

CITY OFFICIALS

W. Greg Nelson, Mayor

Richard Cardoza, Council President

Briana Buban-Vonder Haar, Council Member

Pat Jones, Council Member

Joe Stear, Council Member

CITY OF KUNA

Regular City Council Meeting

MINUTES

Tuesday, August 4, 2015

Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

7:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

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:

John Marsh, City Treasurer

Chris Engels, City Clerk

Richard Roats, City Attorney

Wendy Howell, P & Z Director

Bob Bachman, Fleet/Facilities Manager

Bobby Withrow, Parks Supervisor

2. Invocation: None

3. Pledge of Allegiance: Mayor Nelson

Mayor Nelson welcomed the boy scouts in attendance.

4. Consent Agenda:

(Timestamp 00:02:09)

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. City Council Workshop Minutes July 21, 2015

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk's Office at 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

2. Regular City Council Minutes July 21, 2015
3. City Council Budget Workshop Minutes July 27, 2015

B. Accounts Payable Dated July 30, 2015 in the Amount of \$231,188.01

C. Alcohol Licenses:

D. Findings of Facts and Conclusions of Law:

Council Member Stear moved to approve the consent agenda as presented. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

5. Citizen's Reports or Requests:

(Timestamp 00:02:40)

Kelli Fairless - VRT Annual Update and Budget Request of \$6,569.

Ms. Fairless reported on the mission of VRT and the partnerships. She expressed appreciation for Mayor Nelson's participation on the board. They have been innovative with partnerships and leveraging funds. A pilot project has been established with Senior Association and funding is forthcoming. Kuna's association will benefit with reimbursements. Ms. Fairless reviewed other successful partnership opportunities.

Mayor Nelson asked what the outreach was for the veterans.

Ms. Fairless said they work with CWI, VA, BSU, Idaho Dept. of Labor, Boise Rescue Mission and Supportive Housing and Innovation Partnerships to assist homeless veterans.

Ms. Fairless covered some of the initiatives VRT can participate in to assist in transportation to medical care. The projects come from federal funding and private investment. Not much of the funding comes from local government.

The dues are based on population and VRT is requesting \$6,569 from Kuna.

Ms. Fairless reviewed a recent rider survey and noted that 7 out of 10 riders depend on VRT for transportation. Half of riders don't have a driver's license, 38% have been using VRT for less than a year and 66% indicate their use of VRT will continue or increase. Ada and County demographics are 18-34 in age and income is lower. The non-rider survey was reviewed with the note the majority supported public transportation, would like to see more services and would use the services for some of their needs.

Ms. Fairless stood for questions.

Council President Cardoza asked about the progression of service out to Kuna.

Ms. Fairless said it hasn't progressed beyond planning because of lack of funding. Without a local match, the state won't extend the funds.

Council Member Jones asked what services are available to seniors in Kuna.

Ms. Fairless said currently there is a van the senior center operates. There are plans to expand that service.

Council Member Jones asked if the seniors were in need of or had asked for any services that were not currently provided.

Ms. Fairless responded she was not aware of anything from Kuna specifically.

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

7. Business Items:

A. Consideration to Approve Resolution R31-2015 approving an agreement with ACHD for the Linder/Main Roundabout – Richard Roats, City Attorney
(Timestamp 00:22:50)

Council Member Jones reiterated that he was interested in the opportunity for landscaping, fence and piping.

Rodney Ashby, ACHD – A decision would need to be made within the next month.

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE ACQUISITION DOCUMENTS RELATED TO THE CONSTRUCTION OF THE ROUNDABOUT AT LINDER/MAIN/3RD STREETS, KUNA, IDAHO WITH THE ADA COUNTY HIGHWAY DISTRICT PROJECT NO. 313043

**Council Member Stear moved to approve Resolution R31-2015. 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**

B. Consideration to Approve Resolution R43-2015 for the purchase of a Thermal Imaging Camera for Fleet/Facilities Department.
(Timestamp 00:26:23)

Bob Bachman Fleet/Facilities explained the purpose of the camera.

Council President Cardoza asked if regular citizens can call and ask to have it used.

Mr. Bachman said he would do as he was directed and it could be helpful especially in the downtown businesses.

Council Member Buban-Vonder Haar was somewhat concerned about that option potentially getting out of control as far as requiring Mr. Bachman's time.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY OF KUNA, IDAHO'S FLEET/FACILITIES MANAGER BOB BACHMAN TO NEGOTIATE THE PURCHASE OF THE THERMAL IMAGING CAMERA MODEL #FLIR E40 FROM PLATT ELECTRIC AS PER THE INVOICE; AND AUTHORIZING THE CITY OF KUNA, IDAHO'S TREASURER, JOHN MARSH TO PAY THE INVOICE FOR THE FLIR E40 THERMAL IMAGING CAMERA IN THE AMOUNT OF \$3,995.00.

Council Member Stear moved to approve Resolution R43-2015 to expend funds from contingency. 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

- C. Consideration to Approve Resolution R44-2015 authorizing the Mayor to execute a letter to obtain dot gov domain – Richard Roats, City Attorney
(Timestamp 00:31:36)

Council President Cardoza asked if new business cards would need to be purchased.

City Treasurer John Marsh explained the current address will forward from the new one.

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE LETTER TO .GOV DOMAIN REGISTRATION TO OBTAIN AUTHORITY OVER THE DOMAIN NAME CITYOFKUNA.GOV, AUTHORIZING THE CITY TREASURER TO PAY \$125.00 FOR THE SAME, AND AUTHORIZING THE MAYOR TO EXECUTE THE LETTER.

Council Member Buban-Vonder Haar moved to approve Resolution R44-2015. Seconded by Council Member Jones with the following roll call vote:
Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear
Voting No: None

- D. Consideration to Approve Resolution R45-2015 waiving the remaining lease payments with Boise Disc Golf LLC – Richard Roats, City Attorney
(Timestamp 00:34:23)

Boise Disc Golf LLC suffered significant loss as a result of a burglary that occurred on or around July 29, 2015 at the city owned building that serves as a park amenity concession stand.

City Attorney Richard Roats reviewed this would be a waiver for the months of September and October to help Mr. Lindstrom get back on his feet and reopen the business.

Council Member Jones clarified that the city was not accepting responsibility for the burglary. He also asked if Mr. Roats knew if Mr. Lindstrom had insurance.

Mr. Roats responded the city is not accepting responsibility for the burglary. Mr. Lindstrom did have insurance but Mr. Roats is not aware of the specifics of policy.

Council Member Jones expressed concerns about the message that is being sent to the community.

Council Member Buban-Vonder Haar said a citizen has asked her if this would be standard for any business that is burglarized.

Mr. Roats responded the message the city wants to send is we care about the businesses, especially the ones interacting with and providing a service to our kids. Also, Mr. Lindstrom is acting as a role model and adult presence in an area of the community that has had problems.

Council Member Stear commented he has had several citizens tell him what a positive influence Mr. Lindstrom has been on their children. His thought would be to reduce the rate of rent.

Council Member Buban-Vonder Haar asked Council Member Jones if he would be more comfortable with reducing by the amount of the deductible.

Council Member Jones is in agreement with Council Member Stear's comments but is concerned about setting a precedent.

Mayor Nelson said he doesn't think it sets a precedent because it is a city owned building. He was hoping the gesture would keep Mr. Lindstrom open.

Council Member Stear said it is his hope that Mr. Lindstrom stays in Kuna and reopens his business in the same location.

Council Member Jones commented he doesn't know how offering a waiver cannot set a precedent.

Council Member Stear responded the rent for the business could be reevaluated without setting a precedent.

Mr. Roats stated he could meet with Mr. Lindstrom and discuss the business sales vs. rent cost. The rent could be adjusted somewhere in the middle.

Council Member Jones responded a compromise on rent cost would be better.

Council President Cardoza asked if his business in Kuna were to be burglarized, would the city pro rate his taxes in fairness to him. He does not rent from the city. He further commented taxpayers should not be obligated to take care of a business owner.

Mayor Nelson said a vote was needed.

Council Member Buban-Vonder Haar clarified the renegotiation of the rent is to reflect an amount that is fair for the space he is renting.

Council Member Stear stated that was also his intent.

Council President Cardoza asked if Mr. Lindstrom agreed to the rent amount and lease term.

Council Member Stear stated his intent is to keep the business in Kuna.

Council Member Cardoza asked if there had been any other interest to rent the space previously.

Mr. Roats responded, no.

Council Member Cardoza asked who set the amount of the monthly rent. The city or Mr. Lindstrom?

City Clerk, Chris Engels responded Mr. Lindstrom. The amount was based on a similar park space in Boise and the revenue generated there. This location did not generate the same revenue.

A RESOLUTION OF THE CITY OF KUNA, IDAHO WAIVING THE REMAINING LEASE PAYMENTS PAYABLE PURSUANT TO THE LEASE AGREEMENT WITH BOISE DISC GOLF, LLC (LESSEE) TO LEASE PROPERTY AT 415 W. 2ND STREET, KUNA, IDAHO FOR A CONCESSION STAND

Council Member Stear moved to table R45-2015 and instruct the City Attorney to meet with Mr. Lindstrom re: lease terms. 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

- E. Consideration to Approve Resolution R38-2015 Approving an agreement with Kuna Police Activities League (KPAL) for field use – Richard Roats, City Attorney
(Timestamp 00:53:52)

City Attorney Richard Roats reviewed a few changes from Kody Aldrich of 2.2, 2.3, 2.8.

Council Member Buban-Vonder Haar asked if there should be a modification in the termination portion to read termination for cause during the season.

Council Member Jones asked if there are city supplied portable bathrooms at that location, is the intent to have KPAL portable bathrooms brought in only on the weekends.

Kody Aldrich, KPAL – Said that during the season the bathrooms stay at the fields all the time. He wanted to thank the Mayor and Council for helping with these types of projects.

Council Member Buban-Vonder Haar asked what the utility costs mentioned refer to exactly.

Mr. Roats explained the reference would be for portable electronic signs and /or scoreboards. In the future, with expansion of the program, night lighting would also fall under utilities.

Council President Cardoza asked about the reference to \$7,000.

Mr. Aldrich explained the original intent was to create a facility that could be used by Soccer Express for high level soccer tournaments. KPAL would run the rec. league and help with labor and some excavation work donations. The scope of work was far greater than anticipated so they were unable to secure donated excavation. The \$7000 reference came from KPAL believing they could raise \$7000 based on conversations with other non- profits. Initially the intent was there would be a long term usage agreement for the rec. league and the competition league that would not be open to the public. At this time the fields are community fields with scheduling privileges.

Council Member Jones asked if any kids have been turned away.

Mr. Aldrich said no one has been turned away.

Council Member Jones asked what the registration cost is.

Mr. Aldrich responded depending on the age level the cost is \$65 - \$85 which includes the uniform and personal equipment.

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE PARK USE AGREEMENT BY AND BETWEEN THE CITY OF KUNA, IDAHO AND THE KUNA POLICE ACTIVITIES LEAGUE (KPAL) AT ARBOR RIDGE PARK PURSUANT TO THE TERMS OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Council Member Stear moved to approve Resolution R38-2015 with the described changes. 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

- F. Consideration to Approve Resolution R46-2015 Approving expenditure for reward for Kuna Disc Golf and Rec building burglary at 415 W 2nd St – Richard Roats, City Attorney
(Timestamp 01:10:56)

City Attorney Richard Roats reviewed the matter for Council.

Council Member Buban-Vonder Haar asked if the building should have been secured in a better way which may have contributed to the burglary in some way.

Mr. Roats responded no, the building was secured. The burglar(s) literally kicked in and broke out the door frame.

Council Member Jones said he thinks if the city offers a reward for this incident, the city needs to do the same for every incident.

Council Member Stear said that the distinction for him is that it is a city owned building.

Council Member Buban-Vonder Haar asked if the person(s) are caught, would restitution be required and would the city be a part of that due to damages to the city owned building.

Police Chief Justin Dusseau responded that would be correct.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE CITY TREASURER TO ESTABLISH A REWARD FUND AND TRANSFER FROM THE CONTINGENCY FUND, ONE HUNDRED DOLLARS (\$100.00) TO BE PAID TO THE PERSON(S) WHO PROVIDE INFORMATION LEADING TO THE ARREST OF THE SUSPECTS(S) RESPONSIBLE FOR THE BURGLARY OF THE BUSINESS KNOWN AS KUNA DISC AND REC. LOCATED AT 415 W. 2ND STREET, KUNA, IDAHO.

Council Member Stear moved to approve Resolution R46-2015. Seconded by Council Member Buban-Vonder Haar with the following roll call vote:

Voting Aye: Council Members Buban-Vonder Haar and Stear

Voting No: Council Members Cardoza and Jones

Breaking the tie: Mayor Nelson, Aye

- G. Consideration to Approve Resolution R47-2015 Amending R22-2010 to update Annexation Fee – Richard Roats, City Attorney
(Timestamp 01:18:56)

City Attorney Richard Roats reviewed the changes in the resolution.

Council Member Stear asked if an annexation is generally one large area with one owner or many small parcels and owners making up a large area. Is the amended fee enough to cover staff's time for large annexations?

Mr. Roats responded he believes the proposed fee schedule is sufficient to cover staff time.

Council President Cardoza asked if the cost of providing utilities to the proposed areas need to be considered.

Mr. Roats responded the developers would be responsible for providing utilities. This resolution is for annexation fees, not for recouping funds for utility services.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AMENDING RESOLUTION NO. R22-2010 TO UPDATE THE ANNEXATION FEE CHARGED PURSUANT TO THE PLANNING AND ZONING FEE SCHEDULE PURSUANT TO KUNA MUNICIPAL CODE TITLE 5, CHAPTER 12, SECTION 6; THE FEE FOR ANNEXATIONS SHALL BE REDUCED TO THE FEE OF \$1,200.00 PLUS \$30.00 PER ACRE FOR A MAXIMUM FEE OF \$2,500.00, AND SAID FEE MAY BE REDUCED BY RESOLUTION OF THE CITY COUNCIL.

**Council Member Stear moved to approve Resolution R47-2015. 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**

- H. Update of July Construction Report (*no action required*) – Gordon Law, City Engineer
(Timestamp 00:00:00)

- I. FY2016 Tentative Budget Workshop (*no attachment*) –John Marsh, City Treasurer
(Timestamp 01:24:44)

City Treasurer John Marsh reviewed the 2016 Tentative Budget from the July 27, 2015 Budget Workshop.

Council President Cardoza asked why the appointed employee longevity has no allotment from the general fund.

Mr. Marsh clarified the total does have some allocation from the general fund.

Mr. Marsh stated the Council had expressed interest in several requests from the Parks and Recreation Superintendent, Bobby Withrow during the workshop. Mr. Marsh moved those items into the budget.

Mr. Marsh stated he has a list of other items that were not currently in the budget if Council would like to continue with those tonight.

Council Member Jones asked if Council should establish a dollar amount to remain in contingency before approving further items.

Council Member Stear responded generally in this sector, a cushion is recommended in case of emergency situations.

Mr. Marsh reviewed the remaining requests not currently budgeted.

Council Member Buban-Vonder Haar said she would like to see a wrought iron fence around Bernie Fisher Park when the roundabout is complete. Do we have any idea what the cost would be.

Facilities Superintendent, Bob Bachman responded the cost above the ACHD provided funds would be approximately \$4000-\$5000.

Council President Cardoza said he would like to see the roundabout landscaped.

Mayor Nelson said the city should have power and water installed now and make decisions on landscaping later.

Mr. Marsh confirmed with Council that funds are to be allocated toward wrought iron fencing, power, irrigation and landscaping of the roundabout. Also funds are to be allocated toward a community garden greenhouse, purchase of a bucket truck and two small park shelters.

**Council Member Buban-Vonder Haar Stear moved to approve the tentative Fiscal Year 2016 Budget and set a Public Hearing for September 1, 2015. Seconded by Council Member Stear with the following roll call vote:
Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear
Voting No: None**

8. Ordinances:

(Timestamp 02:14:34)

A. First Reading of Ordinance No 2015-12 Idaho Power Franchise Agreement

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of the ordinance

AN ORDINANCE IN ACCORDANCE WITH IDAHO CODE SECTIONS 50-328, 50-329 AND 50-329A GRANTING A FRANCHISE TO IDAHO POWER COMPANY, AN IDAHO CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN AND UPON THE PRESENT AND FUTURE STREETS, HIGHWAYS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, IDAHO, ELECTRIC UTILITY PROPERTY AND FACILITIES FOR SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE CITY, THE INHABITANTS THEREOF, AND OTHERS FOR A TERM OF 20 YEARS, INCLUDING THE NONEXCLUSIVE RIGHT TO PHYSICALLY LOCATE AND MAINTAIN TELEPHONE, CABLE, FIBER OPTICS OR OTHER COMMUNICATIONS FACILITIES; SETTING FORTH AN AGREEMENT NOT TO COMPETE, RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR THE PAYMENT OF FRANCHISE FEES; AND SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE.

City Attorney, Richard Roats stood for questions.

Council President Cardoza asked the purpose of the agreement if we are not imposing a franchise fee.

Mr. Roats responded one of the items in the agreement is the ability for the city to utilize their poles to run fiber optics for city use.

Mr. Roats clarified the term of the agreement should read 10 years not 20 years. The city could ask for a term of 5 years of that would be Council's preference.

Council's agreed they preferred a term of 5 years.

9. Mayor/Council Discussion Items:

Police Chief Justin Dusseau gave an update on the burglary and the progress of finding the person who committed the crime. He also discussed a car theft that was resolved.

The skate park lack of lighting needs to be looked into.

Chief Dusseau discussed Mountain Steel and the multiple complaints that are occurring. There are some meetings scheduled to try to resolve the issues.

10. Announcements:

11. Executive Session:

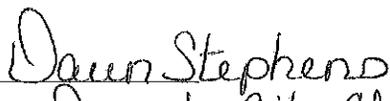
12. Adjournment: Meeting adjourned at 9:30

Council Member Stear moved to adjourn the meeting at 9:30 p.m. Seconded by Council President Cardoza, all voting aye. Motion carried 4-0.



W. Greg Nelson, Mayor

ATTEST:


Chris Engels by Dawn Stephens
Chris Engels, City Clerk Deputy City Clerk

Minutes prepared by Dawn Stephens
Date Approved: CCM 08.18.2015

