

OFFICIALS

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



CITY OF KUNA

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

City Council Meeting MINUTES Tuesday, January 17, 2017

6:00 P.M. REGULAR CITY COUNCIL

1. *Call to Order and Roll Call*

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
Council Member Pat Jones
Council President Richard Cardoza
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
John Marsh, City Treasurer
Bobby Withrow, Parks Director
Trevor Kesner, Planner II
Troy Behunin, Planner III

2. *Invocation:* Karen Hernandez, United Methodist Church

3. *Pledge of Allegiance:* Mayor Stear

4. *Consent Agenda:*
(Timestamp 00:02:35)

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, January 3, 2017**

B. Accounts Payable Dated January 12, 2017 in the Amount of \$363,366.14

C. Final Plat

D. Resolutions

- 1. Consideration to approve Resolution No. R03-2017 - Accepting Temporary Pressure Irrigation Easement from the Arbor Ridge Subdivision No. 2 and No. 3 Projects**

RESOLUTION APPROVING ACCEPTANCE OF A TEMPORARY EASEMENT ON PROPERTY OF ENDURANCE HOLDINGS, LLC FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PRESSURE IRRIGATION MAIN FOR THE ARBOR RIDGE SUBDIVISION NO. 2 AND NO. 3 PROJECTS.

- 2. Consideration to approve Resolution No. R04-2017 - Accepting the Seepage Bed Maintenance Easement from the Kuna Joint School District No. 3**

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO ACCEPTING THE SEEPAGE BED MAINTENANCE EASEMENT FROM THE KUNA JOINT SCHOOL DISTRICT NO. 3. GRANTING AN EASEMENT TO THE CITY OF KUNA, IDAHO AND ITS SUCCESSOR IN INTEREST, THE ADA COUNTY HIGHWAY DISTRICT FOR STORM WATER RUNOFF TO BE CONSTRUCTED AT THE CORNER OF MAIN STREET AND N. AVENUE E, KUNA, IDAHO, AS DEPICTED AND DESCRIBED IN EXHIBIT A.

- 3. Consideration to approve Resolution No. R05-2017 - Adopting the Ada County Multi-Hazard Mitigation Plan and Repealing Resolution No. R54-2011**
<https://adacounty.id.gov/accem/Mitigation>

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AUTHORIZING THE ADOPTION OF THE ADA COUNTY MULTI-HAZARD MITIGATION PLAN; AND REPEALING KUNA CITY RESOLUTION NO. R54-2011.

- 4. Consideration to approve Resolution No. R06-2017 - Authorizing the Silver Butte Holsteins, Inc. Lease**

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE LEASE AGREEMENT WITH SILVER BUTTE HOLSTEINS, INC. FOR THE LEASE OF THE CITY OF

KUNA'S PROPERTY LOCATED AT SWAN FALLS ROAD, KUNA, IDAHO.

5. Consideration to approve Resolution No. R07-2017 - Approving the Mutual Aid and Assistance Agreement for IDWARN

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE MUTUAL AID AND ASSISTANCE AGREEMENT FOR THE IDAHO INTRASTATE WATER/WASTEWATER AGENCY RESPONSE NETWORK (IDWARN), AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

E. Findings of Fact and Conclusions of Law

1. Consideration to approve the Findings of Fact and Conclusions of Law for Case No. 16-04-ZC (Rezone) – Approving a request from Keith Clow to rezone approximately 8.74 acres in city limits from an (A) agriculture zone to a (C-2) Area Business District commercial zoning designation. Ada County Assessor Parcel #: S1419333400.

Council Member Jones asked about the invoice for archival supplies and if the project was on track as the invoice was for less than approved.

City Clerk Chris Engels clarified that the amounts would total the approved amount and they were coming from different suppliers.

Council Member McPherson asked about the Silver Butte Holsteins, Inc. Lease. He thought something was done on that recently.

City Attorney Richard Roats responded that there was but it came up again to get it in cycle.

Council Member Buban-Vonder Haar moved to approve the consent agenda. 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 Motion carried 4-0.

6. Community Reports or Requests: None

7. Public Hearings: (6:00 p.m. or as soon thereafter as matters may be heard.)
(Timestamp 00:05:39)

- A. Public Hearing and consideration to approve Ordinance No. 2017-01 Amending Kuna City Code (16-04-ZOA Zoning Ordinance Amendment) – A request by the City of Kuna - Wendy Howell, Planning and Zoning Director

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 6, CHAPTER 3, SECTION 4, PART A OF THE KUNA CITY CODE, ENTITLED "STREET RIGHT-OF-WAY WIDTHS" TO CHANGE THE RIGHT-OF-WAY FOR A RESIDENTIAL LOCAL STREET FROM FIFTY-ONE FEET (51') TO FIFTY FEET (50'), AND A NEW PART- PART 'E' TO PROVIDE STANDARDS FOR ACCESS TO COLLECTOR AND ARTERIAL STREETS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Planning and Zoning Director Wendy Howell presented the changes to be made to Kuna City Code. The change to the street right-of-way width will comply with final plats and what ACHD is approving. The second part will limit access for subdivisions with the rear of their lot facing a collector or arterial roadway.

Council Member Jones asked if this only affects subdivisions and not commercial developments.

Ms. Howell said that is correct.

Council President Cardoza asked if this was a carryover from Sutter's Mill.

City Attorney Richard Roats responded it is. It is an attempt to clarify that issue. Some residents have put in rear driveways without permission. It says on their plat they can't put in rear driveways and the City really doesn't want those rear driveways going out on to streets like Ten Mile for example.

Council President Cardoza asked if this would address access to the backyard of a corner lot.

Mr. Roats said if the corner lot is within a subdivision the owner would need to deal with the subdivision. This ordinance is just intended to prohibit putting a second driveway onto an arterial or collector road.

Mayor Stear opened the public hearing.

In Favor: None

Neutral: None

In Opposition: None

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

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve summary publication of ordinance

Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2017-01. Seconded by Council Member Jones. Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve Ordinance No. 2017-01. 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

Motion Carried 4-0.

Council Member Buban-Vonder Haar moved to approve the summary publication of Ordinance 2017-01. Seconded by Council Member McPherson. Motion carried 4-0.

8. Business Items:
(Timestamp 00:12:00)

- A. Consideration of additional funds from contingency for the Downtown Revitalization project to relocate the project drainage, adjust the roadway asphalt depth to meet ACHD's requirements, relocate power underground, add two bulb outs on the west side of Avenue D and Main Street, and construction of an asphalt path at the southeast corner of Main St. and Ave E. – Chris Engels, City Clerk, Bob Bachman, Facilities Director, and Tim Blair PE, J-U-B Engineers

City Clerk Chris Engels reviewed the request and the options to be considered. The top priority options are Option 1, which is it to relocate Idaho Power which eliminates the pole and puts the power underground, and Option 2, which is bulb outs that will help to slow traffic. Option 3 is an asphalt path with extruded curb across the street from the easement. Option 4 is to adjust the contingency from 20% to 30%. If Council decided to approve all options the total additional cost would be \$215,200.00. There are currently two (2) requests pending to increase funding. The project has had great feedback and has already won two (2) awards. It is being watched closely by ACHD, ITD, COMPASS, and others. She noted that the project is running under some time constraints which is why the request is being brought to Council at this time. She added that, if Council approves any or all of the options and the pending grant funds come in, the amount of the City contribution, if not needed, will be given back to the funds from which they it came. She stood for questions and turned all technical questions over to Tim Blair, JUB's technical engineer on the project. Facilities Director Bob Bachman was also available for questions.

Council Member Jones asked if the seepage beds were originally planned to be on Main Street or were they planned to be off site.

Facilities Director Bob Bachman said originally the seepage beds were going to be on Main Street.

Council Member Jones said when he was on the steering committee he was told the seepage beds had to be off site which is why Avenue E had to be included in the first phase.

Mr. Bachman said he did not remember that information being given that way.

JUB Technical Engineer Tim Blair added that, originally, in the steering committee meetings, the project was started on the west end because the natural ground for the road and the drainage flows to the west so building the seepage beds to the west first made sense from a constructability stand point. They start at the low end and work their way up stream and if there is a potential to capture some of the Phase 2 water in Phase 1 it would enable them to do that. It also allows them to look at what is happening on the east end to make sure they don't hinder improvements on that end. There are some existing seepage beds off site and he thought they might be the ones mentioned before.

Council Member Jones asked about the item in the budget for Decorative Street Lights. It says excluding wiring and conduits so he was assuming that means that cost is not included in this budget and will be additional costs needed in the future.

Mr. Blair said those costs are covered in item 63.

Council Member Jones said the way he reads the memo the City has already been given \$500,000.00 from Idaho Department of Commerce, \$198,000.00 from COMPASS for Phase 1, \$200,000.00 from ACHD, and the City has contributed \$140,000.00 to the project. That totals \$1,038,000.00. Currently the budget comes to \$1,026,400.00 so there is a difference of \$11,600.00 between what has been funded and what has been allocated to be spent. He wanted to make sure he was reading those numbers correctly and, if he is, there is \$11,600.00 that could be used to cover some of the costs for one (1) of these items.

Mr. Blair said he did not have the cost breakdown in front of him and was not sure that the \$11,000.00 was not captured somewhere else.

Ms. Engels said she could not break out the specific numbers on the \$11,000.00 but of the \$140,000.00 from the City is included and includes some of the bench money the City has received as well. Council Member Jones was correct on the \$198,000.00. Also, she believes, part of that \$11,000.00 is some funding they did not anticipate would need to go to ITD. They thought ITD would be able to waive about \$5,000.00 of their fees because they are the federal administrators for the federal funds for the TMA-TAP monies. Part of it is also local and City money. If Council would like a more specific break down they can pull that together.

Council Member Jones wanted to know if that money had been allocated or if it can be used.

Ms. Engels responded it has been allocated.

Council Member Jones asked who owns the property between the curb and the fence on Avenue E on the north side.

Mayor Stear said ACHD.

Council Member Jones said a concern the stakeholders had was the contribution of taxpayer money to the project. Currently it is at about 20% contribution from taxpayer money versus grant money for Phase 1. If Council approved all of these options it would put that number up to 33%; moving it from a fifth to a third of the project being funded by taxpayer money.

Ms. Engels said if Council Member Jones ran the numbers she would say those percentages are correct. That is why they have continued to try to keep taxpayer investment at the lowest amount possible but also meet the same level of investment enthusiasm as the other stakeholders involved. They do recognize that downtown Kuna is really the only history Kuna has that is still intact. It is also the gateway to the park and Indian Creek. They do not want to increase any more than they have to and what they are looking for is not decorative items but safety items. They are also looking at additional allocations. She understood the concern but the power pole for example is a safety hazard and they are continuing to work with Idaho Power on their contribution. These are safety and accessibility items that they are happy to discuss with Council.

Council Member Jones clarified that there is nothing wrong with the power pole and that just the one (1) power pole would be removed and not all of them.

Mr. Blair explained this estimate is just for the one (1) power pole but they would have to go underground for the upstream and downstream power pole for conduit and connect it to underground facilities.

Council Member Jones asked if Mr. Blair thought it would be the same thing for the power pole in front of the Fire House.

Mr. Blair said it could potentially be an issue but he has done the lay out for Phase 2 in detail yet.

Council Member Jones said it seems to him Phase 2 will require a lot more construction than Phase 1 and will therefore require more funding to do Phase 2 as opposed to Phase 1. He asked if Mr. Blair felt that was an accurate statement.

Mr. Blair said he believes so.

Council Member Jones was concerned about the funding. It is possible no other money will come in to do these projects. With the additional \$214,000.00 that is roughly 22% of the City's contingency for this year going to the project. He was also concerned about the bulb outs. He asked if ACHD had reviewed that addition because he was concerned they would make the road too narrow for turning at that intersection.

Mr. Blair said they did submit the current design plans to ACHD and there were no comments on that particular issue. They are also considering doing a retaining wall as a separation barrier between the gas station, pumps, and the back of the bulb out.

Council Member Jones asked if that would cause a safety issue.

Mr. Blair said the bulb outs themselves are designed for trucks to be able to go over them if needed but is not a truck route. The bulb outs are mainly for pedestrian safety. They reduce the crossing width and create bigger landings for pedestrians. Another consideration for this is continuity down the corridor.

Council Member Jones asked about the request for the Asphalt Path. He wanted to know if ACHD owns the property were that would go.

Mr. Blair responded yes.

Council Member Jones asked if Mr. Blair strongly believes that will actually be used as a walking path. There is no cross walk to walk over Bridge Street there. His impression is that once Avenue E is built out most people will cut down the Greenbelt. He is cautious about spending money on something that could possibly not be used to its full potential. Regarding the contingency, he was disappointed that Council was being asked to raise the project by 20% before they have even broken ground. He was concerned about what would be out there once they do break ground. He would personally prefer to wait on the items until they know if funding from other sources will come in and have the contingency money available for anything unexpected that really needs to be done. He was curious about contingency not being added to the power pole but added to the other items.

Ms. Engels said Idaho Power provided the estimate of what it would take for them to make that move. It does not go out to a contractor or rely on bidding dynamics. She asked that Mr. Blair explain why it is more expensive to wait based on the bidding process.

Mr. Blair explained they found out this next summer ITD will be releasing 37 projects for construction. They are anticipating the construction market will be busier than it has been in the last five (5) years so that may drive up the prices next spring and summer as this project gets underway. Also, if they hit shallow rock, there is the potential for rock blasting to install the pipes. They know they do not have to do rock blasting to install the seepage bed because they did test bids at that location. The hope with Option 4, if it were approved, was that they would not have to go back to Council for additional funds but they won't know that until the bids come in.

Council Member Jones clarified that Mr. Blair was saying they may need even more money for the project.

Mr. Blair said, with the 30% contingency, he is pretty confident they won't but there is no guarantee because of the uncertainty regarding the bidding market this summer.

Council Member Jones asked if Mr. Blair felt he could not get those bids without approval first.

Mr. Blair said no, they would like the authorization for approval that night so they know from a design standpoint what to proceed with and put in the bid package.

Council Member Jones asked if the items could be included in the bid but pulled later.

Mr. Blair explained the option is for a contingency amount and doesn't go in the bid.

Council Member Jones clarified that he was asking if they can get the bids before coming to Council for money. He would like to know how much is really needed. He would have preferred to talk with City Treasurer John Marsh before making a decision but Mr. Marsh was absent so he was very hesitant to vote on this even with the time constraint. He also felt the concerns were not being addressed accurately to resolve them.

Mr. Blair explained they had assumed it was on Idaho Power's cost to relocate the pole because it is inside the right-of-way but it depends on the City's franchise agreement with Idaho Power. As for the bulb outs, they were not included in the original concept plan so they are being added to maintain continuity based on the feedback from stakeholders. Authorization to include these would allow them to get them into the design as an added alternate bid before going out to construction.

Council Member Jones said he did not understand why they weren't included originally.

Mayor Stear clarified that this is the engineering phase and, as the project moves forward and they go out to physically look at these things, this is the time when these questions arise. That is how these items came up, with the exception of the drainage beds. It is not so much a request for money as it is asking Council's opinion on how far they want to take this project by presenting the questions that have come up in the engineering phase.

Council President Cardoza asked Mr. Blair about the storm water collection pond put in on the east side by ACHD. It is pretty large. It is directly east of the pizza place and it runs north/south. He asked if this project would utilize that or put in a new unit east of that.

Mr. Blair said they would put in a new system. The system that exists there today was sized to handle whatever water they did improvements on at that time. This new one (1) is sized to pick up water from down Main Street for the first phase.

Council Member Buban-Vonder Haar said if she adds Options 1 through 3 she gets \$129,800.00 but the request is for \$142,000.00.

City Clerk Chris Engels responded the \$129,000.00 is less 7.34%.

Council Member Buban-Vonder Haar asked where she could find that in the packet.

Council Member Jones said he was reading that as the \$140,000.00 minus the \$129,000.00 equals the \$10,000.00 that it costs to move the seepage bed and the additional asphalt thickness. It is in the first part of the memo, third paragraph down. It is not spelled out anywhere but that is what he gets from that section.

Council Member Buban-Vonder Haar said, if it is spelled out somewhere she would love to see it, but otherwise she guessed it made sense.

Council Member Jones asked what would go above of the seepage bed on the corner of Avenue E.

Mr. Blair said they agreed with ACHD to allow a surface to be paved on top of it if the school district decides to do a parking lot or something like that.

Council Member Jones wanted to know who was responsible to remove the asphalt and then re-asphalt if they have to go into that seepage bed.

City Attorney Richard Roats said the school district will be responsible for that.

Council Member Jones asked if the school district would be aware of the plans for above the seepage bed and that, compared to grass for example, there may be additional costs to remove that concrete and replace it if the City has to get into the seepage bed.

Mayor Stear said he brought that up when they presented to the school district so they are aware of the possible costs associated with covering the seepage bed with asphalt and concrete.

Council Member Jones clarified that the seepage bed will continue to be the property of the school district with the school district deciding what will go there. That will not be part of the project.

Mr. Blair said that is correct. The school district has the option to put whatever they want there and the easement will be owned and maintained by ACHD.

Council Member Buban-Vonder Haar asked if the addition of the bulb outs reduced the concerns in regard to maintaining the pole.

Mr. Blair said, if they do install the bulb out, the pole will have to moved back about five (5) feet to the north of its current location. The concern is that it may further impede vehicles coming in and out of that gas station.

Council Member Buban-Vonder Haar said she was under the impression there would be a retaining wall to eliminate the ability of cars to come into the gas station from Avenue D. She asked if that was not the case.

Mr. Blair said they would maintain the current access.

Council Member Buban-Vonder Haar asked where the retaining wall would be then.

Mr. Blair said it would be behind the ped-ramp in front of the pole but the pole can be relocated instead of putting it underground.

Council Member Buban-Vonder Haar asked if the cost for relocating the pole was included in the \$50,000.00 for the bulb outs.

Ms. Engels said the cost for relocating the pole is \$11,000.00 which is an estimate from Idaho Power. City Attorney Richard Roats looked at the franchise agreement and the City is not responsible for that cost so if it is decided to just move the pole it is a cost for Idaho Power to absorb.

Mayor Stear added that in previous conversations with Idaho Power they stated they would cover the cost but in a recent conversation with another Idaho Power member they said they would not because it is in the franchise agreement. The City is still assuming the cost will be covered but now that the question has been raised they are asking for the \$11,000.00 in case Idaho power won't cover it. Negotiations will continue though.

Council Member Buban-Vonder Haar said it did not look like that \$11,000.00 was included.

Ms. Engels said it is not and asked City Attorney Richard Roats to address the franchise agreement.

Mr. Roats said he has looked at the franchise agreement and it is pretty clear on that cost allocation so the City will continue to follow up with that.

Council Member Buban-Vonder Haar said she was trying to figure out if they would recognize a savings in Option 2 if they approved Option 1.

Ms. Engels said no, there would not be a realized savings.

Council Member Jones asked why the pole has to be moved.

Mr. Blair said the pole could stay there but the concern was for vehicles maintaining dual access on the corner of Avenue D and Main Street.

Council Member Jones clarified that, if it was left where it is, they would maintain the current access except the bulb out would continue a little farther east with a retaining wall between the pole and the side walk.

Mr. Blair said that is correct.

Council Member Buban-Vonder Haar said it seems like moving it five (5) feet north would make it considerably more difficult to continue having access from Avenue D.

Ms. Engels said that is correct. If it is moved five (5) feet to the north it sits in a lane going to and from the pumps.

Council Member Buban-Vonder Haar asked if there would still be access to the gas station for cars coming in from Avenue D.

Mr. Blair said yes there would be.

Council Member Jones reiterated that the pole does not have to be moved and it will not affect anything. They can do the bulb outs with the pole where it is and build around it for added safety without having to spend the \$70,000.00.

Mr. Blair said that is correct. It would increase safety to remove the pole and that was one (1) of the top priorities of the stakeholders which is why it was included in the packet but from a design standpoint they could design around it and have it relocated close to its current location.

Council Member Buban-Vonder Haar asked Mr. Roats if, based on his read of the franchise agreement, Idaho Power was is responsible for the \$70,000.00 to take the pole out.

Mr. Roats said the franchise agreement addresses the relocation at the City's request. Council Member Buban-Vonder Haar's question poses two (2) different situations. One (1) is the relocation of the pole for \$11,000.00 and the other would be a burying of the lines. They have not gotten to that conversation yet to find out if they would be willing to pay for putting it underground versus relocating it.

Council Member Jones asked Kuna Police Sargent Briggs if he knew of any cars hitting that pole.

Sargent Briggs said you can see the pole has been bumped a few times from looking at it. He could also recall one (1) vehicle at the gas station bumping into it a couple years ago but he could not recall any significant accidents beyond that. He does know vehicles do get very close to it so moving it five (5) feet north would significantly change things.

Council Member Jones said he wanted to be sure Council was aware that property is for sale as well as the 4th Street Gym. If that property is sold there is the possibility the gas station would no longer be there. Obviously they can't foresee the future but he thought the possibility should be considered as well as the fact that someone just spent money to rebuild that sidewalk.

Council Member Buban-Vonder Haar said she shares some of Council Member Jones' concerns in regards to \$70,000.00 for what feels like a cosmetic thing, even

though she knows it is a safety thing, and the idea of how many things could be done with that amount of money. She also agrees that the asphalt path may not get used very much considering it doesn't connect to anything on the west side of it and she couldn't see a safe way to get off of it. She was struggling with that but could be persuaded otherwise.

Ms. Engels said she understands what Council is saying concerning Option 1. She thought the bulb outs were pretty important for a variety of reasons. She would like to talk them out of their thoughts on Option 3 but their points are valid. It is a lower costed budget and may not get used. As the City works on Avenue E down towards the greenbelt the dynamics of how that pathway is being used may change considerably. She could see the benefit to withholding on that. She did ask that, if Council does decide to fund Option 2, they give some consideration to going a little higher on the contingency which would not be the amount that is asked for in the memo. She also asked, if the City receives the funds from COMPASS, Council give direction to use those funds to bury the power pole, do the bulb outs, and do the pathway and to use the monies Council approves be used for the 7.34% match of that \$140,000.00.

Council Member Jones said he believes the City has \$10,000.00 set aside for sidewalks this year that could be used for the pathway. He asked if City grants for the facades had been discussed. That is more money that would be requested for this project and he wanted to know if it was still being considered.

Ms. Engels said Council weighs in heavily on that and makes the ultimate decision. The design committee as a whole though has stepped back from that idea because many of the business owners have stepped forward to do their own facades with their own money.

Council Member Jones asked if there was still discussion regarding the rebuild of the Main Street Avenue E intersection.

Ms. Engels said that is not part of this project and it has not been presented in working with the City's partnerships as a consideration. She knows the conversations he is referring to but there is nothing concrete yet.

Council President Cardoza asked Parks Director Bobby Withrow if the City was still looking into putting a splash pad in at the end of Avenue E.

Parks Director Bobby Withrow said they are not looking at that location anymore. The City talked to Union Pacific and was told no. He put several sites out to the community and got a lot of feedback which he will hopefully present to Council at the next meeting.

Council Member Buban-Vonder Haar ask Ms. Engels to elaborate on her request for more contingency should Council decide to do Option 2 only.

Ms. Engels said at the 30% contingency she would ask that Council approve \$54,300.00. She asked that Council make a motion as to what they approve and give formal direction, should grant funds be received, in regards to moving forward with Options 1 and 3, applying grant funds to Option 2, and to use 7.34% of approved funds Council has allocated as a match.

Mr. Blair clarified on the 30%. (*Unintelligible – Not at mic*)

Ms. Engels said the 30% would just be 30% of Option 2.

Council Member Buban-Vonder Haar asked, if the grant funding came through, would they have the option to not use it on the asphalt path. She is completely committed to pedestrian connectivity and making the city as accessible as possible but she questions the utility of that pathway.

Ms. Engels said, though the City never likes to return grant funds, if Council does not feel like that is an appropriate expense, whether it is City funds or grant funds, the City wants to be frugal with all of it, then the City would not utilize those funds.

Council Member Buban-Vonder Haar clarified that if Council decided not to use the funds for the path they could not be used at all.

Ms. Engels said that is correct.

Council Member Buban-Vonder Haar said her personal preference would be to approve the funding for Option 2 at the new rate Ms. Engels requested with the note that should grant funding come through the Council approves its use for Options 1 through 3 with the required City match.

Council Member Jones said he has no problem with the bulb outs so he would leave it at that with the \$54,300.00 for the 30% contingency on the bulb outs. He would rather have the grant money put back in and the other items be brought back before Council so they know exactly how much grant money comes in. He was concerned that the City may only receive \$5,000.00 but this gives the ok to go forward with the other options anyways.

Council Member Buban-Vonder Haar asked if it was possible to only receive \$5,000.00 or if it was an all or nothing sort of thing.

Ms. Engels said no, first of all, if they were to say they could only give \$5,000.00 the City would know in advance and let them know that would not work or the City could take it and just do the 7.34% match. However, the City put in for the full amount and if they come back with a partial amount it is maybe \$10,000.00. It would just be one of the options that didn't fund. She added that Mr. Blair clarified to her that Option 2 requires engineering fees which is \$12,000.00.

Council Member Jones said that makes it \$66,000.00.

Ms. Engels said \$66,200.00.

Council Member Buban-Vonder Haar said, since there was originally a \$10,400.00 difference, does that need to be added back in or did they ever figure out what that amount was supposed to be for.

Mr. Blair said he believes that money is for grant administration for the TMA/TAP money from ITD. The \$11,000.00 is taken off the top by ITD.

Council Member Buban-Vonder Haar said when she adds everything up she comes up with a \$10,400.00 difference. It sounded like that was for something specific but she was not seeing it anywhere so she was trying to find out what it is for and if it is something that is actually being requested in addition to Options 1 through 3.

Council Member Jones asked what the cost is to relocate the drainage bed and the cost to do the additional thickness ACHD is requiring.

Mr. Blair said those costs are already captured in Phase 1 in the Base Bid Total of \$789,900.00. There is some additional widening that has to be done for the bulb outs on the east side of Avenue D which is additional plant mix and pavement which is captured in this summary on the engineer's estimate for the \$50,200.00.

Council Members Jones and Buban-Vonder Haar said that didn't really answer their question.

Ms. Engels said she thought the \$10,400.00 was the 20% contingency.

Council Member Buban-Vonder Haar said no, the contingencies are already built in. She found the \$12,000.00 for engineering fees but that is more than the \$10,400.00 and still would have been added in if Council approves Option 2.

Ms. Engels said that is correct. The engineering fees are necessary because the engineering hasn't been scoped for the bulb outs whereas the engineering has been done on the rest of the project. She apologized for not being clear on that in her memo.

Council Member Jones said there is currently \$140,000.00 in contingency without additional funds.

Council Member Buban-Vonder Haar asked him to clarify what he is calling contingency.

Council Member Jones said he was looking at page 6 of 10 where the very first grand total is. He asked if the pole could be buried using grant money.

Ms. Engels said yes, she had to send them a request listing what is needed, why, and where the deficit is coming from. It would require Council to say yes to accepting those funds if they come in.

Council Member Jones asked how much Ms. Engels submitted for.

Ms. Engels replied \$140,200.00 less a 7.34% match so it would be \$129,000.00 and some change.

Council Member Jones said if the whole amount is awarded he had no problem. He has the hardest time with the \$70,000.00 for the pole especially if it doesn't have to be moved. Otherwise, the bulb outs he completely agrees with. He would rather not do the asphalt pathway or increase the contingency. He would prefer to wait until it is needed.

Council President Cardoza asked City Attorney Richard Roats if he should abstain from voting since he owns property downtown.

City Attorney Richard Roats said, because it is benefiting the entire business community and not Council President Cardoza alone, he can vote.

Council Member Buban-Vonder Haar moved to approve the expenditure of an additional \$66,300.00 for what has been described in the Council Packet as Option 2 and, should the City be successful in obtaining grant money for these projects, approve the use of those grant funds to cover Options 1 through 3 with a 7.34% match. 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

Motion carried 4-0.

B. Discussion of EDUs for Journey's End - Richard Roats, City Attorney
(Timestamp 01:22:34)

City Attorney Richard Roats explained to Council the breakdown of EDUs and the request for direction from Council on Kuna City Code 7-6-3 Service Connection Charges. In the last five or six months several multi-family projects have been approved. A developer requested to pay one (1) EDU for a fourplex instead of one (1) EDU per unit. The developer indicated it is a financial hardship to pay this. Mr. Roats told the developer he would bring it before Council for direction in regards to changing the multi building code. The factor is the waste contribution to the system when the unit sizes are the same size as a single family dwelling. He stood for questions.

Council Member Jones clarified that EDU is based on one (1) per living unit.

Mr. Roats said that is correct.

Council Member Buban-Vonder Haar explained that everyone pays the same and there isn't a mechanism for people to pay less based on their use. She felt it would be

very confusing to change this. There are multiple multi-family dwelling units in Kuna that have already paid EDUs and the City would potentially have to go back and do refunds.

Mr. Roats explained that, typically, legislation isn't retroactive unless Council decided to make it that way. However, it could be in conflict with the Key Bank settlement and that should be a consideration. He agreed with Council Member Buban-Vonder Haar's assessment in regards to the confusion changing it would cause and recommended to keep the code the way it is.

Council Member Buban-Vonder Haar asked if Mr. Roats recommended a payment arrangement on these.

Mr. Roats said tracking it would be a paperwork nightmare and explained the details of processing. He suggested it stay the same.

Mayor Stear said he thought it had to do more with an end cost so he did not think a payment arrangement would satisfy the developer.

Council Member Jones clarified that a fourplex has four (4) water hook ups, four (4) sewer hook ups, and four (4) park impact fees.

Mr. Roats said that is correct. The developer did not question the park impact fee though. They were questioning this as part of the numbers. The breakdown put this in the single digit percentage of the overall cost. They compared it to Nampa. Nampa is having problems with funding and will have to figure out how to come up with additional funding. From that standpoint, the City is looking towards the future on maintaining the system. Nampa didn't do that and now they have some real problems. It would not be good to give a break today only to find out years later it was the worst decision made and have to change how things are done. It seems to be working well the way it is.

Council President Cardoza asked City Engineer Gordon Law his thoughts.

Mr. Law thought it should stay the same.

Council took no action.

9. Ordinances:

10. Mayor/Council Discussion Items:

(Timestamp 01:30:55)

Mayor Stear updated Council on the emergency declaration status and the process of addressing the snow and ice as well as drainage. He thank all the City staff that helped out with snow removal and flood problems as well as those who kept the City

operational; for every person on snow duty someone else had to pick up that slack. Things went very well with no major problems and no real damage to anything except to a mail box that was repaired the next day. He gave special thanks to Parks Director Bobby Withrow for getting the ball rolling on snow operations. He did a great job coordinating and making sure all the emergency calls coming in were taken care of. Also, Facilities Director Bob Bachman stepped up for flood control and moved back into snow and street operations. Both did an outstanding job. He then explained that originally he was hesitant to declare a state of emergency because it gives him authority to spend money without Council's approval but upon further discussion with City Attorney Richard Roats he determined it would be wise to make that declaration. That was about a week ago. At this point it would be up to Council to extend that. The City is not asking for an extension though. Mayor Stear did not think it was necessary at this point. City staff will continue to keep an eye on the situation though. City Treasurer John Marsh was out sick and unable to put a packet together on the total cost to the City at that point but as far as he could tell, based on estimates from Parks Director Bobby Withrow, the cost is in the neighborhood of \$18,000.00 to \$20,000.00 altogether. As for reimbursements for people, he had City Attorney Richard Roats look into that.

City Attorney Richard Roats said that when a disaster rises to \$1.4 million, the county can go to the state for funds. By declaring the disaster, the City is eligible for any prorated share if any funds are received.

Mayor Stear said the City hasn't met the threshold for money spent from the City's budget. It has also been determined that the City doesn't have anything the right size to handle sidewalks. The City did assist the school district in their snow removal. He said that he is very proud of City staff and the citizens.

Council Member Jones commended Mayor Stear for his leadership. His willingness to go above and beyond encouraged others to follow suit.

Mayor Stear thanked Council Member Jones.

Council President Cardoza asked if City Engineer Gordon Law wanted a discussion on Well #5.

Mr. Law asked if there were any specific questions from the memo.

Mayor Stear said the memo was mostly informational to let Council know what was going on.

Council President Cardoza asked if Mr. Law needed any direction from Council at that moment.

Mr. Law didn't think he needed any direction.

Council President Cardoza asked where the radioactive decay came from.

Mr. Law explained the decay's natural accumulation.

Council President Cardoza asked where Well #5 is located.

Mr. Law said it is in Discovery.

11. Announcements:

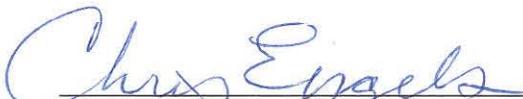
12. Executive Session:

13. Adjournment: 7:48 pm



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk

Minutes prepared by Ariana Welker, Customer Services Specialist
Date Approved: CCM 02.07.2017