

OFFICIALS
Joe Stear, Mayor
Richard Cardoza, Council Member
Warren Christensen, Council Member
Greg McPherson, Council Member
Vacant, Council Member



CITY OF KUNA
Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634

City Council Meeting
MINUTES
Tuesday, September 15, 2020

6:00 P.M. REGULAR CITY COUNCIL

*Per the Order issued by Central District Health on July 14, 2020,
Social distancing and face masks will be required.*

*Due to social distancing protocol,
the **Council Chambers Audience Occupancy Capacity is 15.***

***The first 15 persons** who appear, in addition to Mayor, City Council, and staff, will be allowed
in Council Chambers. All other persons may access the meeting via Live Streaming.*

Live Streaming Instructions:

Members of the public may watch the September 15, 2020 Council Meeting via Facebook Live.
Live feed will start at **6:00 P.M.** on the City of Kuna Idaho Facebook page linked below:

<https://www.facebook.com/CityofKunaIdaho/>

For questions please call the Kuna City Clerk's Office at (208) 387-7726.

***Public testimony will be received on the cases listed under Public Hearings within this Agenda.
The instructions and options available for public testimony are listed below.***

APPLICANT/PUBLIC ORAL PUBLIC HEARING TESTIMONY PROCESS:

Written – Up to noon the day of the Public Hearing

1. Submit any below stated option **prior to noon the day of the Public Hearing meeting.**
Late submissions will not be included.
2. Submit testimony via our website on the [Public Testimony Form](#).
Kunacity.id.gov > Doing Business > Forms and Applications > Frequently Requested
Applications and Forms > ONLINE Public Testimony Form
3. Submit testimony via email to PublicHearingTestimony@KunaID.gov
4. Submit via mail to:
City of Kuna
Attention: City Clerk's Office
PO Box 13
Kuna, ID 83634

Oral – Via electronic call during the Public Hearing

1. Submit request **no later than noon the day of the Public Hearing meeting.**
2. Email PublicHearingTestimony@KunaID.gov

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk's Office at (208) 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

- ✓ Your name
 - ✓ Address
 - ✓ Phone Number you will be calling from to give testimony
 - ✓ Email Address
 - ✓ Date of Public Hearing
 - ✓ Case number or Identification of Public Hearing
3. Watch your email for a reply email with the information to join the meeting electronically. (Check your spam/junk folder as a precaution)
 4. Follow the dial in information.
 5. Call into the virtual lobby a minimum of 5 minutes prior to the meeting.

Oral – In Person Testimony during the Public Hearing.

All persons wishing to testify must, state their name and residential address. No person shall speak until recognized by the Mayor. A three (3) minute time limit will be placed on all testimonies.

PLEASE NOTE: Due to social distancing protocol, the Council Chambers Audience Occupancy Capacity is 15. The first 15 persons who appear, in addition to Mayor, City Council, and staff, will be allowed in Council Chambers.

*If you have questions regarding public testimony,
please call the Kuna City Clerk’s Office at (208) 387-7726.*

1. Call to Order and Roll Call

(Timestamp 00:02:00)

COUNCIL MEMBERS PRESENT:

- Mayor Joe Stear – In Person
- Council Member Richard Cardoza – In Person
- Council Member Warren Christensen – In Person
- Council Member Greg McPherson – In Person
- Council Member - Vacant

CITY STAFF PRESENT:

- Chris Engels, City Clerk – In Person
- Jared Empey, City Treasurer – In Person
- Bill Gigray, City Attorney – In Person
- Wendy Howell, Planning & Zoning Director – In Person
- Nancy Stauffer, Human Resources Director – In Person
- Paul Stevens, City Engineer – In Person
- Bobby Withrow, Parks Director – In Person
- Jon McDaniel, Kuna Police Chief – In Person
- Troy Behunin, Planner III – In Person

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
(Timestamp 00:02:48)

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. Regular City Council Meeting Minutes Dated September 1, 2020
- B. Accounts Payable Dated September 10, 2020 in the amount of \$1,418,794.57
- C. Resolution No. R52-2020

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT WITH THE ADA COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES FOR THE FISCAL YEAR 2021 FOR THE CITY OF KUNA, IDAHO.

- D. Final Plats:
 - 1. Case No. 20-15-FP (Final Plat) for Gran Prado No. 2
 - 2. Case No. 20-16-FP (Final Plat) for Arbor Ridge No. 7
 - 3. Case No. 20-18-FP (Final Plat) for Winfield Springs No. 7
 - 4. Case No. 20-19-FP (Final Plat) for Redhawk Square
 - 5. Case No. 20-20-FP (Final Plat) for Greyhawk No. 11

Motion To: Approve the Consent Agenda as published

Motion By: Council Member McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Cardoza, Christensen, and McPherson

Voting No: None

Absent: None

Motion Passed: 3-0

AA. Kuna City Council Seat

- I. Consideration to approve Resolution No. R48-2020 Accepting Resignation of Briana Buban-Vonder Haar and Declaring her City Council position vacant effective September 1, 2020 ACTION ITEM
(Timestamp 00:03:27)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS;

- ACCEPTING RESIGNATION BRIANA BUBAN-VONDER HAAR AND DECLARING HER CITY COUNCIL POSITION VACANT;
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Motion To: Approve Resolution No. R48-2020

Motion By: Council Member McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 3-0.

Mayor Stear shared, before Briana Buban-Vonder Haar left, he expressed to her their appreciation of the almost nine years she spent in the Council Seat. She was always an effective member of Council and would be missed. She decided it was good to move to be closer to family and they certainly respected that decision.

2. Consideration to approve Resolution No. R49-2020 Approval of the Mayor's appointment to fill City Council vacancy with John Laraway ACTION ITEM (Timestamp 00:04:59)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS;
- APPROVAL OF THE MAYOR'S APPOINTMENT TO FILL CITY COUNCIL VACANCY;
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Mayor Stear stated they had good applicants who were all very qualified. As he looked through them, one of the first things that came to mind was who had the biggest heart for community, which narrowed it down to all of them. The one thing that really stood out the most was one of the hardest things about being a Council Member was understanding the comprehensive plan and working through that. Mr. Laraway definitely had the most experience with that, so he felt, for that purpose, Mr. Laraway was probably the most qualified. However, they were all very qualified and Mayor Stear hoped to see some of them on the ballot the next time. He had never had the chance to work with Mr. Laraway before even though he had been around with the City for a good long time. Mr. Laraway was his recommendation for filling the vacancy left by Briana Buban-Vonder Haar and he was hoping the Council would agree with that.

Motion To: Approve Resolution No. R49-2020

Motion By: Council Member McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 3-0.

3. Swearing in of John Laraway to the Kuna City Council ACTION ITEM
(Timestamp 00:07:59)

City Clerk Chris Engels swore in John Laraway as a Council Member.

Council Member Laraway thanked Council. It was an honor and an opportunity. He wouldn't let them down.

Mayor Stear appreciated his willingness to step up and take the position.

4. Elect Council President ACTION ITEM
(Timestamp 00:10:39)

Council Member Christensen nominated Council Member McPherson for Council President.

Council Member Cardoza seconded the nomination.

Motion To: Elect Council Member McPherson as Council President

Motion By: Council Member Christensen

Motion Seconded: Council Member Cardoza

Further Discussion: None

Motion Passed: 4-0.

5. **External Reports or Requests:**

(Timestamp 00:12:08)

Update from Police Chief Jon McDaniel

Chief McDaniel announced he would be stepping down in two to three months. It had been a very rewarding career at Ada County Sheriff's Office serving the citizens of Ada County. He could say without question the highlight of his career was the last almost four years serving as their police chief in a community, his Kuna, that was so patriotic and absolutely wanted to partner with them to keep the town safe and civil. It had been really rewarding. It had been fun to work alongside the 20 ladies and gentleman they allowed them to have on staff that were also public servants. He would miss big parts of the job. He was informed by Sheriff Bartlett there would be a process that would start the next month with selection of the new chief. He heard there were several candidates that wanted this position. It was a great place to work with the support from the community, the Council, the department heads, and all the other stakeholders they interacted with on a daily and weekly basis. It was a great job to have. Mayor Stear would be part of the selection process. He also looked forward to having some time to make a very seamless transition to the new chief. He would definitely miss many aspects of the job but, mostly the people he got to work with. He stood for questions.

Mayor Stear said it had been great having him there and wanted him to know it was so important to have someone in his position with a heart for the community the way he did. He knew all of Kuna's officers had that same heart for community and it showed. He couldn't be

prouder of the citizens of Kuna for the way they greeted the police when they saw them, the nice things they said, and the occasional emails people would take the time to write thanking officers for the great service they provided. There were very heartfelt messages in those. With everything going on in the world, he was proud to live in a community that cared so much for their law enforcement and the people who helped protect them. Chief McDaniel had done a great job since he had been there. He was sure it was quite strange to step into the political realm that came with becoming chief but, he did that well. It didn't take him long to figure out all those aspects. It had been great working with him. Chief McDaniel always kept him informed on things that were happening and things that could potentially be problematic. Fortunately, the way they were handled, very rarely was there anything that became problematic. He appreciated the work Chief McDaniel had done. He would be missed when he was off doing whatever he would be doing after he left Kuna. Mayor Stear was also very optimistic. They had a great group of applicants for police chief. He was sure they would somehow survive without Chief McDaniel.

Chief McDaniel said absolutely and thanked him.

6. Public Hearings:

Due to current health precautions associated with the Coronavirus, the City of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written and oral testimony please follow the directions above or call the City of Kuna Clerk's Office at (208) 387-7726.

- A. *Public Hearing continued from August 18, 2020 and September 1, 2020 for testimony regarding sewer capacity and consideration to approve Case No. 19-09-S (Preliminary Plat) for Corbin's Cove Subdivision – Troy Behunin, Planner III ACTION ITEM (Timestamp 00:17:16)*

Applicant, Gary McAllister, requests to subdivide approximately 6.00 acres in Kuna City Limits with Medium Density Residential Zoning into 22 total lots and has reserved the name Corbin's Cove Subdivision. The site is near the Southwest Corner of Avalon St. and School Ave., Kuna, Idaho; in Section 26, T 2N, R 1W, APN #'s: R5080251061, R5070251161 and R5070251166.

Planner III Troy Behunin welcomed Council Member Laraway. He reviewed this had been delayed a couple times. Just before the September 1, 2020 City Council Meeting, the applicant informed staff they wanted a little more time to discuss the sewer concerns surrounding this property and requested a two-week recess. The applicant, Gary McAllister was there. He had discussions with the City Engineer regarding some of Council's concerns about the sewer capacity and staff's concern regarding the sewer line in the back of some of the lots. He reiterated for Council, the applicant was conditioned by the Planning & Zoning Commission to reduce their lots and relocate the open space. The applicant responded to that with an updated site plan reducing it down from 21 lots to 17 buildable lots. They reduced it a significant amount. There were still some questions about sewer capacities and other things. He deferred to the applicant and City Engineer for those questions and stood for any others.

City Engineer Paul Stevens explained they did not have any sellable capacity in the Ten Mile Lift Station at that time. They were in the process of evaluating that lift station and looking for some capacity. They were optimistic in finding some capacity for some of the smaller in-fill subdivisions. They wanted to encourage those to go forward but they were on a first come, first serve basis and capacity was not guaranteed. If they wanted to proceed and go forward, it would be at the developer's risk. The capacity might not be there when the developer wanted it.

Council Member Cardoza asked if Ten Mile was at capacity.

Mr. Stevens replied, between what was already committed to service and what was already going into it, yes.

Council Member Cardoza asked if that included the development on Kuna Road.

Mr. Stevens said yes, they had capacity for Madrone Heights.

Mayor Stear stated it had never been the City's intention to fund development and that type of thing. Based on that, he assumed it would take some cooperation between developers to help buy in to provide that capacity. He clarified they were still working on that plan as to what that would take.

Mr. Stevens responded yes sir. That had to be developed. He wasn't sure exactly but, they were working on some alternatives that would hopefully not be terrifyingly expensive. He just didn't have an answer for that yet.

Council Member Cardoza asked if some of that could be rerouted to Orchard.

Mr. Stevens said no. They had a potentially bigger problem in that even if they had capacity in the lift station, they had to check the capacity in the force main to the Waste Water Treatment Plant. It was a two-pronged problem.

Council Member Cardoza confirmed Ten Mile went to the lagoons.

Mr. Stevens said yes. There were two lines going out there that were active. They were doing a pretty good job of conveying sewage up there. They had to just make sure they didn't overload those pipes. For example, if they put a massive pump in there so it could move a sufficient amount, it could overload the pipes and cause breakage and spills. They needed to avoid that.

Council Member Cardoza thought there was one line going down Ten Mile and one line going down Swan Falls.

Mr. Stevens said yes and he thought they both ended up in Ten Mile eventually. They had a circuitous route and then they got together.

Council Member Cardoza thought they joined on Swan Falls.

Mr. Stevens apologized. He said Ten Mile but he meant Swan Falls. One went down King Road and one went up Avalon. They kind of wiggled around and ended up on Swan Falls.

Council Member Cardoza asked if they were at capacity too.

Mr. Stevens said that had to be decided. That was part of the study being undertaken. Most likely, what they had to work out, was the maximum capacity of that pipe. Then they would have to see if they could put pumps on there so they could get to it.

Mr. Behunin noted they had received a late exhibit from David Szplett and he wanted to be sure everyone had a copy.

They did.

Gary McAllister, the applicant, 2115 E Bowstring Street, Meridian, Idaho 83642, explained they had talked to Mr. Stevens. It would probably be eight months before they got started and they felt comfortable that 17 years would probably be okay. They understood they may have to pull a “Will Serve” letter at that point in time and they were okay with that.

Mayor Stear asked, if it came down to the point where they needed to help fund some project costs, would he be okay with that.

Mr. McAllister said, with 17 units, maybe some. With an in-fill development it was kind of iffy. If they had 100 units, they would be okay.

Mayor Stear re-opened the public hearing. He did not have anyone signed up to testify in this matter. He asked if there was anyone who wished to testify.

There were none.

Support: None

Against: None

Neutral: None

Rebuttal: None

Council Member Cardoza wondered if there needed to be a development agreement that spelled out the capacity might not be available when he was ready to build or some kind of acknowledgement of the discussion that night.

City Attorney Bill Gigray was more comfortable having the conditions of approval that outline conditions that precede completion of a project or associated there with so there was no ambiguity. He thought the developer would prefer that as well. He couldn't speak

for the applicant though. At some point the parcels would be sold and there would be expectations with regards to construction and residences on these properties. At that point there would be expectations it would be served and sewer, he found in most modern cities, was an essential part of living comfortably. Having represented cities before with sewer problems with lift stations and flooding of subdivisions, he could tell them it was a nightmare. They did not want to have their lines overloaded. He thought the City Engineer was doing his job and that was to protect the systems ability to handle the capacity it was committed to. When they got into areas that were beyond capacity they needed to stop, look, and listen. Carefully crafted conditions were advisable. In this instance, with highway districts and other cities he worked with, conditions of approval for preliminary plats were added in so, when the final plat came in and they met all those terms and conditions, they used the development agreement specifically for zoning designations when they had a conditional zone. He would need to look at the particular application to see how to fit the conditions in but, he thought it could be done as a condition of their plat approval. They would want to be specific about what those conditions were.

Mayor Stear clarified the condition could be included in the motion that night if they approved.

Mr. Gigray replied yes and he recommended Mr. Stevens articulate that condition because he was the expert with regards to Kuna's sewer system and its capacity.

Mayor Stear asked if that answered Council Member Cardoza's question.

Council Member Cardoza said kind of. He was trying to avoid any kind of litigation six to eight months down the road as to capacity at that time. He asked how they would make a motion approving a request without leaving it wide open six to eight or even nine months or year later.

Mr. Gigray said that was why he would have to defer to Mr. Stevens with regards to whether there would be conditions that could be included in a preliminary plat approval that would meet his concerns about the protection of the system and its ability to provide services to the proposed development. Generally, preliminary plats were approved and then a final plat had to be done within two years or they had to start over again. He thought there was a requirement that certain conditions had to be met. In this instance, if these were conditions the City had to meet, that could be problematic. That was why he had to defer to Mr. Stevens. He knew Council Member Cardoza was saying he didn't want to have litigation later on or a mess before the Council because people were claiming something should have been done that wasn't. This was a very good time to address this specifically. He understood this gentleman could have and put in a subdivision with 17 lots that could be built upon as residential properties that would be served as a sewer system. That was the end result. His question, and he deferred to Mr. Stevens, was if they could put a condition in the preliminary plat approval that could get them to that point.

Mayor Stear said that was the issue. There was discomfort with approving something they knew, at that time, they could not serve. That brought up all these questions, including, if they did approve, was it a good idea, knowing they couldn't provide that service in the near future and when they really didn't have a substantial plan in place on how to provide that service in the future. That was the question and they needed to figure out a way to articulate that if approval was what Council wanted to do in this case.

Mr. Gigray noted the property in this case could be sold to somebody else and they could audit. If they were going to have conditions, they would have to be on the title somewhere. On the other hand, they didn't want to create clouds on a title that didn't need to be there. He thought Mayor Stear raised a good issue. It ought to be ferreted out. If they ran into this in the future, which was likely with sewer capacity issues. They needed to be crafting a policy about how to handle these circumstances in a way that protected the system as well as the developers so they could proceed and complete their projects that were approved.

Council Member Cardoza was concerned Mr. Gigray was putting too much responsibility on Mr. Stevens. Unless Mr. Stevens took Law Management 101 in college, it was something Mr. Gigray should communicate with him as to the nomenclature and jargon that should be used. He was sure Mr. Stevens would be more comfortable with legal advice. Council Member Cardoza could foresee, looking at capacity, this was going to be an ongoing problem, especially south of the railroad. He didn't know about going north. It was probably something Planning & Zoning should be aware of, the limitations south of the tracks.

Mayor Stear clarified it was south of Boise Street.

Mr. Gigray didn't mean to push it off on Mr. Stevens. It certainly would be his job to work with him on articulating. The science and engineering would need to come from Mr. Stevens. Once he knew what they needed to do to protect the system and the developer they could put the verbiage together. In this particular instance, Council might want to consider another continuance so he and Mr. Stevens could have an opportunity to walk through all that and for Mr. Stevens to have an opportunity to walk through it with the applicant so they understood what was being proposed. It would be very hard to articulate that (*unintelligible – mic not on*)

Mayor Stear said the other concern was, if they weren't able to provide the service in a timely enough manner and the property did sell, this owner was no longer held to those conditions. It needed to be the next person but they couldn't really convey that on a sale of a property unless it was on the title.

Mr. Gigray added it also, in a way, impugned the integrity of the system and the City if there were areas in the city with approved plats and it got around that they couldn't build in certain areas, even if there was a lot there, because it couldn't be served with sewer. It was like approving stuff they couldn't serve. If they were going to build their own sewer system with the correct permits to serve houses they built, that was another matter. He said Council Member Cardoza was right with all his questions but Mr. Gigray needed to

defer to Mr. Stevens about what those conditions would be. Then he could look at it and try to decide if it could be done or not and how. He was more than happy to do that; it was his job.

Council Member Cardoza apologized to Mr. McAllister but he thought it was best to table this until the verbiage was to his and the City's protection.

Mr. McAllister understood.

Mr. Gigray recommended tabling to a time and date certain.

Mr. McAllister suggested the following Tuesday.

Mayor Stear said it would be at least two Tuesdays. It could be October 6, 2020 or the next one. He asked City Clerk Chris Engels if the workshop with Public Works on capacities had been put together yet.

Ms. Engels replied she had been waiting for the last Council seat to be filled. The workshop would be on September 22, 2020.

Mayor Stear thought it would be an important piece to the puzzle so Council could see what they were looking at when it came to capacities and the issues they may or may not have. He confirmed they would table to October 6, 2020.

Council Member Cardoza recommended checking with Mr. Gigray and Mr. Stevens to see if two weeks was enough time for them to get together.

Mayor Stear said it would be about three weeks since their first meeting was on the first.

City Attorney Bill Gigray deferred to Mr. Stevens.

Motion To: Table the Public Hearing and consideration to approve Case No. 19-09-S to receive more information regarding sewer capacity to the October 6, 2020 City Council Meeting

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

B. *This is being re-heard because of a publication error by the Kuna Melba News.*

Public Re-Hearing and consideration to approve Annual Appropriation Ordinance No. 2020-26, Resolution No. R43-2020 Foregone Property Tax Levy, and R44-2020 Reservation of Right to take Foregone Increase in Subsequent Year – Jared Empey, City Treasurer ACTION ITEM

(Timestamp 00:42:01)

Mayor Stear explained this was being reheard due to a publication error by Kuna Melba News. It required the City have the public hearing a second time. He asked if there was any additional information or if City Treasurer Jared Empey wanted to present again.

Mr. Empey stated there was no new information needed from what was previously discussed. He reiterated the newspaper had a noticing error and, as part of issuing a levy, they were required to notice twice, two weeks apart. Kuna Melba didn't notice at all. In order to make sure the City dotted their "i"s and crossed their "t"s, in the event of anything being contested, they reached out to the County for a seven working day extension to make sure Kuna still met their obligation. This was just to re-approve what they had already done and to stick to the letter of the law. He stood for questions.

Mayor Stear opened the public re-hearing. He did not have anyone signed up to testify in this matter. He asked if there was anyone who wished to testify.

There were none.

Support: None

Against: None

Neutral: None

Rebuttal: None

Motion To: Close the evidence presentation and proceed to deliberation

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

I. Consideration to approve Ordinance No. 2020-26 ACTION ITEM

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021, PROVIDING FOR FINDINGS, PROVIDING FOR THE ADOPTION OF A BUDGET AND THE APPROPRIATION OF EXPENDITURE OF SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF KUNA, IN ACCORDANCE WITH OBJECT AND PURPOSES AND IN THE CERTAIN AMOUNTS HEREIN SPECIFIED FOR THE

FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING ON SEPTEMBER 30, 2021; AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY OF THE CITY OF KUNA AND PROVIDING FOR AN EFFECTIVE DATE AND THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE IDAHO SECRETARY OF STATE, THE ADA COUNTY CLERK, AND THE IDAHO STATE TAX COMMISSION.

Consideration to waive three readings
Consideration to approve ordinance

Mayor Stear stated this was the official first reading. He noted there had been no changes. Council did not ask to receive a 3% increase that year so that item was not in the budget. At that point, if Council was ready and did not want any further deliberation, they could consider waiving the three readings.

Motion To: Waive three readings of Ordinance No. 2020-26
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Motion Passed: 4-0.

Motion To: Approve Ordinance No. 2020-26
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Approved by the Following Roll Call Vote:
Voting Aye: Council Members Cardoza, Christensen, Laraway, and McPherson
Voting No: None
Absent: None
Motion Passed: 4-0.

2. Consideration to approve Resolution No. R43-2020 ACTION ITEM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA:

- SETTING FORTH FINDINGS; AND
- CERTIFYING THE INTENT OF THE CITY COUNCIL OF THE CITY OF KUNA TO LEVY, AS A PART OF THE GENERAL TAX LEVY PURSUANT TO ORDINANCE NO. 2020-26 THE RECOVERY OF ITS FORGONE PROPERTY TAX; AND
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

Motion To: Approve Resolution No. R43-2020
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Motion Passed: 4-0.

3. Consideration to approve Resolution No. R44-2020 ACTION ITEM

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA;

- SETTING FORTH FINDINGS; AND
- ELECTION TO BUDGET LESS THAN THE MAXIMUM ALLOWABLE NON-EXEMPT PROPERTY TAX INCREASE FOR FISCAL YEAR 2020-2021; AND
- RESERVING THE RIGHT TO RECOVER FISCAL YEAR 2020-2021 FORGONE ALLOWABLE NON-EXEMPT PROPERTY TAX INCREASE IN A SUBSEQUENT YEAR BY ADOPTION OF THIS RESOLUTION AND SPECIFYING THE AMOUNT OF THE FORGONE ALLOWABLE NON-EXEMPT PROPERTY TAX INCREASE BEING RESERVED; AND
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

Motion To: Approve Resolution No. R44-2020

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

7. **Business Items:**

- A. Domestic Violence Awareness Month Proclamation – Mayor Stear
(Timestamp 00:50:38)

Mayor Stear read the proclamation. He stated these were great programs and if anyone knew someone who needed those services, they could get them connected through the Ada County Sheriff's Office or the Kuna Police Department.

- B. Consideration to approve Resolution No. R50-2020 – Nancy Stauffer, Human Resources Director ACTION ITEM
(Timestamp 00:52:33)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE COST OF LIVING INCREASE OF ONE AND 26/100 PERCENT (1.26%) FOR ALL FULL-TIME CITY EMPLOYEES; ADOPTING THE FISCAL YEAR 2021 STEP AND GRADE CHART FOR ALL FULL-TIME NON-DIRECTOR EMPLOYEES AS ATTACHED HERETO AS EXHIBIT A; AND DECLARING THE EFFECTIVE DATE.

Mayor Stear confirmed with Human Resources Director Nancy Stauffer that she wished to table this item.

Ms. Stauffer said yes please.

Mayor Stear noted there were issues found with this item as well as item C. They would pull both off the agenda until the October 6, 2020 City Council Meeting instead of tabling them.

- C. Consideration to approve Resolution No. R51-2020 – Nancy Stauffer, Human Resources Director ACTION ITEM

A RESOLUTION OF THE CITY OF KUNA, IDAHO AMENDING THE STEP AND GRADE POLICY REMOVING THE PARKS DEPARTMENT FROM ADDENDUM NO. 1 PUBLIC WORKS DEPARTMENT AND CREATING ADDENDUM NO. 3 PARKS DEPARTMENT; ALIGNING THE PARKS DEPARTMENT STARTING WAGE WITH THE REST OF THE CITY OF KUNA DEPARTMENTS' STARTING WAGES AS ATTACHED HERETO; AMENDING R08-2019A; AND DECLARING THE EFFECTIVE DATE.

- D. Consideration to approve contingency funds for roof repairs in the amount of \$15,000 for City Hall to be split between General, Water, Sewer and Pressurized Irrigation Funds and \$5,000 for Parks from the General Fund – Paul Stevens, City Engineer ACTION ITEM
(Timestamp 00:53:08)

Parks Director Bobby Withrow presented instead of City Engineer Paul Stevens. He started with City Hall. It had been leaking for a number of years and needed to be fixed. There were some leaks next to working computers. That was their biggest concern. Water and electricity did not go well together. There was an error with the number for the Parks office. They would need to come back later with the amount. It should be \$15,000 instead of \$5,000. He stood for questions.

Mayor Stear asked if he knew the amount was \$15,000. They could amend that then if they needed to.

Mr. Withrow said yes.

Mayor Stear confirmed it would \$15,000 for City Hall and \$15,000 for the Parks office.

Mr. Withrow said yes.

Council Member Christensen confirmed both would come from the General Fund.

Mr. Withrow said yes.

Motion To: Approve the contingency funds for roof repairs from the General Fund in the amount of \$15,000 for City Hall and \$15,000 for Parks

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

- E.** Consideration to approve contingency funds for engineering fees in the amount of \$30,000 from the Pressurized Irrigation Fund for Danskin Pond – Paul Stevens, City Engineer ACTION ITEM
(Timestamp 00:55:47)

City Engineer Paul Stevens explained there were two bills; \$15,000 for civil engineering and \$6,000 for electrical engineering for a total of \$21,381.30. He believed there would be some other bills wandering in. That was why he asked for a total of \$30,000. This was for the Danskin Pond. It used to be a wastewater pond and they were re-using it for a pressurized irrigation pond. The developer was actually orchestrating this work. This was an inherited project and they were trying to make it as painless as possible.

Council Member Cardoza thought, when they inherited the pond, the developer was supposed to get it ready for the City so they could just walk in and use it for PI.

Mr. Stevens thought so as well but then he was informed that they owed money for this and that and several other things. He thought the developer was expecting 100% reimbursement on the work he intended to do on the pond. This was just reimbursement up front.

Council Member Cardoza asked if they had a contract with him.

Mr. Stevens replied not that he knew of. He believed it did come to City Council at some point. It might have been one of those things that wasn't exactly clear.

Mayor Stear asked if Mr. Stevens was comfortable that this was the City's responsibility or did they need to do some more investigating.

Mr. Stevens believed this was the City's responsibility from what he could find out and the fees were not wrong. They were reasonable for the work that was done.

Council Member Cardoza swore that when this was brought before Council as to the availability of the City inheriting the pond, there was an understanding the pond would be given to the City in a manner that the City could just go in and start it as a PI dam. He hoped there would be a follow up of letters or emails acknowledging the City's and Danskin's responsibilities.

Mr. Stevens said they did look for those and couldn't find anything. He would definitely not want this on a handshake because it was a significant amount of money.

Council Member Cardoza asked Council President McPherson if he was on the Council when Danskin was brought aboard.

Council President McPherson was. He vaguely remembered the City inherited it and that it would be decommissioned, cleaned, and turned over to the City.

Council Member Cardoza thought that was a condition of it being accepted. That was why he couldn't imagine there wasn't a letter or email following up as to the legality of the City taking over the pond.

Mr. Stevens said there was quite a bit of stuff from the Civil Engineer working with DEQ to get it decommissioned as a wastewater pond and converted. He didn't know about that but was under the same impression that it would be turned over complete. However, the developer decided not to pay these bills and that the City would have to pay them.

Mayor Stear said they could get this going, if that was the preference, and they would continue looking through Council minutes to make sure they weren't missing something. They could research a bit further but, as it stood, it looked like this was something the City would have to cover the cost of.

Mr. Stevens added he was given to understand the electrical engineer was ready to take legal action because this had been sitting for so long.

Mayor Stear said they would continue to investigate.

Motion To: Approve Pressurized Irrigation contingency funds in the amount of \$30,000 for engineering fees for Danskin Pond

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion:

Council Member Cardoza clarified it would come out of the Pressurized Irrigation Contingency only.

Mr. Stevens confirmed that was correct.

Motion Passed: 4-0.

- F.* Consideration to approve contingency funds in the amount of \$91,360.96 from the Sewer Fund for the adjusted final cost of the Prospector Gravity Sewer Project – Paul Stevens, City Engineer ACTION ITEM
(Timestamp 01:02:02)

Paul Stevens, City Engineer, stated there were some things they didn't know about, like where the irrigation line was, so it wasn't as described. Also, they did hit some more rock so that ran the price up. That was what went wrong and there was a mistake in some quoting at first so they had to pay the actual unit price. That was how this number came about. They did negotiate with the contractor and he did give in on some things. He felt this was a fair and equitable adjustment.

Mayor Stear asked what the actual location of this was.

Mr. Stevens replied it was behind Initial Point High School.

Mayor Stear clarified that was Ten Mile; this side of Deer Flat.

Mr. Stevens added this project eliminated Prospector Lift Station. It was gone forever. They would start getting their money back. It might take a long time to get their money back but they wouldn't be using that lift station any more. It was all gravity. They felt like it was a decent engineering exercise to do.

Motion To: Approve contingency funds in the amount of \$91,360.96 from the Sewer Fund for the adjusted final cost of the Prospector Gravity Sewer Project

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0.

8. Ordinances: None

9. Executive Session: None

10. Mayor/Council Announcements:

(Timestamp 01:04:27)

Mayor Stear Updated Council on Downtown. It looked like it was moving right along. He asked about a meeting the City Clerk would be having the following day.

City Clerk Chris Engels confirmed she would be having that meeting the following day at 11:00 A.M. Asphalt would be starting soon. They hoped to have it wrapped up in seven to ten days. The basketball court was being replaced. They had driven across it and broke it. They tried to fix it and it wasn't a good fix so they agreed to replace it completely with ACHD. Issues on the south side were mostly resolved, though there were some cosmetics the City wasn't entirely happy with, however, it was acceptable to ACHD and they could move forward. She stood for questions.

11. Adjournment: 7:04 P.M.



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk

Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 10.06.2020



CITY OF KUNA

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Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

September 15, 2020 – City Council, Public Hearing

Case Name: Corbin's Cove Subdivision.

Case Type: New Subdivision.

Case No.: 19-10-S (preliminary plat).

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

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<i>Grey McAllister</i>					
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Ariana Welker

From: David Szplett <david.szplett@gmail.com>
Sent: Monday, September 14, 2020 10:54 AM
To: PublicHearingTestimony
Subject: Szplett Comments: Corbins Cove Hearing 09152020

I ask that the city defer any action until I can get an appointment with the Dear Leader. I have repeated a major litigation issue in hopes of resolving the major concerns. I am giving you a chance to help everyone.

I have little hope that the city will take the safe course. I thank you.

City staff showed the proof that "someone" has a friend in city leadership. That is terrible and tells me that even litigation won;t resolve the issue.

IN FAVOR

NEUTRAL

IN OPPOSITION

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Ariana Welker

From: David Szplett <david.szplett@gmail.com>
Sent: Monday, September 14, 2020 10:48 AM
To: PublicHearingTestimony
Subject: Szplett Comments - 09152020 Agenda for the Proposed Budget

I don't see any budget item for litigation costs. Kuna has the current wrongful termination legal action and at least two more on the horizon awaiting a formal city decision. Any settlement cost could be significant, you will have to hire a contract litigation attorney, and any responsible city staff will be expected to resign if the court finds for the opposing party.

We are afraid that the city will hide these costs when the issue is an important public interest.

Thank you.