

CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, SEPTEMBER 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 Doug Hoiland
Council Member Joe Stear

EXCUSED ABSENCE: Council Member Briana Buban-Vonder Haar

CITY STAFF PRESENT: Richard Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Chris Engels, Deputy City Clerk
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 Hoiland and Stear present at the meeting. Council Member Buban-Vonder Haar was excused from the meeting due to illness.

Invocation: Chris Bent, Calvary Chapel

Pledge of Allegiance: Mayor Nelson

Amend Agenda (Timestamp 00:01:08 Part 1)

(The council must move to amend the agenda per IC 67-2343 Effective July 1, 2009.)

Amend the agenda originally posted on September 13, 2013 to include the following under New Business:

5J - Resolution No. R30-2013 Osprey Ridge Sewer Hookup Assignment – Richard Roats, City Attorney

Staff was notified of the request on Monday, September 16, 2013.

Council Member Stear moved to amend the agenda to include R30-2013. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

1. Consent Agenda: *(Timestamp 00:01:41 Part 1)*

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 September 3, 2013 Joint P&Z & Regular City Council Meeting

B. Accounts Payable Dated September 17, 2013 in the Amount of \$496,962.96

C. Alcohol Licenses:

D. Resolutions:

E. Findings of Facts and Conclusions of Law:

John Marsh announced a correction to accounts payable removing a payment to Safe Link which reduced the total amount to \$496,863.01.

Council Member Stear moved to approve the Consent Agenda noting the change in the accounts payable making it the amount of \$496,863.01. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

2. Citizen's Reports or Requests:

3. Old Business:

A. Request for clarification on amendment to 07-03-DA Profile Ridge – Richard Roats, City Attorney *(Timestamp 00:03:12 Part 1)*

On October 16, 2013, the developer came before City Council to request several amendments to the development agreement. Of concern is the request to allow a right in, right out turn on Highway 69. Staff, the City Engineer and ACHD did not object to this amendment and the traffic study was performed with this configuration. However, the motion to approve the requested changes failed to include this change. The City Engineer has signed off on the construction plans and the applicant has commenced with a right in, right out turn onto Highway 69. Was it the Council's intent to approve this requested change to the development agreement to permit a right in, right out turn onto Highway 69?

Council Member Stear moved to approve the right in, right out to be included with 07-03-DA. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

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

A. Public Hearing for the Fiscal Year Ending September 30, 2013 Budget Re-appropriation Amendment - John Marsh, City Treasurer (*Timestamp 00:00:00 Part 2*)

John Marsh reported the need to include \$5,000 in the Grant Fund and an additional amount to the LID Fund of \$9,848,800. The total of the two funds makes an additional appropriation of \$11,965,000.

Mayor Nelson opened the Public Hearing at 7:14 p.m. reporting that no one signed up to testify.

No one desired to speak so the Public Hearing was closed at 7:15 p.m.

1. **Appropriation Amendment Ordinance No. 2013-19**

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 ENTITLED THE APPROPRIATION AMENDMENT ORDINANCE AMENDING ORDINANCE 2012-28, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; TO APPROPRIATE MONIES IN THE SUM OF \$11,965,000 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 dispense with the full reading and three consecutive readings of Ordinance No. 2013-19. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

Council Member Stear moved to approve Ordinance No. 2013-19. Seconded by Council Member Hoiland with the following roll call vote:

Voting Aye: Council Members Cardoza, Hoiland and Stear

Voting No: None

Absent: Council Member Buban-Vonder Haar

Motion carried 3-0.

5. New Business:

A. Contribution Presentation for Economic Development from Idaho Power – Blake Watson, Community Relations Representative (*Timestamp 00:03:55 Part 2*)

Blake Watson recognized Kuna's efforts in advancing economic development in the community and presented a check for \$1,000 to Mayor Nelson for being successful in receiving an Energy Smart Growth Grant from Idaho Power.

Mayor Nelson expressed appreciation to Idaho Power for their support.

B. Grant Status Updates – Chris Engels, Deputy City Clerk (*Timestamp 00:07:07 Part 2*)

Chris Engels provided an update on the grants received, grants pending and grants that are in the application process.

Grants received:

- \$3,550 from Idaho Power for Economic Development
- \$10,000 Tree Planting Initiative Grant from the Arbor Day Foundation
- \$5,000 Community Railroad Safety Grant from Union Pacific

Ms. Engels explained the City of Kuna is a finalist in the Blue Cross of Idaho's High Five Grant in the amount of \$300,000 to reduce obesity in children.

Other pending grants:

- \$92,000 ITD for sidewalk installation on west side of Orchard Street to the Greenbelt
- \$10,000 DEQ for fencing around Danskin Well for source point protection
- ACHD pedestrian paths to and from railroad/Bridge Avenue
- \$36,000 RC&D – Greenbelt extension
- \$10,000 Union Pacific Railroad – Greenbelt extension
- \$2,500 Intermountain Gas/Eco Fund – Greenbelt extension
- Memorialize – ITD – pedestrian paths across railroad/Bridge Avenue
- \$1,000 Awesome Grant

It was noted the combined total amount of the grants is \$469,050. Appreciation was expressed to Ms. Engels for her excellent job in administrating the grants.

C. Federal Transportation Update (*Timestamp 00:14:53 Part 2*)

a. Toni Tisdale, Community Planning Association of Southwest Idaho (COMPASS)

Ms. Tisdale provided information on federal funding and deadlines. She explained the new Transportation Alternative Program signed last year for small urban and rural areas reporting 89 grants were submitted, including one from Kuna with ACHD. The results will be announced October 3.

b. Mark Wasdahl, Project Manager, Idaho Transportation Department (ITD)

Dave Splett, Development Services Manager for ITD, explained the funding programs for 2014 deadlines have passed. Community Choices Programs deadline for 2015 is November.

The Five Year Work Program is a mixture of state and federal monies. The federal monies come from a federal act called Map 21 and we are in the 2nd year of a two year authorization. There are three projects in the current Five Year Work Program that affect Kuna: (1) assistance in the design of Deerflat/Linder intersection; (2) assistance in funding for bike lanes on Swan Falls Road; (3) \$52 million dollar interchange project which affects travel for Kuna residents.

- c. Wayne Herbel, Federal Aid Area Manager, Local Highway Technical Assistance Council (LHTAC)

Mr. Herbel explained an improvement program grant called LRIP which is funding available with no federal aid requirements attached. This funding can be used for construction projects with a limit of \$100,000 and can be used for a local match on federal aid projects and for signing projects.

A new Local Highway Safety Improvement Program (LSIP) is available which involves money set aside for safety projects. Grant applications are due in January 2014.

There is a Local Bridge Program for deficient or obsolete bridges with a rating of 50 or less that may be eligible for funding. If the rating is 70 or less, funding is available for repairing the bridges. Grant applications are due in January 2014.

- d. Kelli Fairless, Executive Director, Valley Regional Transit (VRT)

Kelli Fairless was unable to attend.

- D. **Resolution No. R26-2013 Election Day Council Meetings** – Richard Roats, City Attorney (*Timestamp 00:30:42 Part 2*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO ESTABLISHING THAT THE CITY COUNCIL HEREINAFTER RESCHEDULES THE TWO (2) REGULAR MEETINGS THAT CONFLICT WITH THE GENERAL AND SPECIAL ELECTION DATES AS SET BY STATE CODE FROM TUESDAY TO WEDNESDAY AT THE SAME TIME AND LOCATION; PROVIDING NOTICE OF THE SCHEDULED REGULAR MEETINGS ON AN ANNUAL BASIS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to approve Resolution No. R26-2013. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

- E. **Resolution No. R27-2013 Lake Hazel Farm Property** – Richard Roats, City Attorney (*Timestamp 00:32:45 Part 2*)

A RESOLUTION DECLARING THAT A SINGLE CITY-OWNED PARCEL OF REAL PROPERTY CONSISTING OF APPROXIMATELY 107.13 ACRES AND LOCATED NORTH OF LAKE HAZEL ROAD AND EAST OF TEN MILE ROAD, KUNA, IDAHO, IS SURPLUS AS THE PROPERTY IS UNDERUTILIZED, OR NOT USED FOR PUBLIC PURPOSES; DECLARING THE INTENT OF THE CITY OF KUNA TO SELL THE PROPERTY AT PUBLIC AUCTION TO THE HIGHEST BIDDER; DECLARING THE MINIMUM PRICE FOR THE PROPERTY; INSTRUCTING THE CITY CLERK TO PUBLISH A SUMMARY OF THE ACTION TAKEN BY THIS RESOLUTION AND ESTABLISH AND PUBLISH NOTICE OF THE HEARING DATE TO REVIEW THE PROPOSED CONVEYANCE, EXCHANGE OR SALE AND TO PUBLISH NOTICE OF THE PUBLIC AUCTION HEARING TO SELL THE PROPERTY TO THE HIGHEST BIDDER AT AN AMOUNT NOT LESS THAN THE MINIMUM SET BY THE CITY COUNCIL; APPROVING A SUMMARY OF THE ACTION TAKEN BY THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Attorney Roats explained the City owns approximately 107 acres on Lake Hazel and east of Ten Mile. The original reason property was purchased is no longer needed as a City property so consideration for selling it at \$30,000 per acre was reported. The Council was asked to consider if they wish to declare it as surplus property underutilized or not to the benefit of the City.

Council President Cardoza explained the property was to be allocated as a city park and was purchased at approximately \$9,000 per acre. He would like to see it stay in the City and prefers to keep the property for future use rather than to sell it at \$30,000 per acre and have to replace it in the future at the same price. It is an acquisition the City should hang on to with the potential of getting Meridian City and Ada County to work together in building a regional park. There is plenty of land south of town and to the east but at this time we would have nothing to the north where growth is taking place. It would be difficult to replace it in the future looking for land and opportunity for children.

Council Member Stear expressed his thoughts explaining the money brought in from the property would help finalize things with the sewer plant. He agrees it would be nice to keep the property but doesn't feel the City is in a position to do so.

Council Member Hoiland was split on the matter but felt the revenue would be a big plus to the City at this time.

The Mayor explained the City has been approached with the idea of putting in an athletic complex and the City also has a commitment of the sewer dollars coming back that would actually spur where the sewer system should be and might help us with economic recovery.

Attorney Roats explained the process for holding the public hearing and the auction suggesting the date of October 10 for a Special Meeting and the public auction taking place at the conclusion of the public hearing. The time was set at 5:30 p.m. on October 10, 2013. He asked for the notices to be amended to include the date and time along with

additional language for prequalification of the bidders and packet information for them.

Council Member Stear moved to approve Resolution No. R27-2013 with the inclusion of Exhibit C which is the newspaper publication and included in that the public hearing would be on October 10, 2013 commencing at 5:30 p.m. and correcting the highest bidder number to read \$3,213, 900. Seconded by Council Member Hoiland.

Voting Aye: Council Members Hoiland and Stear

Voting No: Council President Cardoza

Motion carried 2-1.

- F. **Resolution R28-2013 A Resolution Outlining Utility Service Bill Mailing Procedures Related to Tenant/Landlord Situations** – John Marsh, City Treasurer
(Timestamp 00:50:58 Part 2)

A RESOLUTION OF THE CITY OF KUNA, ADA COUNTY, IDAHO ADOPTING A POLICY WHEREIN RESIDENTIAL AND COMMERCIAL UTILITY ACCOUNTS BE PLACED IN THE NAME OF ANY TENANT, WITH UTILITY BILLS DISSEMINATED TO SAID TENANT AT THE UTILITY SERVICE ADDRESS, UNLESS DIRECTED OTHERWISE BY THE OWNER OF SAID PROPERTY.

John Marsh requested this item be pulled from the agenda with plans to revise it and bring back at the next meeting.

Council Member Stear moved to table Resolution No. R28-2013 until the next regularly scheduled meeting. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

- G. **Resolution R29-2013 Kuna 75 LLC Property** – Richard Roats, City Attorney
(Timestamp 00:51:56 Part 2)

A RESOLUTION DECLARING THAT THE CITY OF KUNA, OWNER OF THE REAL PROPERTY, AS LEGALLY DESCRIBED HEREIN AND CONSISTING OF APPROXIMATELY 20.164 ACRES, AND KNOWN AS THE KUNA 75, LLC PROPERTY AND ITS SIXTY (60) EQUIVALENT DWELLING UNITS (EDU'S), DOES NOT MEET THE DEFINITION OF SURPLUS PROPERTY, AND THEREFORE THE CITY OF KUNA SHALL PAY OFF THE LID LIEN FOR SAID PROPERTY AND THE CITY OF KUNA WILL THEN OWN THE REAL PROPERTY AND THE SIXTY (60) EDU'S FREE AND CLEAR OF ANY AND ALL LIENS; INSTRUCTING THE CITY CLERK TO PUBLISH A SUMMARY OF THE ACTION TAKEN BY THIS RESOLUTION AND ESTABLISH AND PUBLISH NOTICE OF THE HEARING DATE TO REVIEW THE PROPOSED ACTION; APPROVING A SUMMARY OF THE ACTION TAKEN BY THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Attorney Roats explained the resolution is requesting the City pay off the 60 Equivalent Dwelling Units (EDUs). The property was in the Local Improvement District (LID) in a

situation where the property owner did not make any of their LID assessment payments so it is now owned by the City.

Council President Cardoza requested a correction be made to page 2 of 6, line 3, adding the word “each” following the word value.

Council Member Stear moved to adopt Resolution No. R29-2013 with the correction on page 2 of 6 changing the Equivalent Dwelling Units with a value of \$3,233.75 each and including Exhibit C which will be the advertisement in the paper. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

- H. Fiscal Year Ending September 30, 2013 Financial Results of Operations Through August 31, 2013 – John Marsh, City Treasurer (*Timestamp 00:59:26 Part 2*)

Mr. Marsh briefly reviewed the status of each fund and reported that a net grand total of all the funds reflect revenues exceeding expenditures through the end of August by \$1, 934,746. The City’s combined cash position at the end of August 2013 was \$7,285,161.05.

- I. Discuss Safelink Internet Contract Related to Antennas Located on the Water Tower – Richard Roats, City Attorney (*Timestamp 01:08:43*)

Richard Roats reported there are a number of antennas on the water tower that belong to Safelink. The City is no longer using Safelink services but they are still utilizing the space on the water tower without compensating the City. It is unsure if the citizens of Kuna are receiving a discount from Safelink.

The Mayor asked Mr. Roats to look into renewing it with some kind of payment to the City.

Attorney Roats will send them a letter and begin negotiations for a fair market value lease for using space on the water tower. He will also notify them of the upcoming painting project.

- J. **Resolution No. R30-2013 Osprey Ridge Sewer Hookup Assignment** – Richard Roats, City Attorney (*Timestamp 01:16:44 Part 2*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE ASSIGNMENT OF FIFTY (50) OSPREY RIDGE DEVELOPMENT SEWER CONNECTIONS NOW OWNED BY ROY E. STEPHENSON, A MARRIED PERSON (34% INTEREST), MICHAEL TOOMEY, TRUSTEE OF THE ALBION ENTERPRISES, INC. DEFINED BENEFIT PLAN TRUST (50% INTEREST) AND WILLIAM R. STURGEON, TRUSTEE OF BUSINESS SERVICES RETIREMENT PLAN (16% INTEREST) (“ASSIGNOR”) TO ANDERSON ENTERPRISES, AN IDAHO PARTNERSHIP (“ASSIGNEE”).

Attorney Roats explained this agreement consents to the assignment of the 50 EDUs from the main partnership as “Assignor” to the Anderson partnership as “Assignee”.

Council Member Stear moved to adopt Resolution No. R30-2013. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

6. Ordinances:

A. First Reading of Ordinance No. 2013-09A – Irrigation Annexation for Profile Ridge Subdivision No. 2 (Timestamp 01:19:31 Part 2)

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 LEGAL DESCRIPTION FOR THE CITY OF KUNA, IDAHO, ANNEXING PROFILE RIDGE 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 Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-09A. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

Council Member Stear moved to approve Ordinance No. 2013-09A. Seconded by Council Member Hoiland with the following roll call vote:

Voting Aye: Council Members Cardoza, Hoiland and Stear

Voting No: None

Absent: Council Member Buban-Vonder Haar

Motion carried 3-0.

Council Member Stear moved to approve a summary publication of Ordinance No. 2013-09A. Seconded by Council President Cardoza, all voting aye.

Motion carried 3-0.

B. First Reading of Ordinance No. 2013-18 – Irrigation Annexation for Crimson Point Subdivision No. 6 (Timestamp 01:22:02 Part 2)

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

A request was made by Gordon Law to add “North” to the title so it reads Crimson Point No. 6 North.

AN ORDINANCE FOR THE CITY OF KUNA, IDAHO, ANNEXING CRIMSON POINT NO. 6 NORTH 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 dispense with the full reading and three consecutive readings of Ordinance No. 2013-18. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

**Council Member Stear moved to approve Ordinance No. 2013-18. Seconded by Council Member Hoiland with the following roll call vote:
Voting Aye: Council Members Cardoza, Hoiland and Stear
Voting No: None
Absent: Council Member Buban-Vonder Haar
Motion carried 3-0.**

**Council Member Stear moved to approve a summary publication of Ordinance No. 2013-18. Seconded by Council Member Hoiland, all voting aye.
Motion carried 3-0.**

7. Mayor/Council Discussion Items: *(Timestamp 01:25:43 Part 2)*

The Mayor expressed concern on the building permit fees and reported proposals will be presented for review.

The Mayor announced longevity steps and professional steps will be coming for consideration to be added into our policy for staff personnel.

Council President Cardoza expressed appreciation to the Ada County Sheriff for getting crews out to clean up the sides of the roads.

Gordon Law reported repairs to take place next month at the end of Ten Mile Road and north Avalon Road to replace a cleanout.

Mr. Law also reported part of the farm south of town was fenced on the wrong location for its south boundary so the fence will be relocated to correct it during the next month.

Mayor Nelson reported a trail system will be incorporated that involves more than 30 acres of Kuna Butte for horseback riding, bicycling, etc. The Bureau of Land Management will help with the funding and possibly RC&D funds.

8. Announcements:

9. Executive Session:

- A. Adjourn to Executive Session Pursuant to Idaho Code 67-2345(c) to Discuss Property Acquisition

Attorney Roats announced there was no need for an Executive Session.

10. Adjournment:

Council Member Stear moved to adjourn the meeting at 8:45 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham
Date Approved: CCM10/1/13*