

CITY OFFICIALS

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

CITY OF KUNA

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

Regular City Council Meeting

MINUTES

Tuesday, September 15, 2015

7:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT: Mayor W. Greg Nelson
Council Member Briana Buban-Vonder Haar
Council Member Pat Jones
Council Member Joe Stear

Council President Richard Cardoza – Absent

CITY STAFF PRESENT: John Marsh, City Treasurer
Chris Engels, City Clerk
Richard Roats, City Attorney
Wendy Howell, P & Z Director
Bobby Withrow, Parks Supervisor
Gordon Law, City Engineer

2. Invocation: None

3. Pledge of Allegiance: Mayor Nelson

4. Consent Agenda:
(Timestamp 00:00:00)

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

A. City Council Meeting Minutes:

1. Regular City Council Minutes September 1, 2015

B. Accounts Payable Dated September 10, 2015 in the Amount of \$752,909.66

C. Alcohol Licenses:

D. Findings of Facts and Conclusions of Law:

Council Member Stear moved to approve the consent agenda as presented. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0. Cardoza absent.

5. Citizen's Reports or Requests:

6. Public Hearings: (7:00 p.m. or as soon thereafter as matters may be heard.)
(Timestamp 00:00:01)

- A. Consideration to table 14-07-AN (Annexation) and 14-03-LS (Lot Split); Daniel and Gina Safford public hearing to October 6, 2015 – Trevor Kesner, Planner 1

Council Member Stear moved to table 14-07-AN (Annexation) and 14-03-LS (Lot Split); Seconded by Council Member Buban-Vonder Haar Motion carried 3-0. Cardoza absent.

- B. J & M Sanitation – Richard Roats, City Attorney
(Timestamp 00:01:22)

City Attorney Richard Roats explained the purpose of the Public Hearing.

1. Public Hearing for J & M Fee increase

Support: None

Neutral: None

Against: None

2. Consideration to Approve Resolution R42-2015 for J & M Fee increase

A RESOLUTION OF THE CITY OF KUNA, IDAHO ADOPTING THE FOLLOWING FEE SCHEDULE WITH J & M SANITATION, INC.

**Council Member Stear moved to approve Resolution R42-2015. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None
Motion carried 3-0. Cardoza absent.**

- C. Consideration to Approve Case No.'s 15-02-AN (Annexation) 15-02-ZC (Zone Change), 15-01-S (Preliminary Plat) – Troy Behunin, Senior Planner
(Timestamp 00:05:02)

Memory Ranch Subdivision. A request from Jane Suggs with Suggs Community Solutions and Shawn Brownlee with Trilogy Development to annex 10 acres into the city of Kuna, and rezone approximately 135 acres from Agriculture to R-6 (Medium Density Residential), in order to develop a 262 residential lot subdivision with 20 common lots

Senior Planner Troy Behunin explained the request before Council is located at the Southwest corner of Lake Hazel and N Ten Mile Rd. This is annexation request for 10 acres to come into the city, the balance of the project is in city limits and is up for consideration to rezone the property. The comprehensive plan map, which was approved by Council in 2009 and was also supported by the public at that time, designates this land as medium density residential or 4-8 units per acre. The matter has gone before the Planning and Zoning Commission and the Commission's recommendation is listed in the packet. The proposed development density request is for R6 rezoning which fits squarely within the comprehensive plan designation. The preliminary plat follows all requirements in city code and follows all prescriptions for annexation into the city. Two letters have been received; one from Joseph Guido who could not attend the public hearing and one from Mr. and Mrs. Ferguson in the event they could not attend the public hearing that will be read into the public record.

Mr. Behunin stood for questions.

Council Member Stear asked if the city has an R4 designation.

Mr. Behunin responded yes, there is an R4 designation.

Council Member Stear asked why this property was being designated as R6.

Mr. Behunin said the applicant requested R6. R6 fits squarely within the comprehensive plan designation.

Jane Suggs, Suggs Community Solutions representing Trilogy Development. The proposed plan has been designed to meet all the policies of the comprehensive plan. The annexation and rezone meet the future land use plan for Kuna. The subdivision meets the subdivision code regulations and the developers agree with all the conditions of approval in the P & Z staff report. Ms. Suggs described the slides being presented. The presentation included an overview of the property being annexed, the preliminary plat of 261 building lots with a density of 3.87 units per acre; the request for R6 is to meet the frontage requirements and required lot size. Lot sizes will range from 4500 sq. ft. to 10,000 sq. ft. Also included were views of landscaping, pathways, 1 2 acre park, 1 1.34 acre park, and a pool with changing rooms.

Ms. Suggs stood for questions.

Council did not have any questions at this time.

Support:

Don Johnson 3895 W Lake Hazel, Meridian, ID. He resides in Kuna. One of the things he has considered is how to bring services to the city. Mr. Johnson noted that there was a good number of people in attendance not in support of the project. There has been an investment in the community of the waste water treatment plant. He asked for approval of the project

Neutral: None

Against:

Chris Brown 7670 S Old Farm Lane He is attending on behalf of his board. They oppose the zoning from R3-4 to R6. Mr. Brown said the concern is for current property values, inevitable tax increases, impact on fire and police services and traffic issues. The biggest concern is for schools resulting in more levies and bonds for the schools. Only one student currently lives in his subdivision. The average cost for school taxes in his subdivision is \$4000 per year per house. He would like to see larger lots and homes to share the tax burden.

Dennis Durrant 8352 S Old Farm Place. He asked Council to table the matter to allow the developer and community to work through a compromise. He was out of town during the community meeting and conflicts were addressed. He believes those conflicts fell on deaf ears. He agrees that a property owner has the right to develop their property but also thinks that the surrounding neighbors also have rights that should be considered.

Mr. Durrant cited the comprehensive plan, page 70, goal number 3 and objective 3.1.

He stated that he believes that the Council has some residual problems that need to be resolved. Mr. Durrant believes that once a plan was developed and implemented to locate the treatment plant, other items such as the green belt, green space and other items that had also been communicated about fell on deaf ears. The land use map is confusing and he believes it needs to be corrected. If the matter is tabled, some of the issues can be resolved. He indicated that if he was a developer, he would reach out to the community. There is a pond across the street from the development. He has concerns about how the pond would be protected.

Richard Durrant 7592 S Ten Mile Rd, Meridian. He agreed with Dennis Durrant to have the matter tabled for discussions on cooperation. His main concern is schools. He cited page 39 of the comprehensive plan about quality education. Mr. Durrant said the schools are at capacity.

Impact fees are collected by ACHD and the city collects fees but the school does not. Mr. Durrant cited objective 1.1 of the comprehensive plan about the city initiating the use of impact fees to pay for public services and amenities. He asked why the city did not come together with the schools and impose an impact fee to help fund the schools that will be needed for the additional houses. He is also concerned by the zoning and size of the homes. Agriculture is a necessity as well as greenspace to enhance the community.

He stood for questions.

Mayor Nelson explained the comprehensive plan hasn't been updated because Ada County Commissioners won't approve the updated plan until the line between Kuna and Meridian has been settled. A previous Council did approve Lake Hazel as a dividing line. However, Mayor Nelson felt Amity Rd should be the dividing line. When he was elected Mayor, it fell upon him to negotiate with Meridian regarding the line.

Kuna's Council held firm during negotiations with Meridian and the disagreement regarding the line. The city called Meridian and asked to get together again. It isn't the city's intent to de-annex any property that has been annexed or to move the sewer plant.

The County Commissioners want to take Meridian's side, including the Commissioner who represents Kuna. The comprehensive plan that is being referenced in testimony needs to be updated. Elaine Clegg has also been trying to negotiate a settlement between Meridian and Kuna.

Mayor Nelson further explained the current plans are there but will not go anywhere until recognized by the county.

Bruce Durrant 2865 N Lake Hazel Rd. Mr. Durrant cited goal 2 of the comprehensive plan about encouraging a balance of land use to ensure Kuna remains a self-sufficient community. There was a study done by American Farmland Trust the basis of which was high density development. He referenced a portion the executive summary of Doug Volter regarding the fiscal responsibility of high density development. The summary states real estate revenue raised by high density development suggests such development will be revenue negative. This statement specifically referred to R9 density. Mr. Durrant believes this matter should be tabled. Mr. Durrant further stated when the property was sold; there was an understanding that the parcels would be ½ to 1 acre in size.

Randy Vanoy 8049 S Danskin Lane. He is concerned about the density of the project. Mr. Vanoy referenced a document from the city's website December 14, 2014 indicating the property being discussed is zoned as agricultural. One of the reasons he purchased his property was there was nothing past Columbia

Rd that was zoned for home sites less than 1 acre. He is also concerned about who is going to pay for all of this. He believes the matter should be tabled.

Meagan Leatherman, Director of Development Services from Ada County. She is in attendance on behalf of the County Commissioners. The County Commissioners wanted the Mayor and Council to know that Ada County opposes this annexation and any future annexations that are located outside of the area of city impact that is approved by the county until such time that a comprehensive plan and corresponding area of city impact boundary is approved by the board of County Commissioners. The county has several concerns regarding the pattern order of annexation that is being undertaken by the city. The intent of the area of city impact is to protect property rights, encourage urban development within cities and requires all counties and cities to ensure the provision of adequate public facilities and services at a reasonable cost. The board believes that current pattern of annexation that has been undertaken by the city is contrary to all 3 of these provisions. Unplanned, unordered annexations are detrimental to property rights. City limits that are so expansive in geographic reach may affect service provision and also make them not cost effective. Therefore, the board of County Commissioners opposes this annexation and future annexation that are located outside of the legally recognized area of city impact which is the one adopted by Ada County and requests that the city discontinue annexations outside of the approved area of city impact.

Senior Planner Troy Behunin read a letter from Joseph Guido who lives on S. Bella Terra Ln. Troy; I am traveling and cannot make the public hearing. Mine as well as Kathy's strong concerns are Kuna is annexing multiple islands, hopscotching Ada County property and accepting monies for destruction of beautification. The city of Kuna is wasting and destroying a major opportunity to make the city vibrant in an organized fashion. We see lower income housing setting precedent as a lower income city. Kuna in 30 years will be a slum. What is astounding is, that at the gateway to the city will be the start of future slumville. Who in the world is going to want to create a Banbury or Castlebury type neighborhood when it is so strongly stigmatized as low income projects citywide? How will downtown merchants survive when the city scatters condensed housing across the countryside? Sincerely, Joe Guido

Carla Bailey, 8095 S Slide Creek Ln. raised her hand and stated she did not have a chance to sign in on the testimony sheets.

Mayor Nelson asked her if she would come to the microphone for the record.

Ms. Bailey responded she totally agrees with everything that has been said by the Durrant family. Kuna is trying to lift the stigma that has been given of poor schools and poor area. This is not going to happen if these low income housing units are allowed to go in. Ms. Bailey stated she has a nice home on a

one acre lot that she paid a lot of money for. If this development is approved there is another one right behind it. This should be stopped here and it should be said the homes need to be the appropriate size to keep the values in Kuna. This matter should be tabled.

Mayor Nelson asked Ms. Bailey if in fact this matter is tabled and negotiations are arranged, are opposing property owners willing to negotiate.

Ms. Bailey responded she believed they would be willing. Ms. Bailey believes if her neighbors were invited to a hearing to be able to choose the size of the homes, decent size homes with good resale value, they would attend. The homes being proposed are going to be so small they are going to be low income housing with the riff raff that comes with that; welfare and people that are not beautifying and keeping up their homes. Ms. Bailey realizes people are going to be moving into the area so precedents need to be set.

Jefferson Washmon, 7015 S Ten Mile Rd. Mr. Jefferson does not feel that putting in this subdivision makes sense based on already developed areas in Kuna. Mr. Jefferson attended the community meeting for this subdivision and feels the developers heard what was said but did not listen to what was said. Many concerns were brought up but were brushed aside. There are better options for developing the subdivision than are currently presented.

Senior Planner Troy Behunin read a letter from David and Sharon Ferguson. This letter is to let the Council know of the feelings of David and Sharon Ferguson with regard to Cases 1502 AN, 1502 ZC and 1501 S. We are hopeful that our lives will end while our farm still has a rural atmosphere. This will not happen if 125 acres south of us is zoned as R6 residential zone. An R3 zone would be a more acceptable option even though traffic will still be disruptive to our lives. As we testified in 2006, it makes poor sense to expand the city of Kuna to areas that are presently agriculture while there are many parcels much closer to the city center. We also feel Meridian should refrain from expanding to build high density homes between Lake Hazel Rd and Amity Ave between Black Cat and Linder Rd. until it makes a lot more sense. Thank you for your consideration.

Jane Suggs provided a rebuttal from some of the testimony. Ms. Suggs appreciates everyone coming to the meeting. Ms. Suggs stated this development is not low income housing; it is a mix of lot sizes with values that will be discussed. There is no reason to table this request because the development is a solid plan based on the comprehensive plan approved by the city Council and based on the zoning codes and regulation also approved by the city Council.

Ms. Suggs referenced the comments from Mr. Johnson. When the Durrants sold the land for the sewer treatment facility, it would be unusual to think

people would not tie into the sewage treatment plant. Sewage treatment plants don't operate on 1 acre lots or even ¼ acre lots, they need density. This development is within the density of the comprehensive plan.

Ms. Suggs referenced the concerns for schools. Schools have the largest levy in Kuna. These homes will pay into the Kuna School levy. Schools do not come first when developing. Sewer comes first, then water, then schools come after the homes come. Schools are not built to wait for students to come, current schools fill with students and the School Board has long range plans to build as need arises.

Ms. Suggs referenced Dennis Durrant's comments; 1. Concerns about a variety of housing. This development is providing that variety. As Mr. Durrant pointed out, within a one mile radius there are 181 1 acre lots, 18 2-5 acre lots, and 13 10 acre lots. What is needed are the smaller lots to help bring services to the community. 2. Green space concerns were pushed to the wayside. As the landscape plan showed there is a trail completely along the Harris lateral, there are parks and there are pathways, all of which are green space. 3. Knowing how to plan. The rules for planning have been followed by adhering to the comprehensive plan and working closely with staff prior to application.

Ms. Suggs referenced Richard Durrant's comments regarding 68 of the 262 lots being less than 6000 sq. ft. Ms. Suggs stated that represented 25% of the total lots. That is the type of mix desired in a subdivision along with the larger 10,000 and 12,000 sq. ft. lots also included in this subdivision.

Ms. Suggs referenced Bruce Durrant's comments about the American Farmland Trust and high density. Ms. Suggs stated there is nowhere that a density of 3.87 dwelling units per acre could be considered high density. The development's open space needs to be factored into the land equation.

Ms. Suggs referenced Mr. Vanoy's comments about the development area's current zoning as agricultural. Ms. Suggs stated yes, it is and that is the reason for the zone change request.

Ms. Suggs addressed Ms. Leatherman's comments. Ms. Suggs stated that is an issue she is sorry is being brought up at this hearing. No representative from the agency attended the P & Z meeting and there was no notice given to the developers. A hearing regarding an individual project is not the time and place to bring up these issues.

Ms. Suggs discussed the analysis included in the development packet. When the neighborhood meeting was held, it was discussed that this project may be a Corey Barton development. It has been determined since then, it will not be. The development will be a mix of builders. Home prices are up to the \$350,000 range. A lot of 3 to 4 bedroom, 3 car garage, and 3 bathroom homes

are included. These are not low income housing prices. Home prices were used to create the spreadsheet showing the revenue that would be received not only from permits but also from annual taxes.

Ms. Suggs stated she did listen to concerns at the neighborhood meeting. There was discussion about irrigation water, DSL/Qwest/Cable One connectivity, canal filtration issues, the commercial property located on the corner, and comparison to Jarvis Court which is a 1 – 5 acre lot development. Ms. Suggs visited Jarvis Court and followed up on these concerns.

She stood for questions and asked Council not to table the matter and to approve the request.

Council Member Buban-Vonder Haar asked how the home values were established. The analysis provided to the Council states there would be an average assessed value for the homes in this development of 214,000.

Ms. Suggs explained she was provided a spreadsheet detailing the different homes that were available to be built from Corey Barton. Homes ranged from 134,000 to 350,000. The average cost being 213,292.

Mayor Nelson closed the public hearing.

Council Member Stear said he had some questions about the lot sizes. In reviewing the Planning and Zoning meeting minutes, Council Member Stear noticed there were no minutes included from the neighborhood meeting. Those minutes would be important information for the Council in making a decision.

Mayor Nelson asked Ms. Suggs if the Council were to delay a decision until the next City Council Meeting on October 6th, would it cause significant problems.

Ms. Suggs responded there would not be significant problems if a decision could be made at the next meeting.

Council Member Jones asked Mr. Behunin to point out the 10 acres to be annexed on the map.

Mr. Behunin identified the acreage on the map as being south of Lake Hazel Rd. and surrounded completely on 3 sides by land already within the city boundary.

Council Member Jones asked if both the developers and the neighbors are willing to negotiate regarding concerns.

Ms. Suggs responded if lot sizes are changed it will take away from the amenities such as the park areas, pool and walk paths. Ms. Suggs is willing to talk with the neighbors but the lots cannot be changed to ¼ acre or 1 acre lots.

Council Member Jones stated he can see the mixed lot sizes on the map. Half of the development is more in keeping with the neighbor's desires with the other half being not what the neighbors' desire. Why is not feasible to remove a few lots to make the smaller lots bigger?

Ms. Suggs responded the smaller lots are bordering the open space. That is an attraction for people that want a smaller home and lot that is also adjacent to an open space. The plan has been very carefully thought out. The mix of homes and lot sizes is the right mix.

Mr. Behunin responded to Council Member Stear's question about the neighborhood meeting minutes. There is a brief summary of topics discussed during the neighborhood meeting in the Council's packet, page 3 of the letter of intent.

Mayor Nelson stated a decision is before Council. Council Member Stear has expressed he is not comfortable making a decision tonight. How do the other Council Members feel?

Council Member Jones responded the minutes of the neighborhood meeting will reflect what Council has heard tonight. Council Member Jones could vote tonight.

Mayor Nelson asked Ms. Suggs if a community pool vs. a pool in the subdivision would make any difference.

Ms. Suggs responded she does not want to have the requests denied because another neighborhood meeting is requested. Ms. Suggs believes tabling the requests is just to delay progress. A community pool can be discussed. Lot size can be discussed but not changing the subdivision to a different design.

Mayor Nelson added there will be a community pool but it won't be located in the center of the proposed subdivision.

Council Member Jones added that he has no issue with growth or with the subdivision location. He does not understand why the entire plat cannot be R4. He believes that the further from the core of the city, the bigger the lots should be.

Council Member Buban-Vonder Haar stated that knowing the current developments happening in Kuna, this development is nothing that is not already happening. There are no ¼ acre or bigger lots available within the city limits.

Council Member Stear stated he would like more time to research to make himself more comfortable with a decision.

Council Member Stear moved to table the release of Case No. 15-02-AN (Annexation) 15-02-ZC (Zone Change), 15-01-S (Preliminary Plat) to October 6, 2015. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

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

Voting No: None

Motion carried 3-0. Cardoza absent.

Mayor Nelson spoke to the audience about testimony regarding concerns for schools. How many people are keeping track of the Solar Farm on S Cloverdale Rd? The Solar Farm is a 100 million dollar farm that is going into hearings because there are property owners on S Cloverdale Rd that are opposing it. The farm will not generate traffic and does not have many employees but together with the 100 million dollar Simplot plant will boost the assessed value of the school district by 20%.

Senior Planner Troy Behunin said if anyone would like to add their name to the public record list for mailing, he would happy to mail notice letters.

City Clerk Chris Engels clarified Council's direction to receive the minutes from the neighborhood meeting prior to the next meeting.

**D. Amendment to FYE 2015 Budget – John Marsh, City Treasurer
(Timestamp 01:57:08)**

City Treasurer John Marsh updated Council to be sure four funds are not over extended. Those funds are the latecomers fund, water fund, LID fund and solid waste fund.

Council Member Jones asked for clarification of the LID fund.

Mr. Marsh explained the LID fund is transferring of funds to other operating funds in the City. This is not an expense so will not over extend the expenditure budget.

1. Public Hearing for Ordinance 2015-16

Support: None

Neutral: None

Against: None

2. First Reading of Ordinance 2015-16 Amendment to FYE 2015 Budget

Consideration to waive three readings
Consideration to approve ordinance

AN ORDINANCE ENTITLED THE APPROPRIATION AMENDMENT ORDINANCE AMENDING ORDINANCE 2014-12, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; TO APPROPRIATE MONIES IN THE SUM OF \$4,226,504 AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Council Member Stear moved to waive three readings of Ordinance No. 2015-16. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0 Cardoza absent.

**Council Member Stear moved to approve Ordinance No. 2015-16. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None
Motion carried 3-0 Cardoza absent**

- E.** Ordinance No. 2015-11 Zoning Ordinance Amendment – Wendy Howell, P & Z Director and Richard Roats, City Attorney
(Timestamp 02:00:31)

Planning and Zoning Director Wendy Howell explained to Council the changes are in response to inquiries that have come into the P & Z office. She is asking to remove the definition of public from the ordinance because it is redundant. Verbiage was changed to provide clarification and for notification protocols. Ms. Howell made a correction to page 20 of 43 of Ordinance 2015-11 letter F; septic systems within 150 ft. of the wellhead. The remainder should be crossed out.

City Attorney Richard Roats explained he preferred to have the hearing first.

1. Public Hearing for Ordinance 2015-11

Support:

Sid Anderson 110 Rosehill, Boise, ID. He indicated he supports the ordinance as written and agrees with it as it stands.

Neutral: None

Against: None

Council Member Jones asked Mr. Roats about septic system failure and there are no plans within 90 days for a sewer line to be installed the property owner is allowed to install a new septic system. What if there are plans for sewer lines but there are delays, what will the homeowner do during the delay.

Mr. Roats responded the intent is to respond and provide service within the 90 days. If there is a significant delay, the property owner can proceed with a septic tank.

Council Member Jones stated he appreciates the work by staff and the Planning and Zoning Commission. He asked if there would be notification from Central District Health regarding septic system installations outside city limits.

Mr. Roats said it has not been determined yet but is working toward a resolution.

City Engineer Gordon Law added that occasionally CDH does make contact and there is a good working rapport.

Council Member Jones asked for clarification on the reason development of a vacant property that is approved for a septic system would also pay fees for sewer hook ups.

Mr. Law responded that there are a couple issues of importance. One is the city sits on a nitrate priority area which is why septic tanks are discouraged. The other issue is when there is an enclave of septic tanks; it can cause issues with extending services in the future. The provision in the ordinance takes away the super expense of paying connection fees later on when sewer lines are extended.

Mr. Roats said a great amount of time has been devoted to what can be done to utilize the city waste water treatment plant instead of septic tanks. Almost the entire city is in a nitrate priority area so we need to be especially cognizant of septic tanks being installed.

Mayor Nelson closed the public hearing.

2. *First Reading* of Ordinance 2015-11

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of the ordinance

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING CERTAIN CHAPTERS OF TITLE 5, TO WIT:

Title 5: Zoning Regulations

KCC 5-1-6-2 (Meanings of Terms or Words)

KCC 5-1A-4 (Notice to Public)

KCC 5-3-2 (Official Schedule of District Regulations)

KCC 5-16-3-B.2 (Lot Split)

KCC 5-16-4 (Septic Tanks/Systems)
KCC 8-3-5 (Restrictions within Wellhead Protection Zone I)

Council Member Stear moved to waive three readings of Ordinance No. 2015-11. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0 Cardoza absent

**Council Member Stear moved to approve Ordinance No. 2015-11. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None
Motion carried 3-0 Cardoza absent**

Council Member Stear moved to approve a summary publication of Ordinance No. 2015-11. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0 Cardoza absent

7. Business Items:
(Timestamp 02:19:00)

- A.** Consideration to Approve Resolution R58-2015 to Accept Change Order with Knife River Corporation for Birds of Prey Sewer Main – Gordon Law, City Engineer

City Engineer Gordon Law explained he was able to negotiate the change order he apprised Council of during the September 1, 2015 Council meeting. The prices are the same as those given earlier in the year when costs were lower.

RESOLUTION ACCEPTING CHANGE ORDER FROM KNIFE RIVER CORPORATION – NORTHWEST IN THE AMOUNT OF \$173,344.00 FOR THE BIRDS OF PREY SEWER MAIN PROJECT; DIRECTING EXPENDITURE OF FUNDS FROM THE SEWER FUND FOR SAID WORK; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CHANGE ORDER DOCUMENTS WITH KNIFE RIVER CORPORATION – NORTHWEST.

**Council Member Stear moved to approve Resolution R58-2015. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None
Motion carried 3-0 Cardoza absent.**

- B.** Consideration to Approve Resolution R59-2015 to Authorize LiDar Imaging – Mike Borzick, GIS Manager
(Timestamp 02:21:45)

City Engineer Gordon Law updated Council that improved mapping had been previously discussed. The possibility to image several significant drainages for consideration that could assist in future developments has come up. The flood zones will be shrunk down due to a more accurate methodology. The current mapping spreads those zones out and doesn't take advantage of current mechanisms.

Council Member Jones asked if there are other areas that will be need to be mapped in the future.

Mr. Law confirmed that there are other areas that could benefit but the areas that are currently being looked at are drainages related to Indian Creek.

Council Member Jones asked if there is benefit to the city.

Mr. Law said it would improve the possibility of additional development. As an example, the Solar Farm is going through the remapping process to recalculate the percentage of land that can be used for the panels through a consultant. This becomes an obstacle for them in terms of time and money. Another example is the Solar Farm questioned if power poles can be placed in a floodplain that should be a quarter of the size it is currently shown to be on the map.

Council Member Buban-Vonder Haar asked if any landowners had been approached about contributing to the costs.

Mr. Law said the landowners that were interested have already started the long process.

Council Member Buban-Vonder Haar struggles with the concept of the taxpayers as a whole burdening the costs.

Mr. Law said that the intent was to at least inform Council of the opportunity.

Mayor Nelson thought the remapping would benefit economic development in the proposed area.

Mr. Law said that all the proposed companies have struggled with the floodplain.

Mike Borzik, GIS Manager said the price of the flight has gone up to significantly since the subject was previously brought forward. If the city does not take advantage of this flight, the price will double in two years.

Council Member Stear explained there would be a substantial savings to the city at this time because the flight would be in cooperation with another entity for fire suppression information.

Mayor Nelson said that the cost could be paid out of contingency then added to the to do list for Urban Renewal. Urban Renewal would then reimburse the cost as part of infrastructure needs for industrial zone development.

Mr. Law said that would be a good method to maintain the cost toward the landowner who is benefitting.

Council Member Buban-Vonder Haar expressed her concerns of all taxpayers burdened by the cost when only a few benefit.

Council Member Stear said it will help with the commercial and industrial growth of the area which eventually benefits everyone.

Mr. Borzik said the flight would be September 25th.

Council Member Buban-Vonder Haar asked for clarification for the change in pricing. The Council packet states \$4,500. The cost is now \$10,000?

Mr. Borzik responded the misunderstanding came from not realizing how far our project is away from the project they are doing in the foothills. Mr. Borzik has a written proposal for the flight in the amount of \$10,000.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY OF KUNA, IDAHO'S GIS MANAGER MIKE BORZICK TO NEGOTIATE THE PURCHASE OF THE LIDAR IMAGING OF THE FLOODPLAINS OF INDIAN CREEK AND SAND CREEK FROM QUANTUM SPATIAL AS PER THE INVOICE; AND AUTHORIZING THE CITY OF KUNA, IDAHO'S TREASURER, JOHN MARSH TO PAY THE INVOICE FOR THE LIDAR IMAGING FROM THE CONTINGENCY FUND.

Council Member Stear moved to approve Resolution R59-2015 with a maximum amount of \$10,000. Seconded by Council Member Jones with the following roll call vote:

Voting Aye: Council Members Jones, and Stear

Voting No: Council Member Buban-Vonder Haar

Motion carried 2-1. Cardoza absent

- C. Consideration to Approve Resolution R60-2015 to Authorize the Postal Meter Lease – John Marsh, City Treasurer
(Timestamp 02:41:15)

City Treasurer John Marsh explained the recommendation is for a new meter due to the age of the current meter. The cost to lease is a better option than the cost to buy.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE A POSTAL METER LEASE AGREEMENT WITH MAILFINANCE, A NEOPOST USA COMPANY, AND ITS AFFILIATES.

**Council Member Buban-Vonder Haar moved to approve Resolution R60-2015.
Seconded by Council Member Stear with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None
Motion carried 3-0. Cardoza absent**

- D.** Consideration to Approve Resolution R61-2015 to Authorize the Transfer of LID 2006-1 Legal Funds – John Marsh, City Treasurer
(Timestamp 02:43:25)

City Treasurer John Marsh explained the sewer LID-2006-1 fund has a balance and the matter is concluded. The funds were set aside to reimburse the city for legal expenditures related to the LID that were paid for by operating funds of the city. This resolution will allow for the transfer of those funds for reimbursement.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE TREASURER OF THE CITY TO TRANSFER THE REMAINING SEWER LID 2006-1 LEGAL FUNDS TO THE OPERATING FUNDS OF THE CITY AS REIMBURSEMENT FOR LEGAL FEES.

**Council Member Buban-Vonder Haar moved to approve Resolution R61-2015.
Seconded by Council Member Stear with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None
Motion carried 3-0. Cardoza absent**

- E.** Consideration to Approve Resolution R62-2015 to Authorize the Creation of Capital Projects Fund – John Marsh, City Treasurer
(Timestamp 02:44:50)

City Treasurer John Marsh explained this is to create a new fund which is an offshoot of the general fund to track and monitor capital projects.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER TO CREATE A CAPITAL PROJECTS FUND AS A GOVERNMENTAL FUND TYPE.

**Council Member Buban-Vonder Haar moved to approve Resolution R62-2015.
Seconded by Council Member Stear with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar, and Stear
Voting No: None
Motion carried 3-0. Cardoza absent**

- F.** Update on City Committee Schedules and Grant Projects (*no action required*) – Chris Engels, City Clerk

(Timestamp 02:47:34)

City Clerk, Chris Engels referenced the memo included in the Council packet. The Park Impact Fee Committee will meet on October 1, 2015 and will set a schedule for themselves. The Downtown Revitalization Committee will meet on September 17, 2015. The grant submittal date for the CBDG is November 20, 2015. A request will be brought before Council at the next Council meeting to approve grant funds to be allocated for grant writing because 3 additional large grants are due at the same time. The greenbelt extension grant project will be closing by the end of the month for the COMPASS portion and is well within budget.

Ms. Engels stood for questions.

- G.** Update of Financial Results of Operation through August 31, 2015 *(electronic presentation only)* – John Marsh, City Treasurer
(Timestamp 02:49:48)

City Treasurer, John Marsh reviewed the general fund, grant fund, latecomers fund, well mitigation fund, water fund, sewer fund, wastewater treatment plant fund, irrigation fund and solid waste fund balances as well as revenues vs. expenditures. Mr. Marsh also reviewed bank balances and LGI investment pool balances.

8. Ordinances:

(Timestamp 03:00:39)

- A.** *First Reading* of Ordinance No 2015-17 Crimson Point No. 7 Irrigation

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of the ordinance

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING THE REAL PROPERTY DESCRIBED IN EXHIBIT A AND EXHIBIT B, AND COMMONLY REFERRED TO AS CRIMSON POINT NO. 7, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE BOISE-KUNA IRRIGATION DISTRICT AND CHANGING THE BOUNDARIES THEREOF; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to waive three readings of Ordinance No. 2015-17. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0 Cardoza absent

Council Member Stear moved to approve Ordinance No. 2015-17. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

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

Council Member Stear moved to approve a summary publication of Ordinance No. 2015-17. Seconded by Council Member Buban-Vonder Haar. Motion carried 3-0 Cardoza absent

9. Mayor/Council Discussion Items:

10. Announcements:

City Engineer Gordon Law would like to suggest a workshop be scheduled soon regarding the reuse permit draft sent to Council for review. A workshop would be helpful in understanding implications. Mr. Law also stated irrigation water delivery will cease on October 5, 2015.

Mayor Nelson said he would like to have an executive work session on the Nation and media financial reports about the dollar.

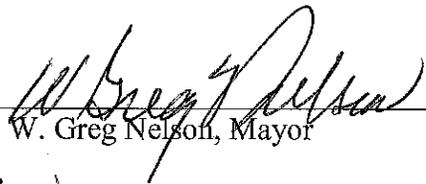
Council Member Jones asked when the personnel manual would be completed.

City Attorney Richard Roats said it was his top priority.

11. Executive Session:

12. Adjournment:

Council Member Stear moved to adjourn the meeting at 10:13 p.m. Seconded by Council Member Buban-Vonder Haar.


W. Greg Nelson, Mayor

ATTEST:


Chris Engels, City Clerk



Minutes prepared by Dawn Stephens
Date Approved: CCM 10.06.2015