

CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, SEPTEMBER 16, 2014
Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

7:00 P.M. REGULAR CITY COUNCIL

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

CITY STAFF PRESENT: Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Troy Behunin, Sr. Planner
Bobby Withrow, Parks Supervisor
Brenda Bingham, City Clerk

Call to Order and Roll Call

Mayor Nelson welcomed everyone and called the meeting to order at 7:04 p.m. Roll call reflected Council Members Cardoza, Jones, Buban-Vonder Haar and Stear present at the meeting.

Invocation: Scott Piper, First Baptist Church

Pledge of Allegiance: Mayor Nelson

Consideration to Amend the Agenda (Timestamp 00:00:58)

Amend the agenda packet originally posted on September 12, 2014 to include the following:

3C Packet information for Kuna Summer Crime Update

3D Amended language in section 1.5e of contract with Ada County Sheriff

Remove agenda item 5B Air Quality Vehicle Emission Inspection and Maintenance Program from the agenda.

*Mayor also asked to re-arrange the order so Old Business comes before New Business.

Council Member Stear moved to amend the agenda as written above. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

1. Consent Agenda: *(Timestamp 00:02:23)*

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. City Council Meeting Minutes:

1. Minutes of August 26, 2014 Special Meeting
2. Minutes of September 2, 2014 Regular Meeting

B. Accounts Payable Dated September 16, 2014 in the Amount of \$890,153.27

C. Alcohol Licenses:

D. Resolutions:

E. Findings of Facts and Conclusions of Law:

1. 14-04-AN (Annexation), *Ben Bernie Annexation*;
Applicant requests annexation of approximately 1.6 acre parcel into the City of Kuna with an R-4 (Medium Density Residential District) zoning designation.
2. 14-02-AN (Annexation), 14-03-DA and 14-01-LS (Lot Split). *Kirkpatrick Annexation*
Applicant seeks annexation of approx. 6.8 acres into City limits and split the existing parcel into two parcels.

Council Member Stear moved to approve the Consent Agenda as presented. Seconded by Council President Cardoza, all voting aye. Motion carried 4-0.

2. Citizen's Reports or Requests: No reports presented.

***5. Old Business:**

A. Sailor Shores Meadows Subdivision – Troy Behunin, Sr. Planner *(Timestamp 00:03:03)*

Troy Behunin reported that at the last meeting the council tasked staff with holding a meeting with the developer, school district and police department to discuss the busing concerns. The developer was willing to do that and efforts were made to get the entities together but it wasn't possible due to various schedules. In lieu of the meeting, Mr. Behunin forwarded all of the information, including the preliminary plat including the previous comments from the former Transportation Director to Ben Gleaton who is the

new Transportation Director. Mr. Gleaton was informed of council's concerns.

Mr. Behunin reported that the school district issued a similar response to their first response. They are not in a position to give a firm commitment to service inside the subdivision until they can determine how many students will be living inside the subdivision and if there is a need.

It was noted the developer has met all of his requirements even going above and beyond regarding the busing of students.

The developer is aware of the shortfall and under-sizing of the utility pipe in the area that they intend to connect to.

Mr. Behunin explained Alex Macdonald was unable to attend the meeting but read the following letter to be included with the record:

Good Evening Mayor Nelson and City Council Members,

My name is Alex Macdonald, and I am the Managing Member of New Horizons Construction Company. I sincerely apologize that I am not able to be at this meeting in person.

Thank you for working the last two weeks on ensuring that students are safe when going to school. I want to reiterate the opportunity that the Kuna School District has in picking up kids by utilizing the cul-de-sac in Sailor Shores when construction is finalized. As described in the letter from the Kuna School District dated September 10, 2014 from the Kuna Transportation Supervisor, the school district will have the ability to use the cul-de-sac. This was also reiterated in an email in similar context dated July 8, 2014 to myself. I believe both of these documents are in your packets tonight. I am encouraged to know that the Kuna School District can pick up students in Sailor Shores which meets the concerns of this council and neighbors.

Thank you again for your consideration of approval of Sailor Shores Subdivision and I assure you that this subdivision will be a valuable asset to the community.

Alex Macdonald

Clarification was made by Gordon Law in response to a concern that the irrigation flooding out in the Sailor Shores property was addressed during the Walgreens and Les Schwab development. A buried drain line was installed from Sailor Shores across the Walgreens and Les Schwab property to the extension of Kay Avenue.

Council Member Stear moved to approve the preliminary plat for the Sailor Shores Meadows Subdivision. Seconded by Council Member Jones, all voting aye. Motion carried 4-0.

3. New Business

- A. Idaho Transportation Federal Funding Update – Rhonda Jalbert, Valley Regional Transit and Toni Tisdale, Community Planning Association of Southwest Idaho (COMPASS) *(Timestamp 00:12:01)*

Toni Tisdale, Principal Planner, COMPASS, introduced the group of presenters. A packet of reference material was presented to the Council that provides updates on the federal funding levels; and amounts for state and local programs for highways and transit. The material also includes deadlines for upcoming application programs. She offered assistance to staff on projects and programs.

(Timestamp 00:13:39)

Ronda Jalbert, Director of Development, Valley Regional Transit (VRT), reported on 3 types of funding sources for large and small urban and rural. Kuna is in a rural area where funds are administered by Idaho Transportation Department (ITD) and sub-allocated by districts. Applications must go through statewide process. There is typically a local match for federal funding. VRT gets local funding from jurisdictions, counties, cities and Ada County Highway District (ACHD).

The Valley Connect Plan is an overall view of the long range plan of how the system will gradually be built. The plan depicts how the region of Ada and Canyon County will be connected and it includes a line coming out to Kuna. Their one-call, one-click system helps riders to determine how services can benefit them.

(Timestamp 00:18:27)

Mark Wasdahl, Senior Planner, ITD, explained the State Transportation Investment Plan for Ada County 2014-2018. The handout listed descriptions, locations, status and budget amounts for each project. He also provided a spreadsheet of the Community Choices Funded Project Years noting the Ada County projects.

(Timestamp 00:22:29)

Wayne Herbel, Federal-Aid Area Manager, Local Highway Technical Assistance Council (LHTAC), distributed pamphlets and reported on the local workshops. He reported on funding options they provide pointing out the three that Kuna would be eligible for: Local Highway Safety Improvement Program (LHSIP), Surface Transportation Program (STP) and Federal-aid Bridge Program. Applications can be obtained on their website and deadlines for the applications were provided on the handouts.

- B. Kuna's Survey Results for Transit and Costs for Service – Valley Regional Transit, Rhonda Jalbert *(Timestamp 00:30:52)*

Ms. Jalbert, VRT Development Director, 700 NE Second Street, Meridian, explained the City of Kuna has approached VRT for Kuna services. They created a stakeholder group which consisted of Rhonda Jalbert, VRT Planner, Kelli Fairless, Mayor Nelson, Wendy Howell, ACHD and other various stakeholders within the group.

A charter was drafted and objectives developed by the stakeholder group. A survey was posted out to the Kuna residents to give input into the types of public transportation options they would prefer. They received 78 responses to the Kuna Bus Survey reflecting 54% preferred commuter service. Respondents tended to be 24-49 years old and do not want to give up their vanpool.

Based on the survey, proposed options for a Commuter Service route could be to several key locations in Kuna and then up to Meridian Road and Overland Road. Due to the construction on the Meridian interchange, they are not serving the Axiom Park and Ride. A location would still need to be determined. Estimated costs would be about \$25,000 per year. The match ratio for the operating costs would be 60% Federal funding and 40% Local Match. Kuna would need to provide the 40%.

A second option would be services from Kuna to downtown Boise to the Transit Mall. Costs (one-way) would be about \$51,000 with the local match being 20%. If two trips were done it would double the costs.

They would like input from the City Council on the proposal. The application for 5311 funding is due November 14, 2014. They will come back in October and ask for an action item that Kuna would be willing to support for providing the local match for the operations.

C. Kuna Summer Crime Update – Justin Dusseau, Chief of Police (*Timestamp 01:03:25*)

Chief Dusseau presented a recap of police activity for June, July and August noting that it is very common for calls for service to go up during the summer months. They have been focusing on juvenile crime and reported that the crime has decreased.

Reports regarding more of the labor intensive type of calls (assault, battery or fight) were explained noting the crimes were increased.

Drug arrests have been improving since there were just 23 during the summer, mostly for paraphernalia.

Property crime totaled 19 cases with 42% juveniles and 58% adults. A report on the recent break into the Old Gym was reported.

Chief Dusseau commented that the ordinances are helping the police department to do better enforcement.

Mayor Nelson stated that he is pleased with the police department's efforts and feels the city is doing better with less drug problems taking place.

D. Consideration to Approve Resolution No. R48-2014 Contract with Ada County Sheriff – Richard Roats, City Attorney (*Timestamp 01:25:56*)

Council Member Buban-Vonder Haar moved to approve Resolution No. R48-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- E. Consideration to Approve Resolution No. R49-2014 Contract with Ada County Prosecuting Attorney – Richard Roats, City Attorney (*Timestamp 01:27:48*)

Council Member Buban-Vonder Haar moved to approve Resolution No. R49-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- F. Consideration to Approve Resolution No. R50-2014 Authorizing Execution of a Consultant Services Agreement with J-U-B Engineers to Prepare and Submit Waste Water Reuse Permit – Gordon Law, City Engineer (*Timestamp 01:29:25*)

Council Member Stear moved to approve Resolution No. R50-2014. Seconded by Council Member Jones, all voting aye. Motion carried 4-0.

- G. Consideration to Approve Splitting the Membership Fees with the Chamber of Commerce for the Boise Valley Economic Partnership – Mayor Nelson (*Timestamp 01:36:00*)

Mayor Nelson explained this was agreed upon last year. A check from the city and a check from the Chamber of Commerce will be hand delivered to pay the membership fees.

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

- A. 14-01-ZC: *Ridley's Family Markets* – Troy Behunin, Sr. Planner
Request by Mark Ridley (For CJM, LLP), for a rezone of approximately 7.98 acres located at the southwest corner (SWC) of Deer Flat Road and Highway 69. This is a request to change the current zoning, R-6 (Medium Density Residential) in the City, to C-1 (Neighborhood Business District) within the forth coming Merrill Family Center Commercial subdivision. (*Timestamp 01:37:22*)

Troy Behunin explained the above request for a zone change from Ridley's Family Markets. All noticing requirements have been met and staff supports the request.

Mayor Nelson opened the public hearing at 8:44 p.m. reporting no one signed the list to speak. An invitation was extended to the audience to make public comment. There being no testimony offered, Mayor Nelson closed the Public Hearing.

Council Member Buban-Vonder Haar moved to approve Case No. 14-01-ZC Rezone request for Ridley's property with the conditions of approval listed in the packet. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- B. *J&M Sanitation* – Tim Gordon, J&M Sanitation, Inc.
Public Hearing to Gather Public Testimony Concerning a Proposed Increase in the Solid Waste Collection Service Fees Charged by J&M Sanitation Pursuant to City of Kuna Ordinance No. 679 Establishing a System for the Collection, Hauling and Removal of

Solid Waste within the City and Establishing Fees on the Collection thereof.
(Timestamp 01:41:32)

Timothy Gordon, 1206 North Blackcat Road, owner of J&M Sanitation presented a proposal for a rate increase of 8% and a Consumer Price Index (CPI) annual rate increase. He reported briefly on the history explaining in 2008 was the last rate increase of \$1.50 then the city raised the franchise fees which took \$1.00 back of that so over the last 9 years there has only been a \$.50 increase in the solid waste fees. He also talked about accumulative impacts in addition to changing the way payments were made. Before 2009, the payments were all made in the month following the month of service and now it is upon receipt. The combined billing is a win-win for the city and the customer. He referred to the franchise law of health and safety and feels strongly that the unlimited service is good for the community.

John Marsh is trying to get the revenue stream improved and received more quickly. He appreciates any support that can be given in this respect.

Mr. Gordon reported that the income for J&M has decreased over the past 6 years due to increases experienced for labor, repairs and fleet management purchases. They modernized their services by purchasing side load residential trucks, front load commercial trucks, roll-off and a transfer trailer truck to prepare them for more commercial growth in Kuna.

Mr. Gordon included in the packet a complete review and comparison of trash service fees from other cities. He also included information to show an increase comparison since 1986 when J&M charged \$6.00 per month to the current rate of \$17.80. Other information was presented regarding fees in other areas and recyclables. The landfill rate just increased from \$14 to \$15 per cubic yard.

A discussion ensued regarding the unlimited trash service provided by J&M. A fee of \$2 for a second can is charged but there are no additional fees for extra trash cans put out by customers at this time.

Council Member Jones asked about charging a late fee. J&M Sanitation is paid only after the city receives the payments. Discussion took place on paying J&M in more frequent intervals.

Council Member Stear thanked J&M for all the extra services they provide to keep our community clean.

Council Member Buban-Vonder Haar commented on the safety factor for J&M employees if all residents were using the automated tip carts. It was suggested that all customers pay the same rate and they can have the option of the tip cart since there would not be an additional fee for it.

Mr. Gordon was in favor of customers being required to have the tip carts and being charged the same fee. He will still provide unlimited trash services. This will also include the Senior Citizens.

Council Member Cardoza expressed appreciation to J&M for the unlimited services they provide to help keep unwanted items discarded out along Swan Falls Road or other secluded areas.

Mayor Nelson opened the Public Hearing at 9:23 p.m. reporting no one signed the list to speak. An invitation was extended to the audience to make public comment. There being no testimony offered, Mayor Nelson closed the Public Hearing.

Attorney Roats pointed out the CPI adjustment was not included in the resolution.

The Mayor suggested the resolution be placed on the next agenda for approval. Tim Gordon will not be able to attend but he will send Chad Gordon to represent the company.

1. Consideration to Approve Resolution No. R47-2014 Adopting New Fee Schedule with J&M Sanitation, Inc.

Council Member Buban-Vonder Haar moved to table Resolution No. R47-2014 regarding the rate increase with J&M until the next regularly scheduled council meeting. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

5. Old Business:

- A. Sailor Shores Meadows Subdivision – Troy Behunin, Sr. Planner (*Timestamp 00:03:03*)

This item was discussed earlier in the meeting after agenda item 2.

~~B. Air Quality Vehicle Emission Inspection and Maintenance Program—Mayor Nelson~~

This item was removed from the agenda.

6. Ordinances: (*Timestamp 02:22:04*)

- A. **First Reading of Ordinance No. 2014-09A Amending 2014-09 Danskin 47 Acres**
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 AMENDING KUNA CITY ORDINANCE NO. 2014-09 THAT AMENDED KUNA CITY ORDINANCE NO. 2006-32 TO ADD PARCEL NO. S131111350 INTO THE ANNEXATION AND REZONE ACTION WHERE SAID PARCEL WAS PREVIOUSLY ANNEXED INTO THE CITY PURSUANT TO KUNA CITY ORDINANCE NO. 2006-34; HOWEVER PARCEL NO. S131111350 WAS NOT REZONED AS CONSIDERED AND APPROVED FOR REZONE BY THE CITY OF

KUNA, IDAHO CITY COUNCIL AFTER PUBLIC NOTICE AND HEARING;
THEREFORE THIS ORDINANCE SHALL REZONE PARCEL NO. S1311111350
AND ESTABLISH THE CORRECT ZONING CLASSIFICATION OF R-6;
DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY
LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to consider and dispense with the full reading and three consecutive readings of Ordinance No. 2014-09A. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

Council Member Stear moved to approve Ordinance No. 2014-09A. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, 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. 2014-09A. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

7. Mayor/Council Discussion Items:

A. Vandalism Discussion – Mayor Nelson (*Timestamp 02:25:07*)

Mayor Nelson explained the desire to consider an award for individuals turning in names of juveniles doing vandalism and asked Richard Roats to put something together with appropriate language. He would like to see the offenders put to work.

B. Reminder: Upcoming City Council Joint Meeting with City of Meridian on September 23, 2014 at 3:00 p.m., Kuna City Hall (*Timestamp 02:26:34*)

8. Announcements:

Mayor Nelson commented that the Sesquicentennial Birthday Celebration very successful and everyone enjoyed it.

9. Executive Session:

10. Adjournment:

Council Member Stear moved to adjourn the meeting at 9:32 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

Minutes prepared by Brenda Bingham
Date Approved: CCM 10/7/14

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