

KUNA CITY COUNCIL MEETING
MINUTES
SEPTEMBER 5, 2006
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

NOTE: These minutes are an unofficial record of this City Council meeting until reviewed; corrected if deemed appropriate and formally approved by the Kuna City Council at a subsequent Council meeting.

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Dean Obray called the Regular Meeting to order at 7:00 p.m.

Present: Mayor Dean Obray, Council President Jeffery Lang, Councilman Scott Dowdy, Councilwoman Trina Stroebel and Councilman Richard Cardoza.

Also present were: City Attorney Randy Grove; City Engineer Keven Shreeve; City Clerk Lynda Burgess, and Interim Planning & Zoning Director Diana Sanders.

2. INVOCATION – The invocation was given by Justin Arent, Kuna Life Center Church.

3. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Obray.

SUGGESTED CHANGES TO THE AGENDA:

Mayor Obray requested that Item No.10E, Appoint Interim Treasurer, be added to the agenda under New Business.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to amend the agenda adding Item No. 10E. Appointment of Interim Treasurer. Motion carried 4-0.

4. CONSENT AGENDA:

Moved by Councilman Dowdy, seconded by Councilman Lang to approve the Consent Agenda. Motion carried 3-0-1 (Councilman Cardoza voted no).

A. APPROVED MINUTES –

1. REGULAR CITY COUNCIL MEETING OF AUGUST 1, 2006
2. BEST BATH PRESENTATION OF AUGUST 7, 2006
3. REGULAR CITY COUNCIL MEETING OF AUGUST 15, 2006
4. SPECIAL CITY COUNCIL MEETING OF AUGUST 21, 2006

B. APPROVED ACCOUNTS PAYABLE - Dated September 5, 2006 in the amount of \$154,282.89.

- C. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW APPLEWOOD MASTER PLAN AND 06-03-S PRELIMINARY PLAT
- D. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW 06-03-ZC REZONE/06-06-DA DEVELOPMENT AGREEMENT/06-09-S PRELIMINARY PLAT/ARROYO INDIO/ARDELL
- E. APPROVED TIME EXTENSION FOR SCHOOLHOUSE PARK SUBDIVISION PHASE #2

5. FIRE DISTRICT REPORT

Chief Rosin reported that the Fire District had 82 calls for the month of August--50 were inside City limits and 32 outside; 60 calls were medically-related and 22 were fire calls.

Mayor Obray thanked the Fire Department for cooperating with Boise State University in allowing them to use the Kuna facility to do their continuing education in emergency service training. BSU is elated to have the use of the facilities and the City is honored to have the course taught here.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Errol Morgan reported that they have contacted the property owner concerning an easement right-of-way to put in a temporary asphalt pathway for school children on Linder near the Stonegate Subdivision. The property owner is not sure whether he wants to donate the easement at this time.

Councilwoman Stroebel asked if the signs for the Deer Flat signal would be removed soon.

Mr. Morgan answered that the contractor has not yet received approval to remove the signs.

Mayor Obray asked if ACHD would be painting a crosswalk access at the entrance of Stonegate Subdivision and Linder. Further, he asked Mr. Morgan to check on the property in the southwest location of Deer Flat and Linder, approximately 3 acres, which may be a dedicated wastewater retention pond and drainage. He wondered if the retention pond could be housed in a different way so that it does not take up the entire property so that the City could propose leasing the ground to the Boys and Girls Club for a facility. Regarding drainage issues, Mayor Obray asked if the ACHD is only involved with drainage from the highways. He explained that the Boise Board of Control and Kuna have been plagued to death over the last twelve months by drainage problems from subdivisions without proper drainage. Would ACHD partner up with the City and Boise Board of Control to rectify these drainage issues?

Mr. Morgan stated that the ACHD Commissioners have taken the position that ACHD is responsible for the drainage from streets.

7. OLD BUSINESS:**A. CONSIDER AMENDING RESOLUTION NO. R2A-2006 SETTING DOMESTIC WATER RATES AND SEWER USER FEES.**

Justin Walker, Keller Associates, advised Council that if they wanted to maintain the \$17 base rate for water while raising the base allotment to 20,000 gallons, the City would see a revenue reduction of \$100,000. The rate was set in order to provide the City with a \$200,000 annual replacement budget.

Council considered placing an advisory measure on November ballot.

Moved by Councilman Lang, seconded by Councilman Dowdy to table Item 7A amended Resolution No R2A-2006 to the September 19, 2006 City Council meeting to allow time for the City Attorney to research whether this item could be placed on the November ballot as an Advisory Measure. Motion carried 4-0.

B. DISCUSS BALLOT QUESTION FOR THE PROPOSED NOVEMBER 7, 2006 BOND ELECTION.

Mr. Grove advised that Idaho Code Section.50-1026 requires that a City adopt an ordinance in order to get a bond initiative on the ballot. The ordinance would specify that a question be put on the ballot that reads “the voting at such elections must be by ballot and the ballot used shall be substantially as follows – In favor of issuing bonds in the amount of X number of dollars for the purpose stated in ordinance number X and against issuing bonds in the amount of X dollars for the purpose stated in ordinance X.” The funds to be generated by the bond election are for a piece of a rather large proposed project and to simply limit it to sewer displacement may give the people the wrong idea or the wrong impression of the scope of the project. He reported that a proposed ordinance would be included in the September 19, 2006 City Council Agenda.

8. CITIZEN’S REPORTS OR REQUESTS:**A. ALLEN GAMEL, CHAMBER OF COMMERCE PRESIDENT / KUNA DAYS**

Mr. Gamel reported on the outcome of Kuna Days 2006:

- Friday night barbeque – 400 attended
- Friday evening fireworks—reduced budget from \$10,000 to \$7,500
- More visibility for firework donations
- Saturday – Kuna Kids Carnival 300 kids—good quality event
- Parade – 100 entries
- Street dance at Sandstone was a better event than in the past – more containment areas
- Something for teens to do—garage band challenge – for next year.
- Kuna Days was profitable by \$563
- Changes next year, some type of corporate sponsorship to pull in a name for entertainment in the park

He thanked the Council and the City for their support of Kuna Days this year.

B. LARRY ELLIS / MAX BADESHEIM / HOOK-UP FEES FOR PRESSURIZED IRRIGATION

The Council requested the City Engineer to look into costs for providing pressurized irrigation to the entire subdivision north of the Nicholson Subdivision.

C. BIG BROTHERS/BIG SISTERS OF SOUTHWEST IDAHO / TAMMY PARRISH

Lisa DeDapper reported that Kuna has the largest program (50 children) in the Treasure Valley. The students come from Teed Elementary with a planned expansion to Reed Elementary. Their mentors are high school students from Kuna High. On a national level, statistics have shown that children involved with the Big Brothers/Big Sisters program for a year are 46% less likely to use drugs, 27% less likely to use alcohol and 52% less likely to skip school.

9. LICENSES AND PERMITS:

APPROVED BUSINESS LICENSE – CASSANDRA L. JONES AND BARBARA A. JONES, “IDEAL DECORATORS,” 333 AVE. C, SUITE 3. (tabled from 8-15-06)

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the business license for Cassandra L. Jones and Barbara A. Jones, doing business as “Ideal Decorators,” at 333 Ave. C, Suite 3. Motion carried 4-0.

10. NEW BUSINESS:

A. FINAL REVIEW OF CONTRACT FOR THE KUNA CITY FARM – JEFF BUES

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the contract with Jeff Beuss for the Kuna City Farm. Motion carried by the following Roll Call vote:

AYES: Lang, Dowdy, Stroebel, Cardoza
NOES: None
ABSENT: None

B. TASK ORDER NO. 4 WITH KELLER ASSOCIATES FOR SOUTH IRRIGATION PUMP STATION & POND DESIGN & CONSTRUCTION MANAGEMENT.

Moved by Councilman Dowdy, seconded by Councilman Lang to table Item 10B. to the September 19, 2006 City Council meeting to allow time for the City Attorney to provide a written opinion on whether the irrigation pump station, pond design and construction management project should be sent out for bids. Motion carried 4-0.

C. TASK ORDER NO. 5 WITH KELLER ASSOCIATES FOR TEN MILE WATER LINE DESIGN & CONSTRUCTION MANAGEMENT.

Moved by Councilman Dowdy, seconded by Councilman Lang to table Item 10C. to the September 19, 2006 City Council meeting to allow time for the City Attorney to provide a written opinion on whether the Ten Mile water line design and construction management project should be sent out for bids. Motion carried 4-0.

- D. ADOPTED RESOLUTION R7-2006 HAZARDS MITIGATION PLAN, WILDLAND-URBAN INTERFACE WILDFIRE MITIGATION PLAN, ADA COUNTY FLOOD RESPONSE PLAN, ADA COUNTY HAZMAT RESPONSE PLAN, ADA COUNTY TERRORISM RESPONSE PLAN, AND ADA COUNTY WILDFIRE RESPONSE PLAN.

Moved by Councilman Dowdy, seconded Councilman Lang to adopt resolution R7-2006 Hazards Mitigation Plan. Motion carried 4-0.

- E. APPOINTED INTERIM CITY TREASURER

Moved by Councilman Dowdy, seconded Councilman Lang to appoint Lynda Burgess Interim City Treasurer for a period not to exceed 60 days. Motion carried 4-0.

11. PUBLIC HEARINGS: 7 p.m. or as soon thereafter as matters may be heard.

- A. **PUBLIC HEARING:**
OBJECTIONS AND PROTESTS RELATING TO THE CREATION OF LOCAL IMPROVEMENT DISTRICT NO. 2006-1.

Randy Grove, City Attorney, explained this public hearing is required by State Code and is set pursuant to Idaho Code Section 50-1709. It is called a public hearing because that is what it is called under the State Code. Staff put out sign-up sheets to allow the public to submit protests. This hearing is a limited public hearing for property owners who are going to participate in the LID. The Statue reads, "Any owner of property to be assessed in the proposed local improvement district described in the notice of intention shall have the right in advance of the hearing to file in writing a protest to the creation of the district or make any other objections in relation thereto." There have been no written protests filed with the City; this is a hearing to consider and discuss the written protests that have been filed.

Mayor Obray opened the Public Hearing to hear any and all protests filed by property owners to be included in the LID at 8:26 p.m.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

None

There being no written protests submitted and no testimony given from property owners of the LID, Mayor Obray closed the Public Hearing at 8:35 p.m.

Bill Clark, 3543 Ambrosia Lane, stated his website is "Earthpoint." He stated that he noticed discrepancies between the property list and the map and offered his help to clear them up.

12. REPORTS:

P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS - Ms. Sanders reported that there were 24 building permits for the month of August, 4 residential (2,659 avg. sq. ft. – price \$242,955) and 2 commercial building permits. Building permits are down because there are four subdivisions in the final plat stage but are not yet ready for permits.

Ms. Sanders reported that there will be a Special Meeting between the City Council, the Planning & Zoning Commission and the Transportation Task Force on September 12, 2006 at 5:30 p.m. to discuss the Highway 69 overlay.

CITY ENGINEER / KEVEN SHREEVE – Mr. Shreeve asked to schedule a workshop with the Council and Floyd Ayres on the LID financing. Council scheduled meeting for September 12, 2006 at 4:30 p.m.

CITY ATTORNEY / RANDY GROVE – Executive session items.

Mr. Grove reported that former Councilman David Szplett had written in the Kuna Melba News that there were some properties at the western end of the greenbelt that were in private ownership. The City did not have any agreements to use that area long-term as a greenbelt and, therefore, there was the danger of the City losing those lands. He stated that the City has researched the matter and it is believed that Mr. Szplett was referring to a parcel of land long known as Rose Park. Mr. Grove announced that he responded to Mr. Szplett in a rebuttal article in the Kuna Melba News that he is satisfied that Rose Park is still in public ownership. Mr. Szplett responded that he had proof of private ownership. Mr. Grove obtained copies of the deeds from the Ada County Assessor which shows that, in September of 1996, former Mayor Greg Nelson transferred two parcels of property to ACHD. One of the parcels was described and identified as Rose Park. The other property is a portion of Lot 6, the same lot on which Mr. Nelson's house sits. In June of 1997, Mr. Nelson deeded two properties to ACHD granting ACHD easements on the property. In that deed he describes again conveying an easement for Rose Park. Mr. Grove further explained that it appears as though there is a strip on Mr. Nelson's house lot deeded to ACHD and then deeded back to him. Rose Park to 4th Street is a mess.

CITY CLERK / LYNDA BURGESS – Thanked Ms. Sanders for filling in while Ms. Burgess was gone on vacation.

13. ORDINANCES :

- A. DISPENSED WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE 2006-93 ANNEXING A PORTION FROM THE BOISE KUNA IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM – JIMMY DEAN SUBDIVISION.

Mayor Obray read the Ordinance by title only.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-93. Motion carried 4-0.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-93 annexing a portion from the Boise Kuna Irrigation District into the Municipal Irrigation System – Jimmy Dean Subdivision. Motion carried by the following Roll Call vote:

AYES:	Lang, Dowdy, Stroebel, Cardoza
NOES:	None
ABSENT:	None

- B. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE 2006-94; CREATE LOCAL IMPROVEMENT DISTRICT FOR CONSTRUCTING THE CITY'S NEW WASTEWATER TREATMENT SYSTEM.

Mr. Grove reported that an appraisal was recently conducted for the City Farm which is located near enough and similar in condition to most of the lands included in the LID. That appraisal could serve as a good general guide in valuating the LID land. The Farm appraised at \$50,000 per acre for a total valuation of \$26,000,000. There are 2,700 acres in the LID which, if assigned the \$50,000 per acre valuation, would result in a total valuation of the LID property at over \$100,000,000. He stated that he would draft a letter to the City documenting how valuation for the LID was calculated.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to table Ordinance 2006-94 to the September 19, 2006 Council Meeting to allow City Attorney to draft a letter to City describing the method used to determine the valuation of the LID properties for Section D of the second WHEREAS of the proposed Ordinance dated September 5, 2006.

14. MAYOR / COUNCIL DISCUSSION:

Mayor Obray announced that he would submit bills totaling \$25,000 for flood damage at Wild Meadows and that the bills would be on the next accounts payable. The Boise Board of Control informed him that when the City pays the bills, he is to submit all the bills to ICRMP and they will cover the costs.

15. ANNOUNCEMENTS:

JOINT MEETING WITH ACHD, SEPTEMBER 12, 2006, 12 NOON, CITY HALL.
SUBMIT TOPICS FOR DISCUSSION TO CITY CLERK.

Topics requested:

- Overpass
- Roundabout at Main and Linder
- Reduce speed limit to 35 MPH city wide

RECESS: Mayor Obray recessed the meeting at 9:12 p.m.

RECONVENE: Mayor Obray reconvened the meeting at 9:19 p.m.

16. EXECUTIVE SESSION:

Moved by Councilman Dowdy, seconded by Councilman Lang to adjourn to Executive Session per Idaho Code 67-2345 regarding property acquisition and potential litigation. Motion carried 4-0. Adjourned to Executive Session at 9:20 p.m.

Reconvened Regular Council Meeting at 10:06 p.m.

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel to accept the City Engineer proposal dated September 5, 2006 from Shreeve & Associates for a lump sum fee of \$90,000 annually for City Engineering services and development review services, based solely on pass-through costs from developers, that payment for additional services not be approved until LID financing is secure and City Council approval is secured. All previous contracts with Shreeve & Associates are voided. Motion carried with the following Roll Call vote:

AYES: Lang, Stroebel, Cardoza
NOES: Dowdy
ABSENT: None

17. ADJOURNMENT

There being no further business to conduct, it was moved by Councilwoman Stroebel, seconded by Councilman Lang to adjourn the meeting at 10:15 p.m. Motion carried 4-0.

O. Dean Obray, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: September 19, 2006