

CITY OF KUNA
REGULAR COUNCIL MEETING
MINUTES
TUESDAY, JULY 2, 2013 at 7:00 P.M.
Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

COUNCIL MEMBERS PRESENT: Mayor W. Greg Nelson
Council President Richard Cardoza
Council Member Briana Buban-Vonder Haar
Council Member Doug Hoiland
Council Member Joe Stear

CITY STAFF PRESENT: Richard Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, P & Z Director
Bobby Withrow, Parks Superintendent
Brenda Bingham, City Clerk

PRE-COUNCIL WORK SESSION 6:30 P.M.

1. Call to Order

Mayor Nelson called the meeting to order at 6:35 p.m. Council President Cardoza and Council Members Hoiland, Buban-Vonder Haar and Stear were in attendance.

2. Brief Overview of the Kuna Crossing Feasibility and Implementation Plan and Upcoming Workshop – Jeff Lowe, Senior Transportation Planner, Ada County Highway District (ACHD) (Timestamp 00:00:56)

Jeff Lowe gave a presentation on the Kuna Crossing Feasibility and Implementation Plan and encouraged everyone to attend the upcoming workshops to learn about the plan, explore alternatives and to provide public input. The goal of the plan is to identify the need, location and feasibility of crossing the Union Pacific railroad tracks and Indian Creek. Key elements of the study include:

- Identifying the need and purpose of a crossing
- Identifying potential cumulative impacts
- Developing a logical sequence of improvements
- Identifying a funding outline (should a crossing be found necessary)
- Outlining the process for implementation

The plan will also serve as a policy document to aid in future decision making for both ACHD and the City of Kuna.

3. Adjournment

REGULAR COUNCIL MEETING 7:00 P.M.

1. **Call to Order and Roll Call**
2. **Invocation:** Scott Piper, First Baptist Church
3. **Pledge of Allegiance:** Mayor Nelson

Request to Amend the Agenda (*Timestamp 00:27:34*)

(The council must move to amend the agenda per IC 67-2343 Effective July 1, 2009.)

Amend the agenda originally posted on June 28, 2013 to include the following under Old Business:

6B. Water Tower Painting Project – Casey Cobb, Kuna High School Associated Student Body President

Staff was notified of the request on Tuesday, July 2, 2013.

Council Member Buban-Vonder Haar moved to amend the agenda to include under Old Business item 6B Water Tower Painting Project. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

4. **Consent Agenda:** (*Timestamp 00:28:01*)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Old Business or as instructed by the City Council.

- A. Approve Minutes of June 18, 2013 Joint City Council and School Board Meeting
- B. Approve Minutes of June 18, 2013 Regular Meeting
- C. Accounts Payable Dated July 2, 2013 in the Amount of \$131,627.46

Council Member Stear moved to approve the Consent Agenda as printed. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

5. **Citizen's Reports or Requests:**

6. **Old Business:**

- A. Summary Review of the Utility Billing Changes Related to Irrigation Services Slated for Implementation August 1, 2013 – John Marsh, City Treasurer (*Timestamp 00:28:28*)

Mr. Marsh gave an overview of the changes taking place to make everyone aware and in preparation of public feedback. Currently there are two utility accounts, one for water, sewer and trash and a second account for irrigation. The annual assessment for the irrigation has been billed in a lump sum in the past but was changed to monthly

installments in February of this year. It was explained that the irrigation bill is due each year by July 1 and if unpaid a lien can be filed on the property. The idea behind the monthly installments is to make the irrigation bill easier for citizens to pay. In order to do this, the two utility accounts per property will be merged together into one. By changing to the monthly process citizens will not be able to pre-pay their irrigation bill in full for the entire year. The software system cannot be programmed to allow it and once the accounts are merged the old data base is removed and it cannot revert back.

It was noted this is a short water year for irrigation and it could be shut off around September 1. Mr. Marsh pointed out that citizens have already been asking if a refund would be given if the water was shut off early.

The Council requested that information be placed on the bill and on the website to inform citizens of the changes being made and the reason why no refunds would be made.

Efforts are being made to bring the utility billing process in-house but this will take some time to find the appropriate software to make it work properly.

B. Water Tower Painting Project – Casey Cobb, Kuna High School Associated Student Body President (*Timestamp 00:45:30*)

Casey Cobb presented copies of 3 variations of colors for painting the water tower. They are in the process of working with painters to obtain bids. The City also has 3 painter bids they will be receiving.

It was noted the last painting of the water tower took place somewhere between 19 and 24 years ago. If the tower starts to rust then it will be more expensive due to the need to sand blast it.

The high school students plan to do fundraisers to obtain money for the project but also asked for the Council to consider donating funds toward the project. The students plan to set up a booth at Kuna Days to sell water and will also be contacting businesses to help out.

A discussion took place on the colors to paint the tower and what colors might last the longest. It was suggested to paint the tower white with a gold or black “K” or to paint it gold with a black “K”.

The group learned the capacity of the water tank is approximately 44,000 but is currently empty and no longer in use.

The Council suggested the students come up with a reasonable amount they could raise through fundraisers based on the estimate cost of \$53,000 for the project. It was also suggested the City pay for painting it white and for the students to bear the cost of painting on the “K” or other school designs.

Gordon Law reported a sample was taken today and there was no show of any lead in the existing paint.

Council President Cardoza made a suggestion of investing into welcome signs for Kuna instead of painting the tower since it is no longer in use. More discussion took place noting that the tower is an important landmark for Kuna.

7. Public Hearings: (7:00 p.m. or as soon thereafter as matters may be heard.)

8. New Business:

A. Reappointment of Stephanie Wierschem to the Planning and Zoning Commission
(*Timestamp 01:05:48*)

Council Member Stear moved to reappoint Stephanie Wierschem to the Planning and Zoning Commission. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

B. Resolution R18-2013 Establishing Water Fees for Connecting to Water System – Richard Roats, City Attorney (*Timestamp 01:07:08*)

City Attorney Roats explained the resolution addresses phasing out special rates over the next few years.

John Marsh explained the usage amounts and breakdown of rates reviewing each of the billing categories (residential, senior, commercial, etc.) noting the loss in revenue and impact to customer. Non-residents outside the city limits are also being subsidized by the City.

More discussion followed with recommendations from the Council to be included in the resolution and presented at a future meeting for consideration.

C. Financial Results Through May 31, 2013 – John Marsh, City Treasurer (*Timestamp 01:31:56*)

Mr. Marsh briefly reviewed the status of each fund and reported a net grand total of all the funds reflect revenues exceeding expenditures by \$1,012,816. The City's combined cash position at the end of May 2013 was \$6,136,689.21.

D. Discussion on Ordinance 2013-12 Smoking Prohibited in Certain Areas of City Parks – Richard Roats, City Attorney (*Timestamp 01:39:10*)

Attorney Roats explained the proposal to eliminate smoking in certain areas of the city parks where children play along with appropriate signage to define the areas.

Mayor Nelson expressed the desire to make the Skate Board Park a smoke free environment to support efforts being made to eliminate the illicit activity taking place there.

Council Member Cardoza inquired about a previous request to post a “No fishing” sign on the west of the parking area of the Swan Falls Bridge where people floating the creek exit the water.

Mr. Roats will do some research to see if the resolution regarding the no fishing area was approved.

9. Ordinances:

A. **First Reading of Ordinance No. 2006-35A Applewood Annexation – JLJ Enterprises Inc.** (Timestamp 01:49:09)

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S1311336210, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Staff made a request to remove the ordinance from the agenda.

Council Member Stear moved to table Ordinance No. 2006-35A to two Council Meetings from now, August 6, 2013. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

B. **First Reading of Ordinance No. 2013-10 Doug W. Croft and Tamara S. Croft Rezone** (Timestamp 01:50:44)

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1323142310; 927 N. LINDER ROAD, KUNA, IDAHO, FROM CBD TO C-3; AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-10. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0

**Council Member Stear moved to approve Ordinance No. 2013-10 for Doug W. Croft and Tamara S. Croft Rezone. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear
Voting No: None
Absent: None
Motion carried 4-0**

**Council Member Stear moved to approve a summary publication of Ordinance No. 2013-10. Seconded by Council Member Buban-Vonder Haar, all voting aye.
Motion carried 4-0**

C. *First Reading of Ordinance No. 2013-11 Joseph Guido Annexation (Timestamp 01:55:03)*

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1303438400; 4000 W. COLUMBIA ROAD, IDAHO, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

**Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-11 Joseph Guido Annexation. Seconded by Council Member Buban-Vonder Haar, all voting aye.
Motion carried 4-0.**

**Council Member Stear moved to approve Ordinance No. 2013-11. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:
Voting Aye: Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear
Voting No: None
Absent: None
Motion carried 4-0**

**Council Member Stear moved to approve a summary publication of Ordinance No. 2013-11. Seconded by Council Member Buban-Vonder Haar, all voting aye.
Motion carried 4-0**

D. *First Reading of Ordinance No. 2013-12 Smoking Prohibited in Certain Areas of City Parks (Timestamp 01:58:20)*

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 7 CHAPTER 3, OF THE MUNICIPAL CODE OF THE CITY OF KUNA, COUNTY OF ADA, STATE OF IDAHO AMENDING THE CHAPTER TITLE; RE-NUMBERING THE SECTIONS TO ACCOUNT FOR THE ADDITION OF NEW SECTIONS; ADDING A NEW SECTION THAT PROVIDES FOR A DEFINITION OF CITY PARKS AND CITY PUBLIC PROPERTY; ADDING A NEW SECTION THAT PROHIBITS SMOKING WITHIN FIFTY (50) FEET OF PLAYGROUND OR OUTDOOR ATHLETIC FACILITIES AND PROVIDES FOR A VIOLATION TO BE AN INFRACTION WITH A FIFTY DOLLAR (\$50.00) FINE; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION.

A discussion took place to clarify the meaning of 7-3-11A – Definitions. Recommendation was made to remove the language “whether possession of an unlit or unheated cigar, cigarette, or pipe” from the smoking definition.

Council Member Buban-Vonder Haar moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-12. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

Council Member Buban-Vonder Haar moved to adopt Ordinance No. 2013-12 with the correction that in section 7-3-11A the definition of smoking will read: “Smoking means inhaling, exhaling, burning, carrying, or possessing any combusting (heated, lit, or smoldering) tobacco or any other substance” and that the remainder of that sentence would be stricken. Seconded by Council Member Stear with the following roll call vote:

Voting Aye: Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear

Voting No: None

Absent: None

Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve a summary publication of the Ordinance with the specific Smoking Prohibited in Certain Areas section. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

10. Mayor/Council Discussion Items: (Timestamp 02:09:25)

Council Member Stear suggested making a designated off leash dog park or area due to liability concerns. Bobby Withrow reported he has received a few complaints on the greenbelt.

11. Announcements:

12. Executive Session:

- A. Adjourn to Executive Session Pursuant to Idaho Code 67-2345(f) for the Purpose of Discussing Potential Litigation – 4th Street Water Line Break and Local Improvement District (LID) Update *(Timestamp 02:12:35)*

**Council Member Buban-Vonder Haar moved to adjourn into Executive Session Pursuant to Idaho Code 67-2345(f) for the Purpose of Discussing Potential Litigation on the 4th Street Water Line Break and Local Improvement District (LID) Update. Seconded by Council Member Stear with the following roll call vote:
Voting Aye: Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear
Voting No: None
Absent: None
Motion carried 4-0.
Time 8:52 p.m.**

(Timestamp 02:13:05)

Council Member Buban-Vonder Haar moved to adjourn from Executive Session. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

13. Adjournment:

Council Member Stear moved to adjourn the meeting at 9:00 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham
Date Approved: CCM 7/16/13*

An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website www.kunacity.id.gov.