

**CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES**

TUESDAY, DECEMBER 17, 2013

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

7:00 P.M. REGULAR CITY COUNCIL

COUNCIL MEMBERS PRESENT: Mayor W. Greg Nelson
Council President Richard Cardoza
Council Member Briana Buban-Vonder Haar
Council Member Doug Hoiland
Council Member Joe Stear

CITY STAFF PRESENT: Richard Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Troy Behunin, Sr. Planner
Bobby Withrow, Parks & Rec Superintendent
Brenda Bingham, City Clerk

Call to Order and Roll Call (*Timestamp 00:20:04*)

Mayor Nelson called the meeting to order at 7:20 p.m. due to the previous Special Council Meeting. Roll call reflected Council President Cardoza and Council Members Hoiland, Buban-Vonder Haar and Stear in attendance at the meeting.

Invocation: Chris Bent, Calvary Chapel

Pledge of Allegiance: Mayor Nelson

Special Presentation – Recognition of Union Pacific Railroad Safety Initiative Contest Winners
(*Timestamp 00:21:52*)

Mayor Nelson congratulated and presented prizes to the following winners of the Coloring Contest:

Kindergarten - Third Grade: First Place, Humberto Gomez; Second Place, Damon Hall-Elliott; Third Place, Paelin Armstrong.

Fourth - Fifth Grade: First Place, Lauren Crnich, Second Place, Katelynne Nicole Abel; Third Place, Trenton Mendiola

Poster Contest Winners: First Place, Jamie Sugai; Second Place, Auburn Bernier; Third Place, Tyler Mick

1. Consent Agenda: (Timestamp 00:26:52)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Old Business or as instructed by the City Council.

A. City Council Meeting Minutes:

1. Minutes of December 3, 2013 Joint School Board Meeting
2. Minutes of December 3, 2013 Regular Meeting

B. Accounts Payable Dated December 17, 2013 in the Amount of \$191,525.50

C. Alcohol Licenses:

D. Resolutions:

1. Approve Resolution R54-2013 to Award Well 11 Test Well Bid to Post Drilling Inc. in the Amount of \$97,765.00
2. Approve Resolution R55-2013 Osprey Ridge DBTV CBH Assignment

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE ASSIGNMENT OF A CERTAIN NUMBER OF OSPREY RIDGE DEVELOPMENT SEWER CONNECTIONS NOW OWNED BY DBTV AGRICULTURAL HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (“ASSIGNOR”) TO COREY BARTON HOMES, INC. AND IDAHO CORPORATION DBA CBH HOMES (“ASSIGNEE”).

3. Approve Resolution R56-2013 Charitable Contribution DBTV1

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE LETTER TO DBTV AGRICULTURAL HOLDINGS, LLC EXPRESSING THE CITY’S APPRECIATION FOR THE CHARITABLE DONATION OF \$135,000.00 ON DECEMBER 31, 2013 BY DBTV AGRICULTURAL HOLDINGS, LLC.

4. Approve Resolution R57-2013 Charitable Contribution DBTV2

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE LETTER TO DBTV AGRICULTURAL HOLDINGS,

LLC EXPRESSING THE CITY'S APPRECIATION FOR THE CHARITABLE DONATION OF \$262,642.00 ON NOVEMBER 15, 2013 BY DBTV AGRICULTURAL HOLDINGS, LLC.

E. Findings of Fact, Conclusions of Law and Order

1. 13-02-RZ Boise Project Board of Control – Rezone

Council Member Stear moved to approve the Consent Agenda as printed. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

2. **Citizen's Reports or Requests:**

3. **Old Business:**

4. **Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)

5. **New Business:**

A. 13-03-LLA (Lot Line Adjustment) Kuna Cave Storage – Troy Behunin, Senior Planner
(*Timestamp 00:27:37*)

Lete Family Revocable Trust intends to place a self-storage campus on site, among other commercial development on the remaining property in the future. Applicant requests approval for a lot line adjustment for the boundary line between two properties they own to conform to City Code (KCC 5-3-2) which states a self-storage facility in the C-1 zone may only be up to five acres in size.

Mr. Behunin explained the application request as stated above noting no concerns from staff.

Council Member Stear moved to approve 13-03-LLA (Lot Line Adjustment) with the conditions noted in packets. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

B. Appointment of Joan Gay to the Planning and Zoning Commission – Wendy Howell, P&Z Director (*Timestamp 00:31:46*)

A resume for Ms. Gay was presented for review of the Council.

(*Timestamp 01:40:43*)

Council Member Stear moved to appoint Joan Gay to the Planning and Zoning Commission. Seconded by Council President Cardoza, all voting aye. Motion carried 4-0.

- C. Consideration to Approve Resolution No. R58-2013 Adopting New Water Fees – Gordon Law, City Engineer (*Timestamp 00:33:47*)

Mr. Law explained the resolution is for a 1% cost of living adjustment for the water rate which equals \$.20 per month per EDU. The other adjustment is a 1% cost of living adjustment for the sewer rate which equals \$.25 per month per EDU.

A RESOLUTION AMENDING PORTIONS OF RESOLUTION 18-2013 THAT: SET FORTH THE AUTHORITY FOR ADOPTING WATER CONNECTION FEES AND MONTHLY WATER SERVICE RATES; ESTABLISHED FEES FOR CONNECTING TO THE WATER SYSTEM; ESTABLISHED WATER USE FEES THAT ARE NOW AMENDED WITH WATER RATE CHANGES FOR ALL CUSTOMERS; PROVIDED FOR MISCELLANEOUS WATER CUSTOMER SERVICE POLICIES; SET FORTH MINIMUM LINE SIZES; REPEALED FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETTING AN EFFECTIVE DATE.

Council Member Buban-Vonder Haar moved to approve Resolution No. R58-2013. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- D. Approve Resolution No. R59-2013 Adopting New Sewer Fees – Gordon Law, City Engineer (*Timestamp 00:39:45*)

A RESOLUTION AMENDING CERTAIN SECTIONS OF RESOLUTION R25-2008 THAT: SET FORTH THE AUTHORITY FOR ADOPTING SEWER FEES; ESTABLISHED FEES FOR CONNECTING TO SEWER SYSTEM; ESTABLISHED MONTHLY SEWER USE FEES THAT ARE NOW AMENDED WITH SEWER RATE CHANGES FOR ALL CUSTOMERS; SET FORTH MINIMUM LINE SIZES; PROVIDED METHOD OF COMPUTING USER EQUIVALENT; REPEALING FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETTING AN EFFECTIVE DATE.

Council Member Buban-Vonder Haar moved to approve Resolution No. R59-2013. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- E. Resolution No. R60-2013 LID Oxnam – Richard Roats, City Attorney (*Timestamp 01:41:25*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF KUNA, IDAHO AND KEY BANK, NA, WHEREIN KEY BANK, NA IS PURCHASING THE SIXTY (60) EQUIVALENT DWELLING UNITS (“EDU’S”) ORIGINALLY ASSIGNED TO PARCEL NO. 51430336400.

Attorney Roats moved to withdraw this resolution from the agenda.

- F. Resolution No. R61-2013 LID Hopkins – Richard Roats, City Attorney (*Timestamp 00:41:32*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF KUNA, IDAHO AND KEY BANK, NA, WHEREIN KEY BANK, NA IS PURCHASING THE FOUR HUNDRED SIXTY SIX (466) EQUIVALENT DWELLING UNITS (“EDU’S”) ORIGINALLY ASSIGNED TO PARCEL NO. 51336233700 AND PARCEL NO. 51336244200.

Attorney Roats moved to withdraw this resolution from the agenda.

6. Ordinances:

A. *First Reading of Ordinance No. 2013-24 2014 International Building Codes*

(Timestamp 01:41:45)

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE OF THE CITY OF KUNA, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING ORDINANCE NO. 2010-31 AND ADOPTING THE CURRENT VERSIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL ENERGY CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, TOGETHER WITH ANY AMENDMENTS OR REVISIONS TO THE CODES AS MADE BY THE IDAHO BUILDING CODE BOARD THROUGH THE NEGOTIATED RULEMAKING PROCESS AS ADOPTED, AND APPROVED BY THE STATE OF IDAHO; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE OF JANUARY 1, 2014.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-24. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

**Council Member Stear moved to approve Ordinance No. 2013-24. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear
Voting No: None
Absent: None
Motion carried 4-0.**

Council Member Stear moved to approve a summary publication of Ordinance No. 2013-24. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

B. First Reading of Ordinance No. 2013-25 Merlin Pointe Subdivision Annexation

(Timestamp 01:47:00)

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, IDENTIFIED BY PARCEL NUMBERS R0615254601 AND S1324449005 SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY AS C-1 NEIGHBORHOOD COMMERCIAL DISTRICT; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-25. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

Council Member Stear moved to approve Ordinance No. 2013-25. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

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

Voting No: None

Absent: None

Motion carried 4-0.

Council Member Stear moved to approve a summary publication of Ordinance No. 2013-25. Seconded by Council Member Buban-Vonder Haar, all voting aye.

Motion carried 4-0.

7. Mayor/Council Discussion Items:

8. Announcements:

9. Executive Session:

- A. Adjourn to Executive Session Pursuant to Idaho Code 67-2345(f) for the Purpose of Discussing Potential Litigation – Irrigation

Attorney Roats withdrew the request for an Executive Session.

10. Adjournment:

The meeting adjourned at 7:50 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham
Date Approved: CCM 1/7/14*

An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website www.cityofkuna.com.