

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.

**CITY OF KUNA
CITY COUNCIL MEETING
MINUTES
JANUARY 15, 2008
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

M/Dowdy called the meeting to order at 7:04 p.m.

PRESENT: Mayor Dowdy, Council President Lang, Councilwoman Bachman, Councilmember Cardoza and Councilwoman Stroebel.

ALSO PRESENT: City Attorney Randy Grove, P&Z Director Steven Hasson, Public Works Director Jim Taylor, City Clerk Lynda Burgess and Justin Walker, Keller Associates.

2. INVOCATION: The Invocation was given by Pastor Chris Bent, Calvary Chapel.

3. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Dowdy

MOVED BY C/STROEBEL, SECONDED BY C/LANG TO APPROVE AMENDMENT OF THE AGENDA BY REMOVING OLD BUSINESS 9.1: REQUEST BY RON FERGUSON FOR REDUCTION IN WATER RATES AND NEW BUSINESS 9.G AND 9.H. RE: TEN MILE LIFE STATION FORCE MAIN PROJECT. Motion carried 4-0.

4. CONSENT AGENDA: Moved by C/Lang, seconded by C/Bachman to approve the Consent Agenda. Motion carried 4-0.

A. APPROVED MINUTES – Regular Meeting of January 7, 2008.

B. APPROVED ACCOUNTS PAYABLE DATED JANUARY 10, 2008 IN THE AMOUNT OF \$80,291.77.

C. APPROVED NOTICE TO PROCEED TO KEPHA CONSTRUCTION FOR THE OPERATIONS AND MAINTENANCE BUILDINGS FOR THE WWTP.

D. APPROVED PRESSURE IRRIGATION EASEMENT AGREEMENT WITH JERRY FOWLER FOR THE SADIE CREEK IRRIGATION PUMP STATION AND POND PROJECT.

5. PUBLIC SAFETY REPORTS:**A. KUNA FIRE DEPARTMENT MONTHLY REPORT.**

Chief Rosin reported that there were 83 calls responded to in December 2007; up from the previous month. 66 calls were made within city limits, 17 were in the District, 57 were EMS related and 26 were fire. The year ended with 1033 responses; a 12.5% increase over 2006.

B. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT.

Sgt. Aldrich presented copies of a flyer containing crime prevention tips which he would like to circulate to Kuna residents via the monthly utility bills. He reported that burglary and motor vehicle thefts were down, personal thefts were up, and that residential and vehicle thefts were from unlocked doors. 92% of vehicle burglaries were due to vehicles being left unlocked. 2,862 calls for service were received in 2007, which was a 14% increase over 2006. Officer-initiated calls increased by 28.7% for a total of 4,856.

Nearly half of the assaults in December occurred at a bar. The other half, with the exception of two, were at a school. Some of the increase is from school being back in session. Schools are within city limits so they count in the crime stats.

6. ADA COUNTY HIGHWAY DISTRICT REPORT:

No report given.

7. CITIZEN'S REPORTS OR REQUESTS:**8. LICENSES AND PERMITS:**

APPROVE BUSINESS LICENSE FOR MARILYN "DIANE" HANNA, "DIANE HANNA PHOTOGRAPHY," 481 S. STIBNITE AVE.

Moved by C/Cardoza, seconded by C/Stroebel to approve. Motion carried 4-0.

9. OLD BUSINESS:

~~A. CONSIDER REQUEST BY RON FERGUSON, 181 E. 4TH ST., FOR A REDUCTION IN WATER USE CHARGES FOR HIS 8 UNIT MOBILE HOME PARK (Continued from December 18, 2007).~~

B. CONSIDER REQUEST BY KENT BROWN FOR RESOLUTION OF ISSUES WITH IRRIGATION DISTRICTS RELATED TO SPRINGHILL SUBDIVISION.

Justin Walker reported that he had been in contact with representatives of Nampa, Caldwell and Meridian, the Boise Project Board of Control, the New York Irrigation

District and the Boise-Kuna Irrigation District. He stated that Meridian residents receive their pressurized via Home Owner Assns. or Irrigation Districts, not through the City itself. Nampa has a municipal district which overlaps three irrigation districts—Nampa-Meridian, Pioneer and Boise-Kuna. Nampa can only annex into their irrigation district folks who are within city limits. The initial irrigation was provided by the traditional irrigation district using the LID funding process, and as development occurs they, like Kuna, require contractors to provide pressure irrigation facilities. Nampa has an annual assessment like Kuna that is charged at the first of the season. Caldwell got involved with pressurized in the last 3-5 years and have established 6 different traditional irrigation districts inside city limits. They provide service to about 8000 of 15000 homes. Pioneer Irrigation District, which is largest irrigation district, recently turned over all their facilities to the City of Caldwell. Caldwell chose to get involved in pressurized because of conflicts with the irrigation districts along with their ability provide water at a less expensive cost and better service. Caldwell and Nampa indicated that they would not turn over pressurized irrigation to another utility.

Boise Project Board of Control provides the operations and maintenance service for the irrigation districts in the City of Kuna area--New York and Boise-Kuna. The districts charge a fee, which is passed onto the customer. Boise Project is more supportive of the irrigation district providing services rather than Homeowners Assns. New York Irrigation District does not charge a hook up fee, but has an annual charge in November of each year. All facilities are constructed by developers and then turned over to them and they charge an annual assessment.

Costs based on an average of a 1/5 acre lot

Kuna - \$75.00

Caldwell - \$116.00 (trying to reduce the fee to \$100.00)

Nampa - \$73.00

New York and Boise Kuna - \$78.00

Pioneer Irrigation District – R\$140.00

M/Dowdy explained that Kuna has been doing what Nampa and Caldwell have been doing but New York Irrigation District says Kuna has a deficiency in its irrigation ordinance and won't recognize Kuna's annexation of water rights because of the deficiency. He stated that the City should cure the defect in the City's ordinance, create a Municipal Irrigation District and move forward with providing and maintaining the systems.

Kent Brown, 1472 E Iron Eagle, Eagle stated that his plans are designed by Boise Project standards which could cause a hardship if Kuna standards need to be met since those standards are unknown. He further stated that each entity has its own design standard and how to keep costs down. They are different but not a lot different.

Following discussion, Council directed CA/Grove to draft an ordinance for a municipal irrigation district and pooling revisit the issue at a future meeting.

C. APPROVE REIMBURSEMENT POLICY WAIVER FORM WITH IDAHO POWER
(Continued from January 7, 2008).

Justin Walker - Improvements on Ten Mile from Deer Flat to the WWTP. Limit to improvements requiring more than 750kw.

Moved by C/Lang, seconded by C/StroebeI to approve. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Cardoza, StroebeI

NOES: None

ABSENT: None

D. CONSIDER ADOPTION OF RESOLUTION NO. R1-2008: A RESOLUTION OF THE CITY OF KUNA, ADA COUNTY, IDAHO, SUPPORTING LEGISLATION FOR LOCAL GOVERNMENTS TO ESTABLISH A REGIONAL TRANSPORTATION AUTHORITY AND SEEK VOTER APPROVAL OF AN ASSOCIATED LOCAL OPTION SALES TAX AUTHORITY.

C/Lang moved, seconded by C/Bachman to adopt. Motion carried 3-1 (C/StroebeI voted no).

E. DISCUSSION REGARDING SEPTIC TANKS ON PROPERTIES INSIDE CITY LIMITS AND PROVISION OF SEWER, WATER AND PRESSURIZED IRRIGATION TO PROPERTIES OUTSIDE CITY LIMITS.

P&Z Director/Hasson reported that City ordinance requires states that new septic tanks or systems are not allowed in City limits. If septic systems were to be allowed, the zoning ordinance would need to be modified. He explained the possible challenges of allowing septic systems within City limits, such as, fairness, city services and health risks. He further stated that staff does not encourage allowances unless under very rigid circumstances. Previous Council discussion talked about a minimum lot size, time frames and only one septic system per owned property.

Keven Shreeve, 2655 E. Meadowview, stated that his property was annexed into Kuna about 18 months ago. There are other parcels that are not in the LID that may have same issues. He supported the concept of 5 acres for a septic tank because the county allows same. If the City says no to septic tanks, he would like to request that his property be deannexed because he would like to build on his property.

Sam Johnston, 392 Black Cat, reported that the City of Meridian is adopting a 3-acre parcel limit policy for property off of Lake Hazel to allow septic tanks. He explained that he had property that was annexed into the City with an older house and was concerned that the septic may fail one day.

M/Dowdy explained that the City would not stop Mr. Johnston from replacing a septic system if there was no way to hook in to the City systems. The policy for new septic systems pertains to new development only.

It was agreed to further discuss this matter during a workshop scheduled for Monday, January 28 at 6:30 p.m.

- F. CONSIDER RESOLUTION NO. R10-2007: A RESOLUTION OF THE CITY OF KUNA, IDAHO, ADOPTING A POLICY FOR TRANSFER OF EDU CONNECTIONS FOR MEMBERS OF LOCAL IMPROVEMENT DISTRICT 2006-1 AND OTHER HOLDERS OF EDU CONNECTIONS; CREATING A REGISTRY OF REQUESTS FOR TRANSFER; PROVIDING A MECHANISM FOR RECORDING TRANSFERS AND PAYMENTS TOWARD ASSESSMENTS OR OTHER OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE.

C/A Grove reported that C/Cardoza, Justin Walker and the Mayor met on January 11th, along with 9 LID members to discuss the transfer policy and provide opportunities for people to review the policy and comment back. Attorney Steve Bradbury, representing Tim Gordon, submitted proposed changes that read as follows: “That for so long as there are any EDU connections listed on the registry unless obligated by existing contract prior, purchase, district commitment or similar obligation made or entered into prior to the effective date of this resolution the City shall grant EDU connections through transfer before granting uncommitted connections.”

Steve Bradbury distributed copies of his proposed change and agreed that an additional work session would be helpful. He so suggested that non-LID properties purchase their connections earlier in the process to help pay down the LID assessments. This would help level the financial field between LID and non-LID properties.

It was agreed that the workshop for discussion of transfer of EDUs would be held on January 28, 2008.

- G. ~~APPROVE FINAL PAY REQUEST NO. 5 FOR TITAN TECHNOLOGIES IN THE AMOUNT OF \$34,886.07 FOR THE TEN MILE LIFT STATION 16” FORCE MAIN PROJECT.~~

- H. ~~APPROVE NOTICE OF FINAL COMPLETION FOR TITAN TECHNOLOGIES FOR THE TEN MILE LIFT STATION 16” FORCE MAIN PROJECT.~~

10. NEW BUSINESS:

- A. AUTHORIZE KELLER ASSOCIATES TO ADVERTISE CONSTRUCTION OF THE TEN MILE ROAD UTILITY PROJECT.

Justin Walker – Keller offered to provide design work on the water line for this project free of charge to thank the City for letting them work on the project.

Moved by C/Stroebel, seconded by C/Lang to authorize. Motion carried 4-0.

- B. APPROVE WORK CHANGE DIRECTIVE WITH REDCLIFF DEVELOPMENT FOR THE SADIE CREEK IRRIGATION PUMP STATION AND POND PROJECT IN AN AMOUNT NOT TO EXCEED \$6,950.

Moved by C/Lang, seconded by C/Stroebel to approve. Motion carried by the following Roll Call vote:

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

- C. DISCUSS POSSIBLE REDUCTION OF SIEMENS' MEMBRANE SCOPE OF SUPPLY.

Moved by C/Stroebel, seconded by C/Lang to direct Keller to proceed with a work change order to be approved at the February 5, 2008 meeting for the 10-year cliff warranty, 336 modules now, 336 at a later date, start with phase 2 and a storage agreement. Motion carried 4-0

- D. CONSIDER ONE-YEAR TIME EXTENSION TO FEBRUARY 6, 2009 FOR THE SPRINGHILL SUBDIVISION PRELIMINARY PLAT AS REQUESTED BY POWDER RIVER DEVELOPMENT.

Moved by C/Bachman, seconded by C/Lang to approve one-year time extension. Motion carried 4-0.

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

12. REPORTS:

P& Z DIRECTOR/STEVE HASSON – reported that he both the Boys & Girls Club and Best Bath have made application for their respective projects.

CODE ENFORCEMENT REPORT/STEVE HASSON – an engine block and an abandoned vehicle were being stored in the front of a local property. The engine block has been removed but the abandoned vehicle has not yet been removed. A personal cell tower that exceeds the height limitation within the zone has been spotted and a notice to remove was sent. Regarding Jerry's Tire, he stated that Jerry has moved off of the property and that NAPA has taken over. He will follow through to ensure that NAPA removes the tires. Going to follow through to see what we can do with Jerry's Tire. Jerry's has moved out and NAPA has taken over that property and wants to make sure that NAPA follows through with the removal of the tires.

CITY ENGINEER/KELLER ASSOCIATES, Justin Walker

CITY ATTORNEY/RANDY GROVE – Reported that the closing for purchase of the Danskin well had taken place and that an agreement had been negotiated with Jim Jewett and his partner, Walter Sigmont for \$85,000 at 64% and 36% each.

CITY TREASURER / ROBIN McKEAN – No report.
CITY CLERK / LYNDA BURGESS – No report.

13. ORDINANCES:

14. MAYOR / COUNCIL DISCUSSION:

M/Dowdy announced that, regarding Ron Ferguson's request for reduction of water costs for his multi-family rental property would probably be withdrawn as actual usage figures turned out to be much higher since there were three meters on the property rather than one.

C/Cardoza announced that he would be meeting with the public at the Community Hall on January 16 at 7 p.m. to see if the community opens up for discussion in a more neutral environment.

15. ANNOUNCEMENTS:

16. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Bachman to adjourn to Executive Session at 9:50 p.m. pursuant to Idaho Code 672345(a) and (f). Motion carried by the following Roll Call vote:

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

Moved by C/Lang, seconded by C/Stroebel to adjourn Executive Session at 10:16 p.m.

17. ADJOURNMENT: There being no further business to conduct, moved by C/Stroebel, seconded by C/Bachman to adjourn the meeting at 10:18 p.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: FEBRUARY 5, 2008