

**KUNA CITY COUNCIL MEETING
MINUTES
SEPTEMBER 21, 2010
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

1. 7:00 p.m. – REGULAR COUNCIL MEETING

M/Dowdy called the meeting to order at 7:00 p.m.

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

ALSO PRESENT: City Attorney Richard Roats; City Engineer Gordon
Law; Planning & Zoning Director Steven Hasson; City
Treasurer John Marsh; Senior Planner Troy Behunin and
City Clerk Lynda Burgess.

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

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

4. CONSENT AGENDA: Moved by C/Lang, seconded by C/Hoiland to approve the Consent
Calendar. Motion carried by the following Roll Call vote:

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

**A. APPROVED MINUTES OF REGULAR CITY COUNCIL MEETING OF AUGUST
3, 2010.**

**B. APPROVED ACCOUNTS PAYABLE DATED SEPTEMBER 16, 2010 IN THE
AMOUNT OF \$311,258.48.**

**C. APPROVED BUSINESS LICENSE FOR LARRY HANSON, “MAIN STREET
CAFFÉ, LLC,” 291 AVE. E.**

**D. APPROVED BUSINESS LICENSE FOR KIMBERLY MULKEY, “GOWN &
PORTRAITS FOR EVERY OCCASION, LLC,” 274 W. WOOD OWL DR.**

**E. APPROVED BUSINESS LICENSE FOR KEITH WOLF, “WOLF COMPUTER
SERVICES,” 1316 ARMAND ST.**

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- F. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 10-02-ZC/10-04-DA/10-05-DA/10-06-DA REZONE AND DEVELOPMENT AGREEMENT FOR NEW BEGINNINGS CHRISTIAN CHURCH.
 - G. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 10-06-SUP, SPECIAL USE PERMIT FOR CABLE ONE.
 - H. ADOPTED RESOLUTION R34-2010 TO AWARD A BID TO CHALLENGER COMPANIES, INC IN THE AMOUNT OF \$50,793 FOR THE WELLS 3 AND 4 PUMP-TO-WASTE PROJECT.
 - I. ADOPTED RESOLUTION R35-2010 TO AWARD A BID TO TREASURE VALLEY DRILLING AND PUMP, INC. FOR TEST WELL NO. 10 PROJECT.
 - J. ADOPTED RESOLUTION R36-2010 TO AWARD A BID TO QUALITREE, INC. FOR THE URBAN FOREST HEALTH IMPROVEMENT PROJECT.
 - K. APPROVED PROFESSIONAL SERVICES CONTRACT WITH RICHARD ROATS AND RICHARD JOHNSON FOR CITY ATTORNEY SERVICES IN THE AMOUNT OF \$100,000 FOR FY 2010-2011.
 - L. APPROVED RENEWAL OF LIABILITY/PROPERTY INSURANCE POLICY IN THE AMOUNT OF \$48,184 WITH ICRMP FOR FY 2010-2011 AND REJECTED THE TERRORISM COVERAGE.
5. **OLD BUSINESS:**
- A. 1. CITY CLERK LYNDA BURGESS PROVIDED GENERAL BOND ELECTION DETAILS, POLLING LOCATIONS, CHANGES AND COSTS.

CC/Burgess explained there have been a few changes since the last election. The County has made changes to the way they will conduct elections beginning next November. The Idaho Legislature mandated that Counties will administer City elections beginning in 2011. The County has made changes to the precinct boundaries which changes Kuna from 3 precincts to 5 precincts. There are 2 additional precincts that include Kuna voters that are outside of City limits. It affects approximately 12 voters. State Code requires individuals voting on City measures to vote in precincts within City limits. Those 12 voters will have to come into City limits to vote.

The 5 polling locations will be the Library, Fire Station, 7th Day Adventist Church, Kuna Middle School and Reed Elementary. The City will send a postcard to the voters to let them know their new precincts. This will prepare them for next year when the County takes over the elections. The last General Bond Election in 2006 was a heavy voting year. There were many unsatisfied voters at the Fire Station as the City was in the back in the fire truck bays. To prevent that from happening this year, a waterproof tent with heaters, a wooden floor, and a ramp will be erected on the flat grass outside of the fire station for persons to vote on the bond only. There will be

signage to let voters know to vote on the bond in the tent. There have been meetings with the County about sharing the polling locations and it's been agreed to work much closer and train the polling place workers that the other voting exists. The County and the City will each have their own set of pollworkers.

A new law effective this year is that voters will need to show I.D. County and City pollworkers will work together to share new registrant info so that voters are not inconvenienced by having to register twice. The County will be paying for the rental of any of the locations and the City will pay for its own pollworkers.

Total costs are estimated at \$7,800 which includes the tent, approximately \$1,500. There isn't really any other option for the fire department without sending voters to another location and CC/Burgess doesn't want to do that. Staff has produced a brochure about the ballot measure and part of the brochure will have a slip of paper for the voter to keep with them to tell them what their new polling location will be. The estimate for preparation of the brochure in-house is a little less than a \$1,000 for 7,500 brochures. 5,000 will be mailed to voters. Estimates for the mailing costs are not available yet.

C/Bachman asked since the City is required to notify voters of their polling location, was that what the brochure is doing. She asked if we were crossing the line with the other images in the brochure. She indicated she didn't know from a financial prospective what the City is allowed to do in a bond election. Would it be considered promoting it?

CC/Burgess answered that the City Attorney has looked at it and doesn't feel it crosses the line as long as it's not supporting the measure and just gives facts.

CA/Roats added it was discussed earlier *Unintelligible Comments*.

C/Hoiland asked CC/Burgess if she had a color version of the maps.

CC/Burgess said she does.

C/Hoiland pointed out a typo on exhibit E, precinct 141 says 124 in the legend.

CC/Burgess noted the change needed.

2. APPROVE ENGAGEMENT LETTER FOR BOND COUNCIL WITH K & L GATES, LLP IN AN AMOUNT NOT TO EXCEED \$13,200.

M/Dowdy confirmed that CE/Roats had reviewed the Engagement Letter.

Moved by C/Lang, seconded by C/Hoiland to approve the Engagement Letter for Bond Counsel with K & L Gates, LLP in an amount not to exceed \$13,200. Motion carried by the following Roll Call vote:

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

Motion failed. M/Dowdy then broke the tie by voting to approve the Engagement Letter for K & L Gates, LLP.

3. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE NO. 2010-29: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, TO ACQUIRE A BUILDING AND RENOVATE AND INSTALL IMPROVEMENTS IN THE FACILITY TO SERVE AS CITY HALL AND TO ACQUIRE LAND FOR USE AS A PARK AND CONSTRUCT AND INSTALL A NEW INDOOR SWIMMING POOL ON THAT PARK SITE; ORDERING A SPECIAL ELECTION TO BE HELD IN SAID CITY FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,000,000; SETTING THE DATE, TIME, AND PLACE OF SAID ELECTION; ADOPTING A NOTICE OF ELECTION; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Moved by C/Lang, seconded by C/Hoiland to dispense with full reading and three consecutive readings of Ordinance No. 2010-29. Motion tied 2-2 (C/Bachman & C/Cardoza voted no). M/Dowdy broke the tie by voting yes. Motion passed.

Moved by C/Lang, seconded by C/Hoiland to adopt Ordinance 2010-29. Motion carried by the following Roll Call vote:

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

Motion failed. M/Dowdy then broke the tie by voting to adopt Ordinance 2010-29. Motion passed.

4. DISPENSE WITH FIRST READING AND THREE CONSECUTIVE READINGS OF ORDINANCE NO. 2010-30: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ESTABLISHING THE BOUNDARIES OF THE ELECTION PRECINCTS WITHIN THE CITY OF KUNA; PARTICULARLY DESCRIBING SAID BOUNDARIES; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Hoiland to dispense with first reading and three consecutive readings of Ordinance No. 2010-30. Motion tied 2-2 (C/Bachman & C/Cardoza voted no). M/Dowdy broke the tie by voting yes. Motion passed.

Moved by C/Lang, seconded by C/Hoiland to adopt Ordinance 2010-30. Motion carried by the following Roll Call vote:

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

Motion failed. M/Dowdy then broke the tie by voting to adopt Ordinance 2010-30. Motion passed.

B. APPROVE AMENDMENT TO LEASE AGREEMENT FOR CITY HALL, 763 W. AVALON, FOR FY 2010-2011 IN THE AMOUNT OF \$48,000, TIM AND BELINDA GORDON.

CA/Roats indicated the lease amendment has had a number of drafts that went back and forth but this is the final version. He noted that Mr. Gordon was present. There are some significant things to point out: the lease has a 1 year term for \$4,000 per month, which is a 26% decrease over what is currently being paid. If the City elects to stay in the facility after the 1 year term, the City has 180 days from October 1 or approximately April 1 to advise Mr. Gordon that the lease is going to be extended. If it is extended, there will be at an 8% increase or \$6,000 a month for rent. Mr. Bradbury, Mr. Gordon's attorney, asked that the City be responsible for the exterior landscaping including mowing, trimming, pruning, fertilizing, pest control and snow removal from the parking lot, exits and walkways during 2011.

Mr. Gordon asked that if the City renews for 2012 that the City pick up the actual insurance expense, which is approximately \$170 a month.

CA/Roats responded that that could be a sticking point with Council

Regarding the insurance C/Bachman asked if that amount would be in addition to the \$4,320?

CA/Roats answered it would begin October 1 2011.

C/Bachman clarified that this year Mr. Gordon is requesting the City take care of the landscaping and snow removal.

CA/Roats confirmed that was correct.

Tim Gordon - *Unintelligible comments.*

P & Z D/Hasson - *Unintelligible comments.*

C/Bachman asked CA/Roats if the insurance has been requested for the following year. It doesn't say how much.

CA/Roats answered that the insurance is currently \$170 a month. It may or may not change in the next year.

C/Cardoza asked CA/Roats to elaborate on number 4. He asked if it meant the City has to accept an additional year lease in April 2011 to get the \$4,320 rental rate, otherwise it goes up 150%.

CA/Roats indicated C/Cardoza was correct.

C/Bachman felt most comfortable agreeing to the amount for our space regardless of the other areas being rented out.

C/Hoiland inquired if the City would pay the insurance directly or pay Mr. Gordon who in turn pays the insurance.

C/Bachman suggested building the insurance cost into the price and indicated that the City should only pay for the portion of insurance that pertains to the amount of space the City uses and not pay the entire premium.

CA/Cardoza asked if the previous agreement was substantially different at the beginning and wasn't there another lease agreement given to CA/Roats a few months previously?

M/Dowdy answered it has gone back and forth resulting in this agreement.

C/Bachman stated it would be \$4,405 and would include 50% of the \$170 insurance amount.

C/Hoiland was concerned that the 150% increase would be on the insurance and the rent next year instead of just the rent.

CA/Roats clarified that the 8% is if the City elects to stay. If the City doesn't give notice and holds over it is 150%.

M/Dowdy stated that the language under 20; "Holding Over" would read "such tenancy shall be month to month. The monthly rent equal to \$6,000" striking all the language up to "and may be terminated at the end of any such monthly period of not less than 30 days written notice by either party." The monthly rental payment is due, scratch "additional rent". M/Dowdy asked if that reflected the changes Council requested.

C/Hoiland added to scratch the last of sentence after the \$4,405, then it shorts them \$170, should it read \$6,005?.

C/Bachman asked if something should be included for repair or maintenance of the parking drainage. She asked Mr. Gordon if he was proposing to fix the problem or remove the ice.

M/Dowdy said the parking lot would fall under "Maintenance and Repair", A.1.

Moved by C/Lang, seconded by C/Hoiland to approve amendment to the lease agreement for City Hall, 763 W. Avalon, for the fy 2010-2011 in the amount of \$48,000 with the following changes: Section 2.5 to read “the monthly rental renewal shall be \$4,405” and striking “additional rent” and on page 2, under number 4, number 20, “the monthly rent would be \$6,000” and “may be terminated at the end of any such monthly period by not less than 30 written days notice by either party.” Motion carried by the following Roll Call vote:

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

6. CITIZEN’S REPORTS OR REQUESTS:

7. NEW BUSINESS:

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

9. ORDINANCES:

10. MAYOR / COUNCIL DISCUSSION:

CITY ENGINEER GORDON LAW – INFORMATION AND REQUEST FOR DIRECTION ON NICHOLSON PARK’S NEW SIGN.

C/Hoiland asked for clarification that the City bought the property from Robert Glenn and the Nicholson’s sold it to him.

CE/Law stated that that could not be found. Staff went back quite a few years and there is no connection. The City paid almost \$100,000 for it. They took a donation of around a \$46,000 write off and the City constructed the facilities. There was a donation from the Nicholson’s and the assumption is all or most of that was used to landscape the park.

C/Hoiland agreed with C/Cardoza’s suggestion about recognizing the Nicholson’s for their \$30,000 donation.

CE/Law asked if Council would like a stone marker or something similar. He reviewed the various options and costs available. Most of the markers around town are not polished face.

Council liked a rough stone face and directed CE/Law to investigate further a marker approximately the size of the one displayed at Bernie Fisher Park.

CE/Law introduced the topic of ACHD sidewalk projects. In both locations, ACHD was promoting an asphalt strip or a widening of road asphalt to create a pedestrian walkway. They have asked for the City’s preference on the curve on Avalon in front of LDS church back toward Orchard St.

C/Bachman requested ACHD talk to Council before they design a project in our City.

Council discussed the options agreed with the design that has key curbing.

KM Editor Scott MacIntosh complained that Council was discussing something and may make a decision on a matter that was not on the agenda.

C/Bachman asked CE/Law if ACHD asked him to bring it to the City Council and get a direction.

CE/Law thinks ACHD would like Council's opinion.

CA/Roats suggested inviting ACHD to meet to discuss the situation.

C/Cardoza cited concerns about safety for walkers and indicated he would like to see curb and gutter as in Boise and hold Kuna to a higher standard. He would like to voice an opinion to ACHD but also tell them thank you for the new sidewalk sections in the downtown area.

CE/Law distributed drawings and three options for 4th Street east of Linder. This program is called Safe Routes to Schools. Option 3 would have the greatest impact on the property owners which would involve some right of way purchase and the back edge of the sidewalk being closest to the houses. The second option is more in line with the existing right of way. He didn't think there was curb and gutter with that option. The first option is like the second option only it is pavement widening. ACHD would like to know the City's preference. CE/Law explained the differences in each option and the benefits to pedestrians and asked if Council wanted to meet with ACHD.

Council requested to meet with ACHD. CE/Law will make arrangements.

CE/Law reminded Council about a discussion from a few months ago concerning a water right application for Vista Planned Community. From the previous discussion, his sense was that Council wanted him to write a letter of protest. CE/Law wanted to confirm that was what they intended. The protest requires a filing fee of \$25.

C/Bachman asked CE/Law if the intent of filing the protest was because an out of town company had filed for the water rights for the entire area.

CE/Law agreed and said there is a family of companies involved.

P & Z D/Hasson added that the area in question is not included in the city area of impact. In response to C/Bachman it could potentially affect Osprey Ridge because the aquifer joins to Osprey Ridge.

C/Bachman asked if it was something that could be done later on if Osprey Ridge developed.

CE/Law stated the water rights application is active now and there is a certain period of time to respond. He asked Scott McIntosh if he had anything to add since he had done a good deal of research.

Scott McIntosh - *Unintelligible Comments.*

CE/Law clarified that the issues addressed when this was previously discussed were the multitude of points of diversion, the concern that the water rights could be converted later on into a larger diversion of water and the appearance of subterfuge. He questioned whether it was viable farm ground and, if it was, why it hadn't been farm ground before and why, all of a sudden, are agricultural water rights needed. In addition its proximity to Osprey Ridge and the City corporate limits. In response to C/Bachman, a lot of information isn't required for the protest but some basis should be given. A longer time commences after this process.

CE/Law introduced the topic of budget money to make the following minor improvements to the treatment plant. There is a significant component of the air passing through the headworks that doesn't go through the scrubber. A proposal was received for \$10,000 to pass the air through the scrubber. Next, the grey water is not being used for some of the non-potable needs. He and Kurt Shaw developed a method to use the grey water and reduce the demand on the potable water but a cost had not yet been determined. The third item is that the designer has over-ventilated the plant and the affect is the air is heated and immediately exchange the air and put it outside. In a number of locations that exchange of air is not necessary and would like to make some control, minor ducting and flaring changes.

C/Cardoza asked if these issues should be addressed with Keller Associates.

CE/Law indicated the issues could have been addressed a year ago but first it was necessary to get out from under the original contractor before changes were made. In respect to Keller

Associates, there have been a number of points that have been addressed. Every new plant goes through a comparatively long period of time while these adjustments take place.

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION:

- 13. ADJOURNMENT:** There being no further business to discuss, it was moved by C/Lang, seconded by C/Bachman to adjourn the meeting at 8:47 p.m. Motion carried 4-0.

ATTEST:

J Scott Dowdy, Mayor

Chris Engels, Deputy City Clerk

DATE APPROVED: October 19, 2010