

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

Board of Correction Meeting City Council Meeting MINUTES Tuesday, March 7, 2017

5:30 P.M. ANNUAL BOARD OF CORRECTION MEETING

1. *Call to Order and Roll Call*

BOARD MEMBERS PRESENT:

Mayor Joe Stear
Board Member Briana Buban-Vonder Haar
Board Member Richard Cardoza
Board Member Pat Jones
Board 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
Mike Borzick, GIS Manager

2. *Introduction:*

(Timestamp 00:00:34)

A. Introductory memo from Michael Borzick

GIS Manager Mike Borzick reviewed the details of his memo provided to the Board of Correction. There were no tax deeds for this year. The water supply balances. The previous year 1,147 million gallons of canal water were pumped. This year it increased to 1,332 million with the extra 400 homes built in the past year. Potable water has been known to be as high as 330 million gallons but was down to 2.4 million gallons last year. Canal water delivered was 1,339 million gallons the previous year and only 6.8 million gallons were wasted over the 68 million of 2015. The City served approximately 5,700 connections at .72 acre feet per connection. He

added that this meeting was a chance for Board Members and members of the community to protest any assessments or errors in the assessment roll or record. He stood for questions.

Mayor Stear commented that Mr. Borzick had gone over items 1, 3, and 4 pretty well. He noted that staff had done a lot better job this year. The amount of wasted water had really gone down which was largely due to management and the way the system works now. He expressed his appreciation.

3. Tax Deed List

A. General remarks, questions, or comments. The delinquent property is: None in 2017

4. Water Supply Balance

A. General remarks, questions, or comments.

5. Scheduled Protestants

(Timestamp 00:03:10)

A. Dave Splzett

Mr. Szplett was requesting a review of his 2017 KMID assessment. A portion of his property has the Mora Waste ditch situated thereon. He would like a reduction in his assessment for the portion of his property that he claims is not irrigated.

Mayor Stear asked if there was any comment from staff.

City Attorney Richard Roats stood for questions regarding his memo that was included in the packet.

Dave Splzett, 970 Ashwood Ct., Kuna, ID 83634, jokingly commented that he had done this job on five (5) continents and everyone starts their proceedings the same. He started his presentation. The first thing he shared was the assessors map outlining his property with a yellow line. He noted the brown swath through his backyard which was the Mora Waste Way. An assessor visited and reviewed his property at someone else's request. The assessor identified the Mora Waste Way as .16 acres of wasteland. His second slide showed a map of that and his third slide showed the assessed value of his property. He had no argument with the City's general approach to estimate water use on residential acreage but he perceived the Board did not understand or know that 7,000 square feet is equivalent to a normal single family lot. The assessor said the residential part of his lot was .439 acres or 19,000 + square feet. He had several points for the Board to consider; the first of which he just explained. He did not think the Ordinance could have foreseen that his lot would be off by 7,000 square feet. His next item came from a focus group of people who actually have 7,000 square foot lots. They realized that they paying approximately \$70.00 a year to water their yard while he pays \$27.00 a year to pour water down a

ditch. That did not affect him but it was something for the Board to consider. Next he shared a copy of the assessor's assessment of his property. The Ordinance bases water on residential acreage and the assessor says he has .439 acres. That is what he would like the Board to do. The assessor said he had .19 acres of wasteland that has no value. He perceived that either it is not wasteland and he should pay to irrigate it or it is wasteland and he should not pay to irrigate it. Lastly, the Kuna~Meridian Irrigation wanted to purchase an easement through the ditch from him. They do not have one (1). Although he does not have a formal offer from them he perceived, if they were there, they would rather purchase wasteland with no value rather than irrigate residential land that is equivalent to a single family lot. He added that he felt silly pouring water down a ditch. He restated his request was to be charged only for the residential portion of his lot. It was only about \$27.00 a year so it does not have any impact on the City. He stood for questions.

Board Member Cardoza asked if the area in question was fenced off.

Mr. Splzett said it was not fenced but there was tall brush that has to be burned every year, water down the middle, and waste rocks from the neighboring subdivision.

Board Member Buban-Vonder Haar confirmed that there currently was not an easement on the property so it was totally, exclusively under Mr. Splzett's control.

Mr. Splzett said there was no claim from an easement. They could probably claim that they have a prescriptive easement but have not done so and there is no title report that states there is; although they want to purchase one (1). When a permanent easement is purchased it is probably 95% of the value of the underlying property. He would still own it, pay taxes, and irrigate it but he would not have it for his own personal use just as he does not currently have it for his personal use. The side slopes are 1 to 1 so it can't be cut or walked on but the wildlife does make it pleasant. All but one (1) of his neighbors has the space fenced off. He would like to burn it but can't due to the cattails and wildlife in the space.

Board Member Jones asked if he had received any instruction forbidding him from irrigating the space so he would not have to burn it every year.

Mr. Splzett didn't know how he would burn it or use it or use a mower on it because of the slope and rocks.

Board Member Jones asked if there were any footings on either side of the banks.

Mr. Splzett responded no, the assessor sent someone out with a GPS unit and the assessment they came up with was shown in the slides.

Mr. Roats asked Mr. Splzett if he was selling the easement or would he be giving the easement for free.

Mr. Splzett said he doesn't have a formal offer but wouldn't give it for free, however, to be civic minded, he would consider it if such an option came up.

Board Member Jones asked if his neighbors had fenced off the property.

Mr. Splzett said all but one (1) had a fence. He could not afford to fence that much property. At one (1) time he had considered donating it to the City for a greenbelt but he did not own enough to do any good. The mayor at that time said it may come up in the future but right after that the irrigation company started talking with him. He would expect the City to work with the irrigation company if that were to happen and then of course he would have to build a fence.

Mr. Roats summarized to the Board the uniformity and the requirements of Idaho Code. He explained the City established a base of 10,000 square feet and anything above that adds an additional amount per square footage. In that 10,000 square foot calculation there is an assumption made that a certain portion of that will be impervious and it is built into that factor. Almost every year Council adopts a resolution that the assessment is implemented; last year's was included in the packet. Mr. Roats addressed Mr. Splzett's presentation. The Ada County Assessor categorized that section as waste. That comes from the Idaho Administrative Code State Tax Commission Section 19 which is a secondary category, Waste, that applies to public rights-of-way including roads, ditches, and canals. That is what it is limited to. Mr. Roats spoke with Mr. Don Watt from the Assessor's Office. Essentially, there was a request to have this categorized as waste and under their categorizing of waste the property owner has to be denied use of that property. Mr. Splzett has not been denied use of the property. He has every right to irrigate it, landscape it, and maintain it and should be treated the same as any other Kuna resident and have to pay the assessment. The problem with granting this request is, in trying to treat people uniformly, people can start requesting special assessments based on things like a three (3) car garage instead of the standard two (2) car garage and pretty soon it would have to be rewritten. It would require a large amount of staff time initially and then to follow up. He would suggest the City not go there. There is a remedy for Mr. Splzett. He submitted the easement issue with the irrigation district is a red herring; unless it completely denies his use. The fact that there may or may not be value to that diminishes Mr. Splzett's points but Mr. Splzett, if he does not want to pay, has the option to have it surveyed and do a lot split. He can then transfer that water right to the Kuna Municipal Irrigation District and he can maintain the ownership of that property. Mr. Roats was troubled by the amount of water he observed Mr. Splzett using on the rest of the property when he went to view the property during the summer and by Mr. Splzett's comments that he was just dumping water down the ditch; perhaps in a spiteful mode of "If I can't use it I'm going to waste it". Mr. Roats recommended the Board deny his request for review and leave it where it is at. Mr. Roats stood for questions.

Board Member Cardoza asked about the waste of water.

Mr. Roats responded when he went to view the property during the summer he walked from the street to ditch and the lawn was saturated with water. This was the middle of the day, maybe around lunchtime, and he did not observe any sprinklers running. In addition, Mr. Splzett made comments in his e-mails and during his presentation that evening that he was dumping water down the ditch which means he is watering excessively and in fact violating the code for wanton or wasted water. He may not be irrigating that section but according to his comments he is still using that water. The City does not want to get into a need for calculating each individual water use which is the reason for uniformly saying if a property is this big the assumption is this much water is being used.

Board Member Cardoza asked to hear the definition for waste again.

Mr. Roats read "Public rights of way including roads, ditches, and canals". With any ditch, to meet the assessor's requirement of waste, the owner of that property has to be denied use of that property. He submitted that when they made the assessment they were not aware that property could be improved, meaning landscaping and that sort of thing. He did not know what conversation took place with whoever made the request. He was told they looked at an aerial picture to make that determination, however, if landscaping is an option and Mr. Splzett does landscape it they will reconsider that waste definition.

Mayor Stear called for Board discussion.

Board Member Buban-Vonder Haar understood the request but shared Mr. Roats' concerns in terms of making this a viable argument for others and opening a Pandora's Box. In order to be fair and consistent the City would have to engage in those analyses. The amount of staff time that would be involved to do that on a yearly basis and to be sure of when it is land that is owned and could be irrigated but the owner chooses not to versus land that could not be irrigated, with the amounts of checks that would have to be done to ensure the land is not actually being irrigated, it seems like way more trouble than the City wants to get into. The fact that there is an alternative to do a lot split and dedicating the water rights to the City seems like the best way to address a situation like this. Her preference would be to forward that suggestion and deny the appeal.

Board Member Jones concurred with Board Member Buban-Vonder Haar's comments and the denial of the request.

Mayor Stear stated there are several properties in the City that could have this sort of designation for one (1) reason or another and, if the City were to go through the process of reassessing them all, in the end the City still have to pay what has to be paid for the irrigation water and the assessment rates would go up to a point where it would be very minimal for everyone who receives benefit for having a certain amount of area pulled off of their property for whatever reasons those might be. He

felt it would just open a flood gate for a lot of extra work on the City's part for something that would just end up with the same end result for what it costs.

Board Member Buban-Vonder Haar moved to deny the request for a reduction in assessment from Dr. Splzett. Seconded by Board Member Jones. Motion Carried 4-0.

Mayor Stear thanked Mr. Splzett.

Mr. Splzett thanked the Board and said they helped him more than they realized.

6. *Un-Scheduled Protestants*

A. Continue Board of Correction

7. *Adjournment: 5:57 pm*

6:00 P.M. REGULAR CITY COUNCIL

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
Wendy Howell, P & Z Director
Gordon Law, City Engineer
John Marsh, City Treasurer
Bobby Withrow, Parks Director
Troy Behunin, Planner III
Trevor Kesner, Planner II

2. *Invocation:* None

3. *Pledge of Allegiance:* Mayor Stear

4. *Consent Agenda:*
(Timestamp 00:29:39)

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, February 21, 2017

B. Accounts Payable Dated March 2, 2017 in the Amount of \$334,990.73

C. Findings of Fact and Conclusions of Law

I. Consideration to approve Findings of Fact and Conclusions of Law for Case No.15-05-S (Subdivision)

D. Notification of Agreements Signed by Gordon Law, City Engineer

Council Member Jones noted a correction to the minutes on page 15 of 29, third paragraph down. A dollar amount was listed for the expense of \$1,500.00 and it should be listed as \$15,000.00. He then asked Planner III Troy Behunin about the map presented for Silver Trail Addition at the previous meeting showing four (4) lots converted to open space.

Mr. Behunin said it is in the file and deferred to City Attorney Richard Roats.

Mr. Roats explained he did respond with an e-mail but the minutes reflect the three (3) documents and the three (3) documents are the maps that were submitted. The Clerk's Office does have the documents and they will be scanned in and attached to the minutes from the meeting.

Council Member Buban-Vonder Haar moved to approve the consent agenda with the correction to the minutes. 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:

6. Public Hearings: (6:00 p.m. or as soon thereafter as matters may be heard.)
(Timestamp 00:32:39)

A. Planning & Zoning staff requests this item be tabled to the March 21, 2017 City Council Meeting.

Consideration to table Public Hearing on 16-09-AN (Annexation) – Trevor Kesner, Planner II

Applicant/Owner, Michael Robinson is requesting Council approval to annex an approximately 1.0-acre parcel into Kuna city limits. The subject parcel is located at 1420 W. Hubbard Road, Kuna 83634.

Council Member Buban-Vonder Haar moved to table the Public Hearing on 16-09-AN until the March 21, 2017 City Council Meeting. Seconded by Council Member Jones. Motion carried 4-0.

- B.** Public Hearing and consideration to approve 16-03-CPM (Comprehensive Plan Map Amend) and 16-10-AN (Annexation) Ashton Estates Subdivision – Troy Behunin, Planner III

Applicant, SDN, LLC, requests approval to amend the Comprehensive Plan (Comp Plan) Map, from Medium Density Residential to Mixed-Use General over approximately 50.6 acres. The site is contiguous to Kuna City limits and the applicant requests approval to annex the same parcel into Kuna City with the following zones; C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-20 (High Density Residential). The subject site is located on the south east corner (SEC) of Meridian and Deer Flat Roads.

Kelly Kehrer of K& M Engineering Office, 9233 W. State St., Boise, ID 83714, reviewed the project. They worked hard with City staff and neighbors to transition this project from commercial along the frontage where there are busy streets to higher density in the middle of the project to medium density around the exterior to provide a nice buffer to the neighboring properties. He pointed out at the previous Planning & Zoning Commission Meeting they agreed to change the high density from R-20 to R-12. Their intent was to not bring in the larger type of apartment building that would include. They are absolutely intending to hold to what they agreed to in that meeting. He stood for questions.

Planner III Troy Behunin followed up. He stated that all noticing had been fulfilled and all requirements and staff requests had been met. He confirmed that, in response to the neighbors' concerns, they changed the high density to R-12. Re-noticing is not required because it is less than what was published. The applicant would like to bring forth a preliminary plat shortly here after as soon as they receive, in their opinion, a favorable outcome to this comp plan map change amendment and annexation request. He stood for questions.

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.

Mayor Stear called for Council discussion.

Council Member Jones appreciated the change in zoning. He felt that was a great concession. He assumed the trail maps for future planning will be implemented in that site. They would have to get all the other approvals from all the other entities and since there does not seem to be any objects from any of the entities that were contacted he had no concerns. He asked Mr. Behunin about procedure as far as the annexation being submitted or permitted or recorded. He asked if it would still be in place or was that changed.

Mr. Behunin asked Council Member Jones to clarify.

Council Member Jones said he believed the recording of the annexation would be withheld until the preliminary plat was approved. He was curious of how that works.

Mr. Behunin responded there was some concern from some of the neighbors regarding three (3) zones being placed on one (1) parcel. Staff responded by suggesting this in order to define where those areas are. There was a fear that they could get approximately 5.3 acres for the R-12 and it could somehow magically grow to twelve (12) acres somewhere between this approval and the preliminary plat so staff will wait to see what happens with the preliminary plat in order to record those zoning changes. The annexation and the zoning would record after staff sees they have submitted a preliminary plat and or planned unit development application. Mr. Behunin had confirmed with the applicant, just before this meeting, their intent to submit a preliminary plat for this subdivision within a short period of time; less than two (2) months.

Council Member Jones confirmed staff had no issues with this and no concern with future requests for that type of scenario.

Mr. Behunin said staff had none but Council Member Jones was right; it is a unique condition.

Council President Cardoza asked about page 21 of 82. There was a schematic that shows the breakdown of the zoning. On the left corner, the north east corner, there was a line going through the lot. He wanted to know the lines purpose.

Mr. Kehrer responded it is the property line.

Council President Cardoza asked if the R-12 would be better situated on the south portion and the R-6 moved forward. If they are two (2) stories they will be looking down in peoples' yards of the residential area. If they were moved completely south there would not be that obstruction.

Mr. Kehrer said a lot of those questions will get answered when they come in with a preliminary plat. It will show how they have open space broken up on the project. It will be mitigated based on where it will sit on the project.

Council Member Jones moved to approve 16-03-CPM (Comprehensive Plan Map Amend) and 16-10-AN (Annexation) with the noted change of going from R-20 to R12 under the proposed recommendations outlined in the staff report. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

7. Business Items:
(Timestamp 00:47:28)

- A. Proclamation for March 2017 as the 15th Annual March for Meals Month. – Mayor Stear

Grant Jones, 4584 N. Futurity Ave, Boise, ID 83704, thanked Mayor and Council for having him at the meeting and for proclaiming March as March for Meals Month in the City of Kuna. Meals on Wheels is a very important part of the fabric of Kuna. They delivered and served over 11,000 meals to Kuna seniors in 2016 and that number continues to increase. They always say the food is important, the food is critical actually, but Meals on Wheels is much more than a meal. The March for Meals observance is extremely important. Food insecurity should not be an issue among seniors in America but it is; 1 out of 6 seniors faces food insecurity at some point which is pretty significant. Unfortunately, Kuna is no exception. Ada County is no exception. Idaho is no exception. Idaho is a little better than the national average but not by much. The food is important because it is nourishment for the seniors and in many cases it is the only nutritious meal they'll eat but for the homebound Kuna resident it also means someone will check on them and they will get contact with the outside world. That is very critical because for some of the seniors the Meals on Wheels volunteer is the only contact they have. For those who come to the Kuna Senior Center Monday, Wednesday, and Friday, the food again is important and addresses food insecurity, but it also provides socialization. They can eat with other people and not sit home alone talking to their pets. He reiterated the observance of March for Meals is important and he thanked Mayor and Council for drawing attention and awareness to the issue of food insecurity in Kuna. He also invited everyone to come to Kleiner Park in Meridian on March 25, 2017 for an actual March for Meals. They were hoping to have again the largest march in the country. Metro Meals on Wheels has been successful in achieving that distinction the last two (2) years and do not want to stop on year three (3). It is at 9:30 on Saturday, March 25, 2017 at Kleiner Park. There is no entry fee or pledging. Food Services of America will donate \$5.00 for every person that marches. That will help get their distinction up there as the largest march in the country. It is a third of mile walk so it

is doable for those in wheelchairs and walkers. It just draws attention to the need for Meals on Wheels as a solution for food insecurity. He thanked Mayor and Council.

Mayor Stear thanked Mr. Jones. He appreciated Meals on Wheels very much. His mother was 95 years old when she passed away and for many years a highlight of her week was going to the senior center for that fellowship time with her friends. He could not count how many times he heard people talking about volunteers going the extra mile when delivering meals and really making a difference in a person's life.

Mr. Jones added that volunteers will change lightbulbs, pick up boxes of pictures they are working on, and have even found folks that have fallen or have had a medical situation and are able to get them medical attention quickly. They appreciate the partnership between Metro Meals on Wheels and the City of Kuna.

Mayor Stear read the proclamation in its entirety.

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- B.** The Economic Development Committee requests up to \$9,000.00 for a hotel feasibility study. – Mayor Stear
(Timestamp 00:55:18)

Mayor Stear explained the City has a unique opportunity. With the size of Kuna's community, hotel chains are not really interested in areas like Kuna until they grow out more, but there is a hotel chain with the goal to get into communities that might not otherwise get looked at by hotel chains. With any hotel chain they require these feasibility studies. City Clerk Chris Engels found and is applying for some grant funds to help pay for this so it may not cost the City the \$9,000.00 if the grant funds come through. He had a meeting set up with these people for the next day to talk about how Kuna can help to move forward with this. The request to Council is for up to \$9,000.00 for a hotel feasibility study to help establish a hotel chain in the city of Kuna. He stood for questions.

Council Member Buban-Vonder Haar asked if the City had put any thought or planning behind how the City wants to respond to other requests like this in the future. She was concerned that, by approving this, an expectation would be set that the City would expend this kind of money as an incentive to get other businesses to come to Kuna.

Mayor Stear mentioned Council Member Buban-Vonder Haar's previous comments about things the City could possibly do to help finance and bring in businesses. With the Economic Development Committee and some of the discussions they've had they are trying to strategize through some of that. This opportunity arose out of the blue so they went for this one (1) first but they are working on that type of plan.

City Clerk Chris Engels added, without getting into details of the company on record at this point, they have expressed interest in Kuna. Staff has evaluated that the feasibility study does not directly benefit the company other than the study itself. A

different company would do the study and there is a choice of three (3) companies. The hotel company does not benefit from the City using them for a feasibility study. What the hotel benefits from is the data that comes over in that study which says whether a hotel can survive or not. Ms. Engels and Planning & Zoning Director Wendy Howell had worked over the past month or so on putting the demographics together for a potential lodging and from that they took interest in Kuna. Council Member Buban-Vonder Haar's concern is valid. If a company is not interested in Kuna enough to step forward and look at potential property locations and plan a trip here to meet with bankers and look at the demographics the City provided, yes the City should be cautious about how much incentive is used to bring them here, but this particular company follows up. They are looking to potentially get the ball rolling and to come up and visit, look at the site, meet with the City's team, meet with bankers, and they have investors they will be bringing as well. It is a cohesive response.

Council Member Buban-Vonder Haar asked if they are asking the City to bear the entire cost of the feasibility study. It seems like in the grand scheme of building a hotel in Kuna \$9,000.00 is chump change. If this is the thing that is going to determine whether or not they come to Kuna it tends to make her skeptical about their level of interest but she has not been involved and was not trying to second guess.

Ms. Engels explained the feasibility study can be used for other hotels if this one (1) ended up not panning out. Staff evaluated some other cities similar to Kuna in size. Several of them are in Idaho and a couple are in Utah and they did fund their own feasibility studies versus having the hotel fund it.

Council Member Buban-Vonder Haar asked if there was any room within the study to make it more useful to Kuna as a city by adding in additional questions or assessing other measures at the same time so the City still ends up getting the information they need while still being able to use it for the comp plan or other items in general.

Ms. Engels said they had discussed that at the last Economic Development Meeting; to try and take a look at where the gaps are in Kuna's developments and to do that through this feasibility study. In answer to Council Member Buban-Vonder Haar's question, yes, they would like to include additional questions and if Council has specific information they would like included or to withdraw from the study that would be very appropriate and very helpful.

Council Member Buban-Vonder Haar said if Council approves this she would like to chat with Ms. Engels and whoever else some more; particularly regarding building in business type questions in order to glean some additional useful information for the Chamber and more. She had less heartburn about approving an expenditure of this size for one (1) specific type of business if they can end up getting \$9,000.00 worth information that is useful to the city anyway and then the rest is a side benefit.

She wanted to make sure the City was thinking about the idea of other people asking for similar things and if the City wants to articulate the frame work and come up with criteria beforehand instead of as a response to requests. It is easier for someone to make allegations that the City is picking and choosing and crafting things to meet the situation versus crafting the rules to apply to everybody.

Mayor Stear said his hope was, as the City builds with the Economic Development Committee, to come up with some type of budget and forethought into what the city needed for funding to bring before Council. He brought it up at the last meeting and then this opportunity came up at the same time which is why they were jumping ahead of that gun. He recalled 3 or 4 years ago there was some discussion on talking to some hotel chains about coming to Kuna and they all required some type of a feasibility study. He thought the one (1) back then was about \$20,000.00. He did not remember who was doing that study or what was included in it but the City was still working on getting development going in Kuna again so it was a bit out of reach to do that and there didn't seem like there would be a lot of positive response. This company has been very responsive, has called, wants to set things up, and was already talking about investors and bankers and the like. He thought if a member of Council would like to sit in on those meetings that would be good and they would certainly be welcome.

Ms. Engels added there are three (3) different companies that can do the feasibility study and one (1) of those companies will be in the area this month so it is possible, the City is applying for the grant, but the price could possibly be negotiated down a little by \$500.00 to \$1,000.00 potentially since they will already be doing a feasibility study in the area.

Council President Cardoza said he knew the City had looked at hotels through the last ten (10) years. He had mixed emotions because he remembered the City Council spending \$40,000.00 on a bridge over Stroebe Road for a development that never materialized. He always thought if the City was to do any type of feasibility some of the feasibility funds could be recouped by selling that feasibility study to whoever wants it at a fair price such as \$1,500.00 to \$2,000.00. If there are 3 or 4 hotel chains coming in, rather than them putting out \$9,000.00 each they would be more receptive to being able to cough up \$1,500.00 to look at the City's study.

Mayor Stear thought generally it is a requirement from hotel chains for cities to do the feasibility study.

Ms. Engels said with lodging there are so many different hotels and a feasibility study for a Hilton for example is going to be a little different than for a Motel 6. The reason why is, each one (1) has a different structure in regards to building costs, investment of staff, and amenities offered. One (1) feasibility study does not fit all though it will get into the range of types that will work for the area.

Council President Cardoza said he had the same concerns as Council Member Buban-Vonder Haar; when a door like this is opened and a business sticks their foot in that door, when should the door be slammed shut and when should it be left open. He thought the town would be ready for a hotel based on the current population but he had mixed concerns about opening that door.

Council Member Jones agreed with his fellow Council Members. He was not opposed to doing a feasibility study but would prefer to have it broader and not specific. He would like to have requirements in place before approving money. He would have no problem coming back to look at it after the Council has set their criteria and guidelines and maybe talked to the feasibility companies. He would be more comfortable with that.

Council President Cardoza asked for elaboration on the grant.

Ms. Engels explained the grant is for \$3,000.00. It was a required dollar for dollar match so the City would be required to put forth a minimum match of \$3,000.00. She thought the chances of receiving the grant were in the 75 – 80% range but to guarantee the City would get it is not possible. It is an economic development grant. They recognize that feasibility studies are necessary and realize different aspects of economic development such as promoting the city and incentives. The City has used it for other marketing materials as well. She thought it would be a new project for the City and they would look at that.

Mayor Stear asked if a feasibility study was done to their specifications could it be expanded on afterwards or would it have to be done all at once. His concern was if the scope of the feasibility study was broadened it would take more time and effort and the expense would go up greatly. He did not think it would be beneficial at that point in time for this particular project and they should hold off on that but he did not know if a feasibility study could be expanded on after the fact.

Ms. Engels said they could include some but they could not expand it exponentially and not see a time lapse and large price increase but, if they look at the hospitality range of business, questions focused on that could be included. Probably with hospitality you wouldn't ask how many gas stations would be appropriate for Kuna. The feasibility for hospitality would look more towards restaurants, lodging, and some entertainment. Ms. Engels and Ms. Howell studied several feasibility studies for hotels from Colorado to Oregon and Washington and they do look at those things. That is why they put together demographics based on those feasibility studies. They want to know how many events are being held, what recreation is close, how many people utilize that recreation, restaurants, entertainment, what opportunities are there for having a conference in a location, where would participants of a conference entertain themselves after, greenbelts, and natural resources.

Council Member Buban-Vonder Haar said some of the questions she was hoping for might be along the lines of what is one (1) type of entertainment business Kuna doesn't have that you wish it did or what are the top three (3). Also, have you been to any sort of agri-business entertainment venue in Kuna and if not what would entice you to go there; looking at wineries, corn mazes, and those types of things.

Ms. Engels said all of that was included in the demographics. It was a pretty intensive study. She felt they wanted to know that when it comes to hospitality and the connection through the community. She thought they were important things to ask and know.

Council President Cardoza asked what the Birds of Prey draws yearly.

Ms. Engels replied the Morley Nelson Birds of Prey draws 123,000 visitors annually.

Council Member Buban-Vonder Haar said she did not know what goes into choosing which company the City goes with, whether it based purely on cost or if there is leeway based on who would do the best job, but it sounded like there was some potential urgency for choosing a company to do it since some money might be saved by using a particular company that will already be out here. She would probably be fine with this and convert it into a motion but with approving the expenditure of funds noting there will be an effort to negotiate the price down, to get grant funding for this, and that there are plans to set up parameters in the near future regarding how the City will deal with these types of requests in the future so that there is a framework from which to approach these requests.

Mayor Stear said staff will certainly do their due diligence in negotiating the best price and going after grant funds and will certainly be aware of the fact that the broader the scope the better while still keeping within the range of what is feasible for the feasibility study.

Council Member Buban-Vonder Haar said it gave her some additional confidence that, if the City needs to, this was distinguishable from other requests for tax incentives or whatever because the City would glean information that was useful to the City beyond just finding out what is feasible for a hotel.

Council President Cardoza asked if the City had allocated any funds to the Economic Development Committee.

Mayor Stear said the committee has a small budget. He deferred to Ms. Engels for the amount.

Ms. Engels said there was \$1,000.00 in the fund plus a \$500.00 gift from Idaho Power.

Mayor Stear added the committee did not ask for much last year because they were still putting together their scope of responsibilities and what direction they were going. They would certainly have something to present to Council for a budget for the next fiscal year.

Ms. Engels asked if Council President Cardoza would like those funds to be applied towards this expense if approved.

Council President Cardoza said that was his next question; what are those funds to be used for.

Ms. Engels replied they are not encumbered for anything specific so there should be about \$1,500.00 available. If Council would like to leverage those funds as part of the approval they would certainly encumber those funds.

Council President Cardoza said if they were to allocate \$1,000.00 from the Economic Development fund and the City were to receive \$3,000.00 in grant funds that would leave the City with roughly \$5,000.00.

Ms. Engels concurred.

Council President Cardoza...*(Unintelligible – mic not on)*

Council Member Buban-Vonder Haar asked if Council would like to approve up to the full amount in case the grant does not come through so staff does not have to come back to ask for the rest of it.

Council Member Jones asked if they should see what the scope would be before doing anything. He thought that was what they were looking for; to give staff the opportunity to move forward while still giving Council the opportunity to pull back before it's implemented if it ends up being something they don't want to do.

Council Member Buban-Vonder Haar asked if he meant Council would get to review the questions.

Council Member Jones said yes, to find out what their scope is or what they're looking for.

Council Member Buban-Vonder Haar said she thought the City got to decide what that was. The hotel would not say this is what they want the City to look at.

Ms. Engels said the hotel would put forth the information they need for their feasibility study for lodging. Certainly, Economic Development and staff's preference would be to ask Council to approve funding and then they would be happy to provide Council with copies of the proposed questions and vet those out as they move through the process so they can get the questions Council wants but, she

requested they consider approval of it that night contingent upon applying for the grant. The company in question is reaching out to the City and the feasibility study is a piece they need to know the City is committed to their commitment in order to continue to move this project forward.

Council Member Buban-Vonder Haar thought it was also because there was a company that might do the study that will be here in March. It sounded like there was at least the potential that the study would need to take place prior to the next Council meeting.

Ms. Engels said that was correct.

Council Member Jones said he did not feel it required Council voting on it but that Council should have input. If there was a Council Member in on the discussions he would be fine with that. He thought, though, that the Economic Development funds had already been spent on the magazine advertisement.

Mayor Stear and Ms. Engels said that was the previous year.

Ms. Engels clarified Council Member Jones was asking that, if Council approves that night with the conditions of applying for a grant and using Economic Development funds as they were, they would have one (1) of the Council Members working with them to evaluate the questions on the feasibility study to move it forward.

Council Member Jones would not have a problem with that. He also assumed \$3,000.00 would come out of the grant fund set aside for grant matching.

Ms. Engels said that was correct.

Council Member Jones said he would not have a problem with that.

Ms. Engels asked that in the motion, should they choose to approve, it be designated which Council Member they work with.

Council Member Buban-Vonder Haar volunteered.

Council President Cardoza asked Council Member McPherson if he would like to add anything.

Council Member McPherson said he was good.

Council Member Buban-Vonder Haar moved to approve the expenditure of up to \$8,000.00 from the general contingency fund, with the exception \$3,000.00 of which would come from grant matching should the City get the grant, for use by the Economic Development Committee for a hotel feasibility study, noting

that Council Member Buban-Vonder Haar will be involved in approving the questions or adding additional questions. Seconded by Council President Cardoza. 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.

- C. Discussion and decision on reallocation of Indian Creek funds. – Bobby Withrow, Parks Director
(Timestamp 01:24:10)

Parks Director Bobby Withrow gave the back story for this request. When they went through the budget he misread the numbers for the Bobcat Toolcat and did not catch it until after it was done. He was going to come back and ask for contingency money but he decided to wait. Recently, with the waters in the creek, they really couldn't do anything with the monies for the Indian Creek Ingress and Egress so he wanted to reallocate that towards the equipment with additional attachments instead of waiting for next year.

Council Member Buban-Vonder Haar asked if the additional attachments were included in the original \$53,000.00 or was that explaining the extra \$58,000.00 that Mr. Withrow was asking for.

Mr. Withrow replied it is explaining the extra.

Council Member Buban-Vonder Haar asked for more information about the attachments. She wanted to know if they were things he really needed.

Mr. Withrow said a couple of the attachments they have been looking at for a couple years, like an angle broom to help with cleaning up projects and cleaning up along the Greenbelt. There was currently a mess at Arbor Ridge because they top dressed the park. If they were able to purchase the angle broom they could get that all cleaned up without having to rent the attachment.

Mayor Stear asked if it would clean parking lots as well.

Mr. Withrow said yes. The angle broom was one (1) of the big ones he wanted to get. The other attachments he was not sure of yet but there would be a detailed list of what they wanted to purchase.

Council President Cardoza asked if Mr. Withrow would be coming back to ask for \$23,000.00 again for the ingress and egress.

Mr. Withrow said yes, probably. He added he was unable to hook up with the Army Corp of Engineers this year. He tried e-mailing his contact multiple times and went

to their federal website but was unable to get anyone to respond to him. It was something he would continue to work on.

Council President Cardoza asked if the \$58,000.00, roughly \$59,000.00, was going to come from the general fund or would it be broken equally among PI, Sewer, and Water.

Mr. Withrow said the entire amount would come from the general fund.

Council Member Buban-Vonder Haar added that it had already been allocated to Parks.

Mr. Withrow clarified the money had already been budgeted for; he was just requesting to move it over to the equipment.

Council President Cardoza clarified \$25,000.00 had been budgeted but Mr. Withrow was asking for \$28,000.00, which is another \$24,000.00, and then he will ask for the \$24,000.00 back in the spring.

Mr. Withrow said yes.

Council Member Jones said obviously Mr. Withrow will ask for the money back next year and he had no problem with that. He asked City Treasurer John Marsh if the City had other capital expenditure money that left over from coming in under budget that could be applied to this this year so the \$23,000.00 could still be carried over.

Mr. Marsh responded there is between \$7,000.00 and \$10,000.00.

Council Member Jones said he had no concerns. He would like to apply the left over money in capital funds first and then give Mr. Withrow the rest and then come back and ask for the rest next year to cover the differences spent. It makes no difference accountability wise. Mr. Marsh could make it happen as far as the books but whatever is easier.

Council Member Buban-Vonder Haar thought it would be easier to just come back at the next budget hearing and say remember how that money had been budgeted for that and was then spent somewhere else.

Council Member Jones said whatever is easier but he would like to get that other money back into contingency. He said they could discuss that at budget time.

Mayor Stear asked that Mr. Withrow make note of what has happened so he can bring it up at budget time.

Council President Cardoza asked why this was not spread out equally among all the departments. He was sure they would all make use of it.

Mr. Withrow said this piece of equipment was going to be generally just Parks use. He was not saying other departments couldn't use it but it was mainly for Parks.

Council Member Jones said it was more a utility vehicle than a tractor or back hoe that would be used for projects. It was mainly for utility and maintenance.

Mr. Withrow said that was correct.

Council President Cardoza asked if the City currently had two (2) Bobcats.

Mr. Withrow said the City had a Skid-steer and a Mini Skid-steer. This piece of equipment would run all of the attachments for the Bobcats.

Council Member Buban-Vonder Haar moved to reallocate \$23,800.00 from the Indian Creek Ingress Egress Project to the Bobcat Toolcat Purchase along with attachments. 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.

D. Continued from the February 21, 2017 Kuna City Council Meeting

Consideration to approve Kuna Splash Pad Location with Price Breakdown – Bobby Withrow, Parks Director

(Timestamp 01:32:34)

Parks Director Bobby Withrow reviewed the price breakdown for the splash pad options. The amenities were not cheap but they were durable. He talked with the gentleman who ran the splash pads in Meridian and they were going to these types of amenities in their new splash pads as well. He told Mr. Withrow he was on the right track. Moving forward with all of the amenities, holding tank, and water distribution system it was about \$178,436.00. Amenities could be added or removed if needed. They were not set in stone. Basically, those were second phase items. If they were removed a place holder would be put in that just sprays up water until something could be put in place. He moved on to the locations. Bernie Fisher Park Option B, with water pipe, fence, and landscape buffer, would require, roughly, an additional \$57,000.00 bringing the total to \$236,000.00. Bernie Fisher Park Option D, with the same the type of things, would require roughly \$60,000.00 so the total would be \$238,000.00. The Greenbelt location was a little bit more expensive because it did not have great access or ADA access at all so that would need to be provided. There would need to be a walking path and a net along the baseball field installed. The Greenbelt location would be an additional \$88,000.00 which would bring the total to

\$266,000.00 which is over. If this site was selected amenities would be taken out so they could concentrate on getting everything needed to make the site work. Mr. Withrow went on to explain he had talked to the Kuna Chief of Police, as requested by Council President Cardoza at the previous meeting, via e-mail. The Chief's response was included in the Council Packet. He stood for questions.

Council Member Buban-Vonder Haar noted the Greenbelt location still had construction hitting the street. She asked if the waterline at the Greenbelt location that was discussed at the last meeting was looked into.

Mr. Withrow apologized for not removing it from the cons. They would be able to run it down there.

Council Member Buban-Vonder Haar commented on Chief Dusseau's primary concerns; lighting and a visible area so people can be aware of any malfeasance afoot. She wondered if locating the splash pad by the Greenbelt would be a good start towards doing more lighting through there. She appreciated Mr. Withrow putting all of this information together. She still had the same feelings as at the previous meeting. It would be nice to put this at the Greenbelt location and maintain Bernie Fisher for the events and festivals the City wanted to attract. For that reason she was ok with the difference in price so long as they could address some of the safety concerns the Chief had. Maybe a plan could be devised to start lighting around there and then moving into more of the Greenbelt as appropriate.

Council Member Jones asked Mr. Withrow about a credit of \$11,407.00 on the splash pad budget.

Mr. Withrow explained it was a manufacturing credit.

Council Member Jones asked if what was listed would give roughly what was in the picture Mr. Withrow provided.

Mr. Withrow said that was correct.

Council Member Jones, in regards to the Greenbelt location, agreed with Council Member Buban-Vonder Haar. He thought it would add another amenity in that area. He was curious about the number of disc golf holes in the picture.

Mr. Withrow said the picture contained the disc golf tee which was just north of the splash pad and there was a basket just north of the volleyball court. The tee went all the way to the left so if it were moved it would go just south of the splash pad.

Council Member Jones asked the feasibility of putting the splash pad where the volleyball court was located and moving the volleyball court to increase visibility.

Mr. Withrow said they would run into the same problem they had when they wanted to put the splash pad behind City Hall. It was railroad property and they would not allow the City to put it there.

Council Member Jones asked what it would cost to put lights on the back of the bathrooms and if there was availability power wise.

Mr. Withrow said there was plenty of power there and it would probably be less than \$1,000.00.

Council Member Jones thought that might alleviate some lighting concerns short term. He liked the Greenbelt location and Bernie Fisher location B. The Greenbelt location would be a great amenity there with the parking. He asked how receptive the railroad would be to putting stuff there.

Mr. Withrow said they were very limited on what is allowed. Anything not considered a permanent fixture would be a possibility; such as the volleyball court or disc golf. Something like the splash pad was permanent.

Council Member Jones asked if there was room there for any type of picnic shelter.

Mr. Withrow replied yes.

Council Member Jones asked if the property along the fence line where the power was belonged to the City.

Mr. Withrow said yes.

Council Member Jones suggested adding shelters along that fence line where the power was.

Mr. Withrow said, if he was looking at the Greenbelt location, there was a box around the splash pad location that outlined the City's property. It ended right there so they were limited on what they could do.

Council Member Jones asked if one (1) or two (2) might fit there.

Mr. Withrow said yes.

Council Member Buban-Vonder Haar joked that this would be ready by June 1.

Mr. Withrow said they were aiming for some time that summer.

Council Member Jones said he would not be opposed to the Greenbelt and he would not be opposed to spending a little extra money to do it.

Council President Cardoza said three (3) weeks ago he was all for the Greenbelt but after reading the Chief's report and looking at the detail of the splash pad, it was very elaborate, he was beginning to wonder if location D would be better. It was more visible to the public. He had thought the splash pad would just be water shooting up which would be hard to vandalize but with all the instruments being installed he was concerned about vandalism on the Greenbelt because it was not readily seen by police or the public.

Council Member Jones asked if B would be even better because it was right on the street.

Council President Cardoza thought it would be more readily seen because it was used all summer and people would be coming to dump their RVs. It would be more visible to the public day and night as opposed to the Greenbelt. Location wise he still thought the Greenbelt was better but, for less vandalism D was better. He had mixed emotions so he would go with whatever everyone else wanted. He added that if it were just water squirting up out of the ground he would not mind having it at the Greenbelt but if there was going to be a lot of apparatuses that could be readily climbed on and broken he would think D would be a better location.

Council Member Buban-Vonder said she was under the impression these items were difficult to break because they were heavy metal. She was not so concerned about them being broken but maybe spray painting.

Council Member McPherson asked how much vandalism occurred on the Greenbelt versus Bernie Fisher Park.

Mr. Withrow said they generally see more vandalism on picnic tables than anything because they are easier to write on with a marker or scratch in with in knife.

Council Member Buban-Vonder Haar said her strong preference was the Greenbelt location. There was so much stuff at Bernie Fisher Park already and she liked the idea of trying to spread things out a little bit. She added jokingly that the City would need plenty of space for concerts and stuff to fill the hotel.

Council Member Jones said there was a lot of shade there as well for people to hang out.

Council Member Buban-Vonder Haar asked if there just needed to be a motion on the location or if an amount needed to be included. She couldn't remember how much was budgeted.

Mr. Withrow said \$160,000.00 from general fund was approved and \$80,000.00 from grant fund.

Mayor Stear said it was about \$240,000.00.

Mr. Withrow added for the time being just location would be great and numbers could be gone over later if needed.

Council Member Buban-Vonder Haar said she was ready to make a motion for the Greenbelt if that was what everyone wanted.

Council President Cardoza asked if \$20,000.00 would be coming out of contingency to make up the difference.

Council Member Buban-Vonder Haar said Mr. Withrow did not want to do any money yet, just the location and further work up and more precise figures would be done before money beyond what was already authorized would be spent.

Council Member Buban-Vonder Haar moved to approve the Greenbelt as the location for the Kuna Splash Pad. Seconded by Council Member McPherson. Motion carried 4-0.

*E. Consideration to approve Resolution No. R22-2017 – Approving the Transportation Priority List – Wendy Howell, Planning & Zoning Director
(Timestamp 01:49:09)*

Planning & Zoning Director Wendy Howell presented the annual transportation priority list that would become a part of ACHD's five (5) year load plan. ACHD generally scopes approximately five (5) of the projects submitted after the items that have already been determined to be a yes project or a goal project. Last summer ACHD scoped several items on the Community Programs. Under the Community Programs category, those items were 6-13 on the priority list. She did review the scope report and it appeared all of those items would be added to the goal project list and some of them would probably be combined. The transportation committee members reviewed this including Council Member McPherson. She also worked with the school district to include their priorities on the City's list to keep the children of Kuna safe. She stood for questions.

Council Member Buban-Vonder Haar said it seemed like items 6 and 7 were conflicting. Item 6 asked for a roundabout at Deer Flat and Kay and item 7 asked for a traffic signal or left turn lane from Kay onto Deer Flat.

Ms. Howell said they were both put there for a reason. The roundabout was not likely to happen because she had been told it did not meet warrants however that was the preference.

Council Member Buban-Vonder Haar clarified it was a “we prefer this but if not this then this” situation.

Council President Cardoza asked about item 4 on Roads and Intersections; page 3 of 7. He wanted to know if it was Ada County out by Kuna Mora Road and Cole Road.

Ms. Howell said it was Ada County mostly, however, with Kuna's ACI boundary expanded and Kuna's industrial area going theoretically out there between South Cole Road and South Pleasant Valley Road that piece of road was in desperate need of repair to sustain truck traffic. She believed that had already been approved by ACHD.

Council President Cardoza asked if it was approved for 2019.

Ms. Howell replied yes, she thought it was at Level of Service D.

Council President Cardoza said he would have thought items 5 and 6, being in city limits, would have priority over something that wasn't.

Ms. Howell explained that was already approved and had already been scoped and prioritized by ACHD; it was just the ones that fall in line after that they would look at for new projects. She also believed that was on the priority list last year.

Council Member Jones asked about Community Programs number 5 referring to the enhanced pedestrian crossing at Swan Falls and Indian Creek. He thought their goal had been to put a walkway underneath the bridge. He wanted to know if that was still the case.

Ms. Howell said she believed that was still a go, however, like on Bridge Street there is a pathway underneath and an enhanced ped-crossing across the top.

Mayor Stear said one (1) thing staff tried to be sure of this year was to make sure the City's list and the school district's list matched. That hadn't always been the case and they wanted to give them a little more credibility.

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE PROJECT PRIORITY LIST TITLED "CITY OF KUNA IDAHO'S TRANSPORTATION PRIORITY REQUESTS- 2017" AS THE OFFICIAL TRANSPORTATION PROJECT PRIORITY LIST FOR THE CITY OF KUNA, IDAHO FOR THE ADA COUNTY HIGHWAY DISTRICT; AUTHORIZING THE CITY CLERK TO TRANSMIT THE DOCUMENT TO ACHD; AND HEREBY REPEALING ALL PREVIOUS TRANSPORTATION PROJECT PRIORITY LISTS.

Council Member Buban-Vonder Haar moved to approve Resolution No. R22-2017. Seconded by Council Member Jones. Motion carried 4-0.

- F.** Consideration to approve Resolution No. R23-2017 - Approving Award of Bid to Cougar Construction Excavation for the 2017 PI Project – Gordon Law, City Engineer
(Timestamp 01:55:02)

RESOLUTION AWARDDING BID FOR THE 2017 PRESSURE IRRIGATION PROJECT TO COUGAR CONSTRUCTION EXCAVATION IN THE AMOUNT

OF \$349,232.20; DIRECTING EXPENDITURE OF FUNDS FROM THE WATER AND IRRIGATION FUNDS FOR SAID PROJECT; AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID BIDDER.

City Engineer Gordon Law explained this was a budgeted project. It did include one (1) additional item over what was budgeted; a water main along Deer Flat and Highway 69 to take care of a low pressure area for fire protection. The City received five (5) bids. The reason he included it as a discussion item as opposed to a consent agenda item was the considerable spread between bids and, in particular, the spread between the low bid and second low bid was 16%. If it had been 10% or less he would have put it on the consent agenda but he wanted Council to see it and ask any questions they wished. His recommendation was that the apparent low bid be awarded the contract. He stood for questions.

Council President Cardoza asked if Cougar was a local company.

Mr. Law said they were but he was not aware of them having done anything in Kuna. The principals in it were from the area. That was about all he could tell Council. He didn't really have any history with them.

Council President Cardoza asked if they were familiar with the fact they may hit a rock.

Mr. Law said maybe; he didn't know. He drew Council's attention to two (2) items with rather large disparities between the low bid and the second low bid; one (1) was the cost for rock and the other was the cost for repaving. Those accounted for a good portion of the difference between the bids. It should give pause but he did not think it would make him change his recommendation.

Council President Cardoza said he was asking if they were local because most excavation contractors weren't aware of the rocks and lava flows in Kuna. He wanted to know if they hit the major lava flow; was there a contingency in the contract for that.

Mr. Law said there was specifically an item for rock excavation and each of the contractors had applied a unit price per yard of removed rock. In this particular case, the winning bidder's unit price was substantially lower than most of the other bidders on this item. He mentioned, as a mitigating consideration, often times contractors who are confident about the existence or lack of existence of rock in an area will take the quantity put in without actually knowing what the quantity should be and come in with bids like one (1) penny per cubic yard removed which is usually an indication of a bet by a contractor that he will not run into rock. In this particular case there is another factor that needs be considered; the current economic climate. What tends to happen when everyone is busy is a wide disparity in prices; often times based on a contractor throwing in a bid on the chance everyone else is sleeping or busy. That tends to spread out the bids. Looking at the unit prices, they were all

over the board. He felt Council in their fiduciary responsibility should at least have a chance to look at it and talk about it. He gave his recommendation and left it to Council to decide.

Council President Cardoza asked if they would have to secure a performance bond.

Mr. Law said they would.

Council Member Jones asked if they had done this type of project before.

Mr. Law said he was not sure. He did talk to them. He was familiar with the folks and they have been in the construction business for a while but this was a new firm name and they had not done work for Kuna before.

City Attorney Richard Roats got online and found they advertised coming in on time and on budget. He read most of a list of projects they have done in the area. They did appear to have done substantial projects in the area.

Council Member Jones asked, in regards to the bid compared to what the available funds are, if this was part of what Mr. Law originally budgeted or if this was the whole project.

Mr. Law replied the amount for the PI portion, which was what he originally budgeted, was less than what was budgeted by a small amount. With the addition of the water main that was going to be redirected funds from the water tank and booster station, which they decided not to do because of the quality of water, that was where it was coming from. Combined together it was slightly in excess of the amount budgeted for the PI project alone.

Council Member Jones clarified that this bid was in line with what Mr. Law had been thinking when he did the budget.

Mr. Law said the one (1) that was closest was the low bidder.

Council President Cardoza asked for clarification on the amounts listed in the chart at the bottom.

Mr. Law said what he was trying to convey in that chart that there were adequate funds that had been allocated by budget in order to accomplish the work; not that that much will be used from each department for the project.

Council Member Buban-Vonder Haar moved to approve Resolution No. R23-2017. Seconded by Council Member Jones. Motion carried 4-0.

8. Ordinances:

9. Mayor/Council Discussion Items:
(Timestamp 02:03:51)

A. Discussion of use of the City Hall Parking Lot.

Council Member Jones just wanted to follow up with Council. He did not think the fees or requirements for using the parking lot had been established.

Mayor Stear said there was a discussion on that and formulas to figure out the worth were decided. He deferred to City Clerk Chris Engels.

Ms. Engels explained she, Mayor Stear, Facilities Director Bob Bachman, and City Attorney Richard Roats met, reviewed the costs for the parking lot, and broke that out to an event based on space. On March 21, 2017 they would bring forward a recommendation and public hearing for Council to consider. Basically it would outline what spaces could be rented which would be \$50.00 for one (1) portion and an additional \$50.00 for the entire parking lot and then to allow parking to stay open for public access to the Greenbelt. That was for special events that qualify for a special event plan. With the changes approved by Council, everything was in place to take care of an event with a special event plan. For the City Parking Lot, it would be the fees for Council's consideration at that point. It did not include the potential for mobile vendors to use the parking lot. That was another discussion that needed to be held based on Council direction if Council would like staff to look in to that and come back with what they can see based on code in place. Currently it said vendors had to leave and couldn't stay overnight. She referenced Council Member Buban-Vonder Haar's comment from a previous meeting regarding deciding who gets what spots; by lottery as to who can park. Also, how long can they be there and what fees are applicable. It was probably a bigger conversation that needed to be had with Council direction to be reviewed by staff that could bring the information back to Council for review.

Council Member Jones asked if there was a time frame for when that would be done.

Ms. Engels said, if Council would like, staff could start on that. It probably would not be done by the meeting on March 21, 2017 but maybe by the meeting after that. It depended on staff availability. Mr. Bachman was currently out on surgery and they would want to wait until he was able to participate and help with direction as well.

Council Member Jones asked if that was something Council felt should be in place before allowing the rental of the parking lot to temporary vendors coming in; especially regarding choosing what vendors are allowed.

Council Member Buban-Vonder Haar clarified that there had been discussion and now there was a plan in place for requests to use the parking lot for special events and the fees associated with that. What had not been answered was exclusivity to mobile vendors. She asked if Council Member Jones wanted both of those answered before signing off on either.

Council Member Jones said no, he had no problem with setting up the fee for special events. He did not know if anyone would want to privately rent the parking lot but, if they did, he was not sure how that would need to be charged. Also, if the City was going to allow temporary vendors to use the parking lot, how would multiple vendors wanting to come in at the same time be resolved. Also, how would the public be notified the City Parking Lot was available to be rented. He was looking for clarification on how the City would proceed with that.

Ms. Engels replied staff could put together some information on mobile vendors specifically; if a hot dog and a snow cone stand wanted to come in to the City Parking lot, when could they do that. There had been some superficial conversations based on previous experiences with city property and mobile vendors, why changes have had to be made, and would they be able to set up during business hours or would it need to be non-business hours so they didn't interfere or block the parking lot, how many become a special event plan, addressing great water needs, electricity, and those kind of things versus someone bringing in a special event and saying "I am having from this time to this time snow cones, hot dogs, cotton candy, and popcorn and it's like a food truck rally or a food event". She thought that staff could put together some information for Council to consider regarding mobile vendors using the City Hall parking lot and what the associated fees may or may not be with that.

Council Member Jones said he was alright with that. His concern was that if the City did open the parking lot up for mobile vendor use everyone would have an equal opportunity to have a chance of using that.

Ms. Engels said the City would follow the protocols that Council has laid down which is requests for information and proposal.

Council Member Jones said that answered his question.

B. Discussion of the possible implementation of Special Events fees.
(Timestamp 02:10:40)

Council Member Jones said he and City Clerk Chris Engels had been discussing this for several years regarding special event fees and assumed it was also something Ms. Engels was looking into bringing forward at some point.

Ms. Engels said she would and she did discuss making this request for consideration with Mayor Stear. She wanted to take another special event cycle so maybe the next year. She could say, based on last year, what the cost was. There was a basic time frame needed to process any permits and then based on the number of people on top of that but some changes have been made to the special event plan that could reduce the amount of time or efforts staff needed to put into it; such as tracking down an ACHD permit and those types of things. She asked Council to allow her another year to evaluate the investment of time to do the permit itself so she could bring forward an accurate estimate of staff's time allocation. However, if Council would like something prior to that she could put those numbers together.

Council Member Jones said he was concerned about staff time and he did not want to implement fees that would deter, especially for an event that is not benefiting monetarily. He was also concerned that the City charged a food vendor to set up as a mobile vendor but did not charge a mobile vendor setting up during a special event. Previously, when he was coordinating Kuna Days before there was a special event fee, he was paying an excess of probably \$900.00 for 85 vendors who were paying \$15.00 each. He felt the opportunity to collect that was being missed. He felt that if there was a monetary benefit being made off of City property it should be looked at.

Mayor Stear brought up the Easter Egg Hunt. He did not think they had done a special event in the past.

Ms. Engels said they had once.

Mayor Stear said beyond that the City also always makes a donation. He asked Council's preference for what they wanted to see from the Easter Egg Hunt before giving out that money. In the past the City had just given out that money for that event and from what he had seen and heard he thought Council might want some type of receipts to show where the money was being spent for due diligence. He did not think that would be any extra burden on the event coordinator and it would clean up the City's books better.

Council Member Buban-Vonder Haar wanted to know if the City had ever asked for receipts from the fireworks for Kuna Days or anything like that.

City Treasurer John Marsh said the City receives a receipt form Fireworks America for that purchase.

Council Member Buban-Vonder Haar said that was fine as long as the City was being consistent and not holding anyone to a higher standard.

Mayor Stear said that was his goal; to create consistency. He did not think it would create an extra burden. In the past he thought they'd spent the money and then used the money to pay the credit card bill which really didn't matter as long as the City got a receipt in the end.

Council Member Buban-Vonder Haar recalled hearing in presentations they used collected monies to hit the immediately after Easter sales so receipts might be slightly delayed depending on how they spend the money. She was not sure how they spent the City's money or how and when the City gave them the money.

Mayor Stear said that was ok as long as the City got the receipts. He did not think the date on the receipt mattered so much as having what the funding was used for on the City's records.

Council President Cardoza asked Mr. Marsh how the City would know all the money was being allocated to fireworks when the City receives a receipt.

Mr. Marsh responded the City didn't. The City did not track the money but knew that they had spent an allocated amount the City had budgeted for a pre-acquisition of fireworks. That extended to the question Mayor Stear was talking about; did Council want to go to the extent of saying the City would donate but would make the purchase and donate the product or did Council want to let them make the purchase and turn in a receipt to substantiate there was an actual purchase made.

Council Member Buban-Vonder Haar's preference was to get receipts because it would be one (1) more thing for staff to do if they had to make purchases. As long as the City got a receipt showing the amount donated was spent on something approved for the donation that was good enough for her.

City Clerk Chris Engels said when the City receives grant funds staff has to show the actual invoice paid with the funds and oftentimes, when the City is audited, the check used has to be shown. It was not out of the norm when money is granted out or donated to ask to see a copy of the paid invoice that had details of what it was spent on.

Council President Cardoza said he knew the event coordinator spent quite a bit of money after Easter buying stuff for the next year when everything was on sale. In fairness to her, she spent a lot of time and mileage going from store to store buying sale items. If the City just asked for receipts to justify the money the City gave her the City was not reimbursing her or any of the other volunteers for the time they spend running around to do that. If the City becomes too contingent upon receipts and makes things difficult, people would start saying it was not worth it and back out.

Mayor Stear said that was why it was being discussed. He felt dates on the receipts did not matter as long as they showed things were purchased for that event. It just cleans things up for an audit. It was up to Council which was why he brought it up. The Easter Egg Hunt was the only one (1) the City did not get receipts from.

Council President Cardoza understood that but was concerned people would walk away if it was made to difficult.

Mayor Stear said that was his point but he wanted to make sure the City was covered.

Council Member Buban-Vonder Haar said receipts for the products were easy to produce but she thought Council President Cardoza was alluding to asking for things like pictures of her odometer and gas receipts and she did not think it was going that far. Council Member Buban-Vonder Haar thought, to the extent of receipts not adding up to the \$2,000.00 and the coordinator saying part of it was mileage, she would be fine with a signed statement from the event coordinator then the City would be able to work it out on this end with the IRS reimbursement rate and that sort of thing. She agreed with what she thought Council President Cardoza was saying in terms of making sure the City was covered but not making it so onerous

that it becomes overly burdensome. Hopefully between receipts and certified statements that would help cover the harder things to document.

Council President Cardoza said when merchants donate their time like that they are taking away from their productivity and have to work late or on Saturday or Sunday to make up for it. He thought most of the merchants end up putting in money out of their own pocket. Then when the City makes it so difficult they say it is not worth it and that was when a problem occurs. People come from out of town for the Easter Egg Hunt and the school had been very accommodating with the grounds. Sometimes they get there at 7 0' clock in the morning. He guessed there were about 25 people there for three (3) or four (4) hours donating their time and the City gets the benefit of the publicity. He understood Mayor Stear was coming from a point of accountability but said don't skin the rabbit because it's Easter trying to have something to eat; there are all the kids and the toys so make it as simplistic as possible.

Mayor Stear said he understood that but, as it stands, he or Mr. Marsh or both were liable for giving out money where there were no receipts and the Easter Egg Hunt was the only time that was done. He wanted Council's discretion on this. If Council was fine with giving out the money with no receipts it was fine but it was a liability stand point where the City has to be held accountable for what was being done. He was good with either.

Council Member Buban-Vonder Haar said unfortunately Council Member Jones probably had experienced this before where people assumed he must be pocketing money from Kuna Days since he was running it. This helps with the City being able to conclusively refute any allegations towards anyone associated with the Easter Egg Hunt somehow personally benefiting from it. Anyone involved with it would know that was not the case and would understand the amount of work that goes into it but it would be really easy for people to assume the worst. This adds that extra level to prove everything was on the up and up.

Council President Cardoza joked that Mayor Stear and Mr. Marsh didn't want to go to jail alone and if that was the case he thought Council Member McPherson was willing to go and represent. On a serious note, he asked what Mayor Stear was looking for.

Mayor Stear wanted to know if Council would be more comfortable getting receipts.

Council Member Buban-Vonder Haar's preference was to treat everyone equally and not afford any special treatment. If the City requires receipts from everyone else it was fair to require it from everybody with the notation that because of the unique way the Easter Egg Hunt was run, in terms of some things being purchased a year in advance, the first time receipts are received they may be a little piece meal. It was totally reasonable that she may not have kept receipts from April 2016 expecting she would need to produce them. That was Council Member Buban-Vonder Haar's one

(1) caveat; that the City accept something less the first year than what would normally be accepted.

Mayor Stear was fine with handing out the check the first year and then getting receipts back. Money she spent that year could be added to that and money she spent after Easter to buy the sale items could go with that year's receipts also. It really didn't matter what the dates on the receipts were because that was not what would be looked at. It's like buying fireworks; they don't necessarily have to be on the 4th of July. It could be on Kuna Days or ten (10) days later. Actually Fireworks are purchased in January in order to get two (2) for the price of one (1). The date was not the issue so much as having an auditable receipt.

Council Member Jones appreciated Council Member Buban-Vonder Haar's comment about him profiting from Kuna Days and added his appreciation for the day the City decided to issue the check directly to Fireworks America instead of the Kuna Days Committee. It did clear up some of those potential allegations. He did not think the coordinator of the Easter Egg Hunt would have a problem with the City asking for receipts; especially if a little leeway could be given concerning the dates and possibly some help if she would like to claim some time, a facility, or expenses for the event that were not necessarily product. It was the same with the fireworks. There was no way to say that money was going to fireworks alone and not to any of that company's staff time.

Mayor Stear thought that was fine. The money was for the event rather than just candy. It cleans things up. He recognized how long the event coordinator had been doing this which was why he was nervous about bringing it up. He did not want to sound like he was picking on anyone it was just an audit type of question due to the fact the City has to be accountable. Council could be as lenient as they want.

Council Member Jones said he also would like to be consistent however much time it takes to get there. He did not think there would be a problem.

Council President Cardoza asked, if it was a donation, why they would be held accountable.

Mr. Marsh explained the donation was for a particular purpose so essentially the City needed to make sure it was being used for that particular purpose. The City did not want Council to designate \$2,000.00 for the Easter Egg Hunt and, hypothetically, have the person receiving the donation use it to go on vacation. If something like that were to happen that would make the media and shed a negative connotation on the City. The City needed be sure they were being transparent.

Council President Cardoza understood that and asked if everyone who receives a donation from the City is held accountable for receipts.

Mr. Marsh said there are only two (2); Fireworks America via Kuna Days and the Easter Egg Hunt.

Mayor Stear said if everyone was good with that, it was the direction staff would go.

Council President Cardoza asked Mayor Stear if he would be the one (1) to communicate with the Easter Egg Hunt coordinator.

Mayor Stear said he would. He did not think she would have a problem with it. The City was certainly not picking on her. That was why he really did not want to do it publically but it had to be done publically. She had been doing this for many years and he gave her all the credit in the world for that.

Council Member Jones said he thought Council President Cardoza's concern was on all of their minds. They did not want to make it difficult for somebody to do something for the city to the point they stop doing it. He felt staff and Mayor Stear realized that and would handle it accordingly. He had no problems with that.

Mayor Stear announced the new City Engineer would be arriving April 5, 2017 to begin the transitional period with City Engineer Gordon Law.

Council Member Jones said, jokingly, they just approved a project so Mr. Law would have to stay until that was done.

Mayor Stear added, joking as well, that they discussed for Mr. Law's final meeting having a segment called Gordon's Final Thoughts so he could say whatever he wanted on his way out the door and Planning & Zoning Director Wendy Howell would write it for him.

Mayor Stear moved on to one (1) more item that had been brought up before. He asked if Council was interested in looking at a reduction on the water usage gallons per month minimum.

Council Member Buban-Vonder Haar said she was still interested.

Mayor Stear said staff could start the process of looking into that.

Council President Cardoza said this year people will say why look into but there are years when 10,000 gallons per household is quite a bit. In Arizona some areas allocate 3,000 and anything above that was charged. In order to entice people to be more conservation minded with water he didn't know. There were two (2) people in his home and they used roughly 2,500 gallons.

Council Member Buban-Vonder Haar said, as a point of interest and not because she wanted to save on her water bill, she was looking at her bill the other month because she was also looking at her tenants and she realized in the 30 months she had been in her house they have used 50,000 gallons of water. Technically that is what people are allowed to use in five (5) months. She thought there were a lot of people who used the full allocation and there were those that didn't. If the City could look at how people are charged for water, while making sure expenses are covered and the rate is fair, it may mean it ends up being about the same cost for 10,000 and people who

use less than that might see a discount. That might not be how it pans out but she would like to look at it because this was a desert. It was also something brought up during the candidate forums. They were curious why the City was so generous with how much water people get as a base amount. She felt it was worth looking at whether it changed or not.

Mayor Stear said staff would start the process and see what other cities around Kuna were doing and those types of things. He was not sure how much cost adjusting could be done based on operating costs. They would see what it takes and if it got really complicated staff would ask Council for further direction.

Council President Cardoza said the more Kuna progresses to PI and got off potable water the more argument there was to lower that usage. If it were to reduce by 500 every year for a couple years until it got down to 8,000 he did not think there would be much talk from the public, even without a price break, due to the fact it was conserving water.

Council Member Buban-Vonder Haar suggested looking into some sort of level pay. She knew the irrigation assessment had already been spread out but she was thinking in terms of if there are months people would be more inclined to use more water and if there would be a way to average out their bill based on prior usage; kind of like Idaho Power and Intermountain Gas did. She was not sure it would be necessary but just in case it became a thing or as an interesting way to do a credit if after a year or six (6) months or something someone had used and average of x per month.

Council President Cardoza asked *(unintelligible – mic not on)*.

(Response unintelligible – mic not on)

Council Member Jones asked if the City had the capability to find the average usage for Kuna's homes.

City Engineer Gordon Law responded *(unintelligible – mic not on)*.

Council Member Jones clarified the City's possible intention was to either lower the amount given for the rate or possibly lower the rate to create a separate tier for lower usage.

Council President Cardoza said a sliding scale.

Council Member Buban-Vonder Haar thought everything was on the table and certainly factoring in what was average usage; if there was something like 30% of households using less than 3,000 gallons per month and 50% using several thousand more. There were many different ways to look at it and approach it.

Mayor Stear said staff would start that process and bring back what they found.

Mayor Stear made one (1) final note that, during a meeting, if there was a motion and a second and he forgets to ask if there is any further discussion, Council should feel free to interrupt and ask for more discussion. He would never mean to do that but he could occasionally get ahead of himself. He would try not to do that.

10. Announcements:

11. Executive Session:

12. Adjournment: 8:11 PM



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



*Minutes prepared by Ariana Welker, Customer Service Specialist
Date Approved: CCM 03.21.2017*



CITY OF KUNA

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SIGN-UP SHEET

March 7, 2017 – City Council Public Hearing

Case Name: Ashton Estates Sub; 16-03-CPM (Comp Plan Map Amend) & 16-10-AN (Annexation)

Case Type: Request approval to amend the Comprehensive Plan (Comp Plan) Map designation, from Medium Density Res. to Mixed-Use General & to annex the same property with C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-20 (High Density Residential) zones for approx. 51 acres.

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

IN FAVOR		NEUTRAL		IN OPPOSITION	
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<u>Kelly Kehrer</u>					
Print Name		Print Name		Print Name	
<u>9833 W State St.</u>					
Print Address		Print Address		Print Address	
<u>Boise</u>	<u>ID</u>	<u>83714</u>			
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