

**CITY OF KUNA
REGULAR CITY COUNCIL MEETING
MINUTES
WEDNESDAY, NOVEMBER 5, 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 Member Briana Buban-Vonder Haar
Council Member Pat Jones
Council Member Joe Stear

EXCUSED ABSENCE: Council President Richard Cardoza

CITY STAFF PRESENT: Richard Roats, City Attorney
Gordon Law, City Engineer
John Marsh, City Treasurer
Wendy Howell, Planning & Zoning Director
Troy Behunin, Sr. Planner
Brenda Bingham, City Clerk

Call to Order and Roll Call

Mayor Nelson welcomed everyone and called the meeting to order at 7:00 p.m. He explained Council Meeting was being held on Wednesday due to last night's election. Roll call reflected Council Members Jones, Buban-Vonder Haar and Stear present at the meeting. Council President Cardoza was unable to attend.

Invocation: Randy Maxwell, 7th Day Adventist

Pledge of Allegiance: Mayor Nelson

1. Consent Agenda: (Timestamp 00:01:40)

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 October 21, 2014 Regular Meeting

B. Accounts Payable Dated November 5, 2014 in the Amount of \$146,454.22.

C. Alcohol Licenses:

D. Resolutions:

1. Adopt Resolution No. R69-2014 Approving the Execution of an Addendum No. 1 to an Existing Professional Services Agreement with Keller Associates to the Park-to-4th PI Main
2. Adopt Resolution No. R70-2014 Agreement with B&A Engineers to Design the Deerhorn Sewer Main

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE AGREEMENT WITH B&A ENGINEERS, INC. TO DESIGN THE DEERHORN SEWER MAIN (2015) PROJECT, AUTHORIZING THE CONTRACT AMOUNT OF \$15,245.00; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

E. Findings of Facts and Conclusions of Law:

1. 02-05-AN, Sub, PUD (Conditions of Approval Modification) Crimson Point Subdivision – DB Development, LLC
Requests for modification of the conditions of approval for the Crimson Point PUD subdivision development at the NWC of Deer Flat and Ten Mile Roads. This request is for the requirement for single-story homes along the entire north boundary of the project be removed allowing two-story homes to be built on the remaining open lots.

Council Member Stear moved to approve the Consent Agenda as presented. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 3-0.

2. Citizen's Reports or Requests:

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

4. Business Items:

A. 14-03-LLA – Reid Lot Line Adjustment (LLA) – Troy Behunin, P&Z
(Timestamp 00:02:11)

Applicants seek this LLA to solve several long standing issues. The fence shared with their east neighbors is ten feet (+/-) west of the property line. This request is to move the property line to match the fence line. Their request includes combining the parcel to the west (R0615000800) of the Reid's primary lot with their primary lot (R0615000868). The Reid's are also caring for other items, including moving other fences to match actual property lines.

Mr. Behunin explained the request as stated above noting both property owners involved are cooperating with each other and have reached an agreement between themselves which now needs approval for their lot line adjustment.

Council Member Buban-Vonder Haar moved to approve Case Number 14-03-LLA Lot Line Adjustment request with the conditions of approval listed on the memo in the packet. Seconded by Council Member Stear, all voting aye. Motion carried 3-0.

- B. 14-02-FP – Final Plat; Silver Trail No. 1 – Troy Behunin, P&Z (*Timestamp 00:12:36*) Applicant is requesting Final Plat approval for Silver Trail Subdivision No. 1, which proposes 41 residential lots and five (5) common lots.

Mr. Behunin explained the request as stated above noting it is in substantial conformance with the approved Preliminary Plat.

Council Member Stear moved to approve Case Number 14-02-FP with the conditions listed. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 3-0.

- C. 14-03-FP – Final Plat; Arbor Ridge No. 2 – Troy Behunin, P&Z (*Timestamp 00:14:38*) Applicant is requesting Final Plat approval for Arbor Ridge Subdivision No. 2, which proposes 41 residential lots and two (2) common lots.

Mr. Behunin explained the request as stated above noting everything is in order and it is in substantial conformance with the approved Preliminary Plat.

Council Member Stear moved to approve Case Number 14-03-FP with the conditions listed. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 3-0.

- D. Consideration to Approve Resolution No. R71-2014 Brass Guys Permit (*Timestamp 00:16:30*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE ISSUANCE OF A PERMIT TITLED “PERMIT NO. 2014-A”, BY AND BETWEEN THE CITY OF KUNA, IDAHO AND BRASS GUYS, WHICH PERMIT SETS CONDITIONS FOR THE DISCHARGE OF PROCESSED WASTE WATER BY BRASS GUYS INTO THE KUNA SOUTH WASTE WATER TREATMENT PLANT; ESTABLISHING A FEE OF FIFTY DOLLARS PER ONE THOUSAND GALLONS (\$50/1,000 GAL) FOR THE SAME; AND AUTHORIZING THE MAYOR TO SIGN THE SAME.

Gordon Law, City Engineer, explained the Brass Guys, LLC is an ammunition reprocessing facility in Nampa that is proposing to relocate their business to Kuna. As part of their operation, they wash the brass where residues from the firing of the ammunition are collected. One component in the residue is lead and the concentrations in the waste wash water are high enough that they are considered as hazardous waste which require proper disposal. They have approached the City of Kuna to see if the waste would

be accepted if they decide to relocate to Kuna. The lab results have been sent to the Department of Environmental Quality (DEQ) where concerns were noted. A consulting firm was hired to instruct them on removing the lead so it would fall below the level for hazardous waste.

Mr. Law discussed establishing a discharge permit with the Brass Guys which would have the necessary limit conditions. The permit from those negotiations is now before the Council for consideration. The permit outlines a process where testing is to be performed that shows they are meeting the permit conditions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R71-2014. Seconded by Council Member Stear, all voting aye. Motion carried 3-0.

- E. Consideration to Approve Resolution No. R72-2014 Tax Deed Due Process Hearing – Richard Roats, City Attorney (*Timestamp 00:24:51*)

A RESOLUTION OF THE CITY OF KUNA, IDAHO SETTING THE IRRIGATION TAX DEED DUE PROCESS HEARING FOR A RECORD OWNER OR ANY PARTY IN INTEREST TO HAVE AN OPPORTUNITY TO BE HEARD, TO CONFRONT AND CROSS-EXAMINE ANY EVIDENCE OR WITNESS AGAINST THE RECORD OWNER, AND OBTAIN AND PRESENT EVIDENCE ON BEHALF OF THE RECORD OWNER OR ANY PARTY IN INTEREST ON DECEMBER 16, 2014 AT 7:00 P.M.; AND ESTABLISHING THE COST FOR THE PREPARATION, SERVICE AND PUBLICATION OF THE TAX DEED DOCUMENTS AT TWO HUNDRED DOLLARS (\$200.00).

Attorney Roats explained the resolution deals with property owners who have not paid their 2011 irrigation assessments. This process is to give them ample due process which includes the due process hearing. The hearing has been set for December 16, 2014.

Council Member Stear moved to approve Resolution No. R72-2014. Seconded by Council Member Buban-Vonder Haar, all voting aye. Motion carried 3-0.

1. Legal Notice of Pending Tax Deed Due Process Hearing for Oasis Properties
2. Legal Notice of Pending Tax Deed Due Process Hearing for Percolla and/or Wells Fargo
3. Legal Notice of Pending Tax Deed Due Process Hearing for Percolla

5. Ordinances:

6. Mayor/Council Discussion Items:

Council Member Jones asked about the antennas on the water tower. Attorney Roats explained that a lease with SafeLink is in the preparation process and will be presented for consideration in the future.

7. Announcements:

8. Executive Session: *(Timestamp 00:35:38)*

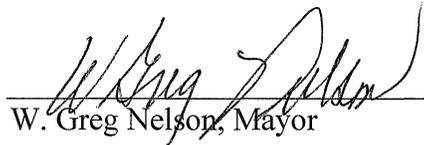
- A. Executive Session Pursuant to Idaho Code 67-2345(c) for the Purpose of Discussing Acquisition of Real Property

**Council Member Buban-Vonder Haar moved to adjourn to Executive Session Pursuant to Idaho Code 67-2345(c) for the Purpose of Discussing Acquisition of Real Property. Seconded by Council Member Stear with the following roll call vote:
Voting Aye: Council Members Jones, Buban-Vonder Haar and Stear
Voting No: None
Absent: Council President Cardoza
Motion Carried: 3-0
Time: 7:40 p.m.**

Council Member Stear stated no action was taken.

9. Adjournment:

Council Member Stear moved to adjourn the meeting at 8:02 p.m.



W. Greg Nelson, Mayor

ATTEST:


Brenda S. Bingham, City Clerk



*Minutes prepared by Brenda Bingham
Date Approved: CCM 11/18/14*

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