

**CITY OF KUNA
CITY COUNCIL MEETING
MINUTES**

FEBRUARY 20, 2007

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.**

6:20 p.m. - PRE-COUNCIL MEETING

Mayor Dean Obray called the Pre-Council Meeting to order at 6:20 p.m.

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

Also present were: Planning & Zoning Director Diana Sanders, City Clerk Lynda Burgess, City Treasurer Robin McKean, City Attorney Randy Grove, Justin Walker and Jim Keller, Keller Associates.

DISCUSSION OF DRAFT ORDINANCES AND CONSTRUCTION REIMBURSEMENT POLICIES FOR PRESSURIZED IRRIGATION, SEWER AND WATER.

Justin Walker reported that the City has asked Keller Associates to review latecomer's policies, look at different alternatives and propose revised reimbursement policies. There are currently two parts to the City's reimbursement policy: One is for improvements reimbursed by connection fees. Those funds have been utilized to reimburse developers for oversize costs, for any pipe that's larger than 8" for sewer and water or 6" for pressure irrigation, material costs for the oversize height, stubouts (the current policy reimburses developers for providing a stubout to a neighboring property; oversize force mains; overdepth construction costs for deeper sewer lines and rock excavation. As long as the costs are pre-approved by the City before construction, a developer can keep track of those costs and submit that back to the City in the form of a reimbursement request. In addition, the City also has a latecomer policy to be used to reimburse developers for offsite improvements.

Reimbursement requests have been paid through a latecomer policy. Unfortunately, the connection fees approved by the City have been too low, so that monies from connection fees are being used to pay for those reimbursements utilizing funds that the City should have been setting aside for new water supplies, such as wells, irrigation reservoirs, etc.

It's been very difficult for staff to administer latecomer costs because there's different amounts for different projects--a different latecomer fee for every different project. Because of the difficulty in tracking it, the City appears to have established a latecomer fee for a certain area, not necessarily collected that fee through the building permit.

The second part is simplifying or reducing the number of eligible claims for reimbursement. And the reason that's so important is that the more improvements authorized for reimbursement, the more the City utilizes portions of the connection fund that should be reserved for water wells, reservoirs, pressure gauges, pump stations, etc. He stated that the City should either reduce the number of eligible improvements or raise its connection fee to accommodate the additional reimbursement requests. The approach recommended by Keller Assoc. is to try and simplify the policies which are the same for water, sewer and irrigation. For example, for water service availability, the current fee is \$1270 and is adequate as outlined in the facility planning study to cover future water supply needs. The facility planning study recommended that the City set aside \$185 of the connection fee for transmission expansion. He proposed what would be eligible for improvements would only be pipes larger than 12"; anything that's 12" or smaller would be standard costs borne by the developer and suggested limiting reimbursement for improvements that are only a quarter of a mile away. Other improvements that would be eligible would be wells, booster stations, storage facilities that the City would generally construct. Improvements not eligible for reimbursement under this proposal would be stubouts on the property, improvements within an eighth or quarter of a mile away, unless pipes are larger than 12", rock excavation, improvements necessary for fire prevention, etc.

In response to Planning Director Sanders regarding the Danskin reimbursement, Mr. Walker stated that over ten years, the City will use an average of 6% interest; divided by two.

Adjourned Pre-Council meeting at 6:55 p.m.

7:03 p.m. - REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Council President Jeffery Lang called the regular meeting to order at 7:03 p.m.

Present: Councilman Scott Dowdy, Councilwoman Trina Stroebel and Councilman Richard Cardoza. Mayor O. Dean Obay was excused.

Also present were: City Attorney Randy Grove; Planner Lisa Bachman; City Clerk Lynda Burgess; City Treasurer Robin McKean and Jim Keller, Keller Associates.

2. INVOCATION: The Invocation was given by Pastor Stan Johnson, Kuna Life Church.

3. PLEDGE OF ALLEGIANCE: Lead by Council President Lang.

Council President Lang requested the following changes be made to the Agenda: Under New Business, add 10.C to approve and sign the Notice of Award to Custom Electric System-Wide Scada Improvements. Under 8.C., approve the catering permit for CK Enterprises for the Community Auction. Under 10.B., correct the Code Sections as follows: 7-5-15; 7-5-16; and 7-6-12.

- 4. CONSENT AGENDA:** Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the Consent Calendar, with the exception of items 4.A.1 and 4.B. Motion carried 4-0.

A. APPROVED MINUTES:

2. REGULAR MEETING OF FEBRUARY 6, 2007.
- B. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW – 06-11-ZX REZONE/06-088-DA/07-13-S PRELIMINARY PLAT/ROCKAWAY/SWAN FALLS ROAD.
- C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW – 06-12-S/06-10-ZC/06-11-DA/SPRINGHILL/LINDER-LAKE HAZEL-COLUMBIA
- D. APPROVED CONTRACT WITH VALUATIONS NORTHWEST, INC. FOR APPRAISAL AND INVENTORY SERVICES IN THE AMOUNT OF \$939.

ITEMS REMOVED FROM CONSENT AGENDA

- 4.A.1 APPROVED MINUTES FOR SPECIAL MEETING OF JANUARY 31, 2007. Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to approve the Minutes as amended. Motion carried 4-0.
- 4.B. APPROVED ACCOUNTS PAYABLE DATED FEBRUARY 15, 2007 IN THE TOTAL AMOUNT OF \$184,854.16. Moved by Councilwoman Stroebel, seconded by Councilman Cardoza. Motion carried 3-0-1 (Councilman Dowdy abstained).

5. MONTHLY SHERIFF REPORT

Sgt. Kody Aldrich reported that there were 748 total incidents reported in January. He pointed out that although the number of overall incidences were lower than the previous month, the number of assaults, domestic assaults, vehicle burglaries (mostly unlocked) and DUI's had increased over the previous month.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

(Unintelligible).

7. OLD BUSINESS:

APPROVE AGREEMENT FOR PURCHASE AND SALE WITH UNITED WATER IDAHO, INC. FOR THE DANSKIN WELL (Continued from February 6, 2007).

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to continue the matter to March 6, 2007.

8. CITIZEN'S REPORTS OR REQUESTS:

- A. REQUEST FOR WAIVER OF FEES FOR USE OF BERNIE FISHER PARK ON MAY 19, 2007 FOR THE ANNUAL YARD SALE HOSTED BY NEW BEGINNINGS CHRISTIAN CHURCH – PASTOR BRUCE WHEELER.

Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to waive the fees. Motion carried 3-0-1 (Councilman Cardoza abstained).

- B. REQUEST FOR PERMISSION TO UTILIZE BERNIE FISHER PARK FOR VACATION BIBLE SCHOOL, JUNE 10-14, 2007 AND WAIVER OF FEES, NEW BEGINNINGS CHRISTIAN CHURCH – PASTOR BRUCE WHEELER.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to waive the fees. Motion carried 3-0-1 (Councilman Cardoza abstained).

- C. APPROVE CATERING PERMIT FOR CK ENTERPRISES OF IDAHO (REDEYE) FOR THE KUNA COMMUNITY AUCTION ON MARCH 3, 2007 AT THE COMMUNITY HALL.

Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to approve the Catering Permit. Motion carried 3-0-1 (Councilman Cardoza abstained).

9. LICENSES AND PERMITS:

APPROVE BUSINESS LICENSE FOR MAYA PAVANE-CAGLE, "PAVANE REAL ESTATE BROKERS," 18 AVALON PLAZA.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the Business License. Motion carried 4-0.

10. NEW BUSINESS:

- A. DISCUSS RENTAL OF ADDITIONAL OFFICE SPACE IN THE AVALON SUITES AT A COST OF \$1,000 PER MONTH FOR THE REMAINDER OF THE FISCAL YEAR (Continued from February 6, 2007).

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to continue the matter to March 6, 2007. Motion carried 4-0.

- B. DISCUSS CITY CODE SECTIONS ~~7-5-16-1~~ **7-5-15, 7-5-16 AND 7-6-12** REGARDING PAYMENT OF OVERSIZED AND OVERDEPTH SEWER, WATER AND IRRIGATION LINES REQUIRED BY CITY CODE AND DIRECT STAFF AS APPROPRIATE.

Directed staff to schedule Public Hearings on these issues on March 20, 2007.

- C. APPROVE THE NOTICE OF AWARD TO CUSTOM ELECTRIC FOR SYSTEM-WIDE SCADA IMPROVEMENTS, AUTHORIZED THE MAYOR TO SIGN THE NOTICE OF AWARD AND APPROVED THE CONTRACT AND NOTICE TO PROCEED CONTINGENT ON CUSTOM ELECTRIC PROVIDING THE NECESSARY PAPERWORK INCLUDING BONDING AND INSURANCE DOCUMENTATION.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel. Motion carried by the following Roll Call vote:

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

Justin Walker requested approval of an addendum to the contract with Keller Associates for the SCADA project construction supervision services. It was agreed to continue consideration of the addendum to the next regular meeting on March 6, 2007.

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

DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS - ORDINANCE 2007-02: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING TITLE 5 CHAPTER 12, SECTION 7, CHAPTER 5 SECTION 3C, CHAPTER 9 SECTION 2D, CHAPTER 5 ADDING SECTION 6F, AMENDING SECTION 6G AND 6H, CHAPTER 5 SECTION 5K, CHAPTER 5 SECTION 2A, CHAPTER 10 SECTION 5G, CHAPTER 16 SECTION 2 & SECTION 3, CHAPTER 11 SECTION 10, AMENDING TITLE 6 CHAPTER 4, SECTION 2C, CHAPTER 4, SECTION 3A, CHAPTER 2, SECTION 3, CHAPTER 3, SECTION 10, AMENDING TITLE 7 CHAPTER 5, SECTION 5, BY AMENDING TITLE 4 CHAPTER 3, SECTION 3 AND BY AMENDING TITLE 6 CHAPTER 3, SECTION 4A, CHAPTER 4 SECTION 2H, OF THE KUNA CITY CODE BY AMENDING THE KUNA CITY CODE TO AMEND ANNEXATION, REZONE APPLICATION FEE, TEMPORARY BUSINESS LOCATIONS, DUST FREE SURFACES, PROVISIONS FOR UNIQUE LAND USES, VISIBILITY AT INTERSECTIONS, REQUIRED CURBS AND GUTTERS, FINANCIAL GUARANTEE ARRANGEMENTS, AND WATER CONNECTION FEES, ADDING REGULATIONS FOR PATHWAY FENCING, DELETING DESCRIPTION OF STAGECOACH WAY, AMENDING STREET RIGHT OF WAY WIDTHS, AMENDING REQUIRED PUBLIC IMPROVEMENTS, AMENDING PERMITTED SIGNS, AMENDING LOT SPLIT, LOT LINE ADJUSTMENT, AMENDING PRELIMINARY PLAT BY DELETING REQUIREMENTS FOR SEPTIC TANKS, AMENDING SEPTICS WITHIN CITY LIMITS, AND AMENDING REQUEST FOR HEARING BY AFFECTED PERSONS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Obray opened the Public Hearing.

There being no testimony offered, Mayor Obray closed the Public Hearing.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2007-02. Motion carried 4-0.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to adopt Ordinance No. 2007-02. Motion carried by the following Roll Call vote:

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

12. REPORTS:

P & Z DIRECTOR/DIANA SANDERS – requested Council guidance regarding a request for a Business License for a towing service in a residential zone on Snowy Owl. She explained that while the homeowner would be the only employee, he would park his truck across the street in front of a neighboring home. Council agreed that it would not be appropriate for the vehicle to be parked across the street and, therefore, they would not support the Business License.

Ms. Sanders reported that Keller Associates proposed an easement for pressurized irrigation from Sadie Creek Subdivision to Ryan Meadows Subdivision to be located on the north side of the proposed mid-mile collector. The City currently has an easement on the north side of the developer's property for sewer. The developer with property on Swan Falls Rd. is willing to give an easement to the south of his property if the collector road is not required to be constructed. This would allow for pressurized irrigation to be placed in a straight line instead of curving along the existing easement to the north. Staff met with the developer's representative, proposing that the developer work with the property to the south for access to his property, aligning the collector (Sunbeam) to the west. If the road is not required, it may create problems for access on Swan Falls Rd. The City currently owns the property to the east. This would connect Sunbeam to Luker Rd. when the City constructs the road. Funds have not been available in the past for construction of the road, but it was recommended that the City budget an amount for future construction of the City's portion of Sunbeam Rd.

CODE ENFORCEMENT REPORT/ DIANA SANDERS - No report.

CITY ENGINEER/KELLER ASSOCIATES – Regarding the Silvertip Development Construction Plan, Justin Walker reported that staff has been aware for some time that the Ten Mile Lift Station was approaching capacity based on available flow data. The City has a contract with Keller Associates to construct a new 14" force main to re-direct flow from the lift station to the wastewater treatment plant and expand the capacity. One of the first development applications received was for the Nicholson Subdivision. The State Legislature passed a law to allow municipalities to appoint a professional engineer to be able to approve construction plans for sewer and water extensions. A few weeks ago, DEQ requested further information regarding the Ten Mile Lift Station and available capacity. Since November 2006, Keller has been reviewing other projects that would flow into the Ten Mile Lift Station including the Silvertip Development. While construction plans have

been reviewed, no approvals have been issued. Letters were sent to the developers of Silvertip and another project alerting them that there were capacity concerns at Ten Mile. In addition, the Palomar Lift Station, which discharges into the Ten Mile Lift Station, was removed from the Ten Mile Station creating additional capacity for 400 homes. Right now, Keller Associates does not recommend approval of the construction of any sewer and water facilities into the lift station until the capacity issues have been resolved by the addition of the 14" force main. The developer of the Silvertip Subdivision is requesting that they be allowed to proceed with construction in hope that in a short period of time, they will be able to hook up the whole development. He asked if the Council would be willing to allow construction of only storm drainage, gravity irrigation, pressure irrigation as State code does not preclude the construction of those types of facilities. He explained that staff would be looking for authorization to approve limited construction that would include everything but potable water and sanitary sewer improvements with notations added to each construction plan sheet stating the limitations.

Councilman Dowdy requested that matters such as this be included on agendas for Council discussion.

Council agreed to place this matter on the March 6, 2006 agenda.

Mr. Walker reported that the Annual Land Application Report was in the process of being prepared.

Mr. Walker also announced that a meeting had been scheduled for February 22nd at 9 a.m. at City Hall with representatives from DEQ, the EPA, etc. to discuss a disposal location for effluent from the wastewater treatment plant.

CITY ATTORNEY / RANDY GROVE – Mr. Grove announced that he would need to update the Council on one matter during Executive Session.

CITY TREASURER/ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – No report.

13. ORDINANCES:

14. MAYOR / COUNCIL DISCUSSION:

15. ANNOUNCEMENTS:

Councilman Dowdy reported on Senate Bill 1162, a proposal to limit cities' ability to annex land outside existing areas of impact. He stated that Senators from Meridian and Star are proposing the measure and that committee meetings will be held by the Legislature in the near future.

Council President Lang announced that a sewer break had occurred at Swan Falls and the Kuna Mora Canal and that representatives from the EPA, DEQ and Central District Health

are currently at the site. Over 600,000 gallons from the sewer have drained into the canal which must be pumped out. The canal will then have to be disinfected. The break has been identified as being in the old line which should have been replaced long ago.

Planning Director Sanders stated that the City notified 6 to 7 well owners of the break. Samples from the wells will be taken by staff and analyzed.

Mayor's State of the City Address – Friday, March 30, 11:30 a.m., Kuna High School

16. EXECUTIVE SESSION:

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to adjourn to Executive Session to discuss litigation per Idaho Code 67-2345 Subsection F at 8:40 p.m. Motion carried 4-0.

Moved by Councilwoman Stroebel, seconded by Councilman Cardoza to adjourn Executive Session at 9:02 p.m. Motion carried 4-0.

17. ADJOURNMENT:

Council President Lang announced that the Mayor would be asking the Council to consider adoption of a second LID.

There being no further business to conduct, the meeting was adjourned at 9:02 p.m.

O. Dean Obrey, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: