

**KUNA CITY COUNCIL MEETING
MINUTES
MAY 19, 2009
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 7:01 p.m.

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

ALSO PRESENT: City Attorney Randy Grove, City Engineer Gordon Law, P&Z Director Steven Hasson, City Clerk Lynda Burgess, City Treasurer John Marsh and Planner Troy Behunin.

2. INVOCATION: None given.

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

AMEND AGENDA: MOVE CONSENT CALENDAR ITEM 4.E., INDIAN CREEK PIPELINE ASPHALT PATCHING TO NEW BUSINESS ITEM 7.D.; ADD NEW BUSINESS ITEM 7.D. DISCUSS PROFESSIONAL SERVICES AGREEMENT FOR 500KV TRANSMISSION LINE.

Moved by C/Lang, seconded by C/Stroebel to amend the agenda. Motion carried 4-0.

4. CONSENT AGENDA:

Moved by /C/Lang, seconded by /C Bachman to approve the Consent Agenda with amendment to the Minutes of May 5, 2009. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Cardoza, Stroebel

NOES: None

ABSENT: None

A. APPROVED MINUTES OF REGULAR MEETING OF MAY 5, 2009, AS AMENDED.

B. APPROVED ACCOUNTS PAYABLE DATED MAY 14, 2009 IN THE AMOUNT OF \$999,792.12.

C. ADOPTED RESOLUTION R13-2009: AUTHORIZED TO EXECUTE THAT CERTAIN AGREEMENT TITLED "TASK ORDER NO. 7 FOR PREDESIGN, DESIGN AND CONSTRUCTION ADMINISTRATION FOR PUMP FACILITIES FOR NEW CEDAR WELL-B", WITH KELLER ASSOCIATES, INC.

D. ADOPTED RESOLUTION R14-2009: AWARD BID TO SCHMIDT CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF THIRTY-TWO THOUSAND NINE HUNDRED THREE DOLLARS (\$32,903.00) FOR THE TEN MILE UTILITY PROJECT REPAIR; AND AUTHORIZE THE MAYOR AND CLERK TO EXECUTE THE AGREEMENT.

5. CITIZEN'S REPORTS OR REQUESTS:

KIM BARTON FROM THE WILD IVY GIFT SHOP REQUESTS TO PLACE A BANNER FOR THE CRAFT FAIRE ON JUNE 6, 2009 ON THE WELCOME TO KUNA SIGN FRAME.

C/Stroebel stated that there could be a better way to utilize that area by putting a frame that rotates business instead of one at a time.

M/Dowdy expressed concern that it would open the path to all businesses wanting to display signs. The city has previously denied developers and told them they needed to find private property to display their signs.

C/Cardoza- Doesn't have a problem with a banner that is generic to the entire city. If individuals start putting signs on city property, a door is opened that you wished was never opened.

Moved by C/Cardoza, seconded by C/Lang to deny the request for placement of a banner on the Welcome to Kuna sign. Motion carried 4-0.

ERROL MORGAN, ACHD, regarding bids on the 4th St. Sidewalk project, stated that he couldn't get the latest information before tonight but will email the results on the apparent low bidder tomorrow.

6. OLD BUSINESS:

7. NEW BUSINESS:

A. SERA SOLE SUBDIVISION - 09-05-TE (PRELIMINARY PLAT TIME EXTENSION).

Planner/Behunin reported that Sera Sole Subdivision requested a time extension due to the owner's illness. It was originally approved on May 15, 2008 received a time extension to 2009. As there are multiple ownerships involved, they would like to wait until things are ironed out between them.

C/Bachman stated that approving the time extension is not based on personal circumstances; it would be approved because of extenuating circumstances.

Moved by C/Lang, seconded by C/Stroebel to approve extension of the Sera Sole Subdivision Preliminary Plat for one year until May 15, 2010. Motion carried 4-0.

B. ADOPT RESOLUTION NO. R12-2009: TO SELL OR CONVEY REAL PROPERTY OWNED BY THE CITY OF KUNA TO THE BOYS AND GIRLS CLUBS OF ADA COUNTY FOR THE ESTABLISHMENT OF YOUTH PROGRAMS

M/Dowdy indicated that he sent an email to the council about his item. He wanted to make sure the Boys and Girls Club move forward without the city in the middle. This solution would let the Club own the land outright and would eliminate a lease agreement or reversionary clause to the YMCA. Once the land is conveyed to the Boys and Girls Club, they can apply for a lot line adjustment. He further indicated that the piece of land being discussed is in the unimproved area of the park. If Council is in support, all that needs to be done is adopt the Resolution.

In response to C/Bachman, CA/Grove stated that the established value would be in the bid but it wasn't risky. The value is set by the survey.

M/Dowdy explained that Council can set any value they want. The property is of no value to anyone except the Boys and Girls Club.

C/Cardoza asked if the property would this go to public auction.

CA/Grove- Yes.

C/Cardoza recommended that Section One of the Resolution be changed to omit the reference to sell to the Boys and Girls Club.

CA/Grove stated that that is our intent. He could reword it if the Council wishes. The resolution gives the intent that it will be sold to the Boys and Girls Club.

Janice Dotson, attorney for the Boys and Girls Club agreed that the words "at public auction" need to be added to the Resolution.

Moved by C/Lang, seconded by C/Stroebel to adopt Resolution R12-2009 as amended and set a public hearing for June 16, 2009. Motion carried 4-0.

C. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KUNA AND THE DEPARTMENT OF THE BLM REGARDING DEVELOPMENT OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE GATEWAY WEST TRANSMISSION LINE PROJECT (CA/Grove)

In reply to M/Dowdy that the MOU is for the city to become a cooperating agent, CA/Grove indicated that that is correct.

C/Bachman asked if, in reference to Page 2 regarding the proposal and where the transmission line may generally be located, did they include a map or will they review several alternatives that the city can participate in. On Page 3 under number 4, it indicates the City will participate in the analysis by providing information regarding environmental issues and then talks about where Kuna has jurisdiction. What about off-site

improvements affecting our jurisdiction? It also talks about social and economic impacts relating to the City of Kuna but it says “not limited to.” She thinks that the City should participate in all the components.

M/Dowdy stated that the language is broad so it doesn't limit it.

CA/Bachman understood that the city would have access to all existing documentation as well as having the ability to provide documentation and participate in developing the EIS and propose alternatives by participating in the memorandum of understanding.

In response to C/Cardoza regarding the number of representatives for each city, CA/Grove verified that only one representative per city is permitted.

Moved by C/Lang, seconded by C/Stroebel to approve the Memorandum of Understanding with BLM and designate the Mayor as the City's representative on the BLM Interdisciplinary Team (IDT). Motion carried by the following Roll Call vote:

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

D. ADOPT RESOLUTION R15-2009: AWARD OF BID FOR INDIAN CREEK PIPE LINE-ASPHALT PATCHING AND AUTHORIZE THE MAYOR AND CLERK TO EXECUTE THE AGREEMENT.

CE/Law reported that the apparent low bidder failed to acknowledge receipt of all addenda to the bid documents. He recommended rejecting the low bid and making award to the second lowest bidder, Nampa Paving and Asphalt Co. in the amount of \$30,796.45.

Moved by C/Lang, seconded by C/Stroebel to adopt Resolution R15-2009 rejecting the low bidder and awarding the bid to the second low bidder, Nampa Paving and Asphalt Co. Motion carried 4-0.

E. DISCUSS PROFESSIONAL SERVICES AGREEMENT FOR 500KV TRANSMISSION LINE.

Mayor Dowdy reported that he had set up a meeting with property owners directly affected by the proposed route of this line. They discussed how the city and property owners could come together to influence the decision making process. He let the owners know they should be willing to step up and not rely on the City to carry the torch 100% of the way. Charlie Bonn is a free lance consultant and has done a lot of work in this area along with wildlife studies for Osprey Ridge. He worked for the BLM when they did the resource plan for the Birds of Prey to determine the corridors for the energy transmission lines. He helped to write it and the City has talked with him several times about the option of engaging his services for this process. As a team, they are hoping to reopen the resource plan be reevaluated. Mr. Bonn indicated there were 4 corridors considered but only one was adopted. He proposes to work with the City and private land owners to

work to reopen the consideration of corridors and the affects on the resources of the Birds of Prey. Mr. Bonn indicated it would cost \$3000-\$5000 depending on the depth of his involvement. He is willing to enter a contract not to exceed \$5000. The Mayor recommended that all parties share in the costs with the city's share coming out of the professional services fund in the sewer fund since the land affected is the City's sewer farm. At least 5 property owners are affected including the City plus another 5 property owners from Melba.

Moved by C/Bachman, seconded by C/Lang to approve the request to contribute \$1000 to the \$3000-\$5000 as a cost sharing project, contingent on other property owners sharing the cost proportionately before and upon the City Attorney reviewing the contract from the sewer fund professional services/engineering from the sewer account. Motion carried by the following Roll Call vote:

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

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

PUBLIC HEARING – 09-01-RZ; 09-01-DA, 758 W. AVALON, CITY OF KUNA
(continued from May 5, 2009)

P/Behunin – To surplus the City property located on Avalon, a site plan has been provided as requested by Council from May 5, 2009.

M/Dowdy opened the Public Hearing.

SUPPORT

None

OPPOSE

None

NEUTRAL

None

There being no testimony offered, M/Dowdy closed the Public Hearing.

P & Z D/Hasson- In response to C/Stroebel, it could be used as office or light retail.

C/Bachman wasn't sure she agreed with rezoning City property to get a higher price since the City plans to sell it and not develop.

C/Cardoza- In reference to the alley behind the property, he suggested the property description of the alley be in the property agreement.

Moved by C/Lang, seconded by C/Stroebel, to approve 09-01-RZ; 09-01-DA, 758 W. Avalon rezone from R-6 medium residential to C-1, light commercial and to let purchaser know the alley way has not been opened. Motion carried 3-1 (C/Bachman voted no.)

9. ORDINANCES:

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS
ORDINANCE NO. 2009-17: AN ORDINANCE OF THE CITY OF KUNA, IDAHO
ANNEXING 643 S. SCHOOL AVE., ALSO KNOWN AS PARCEL #R5070504706
INTO THE KUNA MUNICIPAL IRRIGATION SYSTEM AND CHANGING
BOUNDARIES THEREOF; DIRECTING COPIES OF THIS ORDINANCE BE
RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2009-17. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2009-17. Motion carried by the following Roll Call vote:

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

10. MAYOR /COUNCIL DISCUSSION:

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION:

13. ADJOURNMENT: There being no further business to conduct, moved by C/Lang, seconded by C/Bachman to adjourn the meeting at 8:30 p.m. Motion carried 4-0.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JUNE 2, 2009