

CITY OFFICIALS

W. Greg Nelson, Mayor

Richard Cardoza, Council President

Briana Buban-Vonder Haar, Council Member

Pat Jones, Council Member

Joe Stear, Council Member

CITY OF KUNA

City Council Meeting

MINUTES

Tuesday, August 18, 2015

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

7:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

Mayor W. Greg Nelson

Council Member Briana Buban-Vonder Haar

Council Member Pat Jones

Council Member Joe Stear

Council President Richard Cardoza – Excused

CITY STAFF PRESENT:

Gordon Law, City Engineer

John Marsh, City Treasurer

Dawn Stephens, Deputy City Clerk

Wendy Howell, Planning & Zoning Director

Richard Roats, City Attorney

Bobby Withrow, Parks Supervisor

Troy Behunin, City Senior Planner

Bob Bachman, Fleet & Facilities Manager

2. Invocation: Chris Bent, Calvary Chapel

3. Pledge of Allegiance: Mayor Nelson

4. Consent Agenda:

(Timestamp 00:07:00)

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. City Council Workshop - ACHD Minutes August 4, 2015

2. City Council Workshop – Personnel Manual Minutes August 4, 2015
3. Regular City Council Minutes August 4, 2015

B. Accounts Payable Dated August 13, 2015 in the Amount of \$447,426.22

Council Member Jones asked about the purchase of cell phone accessories. Will these accessories work with the new phones?

City Treasurer John Marsh responded the accessories were purchased due to wear and tear. All accessories are compatible with the phones.

Council Member Jones asked why there are so many overpayment refunds for water and permits.

Mr. Marsh responded the water refunds are actually deposits on new accounts that are refunded after 1 year of good payment history.

C. Alcohol Licenses:

D. 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. Motion carried 3-0. Cardoza Absent

Deputy City Clerk, Dawn Stephens said there has been a change to the current agenda. Planning and Zoning advertised agenda item 7A as a Public Hearing. Business Item 7A needs to be moved to Public Hearings Item 6D.

5. Reports or Requests:

(Timestamp 00:05:26)

- A. Consideration to Approve Resolution R48-2015 approving a Memorandum of Understanding with Community Planning Association of Southwest Idaho for pedestrian/bicycle counters – Carl Miller, COMPASS and Wendy Howell, P & Z Director**

Carl Miller, COMPASS explained the purpose of placement of permanent pedestrian and bicycle counters as well as portable counter locations.

Mr. Miller stood for questions.

Council Member Stear asked what type of information is received.

Mr. Miller responded; number of pedestrians, number of bicycles in 50 minute increments. The counters are also helpful during special events such as Kuna Days. The information received is also helpful for grant information.

Council Member Jones asked if the information would be provided to the city.

Mr. Miller responded yes, the information will be available to the city as well as to the public via an online dashboard.

Council Member Jones asked if the city would be notified if the counters were going to be removed.

Mr. Miller responded notification would be given if the counters were going to be removed but the intention is to not remove them unless it was necessary due to repaving or other similar need.

Mayor Nelson said he saw the map at COMPASS and is very pleased to have Kuna included. He looks forward to the receiving the data from the counters.

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF KUNA, IDAHO AND THE COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS) GRANTING A LIMITED LICENSE TO COMPASS TO INSTALL PEDESTRIAN AND BICYCLE COUNTERS IN THE GREENBELT; AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME AND THE CLERK TO ATTEST TO SAID EXECUTION.

Council Member Stear moved to approve Resolution R48-2015. Seconded by Council Member Jones with the following roll call vote:

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

Voting No: None

Absent: Cardoza

Motion carried 3-0.

6. Public Hearings: (7:00 p.m. or as soon thereafter as matters may be heard.)
(Timestamp 00:11:35)

- A.** Consideration to Approve P & Z Case No. 15-01-ZC – Profile Ridge Rezone, A rezone request for the Profile Ridge Subdivision – Troy Behunin, Senior Planner

A request by Iron Mountain Real Estate to rezone approximately 6.81 acres located at the southwest corner (SWC) of Meridian Road and Deer Flat Roads. Request includes changing the current zoning, R-6 (Medium Density Residential), to C-1 (Neighborhood Business District) within the previously approved Profile Ridge Subdivision.

Senior Planner, Troy Behunin; Iron Mountain Real Estate has met all requirements for consideration to rezone. In connection to the rezoning request, staff would also recommend the release of 07-03-DA (Development Agreement) from the property. There would continue to be ACHD requirements for the property as a whole.

Kevin Amar, Owner of Iron Mountain Real Estate Company testified his company is interested in expanding the commercial zoning area and maintain the residential zoning to the West of the property. Mr. Amar asked for verification of a traffic light requirement by the city.

Support: None

Neutral: None

Against: None

Council Member Stear moved to approve P & Z Case No. 15-01-ZC – Profile Ridge Rezone and with staff recommendations, 07-03-DA. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

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

Voting No: None

Absent: Cardoza

Motion carried 3-0.

B. Consideration to Approve amended Kuna Comprehensive Plan – Wendy Howell, P & Z Director

(Full Comprehensive Plan is too large for the Packet. The plan can be obtained on our website at : <http://www.kunacity.id.gov/DocumentCenter/View/2040>)
(Timestamp 00:22:52)

This request is to amend the Kuna Comprehensive Plan that includes data updates that reflect the 2010 census or more current information in the Plan; updates the Capital Plan; updates the maps with the proposed planning area extension to the east (this does not include an update to the impact area map); and other clerical and grammar modifications. The Planning and Zoning Commission recommended approval of the plan to the City Council on April 14, 2015.

P & Z Director, Wendy Howell explained the Comprehensive Plan amendment is part of a living document intended to use as a guide for land use decisions.

Ms. Howell stood for questions.

Support: None

Neutral: None

Against: None

Council Member Stear moved to approve the amended Kuna Comprehensive Plan. Seconded by Council Member Buban-Vonder-Haar with the following roll call vote:

Voting Aye: Council Members Jones, Buban-Vonder Haar and Stear
Voting No: None
Absent: Cardoza
Motion carried 3-0.

- C. Consideration to Approve amended Planning Area Map – Wendy Howell P & Z Director
(Timestamp 00:27:28)

This request is to amend the Planning Area Map on the most easterly planning area boundary from S Cole Road to S Pleasant Valley Road. The extension of the easterly boundary begins at the intersection of E Poen Road and S Cole Road, which is the southern boundary for the Kuna Planning Boundary; Thence continuing south along the southerly boundary approximately 0.25 miles along the alignment of S Cole Road; Thence east approximately 0.50 miles; Thence north approximately 0.25 miles; Thence east approximately 1.5 miles to the centerline of S Pleasant Valley Road; Thence north approximately 5.07 miles along the centerline of S Pleasant Valley Road, also being the eastern boundary of the Kuna Planning Boundary, to the centerline of W Ten Mile Creek Road; Thence northwesterly along said W Ten Mile Creek Road approximately 1.0 miles to the centerline of S Cole Road.

P & Z Director, Wendy Howell explained the city has been working with various developers on a proposed industrial park generally located in the amended map area. Prior to submitting an application for annexation the planning area needs to be extended.

Ms. Howell stood for questions.

Support: None

Neutral: None

Against: None

Council Member Stear moved to approve the amended Planning Area Map.
Seconded by Council Member Jones with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar and Stear
Voting No: None
Absent: Cardoza
Motion carried 3-0.

7. Business Items:

- A. Consideration to Approve the release of Case No. 08-05-SUP (Special Use Permit) and 08-08-DA (Development Agreement); Linder Farms Agri-tainment – Troy Behunin, Senior Planner.

(Timestamp 00:31:28)

(Agenda item was changed from Business Items to Public Hearings due to advertisement as a Public Hearing)

A request from Randy and Sherrie Feist in connection with Linder Farms

Senior Planner, Troy Behunin explained all regulatory items have been fulfilled and a neighborhood meeting has been held. Mr. Behunin added due to zoning changes over the years, a Special Use Permit and Development agreement are no longer necessary.

Council Member Jones asked about the neighborhood meeting. He did not see the documentation in the packet.

Mr. Behunin guided Council Member Jones to the documentation in his packet.

Randy Feist, Owner of Linder Farms, testified the reason for his request is, as Mr. Behunin stated, there is no reason to have an SUP and Development Agreement attached to the property any longer.

Council Member Jones stated that some of the attractions offered at Linder Farms, mainly the mechanically operated rides could be construed as an amusement ride and asked Mr. Feist if he would agree with that statement.

Mr. Feist responded he did not know the legal definition of amusement ride but there are amusing rides offered at Linder Farms.

Support: None

Neutral: None

Against: None

Council Member Jones has concerns regarding part of the operation being confused as an amusement park and questions if the SUP would need to stay in place.

City Attorney Richard Roats responded the requests are for the release of the SUP and Development Agreement. When the question arises regarding what is permitted, it would be part of a Special Events Plan and would be reviewed at that time and coordinated with the applicant. Decisions regarding what fits within Agritainment would be made at staff level and approved by the Director.

Council Member Jones asked since he is not privy to Special Events processes, would those mechanical rides be brought up at that time?

Mr. Roats responded, yes.

Council Member Jones asked if the city has a noise ordinance.

Mr. Roats responded there is a noise ordinance that expires at 11:00 p.m.

Council Member Stear moved to approve the release of Case No. 08-05-SUP and 08-08-DA; Linder Farms Agri-tainment. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

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

Voting No: None

Absent: Cardoza

Motion carried 3-0.

- B.** Consideration to Approve Resolution R45-2015 waiving the remaining lease payments with Boise Disc Golf LLC (*continued from August 4, 2015*) – Richard Roats, City Attorney
(Timestamp 00:43:16)

Boise Disc Golf LLC was a victim of a burglary that occurred on or around July 29, 2015 at the city owned building that serves as a park amenity concession stand.

A RESOLUTION OF THE CITY OF KUNA, IDAHO WAIVING THE REMAINING LEASE PAYMENTS PAYABLE PURSUANT TO THE LEASE AGREEMENT WITH BOISE DISC GOLF, LLC (LESSEE) TO LEASE PROPERTY AT 415 W. 2ND STREET, KUNA, IDAHO FOR A CONCESSION STAND

City Attorney, Richard Roats referenced the memorandum addressing questions from Council from the last meeting included in the Council Meeting packet.

Mr. Roats stood for questions.

Council Member Buban-Vonder Haar asked if the Mr. Lindstrom wants to continue paying \$400 per month next year.

Mr. Roats responded the city is not at the point to renew the lease.

Council Member Buban-Vonder Haar said at the last Council meeting, the concern was approving the Resolution as it is written. The interest was in arriving at the same outcome by modifying the lease amount.

Council Member Stear said at the last Council meeting, it had been stated Mr. Lindstrom was paying \$400 for a larger space in Ann Morrison Park in Boise. The Kuna location and the Boise location are not comparable business areas. The rent should be adjusted retroactively due to an overcharge, not due to the burglary.

Mr. Roats responded an amended lease agreement could be drawn up for the current year and he will further discuss the rent amount for next year with Mr. Lindstrom.

Mayor Nelson asked Mr. Roats to draft an amended lease agreement and present it to Council on September 1, 2015.

Council Member Buban-Vonder Haar clarified her expectation is that there is to be no mention of burglary, crime, or benefit to the community.

- C.** Consideration to Approve Resolution R49-2015 Reimbursement Agreement with Timbermist, LLC for Oversized Sewer Main and Repealing Resolution R41-2015 -- Gordon Law, City Engineer
(Timestamp 00:49:25)

RESOLUTION AUTHORIZING EXECUTION OF A REIMBURSEMENT AGREEMENT IN THE AMOUNT OF \$212,519.51 WITH TIMBERMIST, LLC AND REPEALING RESOLUTION NO. R41-2015.

City Engineer, Gordon Law explained two bills had not been included in Resolution R41-2015 request for reimbursement. The total of the two bills amounted to \$20,000, \$14,000 of which is reimbursable.

Mr. Law stood for questions.

**Council Member Buban-Vonder Haar moved to approve Resolution R49-2015.
Seconded by Council Member Jones with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar and Stear
Voting No: None
Absent: Cardoza
Motion carried 3-0.**

- D.** Consideration to Approve Resolution R51-2015 to adopt Step and Grade Policy for City Directors – Richard Roats, City Attorney
(Timestamp 00:51:44)

A RESOLUTION OF THE CITY OF KUNA, IDAHO ADOPTING THE STEP AND GRADE POLICY FOR THE DIRECTORS FOR THE CITY OF KUNA, IDAHO AS ATTACHED HERETO; REPEALING THOSE SECTIONS OF RESOLUTION R9-2007 THAT ARE INCONSISTENT WITH THE ADOPTION OF R51-2015; AND DECLARING THE EFFECTIVE DATE.

City Attorney, Richard Roats explained the chart presented is the final part of the amendments that have been discussed in previous meetings for the purpose of placing Directors of the City of Kuna on the step and grade chart for longevity pay increases.

Mr. Roats stood for questions.

Council Member Buban-Vonder Haar asked where the chart with numbers is located.

Mr. Roats responded the chart with the numbers was previously approved for all other employees.

Council Member Buban-Vonder Haar stated she is concerned about positions noted on the chart that don't exist yet. Job descriptions have not been presented to Council.

Mr. Roats asked if the positions in question are the Fleet & Facilities Director and the Parks Director.

Council Member Buban-Vonder Haar responded, yes.

Mr. Roats responded he is in the process of drafting the job descriptions. The positions will go into effect October 1, 2015 with the new fiscal budget.

Council Member Buban-Vonder Haar stated she is not clear on how we know how much positions will be making if the job descriptions haven't been finalized. It seems like putting the cart before the horse.

Mr. Roats responded Council approved the budget with projected incomes assigned to those positions.

Council Member Buban-Vonder Haar stated Council approved the budget but thought they were putting a thumbtack in the money so it could be allocated if needed. It seems it would be more appropriate to decide what the job is comprised of and then determine the appropriate rate of pay for that particular position.

Council Member Stear asked if the job descriptions and Directors Step and Grade could be brought back to Council at the next Council meeting or if this needed to be addressed tonight.

Mr. Roats responded typically Council has reviewed job descriptions in the past but doesn't believe job descriptions have ever been approved by Resolution. The thought was, since Council approved the positions, the positions would be placed on the Step and Grade chart, the job descriptions would be drafted and then there would be a hiring process to fill the positions.

Mayor Nelson asked Mr. Roats what would happen if approval of the Resolution was delayed until Council could review the job descriptions.

Mr. Roats responded nothing would happen.

Mayor Nelson stated the job descriptions would not need to be a formal item brought before Council. He asked Mr. Roats to let the Council members know when the job descriptions are finished and they can review them.

Council Member Jones asked if the job descriptions would be open to Council input.

Mr. Roats responded Council is more than welcome to provide input.

Council Member Jones said he would like to see the chart with the steps spelled out. His concern is making sure everything is fair.

Mayor Nelson said he would like to remind everyone the city is trying to retain employees that are happy to work for the City of Kuna. The city has taken care of the employees in general but the Directors need to be rewarded for their longevity and good work for the city also. The city does not want to lose valuable, experienced Directors to other entities that may offer them more.

Council Member Jones stated he did not think the intent is to devalue anyone, he wants to be sure things are done correctly.

Mayor Nelson stated the job descriptions will be finished and Council will be notified of their availability for review. The Directors Step and Grade will be brought back before Council at the next Council meeting.

- E.** Consideration to Approve Resolution R52-2015 Park Impact Fee and Committee Members appointment – Richard Roats, City Attorney
(Timestamp 01:00:33)

APPROVING IDAHO DEVELOPMENT IMPACT FEE ACT ADVISORY COMMITTEE

City Attorney, Richard Roats explained the first step to implement Park Impact Fees is to appoint a committee.

Mr. Roats stood for questions.

Council Member Jones asked if Council would still be allowed input or guidance regarding Park Impact Fees.

Mr. Roats responded, yes.

**Council Member Stear moved to approve Resolution R52-2015. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar and Stear
Voting No: None
Absent: Cardoza**

Motion carried 3-0.

- F.** Discussion of Idaho Power Franchise Agreement term of five or ten years – Richard Roats, City Attorney
(Timestamp 01:03:04)

City Attorney, Richard Roats explained he relayed Council's preference for a 5 year Franchise Agreement to Idaho Power. Idaho Power responded the shortest agreement they would like is for 10 years. Considering the Solar Farm and potential for city involvement with them, he is more comfortable with a 5 year term. Would Council like to offer guidance?

Mayor Nelson asked if the city could sign a 10 year agreement, then if things changed, the agreement could be voided and another agreement negotiated.

Mr. Roats responded it would not be easy.

Mayor Nelson asked Mr. Roats what his advice to Council would be.

Mr. Roats responded his advice would be to stay with a 5 year agreement.

Mayor Nelson stated we are living in such rapidly changing times; it seems more prudent to have a 5 year agreement.

Council Member Stear stated he supports a 5 year term.

Council Member Jones asked why we are agreeing to a franchise agreement if there are no fees attached.

Council Member Buban-Vonder Haar responded the agreement allows the city to use Idaho Power poles to run fiber optics.

Council recommends a 5 year agreement.

- G.** Update on P & Z Projects (*no action required*) – Wendy Howell, P & Z Director
(Timestamp 01:09:08)

P & Z Director, Wendy Howell referenced the project list included with the Council Packet.

Ms. Howell stood for questions.

Council Member Jones asked why the IPads for P & Z Council have not been set up yet.

Mr. Roats responded the set up process for each iPad is time consuming due to the interface the city is using. The hope was to set up the iPads and new phones at the same time. The new phones have not all arrived at this time.

Council Member Jones asked City Treasurer, John Marsh when the phones will arrive.

Mr. Marsh responded the phones are here, they just need to be activated and programmed.

Mr. Roats clarified the programming is a time consuming process requiring much more than calling and activating the phones.

Council Member Jones asked about a 3 year chronic problem at a particular address noted in code enforcement. Why has this problem been allowed to continue for 3 years?

Ms. Howell responded without reviewing the file she is not sure if the property is cleaned up and then not maintained repeatedly or if it has never been cleaned up.

Council Member Jones concern is follow through by the city.

Ms. Howell responded if this property had never been cleaned up, it would be the ideal situation to hire someone to clean the property, bill the property owner and ultimately do a tax lien.

Council Member Stear said that seemed like a more viable option.

Council Member Buban-Vonder Haar asked about the notation that P & Z has been inundated by HOA's referring vehicle parking issues to Planning and Zoning for code enforcement. Does Ms. Howell have any recommendations for something different they could do?

Ms. Howell responded it would depend on where the vehicles are parked. On a public street, Kuna Sheriffs would enforce code. If the vehicle is on the property itself, P & Z would start the enforcement process.

Council Member Buban-Vonder Haar suggested a flow chart for HOA's regarding who to call for given issues.

Ms. Howell responded she has started on a chart but has not had time to work on it for quite a while.

Mayor Nelson said Kuna Sheriffs are very receptive in responding to calls as well as speaking with the homeowners.

8. Ordinances:

(Timestamp 01:24:12)

First Reading of Ordinance No 2015-14 Timbermist Nos. 1 and 2 Irrigation Annexation

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of the ordinance

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING THE REAL PROPERTY DESCRIBED IN EXHIBIT A AND EXHIBIT B, AND COMMONLY REFERRED TO AS TIMBERMIST NOS. 1 AND 2, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE NEW YORK 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.

City Attorney, Richard Roats asked for Ordinance No 2015-14 Timbermist Nos. 1 and 2 Irrigation Annexation to be pulled from the agenda.

Council Member Stear moved to pull Ordinance No. 2015-14 from the agenda.

Seconded by Council Member Jones with the following roll call vote:

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

Voting No: None

Absent: Cardoza

Motion carried 3-0.

9. Mayor/Council Discussion Items:

10. Announcements:

(Timestamp 01:25:53)

Adjourn to Executive Session Pursuant to Idaho Code 74-206(d) for the Purpose of Discussing Personnel Records

Council Member Buban-Vonder Haar moved to adjourn to Executive Session Pursuant to Idaho Code 74-206(d) for the Purpose of Discussing Personnel Records. Seconded by Council Member Stear, all voting aye. Motion carried 3-0. Cardoza Absent.

11. Executive Session:

(Timestamp 01:26:38)

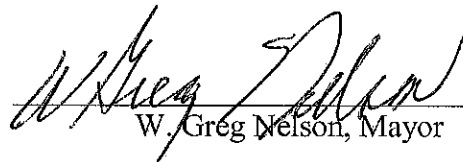
Mayor Nelson stated Executive Session had ended.

Council Member Buban-Vonder Haar stated Executive Session pertained to advanced leave and voluntary leave transfer as it relates to a specific employee.

Council Member Stear moved to come out of Executive Session. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 3-0. Cardoza Absent.

12. Adjournment:

Council Member Stear moved to adjourn the meeting at 9:15 p.m. Seconded by Council Member Jones.


W. Greg Nelson, Mayor

ATTEST:


Chris Engels, City Clerk

*Minutes prepared by Dawn Stephens
Date Approved: CCM 09.01.2015*

