

**KUNA CITY COUNCIL MEETING
MINUTES
JUNE 16, 2009
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

6:00 p.m. – PRE-COUNCIL MEETING

Mayor Dowdy called the Pre-Council meeting to order at 6:02 p.m.

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

ALSO PRESENT: Lynda Burgess, City Clerk.

PRESENTATION BY LINDA CLARK, UNITED STATES CENSUS BUREAU

Demonstrated the official census website and how to access any data required. She explained that every person who is a resident is required to be counted every ten years. The census numbers are used for congressional apportionment, redistricting and federal funding. All information is confidential. She gave a detailed description of how the census is conducted.

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

M/Dowdy called the meeting to order at 7:06 p.m.

PRESENT: Mayor Dowdy, Council President Jeffery Lang and
Council Members Lisa Bachman, Richard Cardoza and
Trina Stroebel.

ALSO PRESENT: City Engineer Gordon Law; City Attorney Randy Grove;
Planning & Zoning Director Steven Hasson; City Clerk
Lynda Burgess; City Treasurer John Marsh; Kuna Police
Chief Kody Aldrich and Planner Troy Behunin.

2. INVOCATION: The Invocation was given by Ron Hughes, 7th Day
Adventist Church

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

**ADD TO AGENDA: NEW BUSINESS 7.C. KUNA SENIOR CITIZENS ASSN. RENTAL
AGREEMENTS.**

Moved by C/Lang, seconded by C/Stroebel add Agenda Item 7.C. Motion carried 4-0.

4. CONSENT AGENDA:

Moved by C/Cardoza, seconded by C/Stroebel to remove Item 4.C. from the Consent Agenda. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to approve the Consent Agenda with the exception of Item 4.C. Motion carried 4-0.

A. APPROVED MINUTES OF REGULAR MEETING OF JUNE 2, 2009.

B. APPROVED ACCOUNTS PAYABLE DATED JUNE 12, 2009 IN THE AMOUNT OF \$323,245.81.

REMOVED FROM THE CONSENT AGENDA:

C. APPROVE BUSINESS LICENSE FOR CARLYN MARTIN, "CJ'S FROZEN TREATS," 1022 N. SLUICE WAY.

C/Cardoza expressed concern about noise from the refrigeration unit in the ice cream truck disturbing the neighbors at night. C/Cardoza moved, seconded by C/Lang to continue the matter to the July 7, 2009 meeting for discussion with the applicant. Motion carried 4-0.

5. CITIZEN'S REPORTS OR REQUESTS:

A. REQUEST BY CALVARY CHAPEL FOR WAIVER OF PARK FEES FOR BERNIE FISHER PARK ON JUNE 28 AND AUGUST 30, 2008 FOR FREE COMMUNITY DINNERS.

Pastor Chris Bent explained the event and requested the addition of July 27, 2009 to the waiver dates.

Moved by C/Bachman, seconded by C/Lang to waive the fees for Calvary Chapel for June 28, July 26 and August 30 for free community dinners. Motion carried 4-0.

B. PRESENTATION BY LT. KODY ALDRICH FOR THE FY 2009-10 POLICE DEPT. BUDGET.

Lt Aldrich reported that the Sheriff's department understands the economic times and what the city is going through. They tried to be reasonable and as appropriate as possible in their request. The information has been provided to CT/Marsh. He reviewed crime rate trends and pointed out that the rates have been declining. Current staffing levels include Lt. Aldrich, 2 sergeants, a part time clerk, and deputies. The school resource officers are funded by the school district. The proposed cost for Kuna is \$1.239 million for the next fiscal year.

In response to C/Cardoza, the credit has gone down because of the calculation and the

population is going up while the contract cost is going down. The monthly report response times changes because of the different types of calls.

C. PRESENTATIONS BY RACHEL WINER, IDAHO SMART GROWTH AND TIM BREUER WITH THE LAND TRUST OF THE TREASURE VALLEY REGARDING OPEN SPACE WORKSHOPS.

Rachel Winer, Idaho Smart Growth reported that her firm focuses on keeping communities vibrant and lands healthy. They focus on land use and transportation and provide assistance to communities for those issues. They understand growth and what areas to protect. The project Ada County Commission set up a task force to take a look at areas of interest in the county and tools that could be used to protect them and develop conservation priorities. She described the public meetings and the group's progress.

Tim Breuer, Idaho Smart Growth reviewed the process used to engage the community via an online survey and community workshops around the county. He showed the results of the survey and pointed out geographically categorized priority areas from data gathered from the public. The public indicated they wanted to see developers contribute by fees for protection and growth. He discussed PILT payments that would be paid to the county.

6. OLD BUSINESS:

7. NEW BUSINESS:

A. REQUEST BY HOPKINS INVESTMENT TO TRANSFER PRE-PAID EDUS IN DESERT HAWK TO LID SILVERTIP.

M/Dowdy indicated that it is important to remember that the prepayments were spent already for the improvements. That was the incentive in doing it that way and to be cautious in turning those things around. You can't come up with money in the sewer fund that isn't technically there.

C/Bachman asked how the request by Hopkins started with a written request for consideration into a demand that their request be approved.

CE/Law responded that Hopkins insisted during a conversation.

In response to C/Bachman, CE/Law stated that Hopkins was not aware of this meeting but that they were aware the matter would be presented to council. The mayor was included in the conversation along with CA/Grove and they concluded the matter was already addressed by *unintelligible* sixteen months ago. If council was interested in re-examining the issue, staff would try to address. The resolution dictates where they go.

C/Cardoza quoted from section one that applies specifically to EDU connections. He asked if it is first come, first serve in section 6.

CE/Law indicated that section 6 defines how they are to be distributed and there is no distinction between EDUs that are prepaid, contracted by Osprey Ridge or through the LID.

C/Cardoza asked about the purchase price of EDUs at \$3500 yet they are sold at the going rate of \$4326. What happens to the difference in price?

CE/Law explained that it depends on which EDU is transferred. The rest goes to the sewer fund if the EDU wasn't in the LID.

M/Dowdy commented on the intent and purpose of an EDU holder to sell it to someone else.

Council reviewed the code as to what was allowed and could be done.

Moved by C/Cardoza, seconded by C/Stroebel to deny the request by Hopkins Investment to transfer prepaid EDUs to the LID. Motion carried 4-0.

B. RESOLUTION R17-2009: A RESOLUTION OF THE CITY OF KUNA DECLARING SUPPORT FOR THE REBUILD OF THE MERIDIAN ROAD INTERCHANGE AS AN URBAN INTERCHANGE BY THE IDAHO TRANSPORTATION DEPARTMENT.

M/Dowdy stated that a number of groups asked the Council to adopt and support this particular resolution to get the interchange taken care of. It would benefit Kuna tremendously. He recommended support.

Moved by C/ Lang, seconded by C/Bachman to adopt Resolution R17-2009. Motion carried 4-0.

C. KUNA SENIOR CITIZEN ASSN. RENTAL AGREEMENTS.

CT/Marsh explained his report regarding risk management and loss prevention of city owned assets being used by the Kuna Senior Citizens Assn. This evolved by meeting with the field rep from Hartwell Corp., the city's insurance provider. He indicated the city property used by the seniors would not be covered for loss in the event something happened. The city could not be added as additionally insured. The suggested solution was to create an agreement of \$1.00 per year for lease of the City van to the Kuna Senior Citizen Assn and requiring that they insure that asset. It opens doors with the building they occupy which, is a city-owned asset and third party rentals. With a lease agreement, the content policy would be the responsibility of the Senior Citizen Assn. There is no current lease agreement for the building. He asked for suggestions from council about a lease agreement and third party rentals. The Kuna Senior Citizen Assoc pays the city \$300 a month for utilities. That does not cover the full bill. They have been paying \$575 annually to cover their portion of the liability insurance on the building but that will go away since they will be insuring.

In response to C/Cardoza, CT/March stated that the city owns the van. CC/Burgess has been asked to research whether a lease agreement exists.

In response to C/Bachman, CT/Marsh explained that it is still being established who pays for repairs to the van and the building. Up to this point, the seniors have been taking care of regular maintenance.

C/Bachman asked for the true costs for operating the senior center and how much the seniors contribute.

In response to C/Cardoza, CT/Marsh indicated that the Kuna Senior Citizen Association is listed with the secretary of state as a not-for-profit entity.

M/Dowdy asked CA/Grove to have lease agreement proposals prepared for the next council meeting for council to review and consider.

C/Cardoza explained that the city should be held harmless by third parties.

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

PUBLIC HEARING: RESOLUTION R12-2009: A RESOLUTION OF THE CITY OF KUNA, IDAHO TO SELL AT PUBLIC AUCTION 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; DECLARING THE VALUE OF SUCH PROPERTY; PROVIDING FOR A PUBLIC HEARING ON SUCH PROPOSED SALE OR CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

M/Dowdy reported that the city has to announce the desire to surplus the land, set a price for the land and set a public auction.

CA/Grove explained that the code says the resolution from several weeks ago should have served as the city's declaration of the city's intent to sell the property. As required by the code, the resolution and notice of hearing was published and set for a public hearing. Unfortunately, the code doesn't specify the purpose of the hearing other than to have a hearing. There are only a couple of reasons to do so and one is to get public input. The property is a small sliver of the southeast portion of a public park that is unimproved and unusable. He suggested taking public testimony.

M/Dowdy confirmed that the completed land survey showed that the property was less than 800 feet.

SUPPORT

Janice Dotson, member of the Kuna Steering Committee stated that the Boys and Girls Club supports and wants to bid on the property as soon as possible. She introduced staff and club members stand to introduce them. They will bid on the property in the amount of the cost to the city to put the land up for sale. It will be a cash purchase price. She suggested that the

public sale be held as soon as possible, Thursday or Friday morning. She gave an update on the summer program and invited everyone to come to the ribbon cutting ceremony Friday at 10:45. She thanked the Mayor for coming up with the solution.

Kevin Polley, 1880 W. 4th St. reported that his son loves to go to the Boys and Girls club and to the daycare program.

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

M/Dowdy and CA/Grove agreed the auction would be published by June 24, 2009.

Council agreed to hold an open auction process on Thursday, July 2nd, at 6 p.m.

9. ORDINANCES:

10. MAYOR /COUNCIL DISCUSSION:

M/Dowdy announced that there are six months left in the interim financing on the LID. Several meetings have taken place between the Mayor, CE/Law and CA/Grove with representatives from Key Bank and Bank of The Cascades. They also met with a representative from Seattle Northwest, which is another potential bonding company. Key Bank had originally been interested in having another company underwrite the bond. Seattle Northwest indicated this wasn't something another bond company would want to underwrite. It could only become an attractive bond if something else besides assessments on the land would secure the payment. The only thing possible would be a revenue or general obligation bond that the city would participate in. He was looking at 50% of the cost, approximately \$14 million. It would equate to \$14 per month per user if it went to a general obligation bond. The council needs to decide whether their thoughts are to bring a revenue bond to the city in the November 2009 election which would require a 51% vote to pass.

CA/Grove further explained that, without the revenue bond, there will not be any buyers of the bond. At the end of the interim financing with the banks wanting to be paid, the source of repayment is the assessments on the land. Idaho code says assessments are due and payable within 30 days. All of the land owners have the right to finance the assessment at that time if they so desire. They do that by not paying the assessment. The banks have not indicated what they would do if that occurs.

In response to C/Stroebel, CA/Grove indicated that/the bonds will be put up for sale depending on when the money is needed. It could be a tight situation. The election is in November and the assessments done by the middle of December. There could be an overlapping process. If the bond is proposed and voted in, it could take a few months.

In response to C/Bachman, CA/Grove stated that the fees would pay the revenue bond. It is just for a portion. A split is proposed. Connection fees can assist in repayment but it isn't a consistent number.

CE/Law explained that the city is committing \$3500 of every connection fee toward the LID.

In response to C/Cardoza, CE/Law reported that the \$3500 is connected to the LID in some form. The only ones not connected are the ones that were prepaid.

CA/Grove reminded all that it takes at least 60 days to go through the process for a bond.

C/Bachman requested several scenarios and the impact for the users.

C/Cardoza asked about a \$50,000 return of utility allowance referenced in Keller's monthly report?

CE/Law explained that that was an allowance to the contractor to provide utilities to the property for a certain length of time. A portion is to allow for start up.

C/Cardoza asked about \$20,982 for dirt haul off. Wouldn't that be included in the contract?

CE/Law responded that that particular haul off wasn't included in the contract.

C/Cardoza asked which plaque cost \$750 that's being deleted and credited.

CE/Law stated that it has all the council members' names on it.

C/Bachman asked that Keller staff be invited to next meeting for an update on WWTP, grand opening, tours, etc.

M/Dowdy- The meeting scheduled for June 30 at 6 p.m with the LID members and neighbors concerned about the WWTP covers. That meeting will occur at the plant instead of city hall.

4:30 meeting on June 30 at the WWTP with the LID members.

6:00 meeting on June 30 will include the WWTP neighbors.

CE/Law indicated that the WWTP ribbon cutting will be sometime in August after start up of the plant.

CA/Grove distributed copies of administrative complaints filed by the Attorney General's office seeking revocation of Cowgirls license. Because the City has substantial interest in this, the City could intervene because they issue their own liquor licenses and becomes another party to the process. It would still be AG's determination in the process, but City could participate in the hearings and other processes. He also spoke about changing the City's catering permit code and looked at other cities'.

P&Z Dir/Hasson reported that, through the 15th of the month, P & Z has received 33 single family building permit requests. The highest over time is 39 requests. It is highly likely that this month will break that record.

CC/Burgess reported that the Kuna Farmers Market had selected June 27 as Kuna Day. The

Mayor has indicated that he would be unavailable and she asked council to let her know if they can attend. The hours are 9 to noon.

M/Dowdy indicated that he did not want to incur overtime for staff to attend.

In response to C/Bachman, CC/Burgess explained that the Farmers Market specifically requested attendance by the Mayor, the Council, the Planning & Zoning Director and the Parks Director.

All Council members indicated that would try to attend.

CC/Burgess reminded everyone of the new agenda laws effective July 1. Items cannot be walked on the agenda without going through the 48-hour notice process. In order to be placed on the agenda, last minute items must be explained as to why they weren't included in the original agenda.

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION:

13. ADJOURNMENT: There being no further business to conduct, it was moved by C/Cardoza, seconded by C/Lang to adjourn the meeting at 9:07 p.m. Motion carried 4-0

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JULY 7, 2009