

**CITY OF KUNA  
REGULAR COUNCIL MEETING  
MINUTES  
TUESDAY, JANUARY 15, 2013  
Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

**7:00 P.M. REGULAR COUNCIL MEETING**

**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  
Wendy Howell, P & Z Director  
Royce Davis, Waste Water Superintendent  
Bobby Withrow, Parks Supervisor  
Brenda Bingham, City Clerk

**Call to Order and Roll Call**

Mayor Nelson welcomed everyone and called the meeting to order at 7:00 p.m. Roll call reflected Council President Cardoza and Council Members Buban-Vonder Haar, Hoiland and Stear present at the meeting.

A special welcome was given to Boy Scout Troops 184 and 812 who were in attendance for the purpose of earning their Citizenship in the Community merit badge.

**Invocation:** Marcus Omdahl, New Beginnings Christian Church

**Pledge of Allegiance:** Mayor Nelson

Amend Agenda (Timestamp 00:02:35)

Amend the agenda originally posted on January 11, 2013 to include the following:

Consent Agenda 1G: Approve \$30 Expense for Articles of Incorporation for the Kuna High Desert Community Gardens and Spaces Partnership

*Staff was notified of the request on Monday, January 14, 2013.*

**Council Member Stear moved to amend the agenda to include Consent Agenda 1G to approve a \$30 expense for Articles of Incorporation for the Kuna High Desert Community Gardens and Spaces Partnership. Council Member Buban-Vonder Haar asked to move it to**

**New Business so more information and discussion could take place. Council Member Stear moved to amend his motion to place it under New Business. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**Special Presentation:** Kuna Downtown Corridor Plan – Mitchell Jaurena, ACHD Commissioner Subdistrict 4 (*Timestamp 00:03:45*)

Ada County Highway District (ACHD) Commissioner Mitch Jaurena explained Jeff Lowe (ACHD) has been in Washington D.C. presenting the plan to the Transportation Research Board as a model program. The Transportation Research Board has recognized the Kuna Downtown Corridor Study as one of the superior studies in the nation. The plan was recognized for its citizen and community involvement. Mr. Jaurena expressed appreciation to the Council and citizens of Kuna for their involvement to make the plan what it is and what has become a model plan that will aid the community in future development.

Mr. Jaurena also reported that programs are being prioritized and the railroad overpass project is being scoped in preparation for a study that will include public involvement.

Information is being posted in the Kuna Melba News on how to get windshields repaired from rock chips caused by the failed seal coat project on Meridian Road (Highway 69).

**1. Consent Agenda:** (*Timestamp 00:12:28*)

*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 18, 2012 Special Council Meeting
2. Minutes of December 18, 2012 Regular Council Meeting

B. Accounts Payable Dated January 15, 2013 in the Amount of \$313,695.71

C. Alcohol Licenses: None

D. Resolutions: None

E. Findings of Facts and Conclusions of Law: None

F. Approve Renewal of the City's Irrevocable Standby Letter of Credit Granted to Ada County Highway District (ACHD) for 2013/2014

A correction to the spelling of Nicholson will be made in the minutes and the total for the Payment Approval Report was changed from \$313,695.71 to \$312,278.34.

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

**2. Citizen's Reports or Requests: (Timestamp 00:18:23)**

- A. Fee Waiver Request for Use of Bandshell at Bernie Fisher Park for Vacation Bible School June 2 - 6, 2013 – Marcus Omdahl, New Beginnings Christian Church

**Council Member Buban-Vonder Haar moved to approve the fee waiver request for use of the band shell at Bernie Fisher Park for Vacation Bible School the beginning of June. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

- B. Discussion on Prioritization of Kuna Projects in Relation to Kuna Park and Ride – Ryan Head, Ada County Highway District (ACHD) Transportation Funding Coordinator (Timestamp 00:21:59)

Justin Lucas, ACHD, 3775 Adams Street, Garden City, Idaho, explained he is filling in for Ryan Head.

In March of 2011 there was money earmarked for a park and ride but the ACHD Commission decided not to move forward with it due to lack of time and resolution on the site.

At the request of the City Council, a site on 2<sup>nd</sup> Street was discussed as an option. A feasibility study was performed but concern was noted due to the drainage issues in the area. Options to maintain the water were presented with a pond in the landscape or the use of permeable pavement. A Special Use Permit would also be required.

Another site located on Deer Flat was also discussed for a park and ride.

The Council will be able to prioritize projects through the ACHD annual process to determine the level of priority for the park and ride project.

**3. Old Business:**

- A. Approval of Resolution R47-2012 Authorizing the Mayor to Execute the Agreement With DataTel Communications to Provide Annual Maintenance for the City of Kuna's Phone System and Approval of Annual Maintenance Fee for December 1, 2012 – November 30, 2013 – Richard Roats, City Attorney (Timestamp 00:44:17)

**Council Member Buban-Vonder Haar moved to approve Resolution R47-2012. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

4. **Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.) None

5. **New Business:**

Amended Agenda Item: (Timestamp 00:47:01)

Approve \$30 Expense for Articles of Incorporation for the Kuna High Desert Community Gardens and Spaces Partnership

**Council Member Buban-Vonder Haar moved to approve the \$30 expense for Articles of Incorporation for the Kuna High Desert Community Gardens and Spaces Partnership. Seconded by Council Member Stear, all voting aye.**

**Motion carried 4-0.**

A. Financial Results of Operations Through December 31, 2012 – John Marsh, City Treasurer (Timestamp 00:54:17)

John Marsh presented totals for each of the city funds as of December 31, 2012 with a net grand total reflecting expenditures are greater than revenues by \$73,772 after the LID expenses are removed. The total combined cash as of December 31, 2012 is \$4,799,339.

B. Approve Resolution R1-2013 Establishing 2013 Kuna Municipal Irrigation District (KMID) Irrigation Assessments and Accept Assessment Roll (Timestamp 01:00:41)

Gordon Law, City Attorney, explained this is an annual process that is performed every January in preparation for the February billing of irrigation assessments. It is a statutory process established in the Idaho State Code for cities in order to have the privilege of pooling irrigation water and then delivering it to their citizens. All the steps listed below are included in the resolution:

1. Preparation of an assessment roll.
2. Preparation of an estimate of costs.
3. Development of a uniform method of distributing costs to benefitted lands according to the benefit derived by a parcel.
4. Providing a notice of assessment.
5. Providing an opportunity for objections to assessments to be heard.

The Idaho Code requires a Board of Correction (BOC) is convened on or before March 20<sup>th</sup> of each year. The Mayor and Council are designated as the Board. The proposed resolution sets March 19, 2013 at 5:30 p.m. as the BOC meeting to hear objections to individual assessments and make appropriate corrections.

The 2012 annual assessment for pressure irrigation for the typical residential lot less than 10,000 SF in area was \$89.00. With the change in handling vacant lots, increases in costs and reduction in credits, the annual assessment for 2013 would be \$93.50 for a typical residential lot. The 2012 gravity irrigation assessment for the typical residential lot less than 10,000 SF in area is \$33.00 and is being proposed at \$34.00 for 2013.

*\*It was noted two ordinances on the agenda, items 6F and 6G, amending the city code should be considered before action on Resolution R1-2013 takes place.*

**Council Member Stear moved to table Resolution R1-2013 until after consideration of agenda items 6F and 6G (Ordinances 2013-05 and 2013-06). Seconded by Council Member Hoiland, all voting aye. Motion carried 4-0.**

(A 5 minute recess took place at 8:50 p.m.)

**6F. First Reading of Ordinance No. 2013-05 Municipal Irrigation System**

*(Timestamp 01:48:32)*

*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 Adopting the City of Kuna Municipal Irrigation System Regulations; Providing for Authority; Providing for Application for Service; Providing for Annual Irrigation Assessments; Authorizing Pooling of Water Rights; Providing for Irrigation System Connection Fees; Providing for Irrigation Service Re-Connection Fees; Providing for Annual Irrigation Assessments Providing for Access to Land Receiving Irrigation Water; Restricting Users Outside City Limits Regarding Irrigation Water; Providing for Miscellaneous Regulations and Requirements; Providing for Penalties; Providing Fees for Pressure Irrigation (Pi) System Extensions; Providing for a Pressure Irrigation Construction Reimbursement Policy; Providing for Connection Permits, Inspections; Providing for a Penalty; Providing for a Severance Clause, and Providing for an Effective Date.

**Council Member Buban-Vonder Haar moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-05. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2013-05 as amended. Seconded by Council Member Stear 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 Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2013-05. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**6G. First Reading of Ordinance No. 2013-06 Municipal Irrigation/Potable Water System** *(Timestamp 02:02:34)*

*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 Amending the City of Kuna Code Title 7, Chapter 5 Regarding the Municipal Irrigation/Potable Water System Regulations; Providing for Authority; Providing for Application for Service; Providing for a Method of Setting Rates; Providing for Water Connection Fees; Providing for a Requirement for Water Meters; Providing for a Minimum Rate for a Single Meter When it is Used for More Than One Service; Providing for Right of Access to Properties Receiving Service; Prohibiting Water Service Outside of City Limits; Providing for Miscellaneous Regulations and Requirements; Providing for Regulations Regarding Fire Hydrants; Providing for Water System Extensions; Providing for a Water System Extension Reimbursement Policy; Providing for a Penalty; Providing for a Severance Clause, Providing for Re-Numbering of the Ordinance; and Providing for an Effective Date.

**Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-06. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**Council Member Stear moved to approve Ordinance No. 2013-06. 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. 2013-06. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**Council Member Stear moved to place Resolution R1-2013 back on the Council agenda. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Resolution R1-2013 as amended. Seconded by Council Member Hoiland, all voting aye. Motion carried 4-0.**

## **6. Ordinances:**

### **A. First Reading of Ordinance No. 2006-02A Irrigation Annexation – Calico Creek Subdivision No. 2 (Timestamp 02:16:14)**

*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 Amending Ordinance 2006-02 of the City of Kuna, Idaho, Annexing all of Calico Creek Subdivision No. 2 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 Buban-Vonder Haar moved to dispense with the full reading and three consecutive readings of Ordinance No. 2006-02A. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2006-02A. Seconded by Council President Cardoza 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 Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2006-02A. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**B. *First Reading of Ordinance No. 2013-01 Amending Taxicab Ordinance No. 2011-02***

*(Timestamp 02:19:26)*

*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 Amending the Kuna City Taxicab Ordinance Number 2011-02 Setting Forth Changes in Certain Definitions Related to Taxicabs; Requirements for a Business License, Establishing the Application and Setting Forth the Qualifications; Establishing Land Use Provisions; Requiring Insurance; Establishing License Fees and Restrictions on Transfers; Requiring a Vehicle Inspection; Establishing Color Scheme, Name and Numbers for Taxicabs; Allowing Taxicabs Licensed in Other Municipalities to Operate in Kuna; Requiring Rate Cards to be Posted; Setting Forth Unlawful Practices; Requiring Daily Records to be Kept; Requiring that Each Driver Have a Taxicab Driver's License and Setting Forth Driver's Application and Qualification Requirements; Qualifying Duties of Taxicab Driver; Providing License Limitations or Restrictions; Providing Basis for Denial, Suspension and Revocation of a License; Setting Forth Penalties; and Providing for an Effective Date.

**Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-01. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**Council Member Stear moved to approve Ordinance No. 2013-01. Seconded by Council Member Hoiland 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. 2013-01. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

**C. *First Reading of Ordinance No. 2013-02 Irrigation Annexation – Brandy Wine***

**Subdivision** (*Timestamp 02:32:12*)

*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, Idaho, Annexing Portions of Brandy Wine Subdivision 1 & 2 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 Buban-Vonder Haar moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-02. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2013-02. Seconded by Council Member Stear 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 Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2013-02. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**D. *First Reading of Ordinance No. 2013-03 Special Events*** (*Timestamp 02:34:08*)

*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, Idaho Creating a New Chapter 8, Title 3 of the Kuna City Code Defining Special Events, Creating Permits and Terms Specific to the Same, Requiring Special Event Permits to Operate Within the City of Kuna, Providing for a Method for Application and Issuance of Such Permits, Providing a Method for Establishing Fees, Providing for Revocation of Such Permits, Providing for a Penalty for Violations, a Severability Clause, and Providing an Effective Date.

The Council requested Ordinance No. 2013-03 be placed on the next agenda for a second reading.

**E. *First Reading of Ordinance No. 2013-04 Mobile Vendors***

*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, Idaho Amending Title 3, to Provide for a Separate Chapter for Mobile Vendors; to Provide for Definitions, Licenses Required, License Exceptions, Application for License, License Fee, Issuance and Exhibition of License, Mobile Vendor General Restrictions, Mobile Vending Cart, Trailer and Vehicle Standards, Parking Restrictions, Disposal of Grey Water, Unlawful Conduct, Appeal From Denial of License, Violations and Penalty, a Severability Clause, and Providing an Effective Date.

**Council Member Buban-Vonder Haar moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-04. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2013-04.**

**Seconded by Council Member Stear 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 Buban-Vonder Haar moved to approve a summary publication of Ordinance No. 2013-04. Seconded by Council Member Stear, all voting aye.**

**Motion carried 4-0.**

**F. First Reading of Ordinance No. 2013-05 Municipal Irrigation System**

*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 Adopting the City of Kuna Municipal Irrigation System Regulations; Providing for Authority; Providing for Application for Service; Providing for Annual Irrigation Assessments; Authorizing Pooling of Water Rights; Providing for Irrigation System Connection Fees; Providing for Irrigation Service Re-Connection Fees; Providing for Annual Irrigation Assessments Providing for Access to Land Receiving Irrigation Water; Restricting Users Outside City Limits Regarding Irrigation Water; Providing for Miscellaneous Regulations and Requirements; Providing for Penalties; Providing Fees for Pressure Irrigation (Pi) System Extensions; Providing for a Pressure Irrigation Construction Reimbursement Policy; Providing for Connection Permits, Inspections; Providing for a Penalty; Providing for a Severance Clause, and Providing for an Effective Date.

**\*Action on this ordinance took place under agenda item 5B.**

**G. First Reading of Ordinance No. 2013-06 Municipal Irrigation/Potable Water System**

*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 Amending the City of Kuna Code Title 7, Chapter 5 Regarding the Municipal Irrigation/Potable Water System Regulations; Providing for Authority; Providing for Application for Service; Providing for a Method of Setting Rates; Providing for Water Connection Fees; Providing for a Requirement for Water Meters; Providing for a Minimum Rate for a Single Meter When it is Used for More Than One Service; Providing for Right of Access to Properties Receiving Service; Prohibiting Water Service Outside of City Limits; Providing for Miscellaneous Regulations and Requirements; Providing for Regulations Regarding Fire Hydrants; Providing for Water System Extensions; Providing for a Water System Extension Reimbursement Policy; Providing for a Penalty; Providing for a Severance Clause, Providing for Re-Numbering of the Ordinance; and Providing for an Effective Date.

**\*Action on this ordinance took place under agenda item 5B.**

**7. Mayor/Council Discussion Items:**

Mayor reported on RC& D meeting and monies for a historical project including a kiosk. Fifth graders will help by doing research on the project. Plans are being made to have the project completed in time to dedicate it at the 2014 Kuna Days.

The new Fire Chief will be selected soon. Council Member Stear thanked the Mayor & committee for their help in the selection process.

**8. Announcements:**

**9. Executive Session:**

**10. Adjournment:**

Council Member Stear moved to adjourn the meeting at 9:59 p.m.

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W. Greg Nelson, Mayor

ATTEST:

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Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham  
Date Approved: CCM 2/5/13*

***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](http://www.cityofkuna.com).***