

**CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES**

TUESDAY, OCTOBER 21, 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: Richard Roats, City Attorney
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 7:10 p.m. Roll call reflected Council Members Cardoza, Jones, Buban-Vonder Haar and Stear present at the meeting.

Invocation: Karen Hernandez, United Methodist Church

Pledge of Allegiance: Mayor Nelson

1. Consent Agenda: *(Timestamp 00:01:51)*

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 September 23, 2014 Joint Meeting with Meridian City Council
2. Minutes of September 30, 2014 Special Meeting
3. Minutes of October 7, 2014 Regular Council Meeting

B. Accounts Payable Dated October 21, 2014 in the Amount of \$431,750.63.

C. Alcohol Licenses:

1. Lima Limon Peruvian Restaurant, 751 W 4th Street, Liquor-by-the-Drink, On Premise Beer

D. Resolutions:

1. Adopt Resolution No. R63-2014 Accepting Utility Easement from Lete Family Revocable Trust

E. Findings of Facts and Conclusions of Law:

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

2. Citizen's Reports or Requests:

- A. Fee Waiver Request from Mark Barnes, Kuna Melba News, and Ronnie Soldano, Synchronyze Photography, for use of Bandshell at Bernie Fisher Park on November 3, 2014 for a Public Holiday Photography Event – Mark Barnes, Editor, Kuna Melba News (Timestamp 00:02:48)

Mark Barnes, Kuna Melba News Editor, explained the desire to hold a free photography event for family photos. Ronnie Soldano is the photographer who photographs all the Kuna High School football games. Mr. Soldano wants to give a gift to the community by offering free portrait sittings. The digital file of the photographs will be provided to the participants. This is open to the public and free donuts and cider will be provided.

Council Member Buban-Vonder Haar moved to approve the fee waiver request for the Holiday Photography Event to take place on Nov 3rd at the bandshell. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

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

- A. Development Agreement Modification 08-08-DA; Linder Farms – Troy Behunin, P&Z Applicant requests modification of the Development Agreement (DA) for Linder Farms, one-half mile south of Lake Hazel on the west side of Linder Road. This application requests adding Bus Guide Tours through corn fields and paintball activities to the recorded Development Agreement. (Timestamp 00:06:25)

Troy Behunin explained the request is from Matt Ogle with Zombie Acres, LLC, based out of Boise noting they would like to permanently add a paint ball feature to the existing Development Agreement allowed uses for the Linder Farms Agritainment business.

Mr. Behunin explained the activities being proposed for this land use are not related to the approved list of Agritainment businesses. All of the noticing procedures have been met and they have exceeded the requirements for notifying the neighbors. As a Development Agreement Modification request, it did not go to the Planning and Zoning Commission but came directly to the City Council because they are the deciding body.

Matt Ogle and Zach Garner, partners of Zombie Acres, explained their business is designed to provide entertainment in the valley. They wanted to bring something completely different for the fall season. They have rigged school buses with paint ball guns anchored to the windows with safety controls in place so they cannot shoot out into the crowds. Patrons enjoy a 21 minute ride through the corn fields so they can shoot at moving targets. They want to make sure they are following all the right steps to operate properly.

It was noted last year was the first year with an estimate of 100 patrons per hour but this was changed to an estimate of 41 patrons per hour for this year. The event was set up on the south side of the corn maze last year but has been moved to the north side closer to the parking lot for this year to be more noticeable and for safety purposes.

Mayor Nelson opened the Public Hearing at 7:26 p.m.

OPPOSED - **Deborah Johnson**, 6801 S. Linder Road, Meridian, Idaho, has lived at this address since 1994 and gave a history of her involvement with Linder Farms. On September 4, 2007, file # 2007- 00173 Temporary Use Application was filed to allow Linder Farms to add tractor pulled hay rides, straw bale mazes, bounce house area, barrel train rides, concession stand, pumpkin carving kits, and parking for 250 vehicles. The property contained 14.72 acres.

On September 13, 2007, Ms. Johnson responded to the Ada County Development Services explaining they did not object to the temporary permit as presented. Their biggest concern was the traffic and the unprotected intersection at Linder and Lake Hazel. There were only two stop signs at that time. In her letter, she explained to Ada County that people were going there to pick their favorite pumpkin, discovering their way through the straw maze and enjoy hot chocolate. If she had known then what Linder Farms would be today, that letter would have been totally different. She pointed out the growth of the business over the last few years which meant many more vehicles. More than 50% of the vehicles traveling down Linder Road at 5 p.m. turn in to Linder Farms. (Pictures were provided to the Council.)

She asked the Council to disallow any additional permitting at Linder Farms.

Ms. Johnson lives approximately 350 – 400 feet away from Linder Farms and the event is supposed to end at 10 p.m. but it is after that time before everything quiets down.

(Timestamp 00:22:15)

SUPPORT - **Randy Feist**, 7165 S. Linder Road, Meridian, Idaho, owner of Linder Farms, stated that a lot of what Deborah said is true. They have grown substantially and are very

happy with their success but also would like to be a good neighbor. Linder Road is a paved road but the parking lot is a hay field. Various items such as dust, loud music, traffic and cars parking along Linder Road were discussed at a neighborhood meeting a couple of years ago. Bands have been asked to turn down their amplifiers and the stage is pointed away from the neighbor's homes. They hire parking attendants to avoid parking along Linder Road.

Mr. Feist works full time at Micron and the home business is a hobby. He stated this is his eleventh season and averages a profit of approximately \$4,000 per season. They enjoy providing family entertainment and feels they make a lot of people happy.

OPPOSE - **Steven Johnson**, 6801 S. Linder Road, Meridian address because they have not annexed into Kuna. He and his wife bought the property in 1994 thinking they were moving away from the noise and congestion of the city and built the first new home on Linder Road between Lake Hazel and Columbia in at least 40 years. They never expected that an amusement park would be built 600 to 700 feet away. They fear the commercial business will negatively affect their property values in the future. Even though the event is only 5 weeks per year, they suspect others would not like it if they lived as close as they do.

He realizes what he has just spoken about may not have much bearing on the council decision but it should be an easy decision because Linder Farms has not shown compliance with their past permits. He asked if the city or county ever follows up to make sure permits are being adhered to. From his point of view, it does not appear so. From a public safety standpoint, Linder Road is a 50 MPH speed zone. Why have no steps been taken to provide the proper turn lanes into Linder Farms and why have additional parking areas been added without proper permits being applied for from ACHD. This type of commercial enterprise should never have been built and allowed in the first place. Do not allow them to continue in this growth without the proper restrictions being enforced.

Please send notices to all properties affected since the growth has expanded to other home owners within the 300' guidelines. The area of the original permitting has grown substantially to encroach upon another subdivision much closer to Columbia Road. You will see there are more things that will be happening in regards to this matter in the future.

SUPPORT - **Richard Durrant**, 7590 S. Ten Mile Road, Meridian, signed up to testify because he does most of the farming operations for Randy in growing the pumpkins and corn fields. He thinks it is a wonderful opportunity to get people there to see agricultural processes and for families to enjoy. It is strictly a family operation and understands there is a fine line between a growing profitable business and trying to keep the neighbors happy five weeks out of the year. They put up straw bales on the north side to help deaden the sound and as a safety precaution for paint balls. He has no ownership in the business but enjoys farming.

OPPOSE – **Cherie Tucker**, 6991 S. Linder Road, property directly to the north of Linder farms. In 2012, she and her husband paid \$470,000 to purchase their home and 12 acres

in the country to enjoy country lifestyle. When they viewed their home, they enjoyed the peace and quiet, the view and options to raise livestock and to do farming. In September of that year, their neighbor to the south opened their corn maze and pumpkin patch. Their primary complaints are the constant traffic on Linder Road, loud music, air horns, car alarms, screaming, loud speakers and bright lights on after 11 p.m. The noise is audible on their property and the lights are bright enough to see for miles.

After their first year of living on their farm, they voiced their concerns to the Feist's during the neighborhood meeting. They brought up parking issues on Linder Road, amplified noise from bands, and glaring flood lights. They obtained a copy of the permit issued by the council for the operation of Linder Farms which is titled a Farmer's Market and Agritainment. During a conversation with Randy Feist he indicated he was not sure what was in the permit. Randy offered to point the speakers away from her house as a compromise. She told Randy during the meeting that her expectation of him was to follow the restrictions of the permit which states noises from Linder Farm should not be heard beyond the property line. This has not happened in the subsequent seasons. The parking concern on Linder Road has been remedied for the most part.

More noise has been added due to Zombie Acres paintball guns and constant bus engine revving. This can be heard inside her house with her windows closed and TV on. This does not cease at 10 p.m. per the Ada County criminal code for noise disturbances. Linder Farms is active well after 10 p.m. six nights a week and as advertised on their website.

She strongly opposes any new permits for Linder Farm activities. The Agritainment as it is being operated now is a detriment to the area and detracts from their property values. There are numerous and constant violations of the current permit issued for Linder Farms in 2008. Apparently there is no enforcement of the Special Use Permit even after complaints from neighbors.

She is concerned about the high volume of traffic on Linder Road. There are no turn lanes for vehicles going in or out. Parents drop off their children and then make a U-turn on Linder.

The permit issued in 2008 for a corn maze, pumpkin patch and farmers market may have been appropriate had it been kept small. Various different rides have been added making it more like a fair or an amusement park. The additional activities have brought more traffic, pollution and noise. As property owners, they will not tolerate it and urged the council to vote no.

SUPPORT - **Matt Ogle**, 13999 W. Wainright Dr., Boise, stated he is one of the owners of Zombie Acres responded they have done everything they can to contain the noise out of concern for the neighbors. One of the buses has a bad clutch and may be the reason for revving engines. He called John Tucker last night in regards to the meeting. The idea of the lights is to maintain a dark sky effect for Zombie Acres. The bright lights are for safety purposes at Linder Farms. It was noted that Zombie Acres was in operation last Friday night.

(Timestamp 00:41:48)

OPPOSED - **John Tucker**, 6991 S. Linder Road, clarified that they wrote the letter to the council regarding concerns. He doesn't have anything against the Feist's, they are good people, but he is taking a stand against Linder Farms. He stated they were not given the opportunity for input regarding a temporary permit that was approved without their knowledge. He is a disappointed and frustrated neighbor. Some of the main issues were highlighted in the letter. (A packet of information was provided to the council.) Noise, traffic, lights and laws are his main complaint. Car alarms are set off so people can find their cars. Air horns signify the start or end of rides. Revving bus engines are heard repeatedly. Screaming, traffic, illegal drop offs, U-turns, etc. are concerns that were pointed out.

He stated there is a blatant disregard for the laws of the state, county and city. The current permit has been in place for six years and the majority of what is in the permit has not been complied with as regulations. They do not want another attraction. It has grown enough that it is a problem. He lives in an agricultural area and does not want to live in a commercially zoned area. He is upset that Linder Farms is sanctioned by a permit to run off of 14.72 acres but instead is using more than 50 acres. Someone needs to regulate the permit that was issued. He stated his letter and handout describes the nuisances very well and feels they articulate that he is done being subject to the violations of the law. He will be signing misdemeanor citations for the violations of the state, county and city codes if these things continue. He urged a no vote and no more expansion for Linder Farms.

A discussion took place regarding the area of land being used for the business. Troy Behunin explained a one-time temporary permit was issued by the county in 2007. They annexed into the city in 2007-08 and obtained a Special Use Permit (SUP) along with the annexation and development agreement.

Chief Dusseau took a call from Mr. Tucker yesterday where he explained his situation but they have not had any complaints reported on Linder Farms.

More discussion took place regarding the land use and acreage being accessed.

Richard Roats explained the difference between the SUP and the Development Agreement and what they are intended to do. It is an Agricultural Zone but it is the Agritainment that was permitted with conditions. The definitions of Agritainment were read for clarification and discussed.

Council Member Jones reported on his visit to Linder Farms noting concerns with items on the Development Agreement (DA) that may not have been implemented such as gravel in the parking lot and whether or not the additional lighting was properly installed.

(Timestamp 01:07:40)

Mr. Behunin reported the 14.2 acres mentioned on the SUP was the acreage used to identify the size of the Feist's property because the annexation, the SUP, the zoning, the DA was all tied to the Feist property. He also explained the code enforcement concerns due to lack of staff to cover this need and only operate on a complaint basis only. He

made clarification that the application before the council is about Zombie Acres and not about Linder Farms. Zombie Acres was a use proposed that did not fit any of the approved uses that were labeled in 2008. This is a request for modification of the DA.

Attorney Roats explained the need to decide if this is a permitted use within the DA as Agritainment and what land it is being proposed on. He suggested the remaining speakers be heard, the public hearing closed and the item tabled so the questions can be researched.

(Timestamp 01:24:12)

OPPOSED - **Brian Luckie**, 7714 S. McLintock Place, south of Linder Farms, expressed concern on the traffic. He has lived in subdivision for 13 years. He has learned that all the property behind him is annexed into the city which is a concern to him if Linder Farms is not operating within their parameters. He has his own personal property to protect with regards to noise, lighting and paint balls. He expressed concern on his girls driving down Columbia to Meridian Road before the traffic light was installed due to the number of accidents that occurred. Serious accidents occurred before good traffic controls were in place. We are facing that same situation on Linder now. People are irritated and attempting to pass vehicles at a speed of 50 MPH. Ada County needs to look at this area so safety issues can be addressed. He appreciates the honesty of Mr. Feist and wants him to have a healthy business but wants him to operate within the proper parameters.

SUPPORT – **E. Zach Garner** signed the list but did not testify.

Randy Feist stated he has not studied the DA and it is difficult to understand. He did not get a permit from the City of Kuna to install lights. He obtained electrical permits from the state. He is willing to work with the city on whatever things he needs to do different. He feels his business is an asset to the community and is an inconvenience to him and his immediate neighbors but it is for five weeks. They do not have loud music playing up until 1 a.m. There are lights on after closing due to clean up and making sure everyone is out of the corn maze. A great deal of what they are saying is true. He does not want it to be intrusive. He wants it to be good for the community and tolerable for him and the neighbors. If they can make it better he will do that. He wants to continue the success he's had being an asset to the community. They received a letter from the superintendent of schools thanking them for providing a place for kids to have entertainment. They employ 170 people, primarily high school students.

Mayor Nelson closed the Public Hearing at 8:43 p.m.

Council Member Buban-Vonder Haar moved to table the Development Agreement Modification 08-08-DA so that staff can do some additional research and discussion for the next meeting Wednesday, November 5th. Seconded by Council Member Jones, all voting aye. Motion carried 4-0.

Council Member Buban-Vonder Haar moved to table the Development Agreement from her previous motion and for the Development Agreement Modification 08-08-

DA to be discussed at the November 18th meeting instead of the November 5th meeting. Seconded by Council Member Jones. Discussion followed.

Discussion took place from John Tucker asking about the temporary permit. Wendy Howell explained they do not have a SUP to operate. Last year they operated under a Temporary Vendors Permit and are operating this year under the same provisions.

More discussion followed regarding the current permit. Discussion also took place on Christmas Lights.

Mr. Feist explained the person he was partnering with to do the lighting show started advertising before getting an amendment to the DA. He worked with Troy Behunin, notified the neighbors, held the neighborhood meeting and learned the neighbors did not want the light show so they cancelled it.

Mayor Nelson stated there is a motion on the table for tabling the item until the 2nd meeting in November. More discussion followed.

Richard Roats just learned that it was a verbal authorization from the department to operate. He will start first thing in the morning to get it sorted out. If there is a need to get something resolved then a special meeting will be called.

Mayor Nelson stated they are authorized to continue operating at this time until the Council decides they are not.

Richard Roats clarified they are operating right now under direction that their business is Agritainment and it is within that included DA which would give them the permit to operate. There is not a SUP. Linder Farms is operating under the DA and have partnered with Zombie Acres to allow them to operate the Zombie Acres under that DA. The question is whether it is included with the acreage they have the authority to operate within.

The Mayor stated there is a motion and a second for Development Agreement 08-08-DA to be tabled until the 2nd meeting in November. All voted aye. Motion carried 4-0.

B. J&M Sanitation – Tim Gordon, J&M Sanitation, Inc. (*Timestamp 01:51:47*)

A 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.

Chad Gordon, 5661 Swan Falls Road, Operations Manager for J&M Sanitation reported Tim Gordon has had previous discussions with the council and has also been working with John Marsh on a proposal for a rate increase of 8%. Last increase was six years ago.

The proposed rates were included with the packets. A proposal was also made for a mandatory one cart per household.

Recommendation was made to change the language on the resolution from “Trash carts will be supplied.” to read “A trash cart will be supplied.”

Mayor Nelson opened the Public Hearing at 9:09 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, the hearing was closed.

1. Consideration to Approve Resolution No. R56-2014 J&M Sanitation Fee Schedule

A RESOLUTION OF THE CITY OF KUNA, IDAHO ADOPTING THE SOLID WASTE FEE SCHEDULE FOR J&M SANITATION; AND PROVIDING AN EFFECTIVE DATE OF NOVEMBER 1, 2014.

Council Member Buban-Vonder Haar moved to approve Resolution No. R56-2014 with the one modification in Exhibit A with all of the descriptors for the customers who previously didn't receive a cart but provided their own, the language would be changed so that the very last portion of it would say “A trash cart will be supplied.” instead of “Trash carts will be supplied.” Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

C. Pathway Width – Richard Roats, City Attorney (*Timestamp 02:02:07*)

A Public Hearing To Take Testimony Concerning The City's Request To Amend A Portion Of Subdivision Regulations As Contained In Title 5, Chapter 17, And A Portion Of Vacations, Dedications And Variances As Contained In Title 6, Chapter 4, Of The Kuna City Code To Allow The City Council To Permit A Pathway That Is Nine (9) Feet Wide Upon Making Findings That The Width Of Nine (9) Feet Is Not A Safety Hazard And It Is In The Interest Of The City To Allow The Narrower Width Where The City Has A Ten (10) Foot Wide Greenbelt Pathways Requirement. At the Conclusion of the Public Hearing, the City Is Recommending That Council Adopt The Proposed Findings Of Fact And Conclusions Of Law As Provided For In The Staff Report. (Note: Ordinance No. 2014-20 Is In Section 5.)

Mayor Nelson reported no one signed up to speak at the Public Hearing.

Attorney Roats explained currently the path is required to be 10' wide. ACHD is donating materials and labor to extend the pavement on the greenbelt but the paving machine is only 9' wide. Recommendation has been made by the Planning Commission for Council to approve amendment to the ordinance. Amending the code keeps the 10' requirement unless City Council makes a special finding of a 9' path to be in the best interest of the city.

Approval of the ordinance will take place under agenda item 5C.

D. Release of Development Agreement for McDonald's – Richard Roats, City Attorney
(Timestamp 02:06:23)

Attorney Roats explained the conditions of the Development Agreement related to the Ridley's Family Project have been satisfied and gave recommendation that the conditions of the Profile Ridge Development be released from Lot 8 Block 1 of the Ridley's Family Center Subdivision.

No one signed up to speak at the Public Hearing for this agenda item.

1. Resolution R64-2014 McDonald's

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE OF DEVELOPMENT AGREEMENT RELEASING THE DEVELOPMENT AGREEMENT FROM LOT 8, BLOCK 1 OF THE RIDLEY'S FAMILY CENTER SUBDIVISION NO. 1

Council Member Stear moved to adopt Resolution No. R64-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

E. Release of Development Agreement from the Falcon Ridge School Property – Richard Roats, City Attorney (Timestamp 02:09:14)

Attorney Roats briefly explained in March 1, 2011 when the permanent school had not been constructed it violated the Development Agreement (DA). Council took action to declare the DA was in default. The School obtained a Special Use permit and built the school which took care of the DA which is recorded on the property.

No one signed up to speak at the Public Hearing for this agenda item.

1. Resolution No. R65-2014 Falcon Ridge School Property

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE OF DEVELOPMENT AGREEMENT RELEASING THE DEVELOPMENT AGREEMENT FROM THE FALCON RIDGE SCHOOL PROPERTY.

Council Member Stear moved to adopt Resolution No. R65-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

4. Business Items:

A. Continued Discussion for Consideration to Approve Resolution No. R51-2014 Integra Service Agreement – Richard Roats, City Attorney (Timestamp 02:11:31)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE INTEGRA SERVICE AGREEMENT TO UPGRADE THE INTERNET SERVICE

TO ACCEPTABLE STANDARDS FOR THE SAFETY, WELFARE AND PROTECTION OF THE CITY AND THE PUBLIC AND TO THE CITY OF KUNA, IDAHO; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Stear moved to approve Resolution No. R51-2014. Seconded by Council President Cardoza, all voting aye. Motion carried 4-0.

- B. Consideration to Approve Resolution No. R57-2014 Valley Regional Transit Agreement
(Timestamp 02:24:57)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE COOPERATIVE AGREEMENT FOR ANNUAL ASSESSMENT WITH VALLEY REGIONAL TRANSIT AND THE CITY OF KUNA, AUTHORIZING THE CITY TO PAY ONE THOUSAND DOLLARS (\$1,000.00); AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Buban-Vonder Haar moved to approve Resolution No. R57-2014. Seconded Council Member Stear, all voting aye. Motion carried 4-0.

- C. Consideration to Approve Resolution No. R58-2014 Approving New Fees for Drinking Water System – Gordon Law, City Engineer (Timestamp 02:28:20)

A RESOLUTION AMENDING PORTIONS OF RESOLUTION R58-2013 THAT: SET FORTH THE AUTHORITY FOR ADOPTING WATER CONNECTION FEES AND MONTHLY WATER SERVICE RATES; ESTABLISHED FEES FOR CONNECTING TO THE WATER SYSTEM; ESTABLISHED WATER USE FEES THAT ARE NOW AMENDED WITH WATER RATE CHANGES FOR ALL CUSTOMERS; PROVIDED FOR MISCELLANEOUS WATER CUSTOMER SERVICE POLICIES; SET FORTH MINIMUM LINE SIZES; REPEALED FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETTING AN EFFECTIVE DATE.

Gordon Law reported that last year the City decided to make an annual inflationary adjustment which was reported during this year's budget process as 1.9%. The standard resident's rate will increase from \$19.10 per month to \$19.46. The same inflationary adjustment is also applied to all other fees except the connection fees.

Council Member Stear moved to approve Resolution No. R58-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

- D. Consideration to Approve Resolution No. R59-2014 Approving New Fees for the Sewer System – Gordon Law, City Engineer (Timestamp 02:31:25)

A RESOLUTION AMENDING CERTAIN SECTIONS OF RESOLUTION R59-2013 THAT: SET FORTH THE AUTHORITY FOR ADOPTING SEWER FEES; ESTABLISHED FEES FOR CONNECTING TO SEWER SYSTEM; ESTABLISHED MONTHLY SEWER USE FEES THAT ARE NOW AMENDED WITH SEWER RATE

CHANGES FOR ALL CUSTOMERS; SET FORTH MINIMUM LINE SIZES; PROVIDED FOR A METHOD OF COMPUTING USER EQUIVALENT; REPEALING FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETTING AN EFFECTIVE DATE.

Mr. Law explained the resolution proposes a 1.9% inflation adjustment which will increase the standard resident's fee from \$24.90 per month to \$25.37.

Council Member Stear moved to approve Resolution No. R59-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

- E. Consideration to Approve Resolution No. R60-2014 Approving Irrigation Expenses for 2015, Approving Uniform Method of Assessment, Accepting Assessment Roll, Setting Date and Time for Board of Correction and Amending Various Irrigation Policies and Fees – Gordon Law, City Engineer (*Timestamp 02:32:20*)

A RESOLUTION OF THE COUNCIL OF THE CITY OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION DISTRICT FOR SAID CITY; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2015 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2014 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2015 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2015 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.

Gordon Law reported this is basically a repeat of previous year's items discussed in general terms but there is a list of seven items he has identified as significant changes. Each of the items were reviewed and discussed.

Mr. Law requested an edit be made to include additional text under IV. H Potable Water Irrigation (Special Cases), fifth sentence down following the words "shall be billed as a potable water account and assessed an assessment expense and a base assessment but not assessed as an operations assessment."

Council Member Stear moved to approve Resolution No. R60-2014 with the correction as noted to paragraph 8. Seconded by Council Member Jones, all voting aye. Motion carried 4-0.

- F. Consideration to Approve Resolution No. R62-2014 Amended Emergency Management Joint Powers Agreement – Council Member Stear (*Timestamp 02:44:30*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE AMENDED EMERGENCY MANAGEMENT JOINT POWERS AGREEMENT, AUTHORIZING

AND APPROVING THE PAYMENT OF ANNUAL MEMBERSHIP DUES, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Stear gave a brief history on the grant monies and process to be awarded to various entities which led to the creation of the Ada City-County Emergency Management (ACCEM) system which allows decisions to be made according to what the risks and needs are at that time.

The resolution gives approval of the amended version of the agreement. This agreement has been in place for many years but the language has been cleaned up.

Council Member Buban-Vonder Haar moved to approve Resolution No. R62-2014. Seconded by Council Member Jones, all voting aye. Motion carried 4-0.

- G. Consideration to Approve Resolution No. R67-2014 Approving Consultant Services Agreement for North Waste Water Treatment Plant Parking Project – Gordon Law, City Engineer (*Timestamp 02:51:50*)

Council Member Buban-Vonder Haar moved to approve Resolution No. R67-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- H. Consideration to Approve Resolution R68-2014 ACHD Interagency Agreement for Pathway Construction – Richard Roats, City Attorney (*Timestamp 02:52:47*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE PAVING AGREEMENT WITH THE ADA COUNTY HIGHWAY DISTRICT VALLEY OFFICE SYSTEMS AS EXECUTED BY THE MAYOR.

Council Member Buban-Vonder Haar moved to approve Resolution No. R68-2014. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

- I. Discuss Proposed Fee Schedule for Temporary Mobile Vendor Permit – Richard Roats, City Attorney (*Timestamp 02:54:09*)

Attorney Roats suggested the following fee schedule for discussion:

Thirty day permit \$15
Sixty day permit \$20
Ninety day permit \$30

The intent is they can operate under a 90 day permit with the option to renew for \$20 if no violations have occurred.

The Council suggested the following fees:

Thirty day permit \$15
Sixty day permit \$25
Ninety day permit \$30
Renewal for 90 days \$25

Language will be included regarding expiration of the license and the renewal period.

Mr. Roats will make changes to the resolution and present at a future meeting.

- J. Request from City Clerk's Office for the use of \$546.13 of the General Fund Contingency Balance as Continuation of Prior Year Approval for Year of the Kuna Kid and Kuna's 150th Birthday Celebration – John Marsh, City Treasurer (*Timestamp 0:02:05*)

Council Member Buban-Vonder Haar moved to approve the request from the Clerk's Office for the use of \$546.13 from the General Fund Contingency balance as a continuation of a prior year approval for the Year of the Kid for use at the Christmas Tree Lighting or as otherwise deemed fit. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.

5. Ordinances:

- A. ***First Reading of Ordinance No. 2014-17 Arbor Ridge Subdivision No. 2 Irrigation Annexation*** (*Timestamp 0:05:16*)

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, ANNEXING A PARCEL, CONTAINING ARBOR RIDGE SUBDIVISION NO. 2, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE BOISE~KUNA IRRIGATION DISTRICT AND CHANGING THE BOUNDARIES THEREOF; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED 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. 2014-17. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

Council Member Stear moved to approve Ordinance No. 2014-17. 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. 2014-17. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

- B. ***First Reading of Ordinance No. 2014-19 Zimmerman Annexation***
(*Timestamp 03:06:55*)

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 R7686240322 AND REFERRED TO AS A PORTION OF LOTS 18 AND 19 BLOCK 2 OF SADDLE RIDGE ESTATES; 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. 2014-19. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

**Council Member Stear moved to approve Ordinance No. 2014-19. 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. 2014-19. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

- C. ***First Reading of Ordinance No. 2014-20 Pathway Width (Timestamp 03:08:46)***
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 A PORTION OF SUBDIVISION REGULATIONS AS CONTAINED IN TITLE 5, CHAPTER 17, AND A PORTION OF VACATIONS, DEDICATIONS AND VARIANCES AS CONTAINED IN TITLE 6, CHAPTER 4, OF THE KUNA CITY CODE TO ALLOW THE CITY COUNCIL TO PERMIT A PATHWAY THAT IS NINE (9) FEET WIDE UPON MAKING FINDINGS THAT THE WIDTH OF NINE (9) FEET IS NOT A SAFETY HAZARD AND IT IS IN THE INTEREST OF THE CITY TO ALLOW THE NARROWER WIDTH WHERE THE CITY HAS A TEN (10) FOOT WIDE GREENBELT PATHWAYS REQUIREMENT; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2014-20. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

**Council Member Stear moved to approve Ordinance No. 2014-20. 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. 2014-20. Seconded by Council Member Buban-Vonder Haar, all voting aye.
Motion carried 4-0.**

D. *First Reading of Ordinance No. 2014-21 Benjamin Bernier Annexation*

(Timestamp 03:10:38)

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 S1325233780 AND REFERRED TO AS THE BENJAMIN BERNIER PROPERTY; 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. 2014-21. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.

Council Member Stear moved to approve Ordinance No. 2014-21. 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. 2014-21. Seconded by Council Member Buban-Vonder Haar, all voting aye.
Motion carried 4-0.**

6. Mayor/Council Discussion Items: *(Timestamp 03:12:40)*

Mayor Nelson reported the Attorney General has ruled that the City of Kuna does not have the right to join the Ada County Air Quality Board. We are provided with legislation

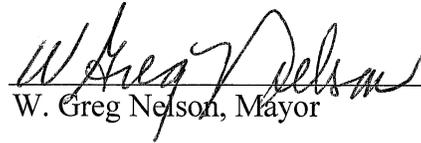
attaching us to Canyon County. There are certain things we can do under that ordinance and they will take care of getting us a testing station in Kuna.

7. Announcements:

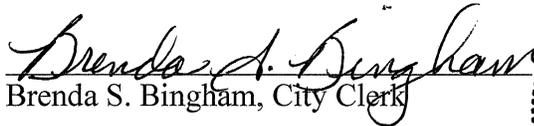
8. Executive Session:

9. Adjournment:

Council Member Stear moved to adjourn the meeting at 10:25 p.m.


W. Greg Nelson, Mayor

ATTEST:


Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham
Date Approved: CCM 11/5/14*



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