

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

TUESDAY, NOVEMBER 18, 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 Pat Jones
Council Member Joe Stear

EXCUSED ABSENCE: Council Member Briana Buban-Vonder Haar

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 and Stear present at the meeting. Council Member Buban-Vonder Haar was ill and unable to attend.

Invocation: Stan Johnson, Kuna Life Church

Pledge of Allegiance: Mayor Nelson

1. Consent Agenda: (Timestamp 00:01:32)

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 5, 2014 Regular Meeting

B. Accounts Payable Dated November 18, 2014 in the Amount of \$292,544.45

- 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 Jones, all voting aye. Motion carried 3-0.

Wendy Howell asked to amend the agenda by moving item 4A to be included under the Public Hearings as 3B.

Council Member Stear moved to amend the agenda by moving item 4A to item 3B. Seconded by Council Member Jones, all voting aye. Motion carried 3-0.

2. Citizen's Reports or Requests:

- A. 2015 Kuna Days Fireworks Funding Request and Park Fee Waiver – Fabiola Giddings, Kuna Chamber of Commerce President (*Timestamp 00:04:00*)

Fabiola Giddings represented the Chamber of Commerce and asked for an extra \$2,500 for fireworks at Kuna Days in 2015. She also asked for the park rental fee to be waived and if they have money left over after Kuna Days, then they will pay it at that time.

John Marsh explained there was a budget amount of \$2,500 for the fireworks.

Council Member Jones recused himself from voting since he is directly involved with Kuna Days. It was noted that the park fees are \$250.

This will be placed on the Dec. 2, 2014 council meeting when a quorum is present to vote.

- B. American Cancer Society Relay for Life – Lauren Olsen (*Timestamp 00:08:38*)

No one was in attendance to represent this item.

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

- A. A Hearing to Consider Adopting a Resolution Establishing Fees for a Temporary Mobile Vendor Permit – Richard Roats, City Attorney (*Timestamp 00:08:52*)

Attorney Roats explained the proposed fee schedule for the Mobile Vendor's Permit: 30 day permit \$15; sixty day permit \$25; Ninety day permit \$30; and 90 day renewal fee of \$25.

Mayor Nelson opened the public hearing at 7:14 p.m. reporting no one signed the list to speak. An invitation was extended to the audience to make public comment.

There being no testimony offered, Mayor Nelson closed the Public Hearing.

1. Consideration to Approve Resolution No. R66-2014 Temporary Vendor Fee Schedule

A RESOLUTION OF THE CITY OF KUNA, IDAHO SETTING THE FEES FOR CITY OF KUNA, IDAHO ORDINANCE NO. 2014-10 MOBILE VENDOR'S LICENSE.

Council Member Stear moved to approve Resolution No. R66-2014 the Mobile Vendor License Fee. Seconded by Council Member Jones, all voting aye. Motion carried 3-0.

B. Continued Discussion on Development Agreement Modification 08-08-DA; Linder Farms – Richard Roats, City Attorney (*Timestamp 00:13:20*)

Applicant has requested a modification of the Development Agreement (DA) for Linder Farms, one-half mile south of Lake Hazel on the west side of Linder Road. This application requests that the recorded Development Agreement be modified to include Bus Guide Tours through corn fields and paintball activities. As a result of several questions raised during the hearing on October 21, 2014, the matter was continued to allow staff additional time to research the issues raised. Staff has completed the research and recommends that in lieu of modifying the Development Agreement, the Development Agreement be released from the property, after notice and hearing.

Attorney Roats explained the above information adding that at the time the Development Agreement was approved the city did not have a zone for Agritainment. This has subsequently been passed. Staff and the Planning Director made a decision that this proposed use was Agritainment and is a permitted use within the zone. It was noted that both Zombie Acres and the corn maze would need to obtain a Special Event Plan on an annual basis.

Mr. Roats recommended the Development Agreement and the Special Use Permit be released. It would be properly noticed to release the Development Agreement from the property and processed through the Planning and Zoning Commission to release the Special Use Permit.

Prior to the event, a meeting will be held with the event organizers to set up conditions for the event noting there is a penalty if the conditions are violated. The conditions would be structured under the Special Event Plan to take care of concerns raised by neighbors. The intent is to make it work for everyone.

No vote took place at this time but it will be voted on after it is properly noticed to release the Development Agreement.

4. Business Items:

A. Continued Discussion on Development Agreement Modification 08-08-DA; Linder Farms – Richard Roats, City Attorney

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This item was discussed under agenda item 3B due to the motion made above to amend the agenda.

B. Consideration to Approve Resolution No. R73-2014 Purchase of UTV from Campbell Tractor for Parks Department (*Timestamp 00:27:36*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY OF KUNA, IDAHO PARK DEPARTMENT TO PURCHASE A 2014 JOHN DEERE UTV FOR \$19,841.00 FROM CAMPBELL TRACTOR COMPANY; AUTHORIZING THE CITY OF KUNA, IDAHO'S TREASURER, JOHN MARSH TO PAY THE INVOICE FOR THE JOHN DEERE UTV IN THE AMOUNT OF \$19,841.00; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Council Member Stear moved to approve Resolution No. R73-2014 for the purchase of the UTV from Campbell Tractor. Seconded by Council President Cardoza, all voting aye. Motion carried 3-0.

C. Consideration to Approve Resolution No. R74-2014 Right of Way – Richard Roats, City Attorney (*Timestamp 00:22:40*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE LETTER TO ACHD STATING THE CITY'S SUPPORT FOR THE VACATION OF THE RIGHT-OF-WAY AT THE WEST END OF DEER FLAT ROAD, KUNA, IDAHO, SAID RIGHT-OF-WAY

Attorney Roats explained this is a portion of Deer Flat Road on the west end that has not been constructed next to the Crimson Point Subdivision. The developer, Tim Eck, has requested that the right-of-way and warranty deed be vacated and has been working with city staff on the matter.

It was noted that ACHD has determined that this will not be one of the roads that crosses Indian Creek.

Council Member Stear moved to approve Resolution No. R74-2014 Right-of Way. Seconded by Council President Cardoza, all voting aye. Motion carried 3-0.

- D. Consideration to Approve Resolution No. R75-2014 J&M Sanitation Agreement Amendment – Richard Roats, City Attorney (*Timestamp 00:29:33*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE AMENDMENTS TO THE J&M SANITATION AGREEMENT.

Council Member Stear moved to approve Resolution No. R75-2014. Seconded by Council President Cardoza, all voting aye. Motion carried 3-0.

- E. Consideration to Approve Resolution No. R76-2014 Farm Lease with S&T Farms – Richard Roats, City Attorney (*Timestamp 00:36:55*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE LEASE AGREEMENT WITH S&T FARMS, LLC, FOR THE LEASE OF THE CITY OF KUNA, IDAHO'S PROPERTY LOCATED AT MEADOW VIEW ROAD, KUNA, IDAHO.

Council Member Stear moved to approve Resolution No. R76-2014. Seconded by Council Member Jones, all voting aye. Motion carried 3-0.

- F. Consideration to Approve Resolution No. R77-2014 Farm Lease of City Property to Silver Butte Holsteins – Richard Roats, City Attorney (*Timestamp 00:42:06*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE LEASE AGREEMENT FOR THE LEASE OF THE CITY OF KUNA'S PROPERTY LOCATED AT SWAN FALLS ROAD, KUNA, IDAHO.

Council Member Stear moved to approve Resolution No. R77-2014. Seconded by Council Member Jones, all voting aye. Motion carried 3-0.

- G. Consideration to Approve Resolution No. R78-2014 Purchase of Pickup from Kendall Ford for Sewer Fund (*Timestamp 00:42:23*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY OF KUNA, IDAHO SEWER FUND TO PURCHASE A NEW 2014 FORD F-150 PICKUP FROM KENDALL FORD FOR \$22,999.80; AUTHORIZING THE CITY OF KUNA, IDAHO'S TREASURER, JOHN MARSH TO PAY THE INVOICE FOR SAID PICKUP IN THE AMOUNT OF \$22,999.80; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Council Member Stear moved to approve Resolution No. R78-2014. Seconded by Council President Cardoza, all voting aye. Motion carried 3-0.

- H. Consideration to Approve Resolution No. R79-2014 Bureau of Reclamation Consent to Use Agreement – Richard Roats, City Attorney (*Timestamp 00:43:58*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE CONSENT TO USE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Richard Roats explained this is a use agreement for the pedestrian underpass bridge crossing and easement encroachment of the New York Canal as part of the greenbelt extension on Swan Falls going east.

Mayor Nelson expressed appreciation for Chris Engels efforts in obtaining this permit.

Council Member Stear moved to approve Resolution No. R79-2014. Seconded by Council Member Jones, all voting aye. Motion carried 3-0.

- I. Consideration to Approve Resolution No. R80-2014 City Parks and City Public Property Fees – Amending Fee Schedule to Delete Deposit Requirement – Richard Roats, City Attorney (*Timestamp 00:46:00*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO, DELETING THE REQUIREMENT FOR DEPOSITS FROM THE CITY PARKS AND CITY PUBLIC PROPERTY FEE SCHEDULE FOR THE CITY OF KUNA, IDAHO, AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to approve Resolution No. R80-2014. Seconded by Council President Cardoza, all voting aye. Motion carried 3-0.

- J. Consideration and Discussion on Advertising in Kuna Life 2015 Edition by Madison Publications – Mayor Nelson (*Timestamp 00:48:47*)

Mayor Nelson explained the cost would be \$1,200 for next year's edition and it would be paid out of the Economic Development funds.

Concern was noted on making payment in advance before the product was delivered. Paying a percentage of the fee was suggested. The Mayor will check with the business owner to see if it can be paid upon receipt.

5. Ordinances:

6. Mayor/Council Discussion Items: (*Timestamp 00:54:30*)

Mayor Nelson explained the BMX track is under consideration for moving next to the bike jumps or south of town in a desert location so the current area can become more of a plaza area in the center of town.

ACHD will still use their equipment to pave the greenbelt once the asphalt plant opens again in the spring. The City will be purchasing the asphalt with grant funds.

Mayor reported a \$2,000 grant was received to move the History Center to the old City Hall (Public Works building). The building will be remodeled by city staff.

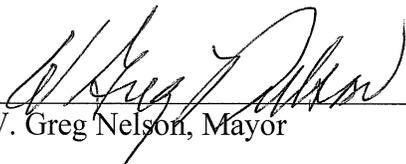
Concern was noted on ACHD not plowing snow on roads in Kuna.

7. Announcements:

8. Executive Session:

9. Adjournment:

Council Member Stear moved to adjourn the meeting at 8:09 p.m.



W. Greg Nelson, Mayor

ATTEST:



Brenda S. Bingham, City Clerk



*Minutes prepared by Brenda Bingham
Date Approved: CCM 12/2/14*

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