURIZED IRRIGATION SYSTEM CONSISTING OF PRESSURE IRRIGATION PIPING AND VALVING EQUIPMENT WITHIN THE ADA COUNTY HIGHWAY DISTRICT RIGHTS-OF-WAY ASSOCIATED WITH THE TIMBERMIST SUBDIVISION.

It was noted this process is now required by ACHD.

Council Member Stear moved to approve R86-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

5. Ordinances: (*Timestamp 01:55:29*)

- A. First Reading of Ordinance No. 2014-14 Irrigation Annexation – Larry Smith**
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 OF THE CITY OF KUNA, IDAHO, ANNEXING ALL OF LOT 10 OF KUNA VILLAGE ESTATES SUBDIVISION, PARCEL R5070750105, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE BOISE~KUNA IRRIGATION DISTRICT AND CHANGING THE BOUNDARIES THEREOF; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Jones stated this lot and the lot south of it runs off the gravity line. He inquired how this action would affect the sole lot left on the gravity line.

Gordon Law will check into the matter and report back.

Council Member Stear moved to table Ordinance No. 2014-14 until the December 16th Council Meeting. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

B. *First Reading of Ordinance No. 2014-18 Irrigation Annexation – Rea*

(Timestamp 02:01:45)

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 OF THE CITY OF KUNA, IDAHO, ANNEXING ALL OF PARCEL R5070504527, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE BOISE~KUNA IRRIGATION DISTRICT AND CHANGING THE BOUNDARIES THEREOF; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2014-18. Seconded by Council Member Buban-Vonder Haar all voting aye. Motion carried 4-0.

Council Member Stear moved to approve Ordinance No. 2014-18. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, 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. 2014-18. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

6. Mayor/Council Discussion Items: *(Timestamp 02:05:34)*

It was noted the Council was in favor of the ham/turkey certificate or choice of Chamber certificates for the city employees as was done last year.

Mayor Nelson reported he will prepare a response to the Mayor of Meridian regarding the Area of Impact but will send it to the Council first for review prior to mailing it.

7. Announcements: *(Timestamp 02:04:16)*

John Marsh introduced Linda Mayhugh to the Council as a new employee in the Treasurer Department.

(5 minute break)

8. Executive Session: *(Timestamp 02:08:03)*

A. Executive Session Pursuant to Idaho Code 67-2345(d) to Consider Records that are Exempt from Disclosure as Provided in Chapter 3, Title 9, Idaho Code. Case No. 2014-01-IND

Council Member Buban-Vonder Haar moved to go into an Executive Session pursuant to Idaho Code 67-2345(d) to Consider Records that are Exempt from Disclosure as Provided in Chapter 3, Title 9, Idaho Code. Seconded by Council Member Stear with the following roll call vote:

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

Voting No: None

Absent: None

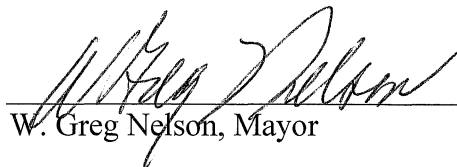
Motion Carried: 4-0

Time: 9:20 p.m.

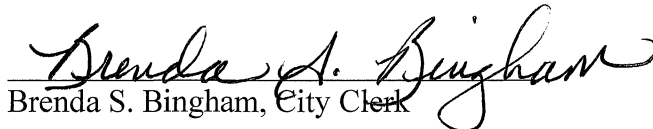
Council Member Buban-Vonder Haar moved to adjourn from the Executive Session that had been called pursuant to Idaho Code 67-2345(d) to Consider Records that are Exempt from Disclosure. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

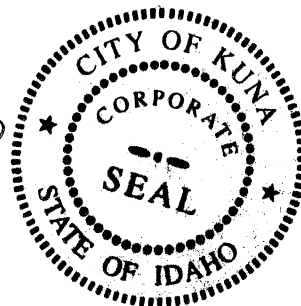
9. Adjournment:

The meeting adjourned at 9:25 p.m.


W. Greg Nelson, Mayor

ATTEST:


Brenda S. Bingham, City Clerk



Minutes prepared by Brenda Bingham
Date Approved: CCM 12/16/14