

OFFICIALS

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



Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho

**City Council Workshop
City Council Meeting
MINUTES
Tuesday, May 2, 2017**

5:30 P.M. WORKSHOP

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Richard Roats, City Attorney
Chris Engels, City Clerk
Antonio Conti, City Engineer
John Marsh, City Treasurer
Bobby Withrow, Parks Director
Bob Bachman, Facilities Director
Wendy Howell, P & Z Director

2. Discussion on setting of fees, and ex parte and quasi-judicial. – Richard Roats, City Attorney

City Attorney Richard Roats explained the purpose of the workshop and the reason for the request.

He referenced Idaho Code 63-1311A which stated no taxing district may make a decision approving a fee increase that is excess of 5% of the amount of the fee last collected or a decision imposing a new fee unless it holds a hearing upon such proposed fee increase or fee imposition at a regular or special meeting of the districts governing body and after it gives public notice of such hearing in the manner provided in that section, which was basically advertising in the paper. Converting that to relevance to Kuna, essentially it said the City Council shall not adopt a resolution where a new fee

was imposed or a fee was increased 5% or greater without public notice and hearing. This controlled when the Council could decide to adopt the resolution. The City's policy was changed to have the decision and the hearing on the same day but it could be done either way. For expedience, it made sense to have that discussion the same day as the public hearing.

Mr. Roats proposed staff present the method staff used to come up with that fee, the public would be able to comment on that, and then Council could vote on that. Doing it all in one session like that lends to transparency. It was distinctly different from the budget hearing which was controlled by a different Idaho Code section. The City did workshops not mandated by statute. Only the public hearing for the adoption portion was mandated but those were different. He presented Council with the options to either go to the way the City used to do it or continue to do it all at the same hearing which made more sense for efficiency and transparency. He also could not think of an instance where someone from the public came in to comment on these and very few times when Council had questioned a fee, especially when the method behind choosing an amount was explained. He stood for questions.

Council Member Jones asked if a fee was published would there be any leeway to change that fee without republishing.

Council Member Buban-Vonder Haar clarified Council Member Jones was referring to a published proposed fee that the Council decides at the public hearing they would like a different amount than what was published.

Mr. Roats responded all that needed to happen was the public hearing before the decision and a notice that there would either be a new fee or a fee would be increased by 5% or more. If Council wanted to increase a fee beyond what was published it would be appropriate to republish.

Council Member Jones clarified the City would incur an additional cost to republish the proposed fee with the change.

Mr. Roats said yes.

Council Member Jones also clarified a fee setting was a legislative action and not a quasi-judicial action.

Mr. Roats said that was correct.

Council Member Jones asked if ex parte communications disclosures needed to be made regarding legislative actions.

Mr. Roats said they do not.

Council Member Jones asked if he could discuss a fee prior to a public hearing with a constituent.

Mr. Roats said he could discuss it but he could not indicate he had made up his mind on it or that he was going to do something. He could take their input. It was always good to have them come to the meeting to give their input and to disclose the conversation in the interest of transparency.

Council Member Jones clarified, hypothetically, if they had conversations but did not disclose them there was no wrong doing.

Mr. Roats said that was correct as long as he hadn't made his decision and expressed that.

Council Member Jones stated they had discussions regarding perception regarding quasi-judicial. If someone was to approach him, and he did not disclose that, he would have to recuse himself. He asked if that would be the case with a legislative action.

Mr. Roats said he would not. He reiterated Council Members should not say things like "that's a good idea" or "I agree" which gives the perception their minds are already made up. The decision was what was critical; it needed to be made after the hearing. The distinction was in what was required and what was best for the City. With a legislative item there was no reason not to invite them to come testify or at least document the occurrence and share it with everyone. It didn't always happen with legislative decisions, but Council didn't want people coming to them all the time trying to influence their decisions before coming into a meeting to make the decision.

Council Member Jones asked how someone would distinguish their mind has not been made up if there was no input at a public hearing.

Mr. Roats replied presumably they would have their Council Packet with all the facts they could go off of, they could ask staff any questions at that meeting and debate amongst themselves before making a decision. The report was not intended for automatic decisions. If no one came in to testify Council would have those facts before them.

Council Member Jones asked if, as a Council Member, he would be making his decision based on what he thought would be best for the public or on the public's behalf.

Mr. Roats said it could be one of the factors depending on what the fee was for. Staff tried to be cognizant and reasonable. Often times they would not charge what it actually costs to run a program.

Council Member Jones asked if, in Mr. Roats' opinion as the City Attorney, they had done nothing wrong with the way this was done in the past.

Mr. Roats said that was correct.

Mayor Stear asked if there were any further questions or discussion.

There was none.

3. Adjournment: 5:41 PM

6:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

(Timestamp 00:14:44)

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
Council President Richard Cardoza
Council Member Pat Jones
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
Gordon Law, City Engineer
Antonio Conti, City Engineer
John Marsh, City Treasurer
Bobby Withrow, Parks Director
Bob Bachman, Facilities Director
Trevor Kesner, Planner II

2. Invocation: Chris Bent, Calvary Chapel

3. Pledge of Allegiance: Mayor Stear

(Timestamp 00:15:40)

Consideration to Amend the Agenda

(Council must move to amend the agenda per IC 74-204(4)(b))

Add item 6B under Public Hearings – Public Hearing and consideration to approve 16-04-S (Subdivision) – TNT Subdivision – Troy Behunin, Planner III

Planning & Zoning Staff requests this item be tabled until the May 16, 2017 City Council Meeting.

A request from Jaylen Walker, with AllTerra Consulting representing Greg Bullock, for preliminary plat approval for a new 10 buildable lot, multi-family subdivision, to contain 13 buildings, for a total of 52 units. The project is on approximately 4.76 acres already zoned R-12 in Kuna City; the existing home is to remain. The site is located near the north east corner of Deer Flat and School Ave., Kuna, Idaho, within Section 14, 2N1W, (APN #' S1314438920)

The City Clerk was notified of the request on Tuesday, May 2, 2017.

Council Member Buban-Vonder Haar moved to amend the agenda to include item 6B Public Hearing and consideration to approve 16-04-S (Subdivision). Seconded by Council Member McPherson. Motion carried 4-0.

4. Consent Agenda:
(Timestamp 00:17:15)

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 Business or as instructed by the City Council.

A. City Council Meeting Minutes:

I. Regular City Council Minutes, April 18, 2017

B. Accounts Payable Dated April 27, 2017 in the Amount of \$188,100.69

C. Alcohol Licenses:

- I. Big Smoke LLC #134 1031 E Kuna Road Suite 150 – Off Premise Beer & Off Premise Wine**
- 2. K&L Ventures LLC dba Cowgirls 353 Avenue East – On Premise Beer & Liquor-by-the-Drink**

D. Resolutions:

I. Consideration to approve Resolution No. R33-2017 – Farmers Market Park Use Agreement

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE 2017 LEASE AGREEMENT WITH THE KUNA FARMERS MARKET, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

~~2. Consideration to approve Resolution No. R34-2017 Authorizing Real Estate Lease Agreement with S&T Farms~~

~~A RESOLUTION OF THE CITY COUNCIL 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.~~

E. Findings of Fact and Conclusions of Law

- I. Consideration to approve Findings of Fact and Conclusions of Law for 17-01-CPMA (Comprehensive Plan Map Amendment): Tuck Ewing/Teco One, LLC**

Council Member Jones had some questions regarding item D2 and asked to move the item to 7E for further discussion.

Council Member Jones moved to move item D2 to 7E. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve the consent agenda as amended. Seconded by Council Member Jones. Approved by 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. Community Reports or Requests:

(Timestamp 00:19:12)

A. Young Marine Program Presentation – Brandon Ball

Requesting a meeting space with a fee waiver, possible funding contribution from the City, and general support of the program.

Brandon Ball asked permission to use the Senior Center as a meeting place and if there were any certain steps he needed to take to get it. He also asked for help with financial support for uniforms and utilities such as rifles and flags. He also needed a unit commander who was a member of the Marine Corp; either retired, active, or reserve.

Mayor Stear explained there was a previous Young Marines in Kuna and Mr. Ball had to start from ground zero to get the program up and running again.

Council Member Buban-Vonder Haar asked if Mr. Ball had other people interested yet.

Mr. Ball had everyone he needed except for a unit commander.

Council Member Buban-Vonder Haar asked how many Young Marines he had gathered so far.

Mr. Ball had 17 Young Marines he had gathered himself and 4 adults.

Council Member Buban-Vonder Haar asked if they were all from the Kuna community.

Mr. Ball said about 8 were from Kuna.

Council Member Buban-Vonder Haar asked what day they were planning to do their meetings.

Mr. Ball replied they were planning on Tuesdays but they had another unit they were kind of in competition with. The other unit was opposed to him starting this up and were going to try to move into Kuna so he was going to try to move his to Wednesdays.

Council Member Buban-Vonder Haar asked how frequently they would meet and for how long so they could work out logistics for the Senior Center.

Mr. Ball said once a week. They used to do them on Saturdays but those could only be done twice a month because the VFW goes there.

Council Member Buban-Vonder Haar asked what time they would meet.

Mr. Ball said he would like to start his from 6:30 PM to 9:30 PM.

Council Member Buban-Vonder Haar asked if he had checked the availability of any other facilities in town.

Mr. Ball responded he was in contact with the VFW in Boise. They were his alternative and were going to try to help with an alternative place to use if the Senior Center didn't work out.

Council Member Buban-Vonder Haar asked if he had checked with the Community Hall or the Grange Hall or places like that.

Mr. Ball had not. He was used to using the Senior Center so he figured that would be a place he would be allowed to use.

Council Member Buban-Vonder Haar asked if he had a specific dollar amount he needed.

Mr. Ball had paid \$108.00 for his uniform. He would be charging his recruits \$125.00 to cover the other items for their unit. He had no requirement for financial help and would take whatever was given.

Council Member Buban-Vonder Haar asked Mr. Ball to share a little of what the Young Marines do. She wanted to know if they did any sort of community improvement activities or if they would be interest in doing some of those additionally in exchange for some sort of a donation.

Mr. Ball said they did a lot of community service. They were based on giving back to the community especially if they were being allowed to use a building. They would give back any way possible and work with the Police Department. They technically fell under the town and were always willing to step up when asked to do something.

Council President Cardoza asked if Mr. Ball had approached the Marine Corp Reserve at Gowen Field.

Mr. Ball said he had but only one was on board. Unfortunately he was not over the age of 25 and could not help. The others all said they were too busy. That was why they were looking at VFW members.

Council President Cardoza asked if they could provide any uniforms.

Mr. Ball replied they may be able to but because it was a reserve unit they did not have very many uniforms. The Young Marines actually used outdated uniforms donated by bases and Gowen Field wouldn't have them.

Council Member Jones asked about the other group wanting to come to Kuna.

Mr. Ball explained he had talked to them because he had to get their approval and they were willing to give him approval if he built a bridge between the groups. He would have to send his recruits to them for the first time. He was not sure he wanted to do that. They wanted to come to Kuna because the unit commander told him he didn't think a 17 year old could accomplish something like this. That gave him an even bigger push to do this. They were going to try to come to Kuna but he didn't know when. He did have a friend in that group that would let him know if they were coming or not. That group was planning to come to Kuna, sit in at Council Meetings, do community service, and do what they could to get him to leave the area. Mr. Ball was not going to compete against others and only do what he could to better himself.

Mayor Stear asked when Mr. Ball was ready for funding would it be appropriate for the City to try to help him have a fundraiser.

Mr. Ball replied anything he could get from the City and the community was great.

Council Member Buban-Vonder Haar asked if they could have meetings before they got their C.O.

Mr. Ball said he could have meetings with the adults and recruits to let them know what was going on but it could not be called a Young Marines Meeting because they were not a unit yet.

Council Member Buban-Vonder Haar asked when he hoped to start using the Senior Center.

Mr. Ball's goal was to have the unit started up by June 20, 2017 and no later than July 4, 2017.

Council Member Buban-Vonder Haar asked Mr. Ball to get Council more detailed information on dates and times they would need the Senior Center. She wanted a really clear idea on what was being asked that way Council could discuss with him possible areas the City might need more man power. She suggested she e-mail with City Clerk Chris Engels to see what they could come up with and for Mr. Ball to make sure Ms. Engels had his contact information. She asked if Mayor Stear and Council were alright with that.

Mayor Stear said that was perfect.

Council agreed.

6. Public Hearings: (6:00 p.m. or as soon thereafter as matters may be heard.)

- A. Public Hearing and consideration to approve 16-03-S (Subdivision) and 16-06-AN (Annexation): J-U-B Engineers representing Coleman Real Estate Holdings, LLC – Trevor Kesner, Planner II
(Timestamp 00:29:37)

Applicant requests to annex approximately 111.18 acres into Kuna City with an R-6 residential zoning designation and subdivide the property into 342 single family residential lots and 33 common lots for the proposed Winfield Springs Subdivision. A Design Review application for common area landscaping accompanies this request. The site is located northwest of the intersection of Deer Flat and Meridian Roads, Kuna, Idaho.

Planner II Trevor Kesner reviewed the case for Council. All required documents had been submitted by the applicant. They complied with City staff's recommendations for modifications to the preliminary plat. This was the fourth or fifth iteration of the projects design. The applicant had made extensive revisions to accommodate the City's, ACHD's, and ITD's recommendations. Property owners within 300 feet of

the site were mailed notification of the public hearing and the legal notices ran in two publication cycles of the Kuna Melba News. ACHD's final staff report was just approved on April 5, 2017. The City Engineer provided recommendations for the required improvements and modifications to the submitted construction plans early in the process and those recommendations were brought forth in the proposed conditions of the staff report.

Mr. Kesner explained the subdivision, annexation, and design review was received by the Planning & Zoning Department in September of 2016 which signified a concerted effort by the applicant to vet all the issues early on and make sure the project was a good fit for the area and Kuna as whole. Based on Staff's review of the application Planning & Zoning concluded it fully complied with Title 6 of Kuna City Code for subdivisions and Title 5 for zoning regulations. It provided for several goals and policies for private property rights, land use, transportation, connectivity, housing, and community design within Kuna's comprehensive plan. The applicant received design review approval by the Commission on April 11, 2017. Staff recommended approval to the Council with the conditions as stated in the staff report and any additional conditions they might see as necessary. He stood for questions.

Council Member Buban-Vonder Haar asked Mr. Kesner to briefly describe some of the requests and changes made in the other iterations.

Mr. Kesner responded the first application and preliminary plat design came forth with the primary entrance on the north which was on the Ardell extension. There was no proposal to extend Ardell all the way to the highway. It was only going to bring Ardell to the end of the development. The second application proposed the Kay Avenue extension northward do a kind of jog and meet back up at the mid mile. It gave Kay Avenue a curvy linear effect as it traversed north. The City Engineer and Planning & Zoning were opposed to that because the City's utility master plans had put forth to keep the utilities in the City's original grid. The mid mile connectors should stay in place. The third iteration put the Kay Avenue mid mile collector back where it should have been but with the main entrance on the south side on Deer Flat more towards the high school and Kay Avenue. Staff thought for circulation patterns along Deer Flat, an arterial, those should be more spaced out. On the fourth the main entrance was moved east towards Ridley's. The entrance was then where it should be because it aligned with a future roadway that would go behind Ridley's and connect to the theater and the proposed Bi-Mart. That would also provide for pedestrian connectivity to a commercial center. Other than that it was just minor tweaks within the subdivision provided for the engineer's comments. The application in front of Council was well vetted.

Council Member Jones clarified the Ardell extension was to go to the highway only and not to Ten Mile.

Mr. Kesner confirmed.

Council President Cardoza asked about the number of single family residential lots and common lots. The Findings of Fact showed 348 single family residential lots and 35 common lots but the agenda showed 342 residential and 33 common.

Mr. Kesner apologized. There was some confusion at the Planning & Zoning Commission as well because when the application was originally submitted the former larger number was the original application. The lots were reduced to 342 residential lots and 33 common lots.

Council President Cardoza clarified the Findings of Fact was incorrect and the agenda was correct.

Mr. Kesner replied the agenda was correct.

Council President Cardoza thought he read there would 3.2 homes per acre. He asked if that was correct.

Mr. Kesner responded the preliminary plat gave a breakdown of the densities. The residential density was 3.08 dwelling units per acre.

Council Member Jones asked if the plat contained a minimum square footage for lot size. The application showed a minimum square footage of structure at 6,600 square feet. He was assuming that was not correct.

Mr. Kesner said he would assume so but Planning & Zoning code didn't really have anything to do with minimum house sizes.

Council Member Jones asked if they were legally bound by what was in the application and if it needed to be resubmitted with a correction.

Mr. Kesner said no. The applicant would be bound by the conditions set forth in this meeting.

Mayor Stear opened the public hearing.

Kristy Watkins, 250 S Beechwood, Boise, Idaho 83709, with JUB, represented the applicant. She clarified that the 6,600 square feet Council Member Jones asked about was lot size not home size. She reviewed the changes made to comply with the different entities' requests. The applicant was agreeable to the conditions set forth. Ms. Watkins thanked Council for considering their project and stood for questions.

Council President Cardoza asked if there would only be a right turn where Ardell hit the highway or would they be going across four lanes of traffic.

Ms. Watkins replied they were only requiring them to widen it enough to put in a right turn lane but she did not know if they would be requiring a right turn only.

They were still working with them on the access permit and had not yet received their conditions for that specifically.

Council President Cardoza asked if there would be a barrier to keep traffic from going across the four lanes.

Ms. Watkins said not at that time. It could come later when the east half developed.

In Favor: None

Neutral:

Rick Moreno, 855 W Hubbard Road, Meridian, Idaho 83642, was concerned about a canal and the weir that had a couple different head gates for irrigation for his property and Brad Waters' property north of there. He wanted to know if that would be left alone or changed. The water delivery went underground to a concrete ditch along that canal and came up about where Ardell was then and went north along the canal. He asked if it had been addressed and if so what the details were. He also asked that as the project went forward they be diligent in watching for that and there be an agreement for uninterrupted water during construction.

Mayor Stear said that could be addressed with staff when they came back up. He thought that was required but would confirm that.

Brad Waters, 197 W Hubbard Road, Kuna, Idaho 83634, was also concerned about his head gates and wanted due diligence regarding their access to the water.

Against:

Dick Hersey, 2202 Meridian Road, Kuna, Idaho 83634, was concerned about traffic in the area and at Ardell. The intersection at Deer Flat and Meridian Road was already a problem. He believed if the project was to be done right there should be a minimum of two left turn lanes from Deer Flat onto Meridian. Also, Ardell without a signal light would be a nightmare.

Rebuttal:

Kristy Watkins stated, regarding the irrigation questions, when they submit for final plat they would also submit the construction design to the various irrigation districts that had jurisdiction over the facilities that went through the property. They did that with every subdivision they had and often entered into agreements with those jurisdictions to make sure they handled it correctly. If there was something that needed to be moved or corrected or worked around they would be very thorough with their review. Construction can only happen during the off season and they usually tried to plan around that. In regards to traffic, their traffic engineer was present and she differed to him.

Dan Thompson with Thompson Engineers, 181 E 50th Street, Garden City, Idaho, 83714, stood for questions.

Council Member Jones said he had a concern about the exiting from the subdivision and the stub street at the entrance to the shopping complex in between Kay and the Highway. He thought it would be difficult for people to make that left turn out of the subdivision during the morning commute and was concerned they would have to go up Ardell or Kay and the potential for accidents.

Mr. Thompson stated it was noted in the staff report they would be required to make improvements to that intersection at Deer Flat and Meridian Road. The primary one was the southbound right turn lane. As they did that they would probably have to move the signal pole. They would also be required to do some widening on Deer Flat. That should enable them to improve that condition there. They had not worked out the design details of it yet but he was certain that was one thing they would look at. They discussed in his report ACHD's five year plan to put a signal in at Hubbard in the next two years. That would attract traffic to Hubbard instead of Deer Flat which would bring relief. The Ardell extension would also be a relief as was its intent.

Council Member Jones confirmed these issues had been brought up and would be addressed later down the road.

Mr. Thompson replied absolutely. This was on the ACHD's consent agenda but was pulled because one of the commissioners was concerned about the pedestrian traffic. When he found out about the pedestrian trail along the canal he felt better but Mr. Thompson was unsure if he was completely satisfied.

Council President Cardoza asked when Deer Flat would be made into five lanes.

Mr. Thompson said it was in their 20 year plan towards the late 2020s.

Council President Cardoza confirmed the light on Hubbard would be in two years.

Mr. Thompson said that was in their five year plan.

Planning & Zoning Director Wendy Howell shared Deer Flat would go to five lanes in 2026.

Council Member Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member Jones. Motion carried 4-0.

Mayor Stear asked Council if they had any questions.

Council President Cardoza addressed the irrigation questions asked in the public hearing. In the development agreement it said compliance with Idaho Code Section

31-3805, pertaining to irrigation water, irrigation drainage water should not be impeded by any construction on sight. Compliance with the Boise Project Board of Control was required so he did not think they would have any trouble with their weirs.

Council Member Buban-Vonder Haar said in terms of the comp plan it was stated, under land use goals and objectives, Kuna have areas that include natural and developed open spaces with housing included and that it be walkable. The fact that the applicant is doing 14 acres of green space was nice. She noticed there would be at least one park as well as a pool and club house. It provided more amenities for the neighborhood. It helped with Kuna's natural resources goals and objectives in terms of developing a green grid of trails. Also it provided for additional pedestrian connectivity into the Ridley's complex which was something she thought they would be interested in doing. It was close to services so there would be no issues with expanding the network. She felt the request was in compliance with the comp plan.

Council Member Jones concurred with Council Member Buban-Vonder Haar. He liked the trail head, pedestrian connection, and the proximity to schools and businesses. He felt it complied with the comp plan and would leave his traffic concerns to the experts.

Council President Cardoza asked Planning & Zoning Director Wendy Howell why the zoning was R-6 instead of R-4 if there would only 3.8 dwellings per acre.

Ms. Howell responded it was due to the dimensional lot requirements of R-4 which they would be changing in an upcoming ordinance.

Council President Cardoza asked if Council accepted the development agreement as an R-6 would they be able to increase the 3.8 houses per acre at a later date.

Mr. Howell replied a development agreement was not under consideration with this case. Also, if Council chose to require the density not exceed 3.8 then they could condition it as such for acceptance.

Council Member Jones asked Mr. Kesner if there were any conditions from the Planning & Zoning Commission.

Mr. Kesner wasn't aware of any conditions.

Council Member Buban-Vonder Haar asked if the neighbors could be communicated with on irrigation plans and construction.

Ms. Watkins replied it would not be difficult. She could offer their business cards so they could e-mail her. That way they could keep them up to date on the construction schedule.

Council Member Buban-Vonder Haar asked if that would need to be included in the motion or if Ms. Watkins was committed to that.

Ms. Watkins said she would do it.

Council President Cardoza asked about the estimate of tax revenue. He did not see the impact fee for parks and recreation.

Mr. Kesner responded an impact fee paid at the time of building permit for a home would not be considered tax revenue. Those were impact fees specific to the Parks Department to maintain the level of service for park facilities for residents within the City limits. It would be applied to every new residential building permit within that development.

Ms. Howell asked if the 3.8 density was part of the motion.

Council Member Buban-Vonder said no.

Council Member Buban-Vonder Haar moved to approve 16-03-S (Subdivision) and 16-06-AN (Annexation) with the proposed conditions of approval listed in the packet. Seconded by Council Member McPherson. Approved by 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.

- B. Public Hearing and consideration to approve 16-04-S (Subdivision) – TNT Subdivision – Troy Behunin, Planner III**
(Timestamp 01:09:49)

Planning & Zoning Staff requests this item be tabled until the May 16, 2017 City Council Meeting.

A request from Jaylen Walker, with AllTerra Consulting representing Greg Bullock, for preliminary plat approval for a new 10 buildable lot, multi-family subdivision, to contain 13 buildings, for a total of 52 units. The project is on approximately 4.76 acres already zoned R-12 in Kuna City; the existing home is to remain. The site is located near the north east corner of Deer Flat and School Ave., Kuna, Idaho, within Section 14, 2N1W, (APN #' S1314438920)

Council Member Buban-Vonder Haar moved to table 16-04-S (Subdivision) and 16-06-AN (Annexation) until the May 16, 2017 City Council Meeting. Seconded by Council Member McPherson. Motion carried 4-0.

7. Business Items:

- A.** Consideration to approve Resolution No. R35-2017 – Amending the 2015 City of Kuna, Idaho Future Land Use Map – Trevor Kesner, Planner II
(Timestamp 01:10:43)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AMENDING THE 2015 CITY OF KUNA, IDAHO FUTURE LAND USE MAP; AFFIRMING THAT THE PRESCRIBED NOTICE AND HEARING REQUIREMENTS WERE MET IN ACCORDANCE WITH TITLE 67, CHAPTER 65, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.

Trevor Kesner, Planner II, stated this was amending the map associated with the previously approved comp plan map amendment. He stood for questions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R35-2017. Seconded by Council Member McPherson. Motion carried 4-0.

- B.** Consideration to approve Resolution No. R36-2017 – Authorizing a GoFundMe Account – Chris Engels, City Clerk
(Timestamp 01:12:41)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE CITY CLERK TO ESTABLISH AN ACCOUNT AT GOFUNDME TO RAISE FUNDS IN THE AMOUNT OF AT LEAST \$60,000.00 TO FUND DOWNTOWN KUNA REVITALIZATION PROJECTS AND TO ESTABLISH MONUMENT RECOGNITION FOR SPONSORS WHO DONATE AT LEAST \$1,500.00.

City Clerk Chris Engels reviewed her request to establish a GoFundMe account to make it easy for potential donors that might like to donate on a smaller scale to participate in Downtown. The goal of this fundraising was to truly reflect more of the vibe of Kuna in an artistic way. She stood for questions.

Council Member Buban-Vonder Haar asked if the City was able to host something like this on its own with the current City website.

Ms. Engels replied she and City Treasurer John Marsh had talked a couple times. The difference between the two was GoFundMe showed who donated and how much and had the graphics showing how close to achieving the goal they were. The City's website ability to do that was not in place.

Council Member Buban-Vonder Haar asked if Ms. Engels knew of any banks the City currently used with the ability to host something like that. She understood the interest was two-fold. It was the presentation and look of GoFundMe and the second

piece was being able to accept electronic funds. Her main concern was that GoFundMe took fees.

Ms. Engels said 8%.

Council Member Buban-Vonder Haar said she would prefer to use You Caring or another one that didn't take fees in order to be sure that every dollar people donated was actually going to the project. If there was a way to host it on the City website that would be her personal preference partially from the perspective of legitimizing it and also because a lot of money was spent on the website and she liked to train people to look at it more and more. The more resources and things of interest on there the more likely people are to start turning towards it as a source of information. If an external platform had to be used she would like to route people to the website in publication materials where there would be more information and they could click there to get to the external site.

Ms. Engels said she and Mr. Marsh could look further into the forms and try to establish the City website as the platform. They would also discuss the potential costs for running the electronic payments so they stay aware of that. She was not opposed to looking into You Caring. They did look at Citizinvestor but it was not the right fit based on how their program worked. They were happy to look at other options. GoFundMe was not a must. The goal was really to have Council's permission to do some kind of platform that was effective and easy for people to use a card to donate.

Council Member Buban-Vonder Haar requested whatever platform was used capture sufficient information that receipts could be provided or things along those lines for tax purposes and acknowledgement purposes.

Council Member Jones asked what the plan was if the full goal was not met.

Ms. Engels replied the plan was to fund what the City could.

Council Member Jones said a lot of the items looked to be custom. He assumed they would have to solicit vendors to make them for the City and he was curious how they would go about that.

Ms. Engels said, for the custom items on the fundraising sheet, one of the members of their group had been working with a fabricator to try to get a reduced price. That was how those dollar amounts had been established.

Council Member Jones asked if the intent was to use only that person or if other vendors would be allowed.

Ms. Engels asked if he would like a full RFP done for those items.

Council Member Jones said he would consider that. He wanted to make sure everybody with the ability to create these items that wanted to participate in the streetscapes had that opportunity.

Ms. Engels replied the items were laser cut items so laser cutting tools would be needed. She could get with the rest of the group and establish an RFP. They were more interested in the vitality of Kuna than handpicking a vendor.

Council Member Jones asked about the flower pots to put along the road. He was under the impression the current flower pots had been donated by citizens of Kuna for Main Street. He asked if those were going to be removed.

Ms. Engels thought it was the trash cans that were funded by group funding not the flower pots. There were brass plates on each of the trash cans. Their intent was to try to reincorporate those brass plates back into downtown in some form or another.

Facilities Director Bob Bachman added the flower pots were donated to the City and would be reallocated to other areas by the Greenbelt and other areas in town. They would be used still.

Council Member Jones asked for consideration of the people who donated those for Main Street and that they be notified of the move and where the flower pots were going.

Mr. Bachman said they could definitely do that.

There were no further questions.

Council directed Ms. Engels to do more research and come back with different options.

- C. Consideration to approve John B. Laraway as the new Planning and Zoning Commissioner whose term will expire on November 1, 2018. – Wendy Howell, Planning & Zoning Director
(Timestamp 01:24:12)

Planning & Zoning Director Wendy Howell stated she was excited about John B. Laraway's interest and willingness to help out.

Council Member Buban-Vonder Haar moved to approve John B. Laraway as the new Planning and Zoning Commissioner whose term would expire on November 1, 2018. Seconded by Council Member McPherson. Motion carried 4-0.

**D. Discussion Title Search on the UPRR Property – Bobby Withrow, Parks Director
(Timestamp 01:25:40)**

Parks Director Bobby Withrow explained to Council he had been working with Union Pacific to see if they would allow the City to purchase the Greenbelt. One of the biggest obstacles was making sure there was no underlying property owner because of the way they got their Right-of-Way. He did speak with a representative who said she had worked with Nampa a couple times and they used Title One. He called Title One who gave him a quote of what it would cost to do a title search. He wanted Council's blessing to move forward with this so they could see if they could buy the Greenbelt instead of leasing it.

Mayor Stear was impressed that Mr. Withrow was able to get a response from Union Pacific Rail Road. The young lady came out from Nebraska to talk about it. The main reason for doing this was the lease was about to expire and would have to be renewed. Owning it would give the City the ability to do what they wished with that property.

Council Member Buban-Vonder Haar was surprised they had sent someone out to talk about it and thought they must have been pretty motivated to sell it. She asked if they would cover half the cost of the title search.

Mr. Withrow replied no. They were pretty one-sided. If this was something the City wanted the City would need to do the leg work. She did say they would help with the title search if they came to terms with a number as far as the acquisition price.

Council Member Jones asked for an overall idea of the area of the property.

Mr. Withrow said it would be from Swan Falls, from the creek to the edge of the baseball fields, kind of a diagonal line to the edge of City Hall, and all the way to Indian Creek.

Council Member Jones asked about property on the other side of Swan Falls.

Mr. Withrow said the City already acquired that from Ada County.

Council Member Jones confirmed if this materialized all of the Greenbelt would be City owned.

Mr. Withrow replied yes.

Council President Cardoza asked if this was holding up the splash pad.

Mr. Withrow replied no. He was waiting on DEQ.

Council Member Buban-Vonder Haar asked if Mr. Withrow was only looking for consent from Council.

Mr. Withrow said that was all.
Council consented.

**E. Consideration to approve Resolution No. R34-2017 - Authorizing Real Estate Lease Agreement with S&T Farms
(Timestamp 01:30:21)**

A RESOLUTION OF THE CITY COUNCIL 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 Jones asked why the City was adopting a lease that started six months prior.

City Attorney Richard Roats said it had just come in the mail with the check. They were finding a lot of times with these farmers that the City would send the leases out and the farmers wouldn't worry about it until their season started, at which point they would sign the lease and send it in with the check. It was processed as it was received. Staff may look at changing the schedule to start those leases in the spring. They had been scheduled to fall in line with the start of the fiscal but the farmers were all winding down the season at that time and they didn't always know what they would be doing for the following year.

Council Member Jones was concerned if the lease was not renewed at all then six months had been lost in which someone else might have leased the property. The lease states the farmer was to request renewal at 90 days before expiration. He was wondering why the City didn't put it out there for another lessee.

Mr. Roats said that may happen with another piece of property. This particular property was unique though due to its size. It would be difficult to bring in another farmer. There was also a portion of it that was not farmable. The City was lucky at that moment with the current arrangement.

Council Member Jones said considering the current lessee didn't make contact he thought the other surrounding farmers might like the opportunity to use the property as part of their farms since it abutted their property.

Mr. Roats said the lessee in this case was also leasing the other property which was why it worked out.

Council Member Jones asked why the City was only leasing the farmable and not the whole property.

Council Member Buban-Vonder Haar said if someone rented a house and one of the rooms was not fit for use the rent would not include the use of that room.

Council Member Jones agreed but did not know if that would apply in this case. If it did he did not have an issue.

Council Member McPherson said he farmed and had a field just like this one with a part that was not farmable. The land owner only charged him for what was farmable and had a water right. That was a pretty common practice.

Council Member Jones asked what Council Member McPherson paid per acre.

Council Member McPherson said anywhere from the water bill to \$150.00 an acre. It depended on the landlord and the quality of the property.

Council Member Jones asked if the \$100.00 was within reason.

Council Member McPherson replied it was.

Council Member Jones said he would like to look into having the leases signed before they went into effect. It seemed this one had been getting later and later every year. He asked about the lease stating a head gate and pipe would be moved at the City's expense.

Mayor Stear asked if that had to do with the storage buildings and the irrigation canals that were messed with over there.

Mr. Roats said yes, that was part of what they needed to do. When he drafted the lease in the fall of 2016 they had an issue with the location of the canal with the storage facility damaging part of that and repairing. There were two head gates on the canal. The City had the head gate to the west and the storage unit facility had the head gate to the east. The City's head gate was crumbling and leaking and falling apart. That water leaked onto the storage facilities property. His head gate was in a little better shape and farther down to the east which was in alignment with the property edge. The plan was to vacate the City's box that was falling apart and move it to the east and align that. Then the storage facility would only have to put in one pull out and tie it into City property up there. It came down to the fact that the City's head gate was failing and the City would be responsible for that.

Council Member Jones moved to approve Resolution No. R34-2017. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

8. Ordinances:

9. Mayor/Council Announcements:
(Timestamp 01:40:18)

Council President Cardoza asked when the downtown construction would start.

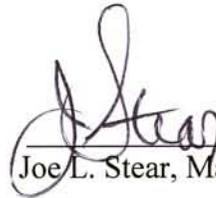
Facilities Director Bob Bachman replied it should start in June.

Council Member Jones asked if there would be an update on the Hotel Feasibility Study.

Mayor Stear said that would be presented to the Economic Development Committee one more time that coming Thursday for further determination. They would let Council know when it was figured out.

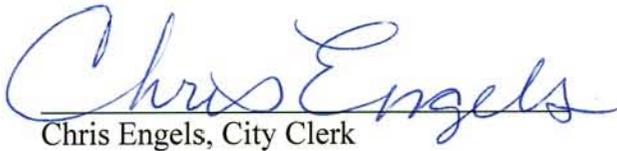
10. Executive Session:

11. Adjournment: 7:25 pm



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk

*Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 05.16.2017*



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