

**OFFICIALS**

Joe Stear, Mayor  
Pat Jones, Council President  
Briana Buban-Vonder Haar, Council Member  
Richard Cardoza, Council Member  
Greg McPherson, Council Member



**CITY OF KUNA**

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

**City Council Meeting  
Minutes  
Tuesday, February 16, 2016**

**7:00 P.M. REGULAR CITY COUNCIL**

**1. Call to Order and Roll Call**

**COUNCIL MEMBERS PRESENT:**

**Mayor Joe Stear  
Council President Pat Jones  
Council Member Richard Cardoza  
Council Member Briana Buban-Vonder Haar  
Council Member Greg McPherson**

**CITY STAFF PRESENT:**

**Richard Roats, City Attorney  
Chris Engels, City Clerk  
Wendy Howell, P & Z Director  
Bobby Withrow, Parks Director  
Gordon Law, City Engineer  
John Marsh, City Treasurer**

**2. Invocation:** Chris Bent, Calvary Chapel

**3. Pledge of Allegiance:** Mayor Stear

**4. Consent Agenda:**  
*(Timestamp 00:01:38)*

*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 Business or as instructed by the City Council.*

- A.** City Council Meeting Minutes: Regular City Council Minutes, February 2, 2016
- B.** Accounts Payable Dated February 11, 2016 in the Amount of \$297,651.32
- C.** Finding of Facts and Conclusions of Law:

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.

- D. Consideration Approve Resolution No. R11-2016 Farm Lease with S & T Farms LLC – Richard Roats**

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE LEASE AGREEMENT WITH S&T FARMS, LLC, FOR THE LEASE OF THE CITY OF KUNA, IDAHO'S PROPERTY LOCATED AT MEADOW VIEW ROAD, KUNA IDAHO.

**Council Member Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council President Jones. Motion carried 4-0.**

**5. Community Reports or Requests:**

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

**7. Business Items:**

- A. Consideration to Approve Case No. 16-02-FP - Final Plat; Crimson Point Subdivision No. 7 – Trevor Kesner, Planner II (Timestamp 00:02:10)**

Applicant is requesting Final Plat approval for Crimson Point Subdivision, Phase No. 7. The final plat for Crimson Point Subdivision No. 7 proposes 40 residential lots and one (1) common lot.

Senior Planner Troy Behunin stood in for Planner II Trevor Kesner. Mr. Behunin explained this is final plat request for Crimson Point Subdivision No. 7. He reviewed that the project is in compliance with all requirements. He stood for questions.

Council Member Cardoza asked if this is along Indian Creek.

Mr. Behunin said the western edge touches the common lot which is a city park.

Council Member Cardoza asked if any right of way was provided for a greenbelt along Indian Creek. He didn't see anything noted in the documents.

City Engineer Gordon Law explained that the city owns the property on both sides of Indian Creek in this location and there is enough space for a greenbelt on both sides.

Council Member Cardoza clarified it would remain zoned an R-3.

Mr. Behunin confirmed that was correct.

**Council President Jones moved to approve 16-02-FP based on facts outlined in the staff report. Seconded by Council Member Buban-Vonder Haar by the following roll call vote:**

**Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and McPherson**

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

- B. Consideration to Approve Case No. 16-03-FP (Final Plat) Deserthawk No. 2 Subdivision – Troy Behunin, Senior Planner  
(Timestamp 00:07:22)**

Applicant is requesting Final Plat approval for Deserthawk No. 2 Subdivision which proposes 41 residential lots, one (1) common lot.

Senior Planner Troy Behunin explained the application is a final plat request for Deserthawk No. 2. The applicant has provided everything that staff has requested and utility easements. At the time of staff submittal of this report for the Council packet, a clean copy of the final plat was not available but was provided this morning with all requested changes. The project is in compliance with requirements. He stood for questions.

Council President Jones confirmed the outside of perimeter was to be fenced and the house on the outside would be fenced on three sides.

Mr. Behunin responded the lot in question is planned to be a common lot.

Council Member Cardoza asked if the common lot would have any recreation facilities or is it grass only.

Mr. Behunin responded it would be for storm water and open space.

**Council Member Buban-Vonder Haar moved to approve 16-03-FP. Seconded by Council President Jones by the following roll call vote:**

**Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and McPherson**

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

- C. Consideration to Approve Resolution No. R12-2016 Adopting the Area of City Impact Boundary – Wendy Howell  
(Timestamp 00:11:09)**

A RESOLUTION OF THE KUNA CITY COUNCIL KUNA, IDAHO ADOPTING THE AMENDMENT TO THE AREA OF CITY IMPACT BOUNDARY AND THE FUTURE LAND USE MAP FOR THE COMPREHENSIVE PLAN FOR THE CITY OF KUNA, IDAHO; AFFIRMING THAT THE PRESCRIBED NOTICE AND HEARING REQUIREMENTS WERE MET IN ACCORDANCE WITH TITLE 67, CHAPTER 65, IDAHO CODE; AND PROVIDING AN EFFECTIVE DATE.

P & Z Director Wendy Howell explained the resolution is a formality following the public hearing previously completed and approved on December 15, 2015. She stood for questions.

Mayor Stear confirmed this is a formality approving the boundary map.

Council President Jones confirmed this is the boundary only not the zoning within the boundary.

Ms. Howell confirmed; yes. The zoning portion will be changed in the future.

Council Member Cardoza asked if this has been sent to Meridian.

Ms. Howell said that former Mayor Nelson had provided the information to Mayor DeWeerd.

Mayor Stear said Meridian's boundary line has been followed. There should not be any problems.

**Council Member President Jones moved to approve R12-2016. Seconded by Council Buban-Vonder Haar by the following roll call vote:  
Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and McPherson  
Voting No: None  
Absent: None  
Motion carried 4-0.**

- D.** Consideration to Approve Resolution No. R13-2016 Approving Award of Bid to Thueson Construction, Inc. for 2016 PI Project – Gordon Law, City Engineer  
(Timestamp 00:14:12)

RESOLUTION AWARDDING BID FOR THE 2016 PRESSURE IRRIGATION PROJECT TO THUESON CONSTRUCTION, INC. IN THE AMOUNT OF \$298,308.80; DIRECTING EXPENDITURE OF FUNDS FROM THE WATER AND IRRIGATION FUNDS FOR SAID PROJECT; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID BIDDERS.

City Engineer Gordon Law reviewed the project; there were ten bidders, four of them had bids that contained errors. The apparent low bidder was among the ones with errors. The low bidder and apparent low bidder were contacted and the original, apparent low bidder with errors was agreeable to not contesting. Mr. Law recommends approval of the new low bidder in the amount of \$298,308.80.

Council Member Cardoza asked why the water fund is contributing toward pressurized irrigation.

Mr. Law said that it has been found to be of great benefit to the water fund due to the relief of demand on the potable wells. He provided an example.

Council Member Cardoza asked about the memorandum and suggested he change the Mayor's name.

Council Member Cardoza asked if it was permissible to justify that amount from the water fund for the PI fund.

Mr. Law thinks that there needs to be benefit and in this project, there is probably more of a benefit than the \$85,000 appropriated.

Council Member Cardoza asked about page two of the memorandum and the actual amount from the water fund that will be used.

Mr. Law explained the full amounts were listed but it will only be \$85,000.

Council Member Buban-Vonder Haar asked if Mr. Law was concerned of cost over runs based on some of the higher bids.

Mr. Law detailed the average of the bottom third of the bids. That average usually indicates the bids are on track.

Council Member Buban-Vonder Haar asked about the multi-million dollar bids.

Mr. Law explained there was an error in the unit price and the bidder thought it was a lump sum instead. He further explained the totals were wrong in the original bids and the numbers were corrected after the bid opening. Bidders are not allowed to correct their bids after the opening. Mr. Law found and corrected the errors after the bid opening.

Council Member Cardoza readdressed how much will be coming from the water fund.

Mr. Law responded approximately \$85,000 of \$298,000. He explained how he estimates the projects and that the memo includes all the available funds for

Council's review. In the future he will provide line item information or not include extra information.

**Council President Jones moved to approve R13-2016. Seconded by Council Member Buban-Vonder Haar by the following roll call vote:**

**Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and McPherson**

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

- E. Consideration to Approve Resolution No. R14-2016 Award of Bid to Quality Contractors for Well House 3 Remodel Project – Gordon Law, City Engineer  
(Timestamp 00:28:38)

RESOLUTION AWARDING BID FOR THE WELL HOUSE 3 REMODEL PROJECT TO QUALITY CONTRACTORS, LLC IN THE AMOUNT OF \$117,000.00; DIRECTING EXPENDITURE OF FUNDS FROM THE WATER FUND FOR SAID PROJECT; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID BIDDERS.

City Engineer Gordon Law explained the bid was opened last Wednesday and was a lump sum bid. The average of the lower third of the bids fall within a range of acceptability. This is a first time contractor for the city. An investigation of the acceptability of their previous work was conducted and excellent references were received. Mr. Law recommends approval of the bid in the amount of \$117,000.

Council Member Cardoza asked if the contractor was required to provide a bond.

Mr. Law responded; yes.

**Council President Jones moved to approve R14-2016. Seconded by Council Member Buban-Vonder Haar by the following roll call vote:**

**Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and McPherson**

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

- F. Consideration to Approve Resolution No. R15-2016 KYSBA Park Use Agreement – Richard Roats, City Attorney  
(Timestamp 00:31:01)

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE PARK USE AGREEMENT BY AND BETWEEN THE CITY OF KUNA, IDAHO AND

THE KUNA YOUTH SOFTBALL AND BASEBALL ASSOCIATION, INC., PURSUANT TO THE TERMS OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

Mayor Stear updated Council that originally there was some confusion about this contract but a meeting was held and everyone came to an agreement.

City Attorney Richard Roats explained that the agreement is to provide scheduling and use responsibilities as well as what other users will be required to do if using the fields. Mr. Roats stood for questions.

Council Member Cardoza said that he didn't see anything in the agreement addressing the concession stand.

Mr. Roats said that it is his understanding that KYSBA has exclusive use.

Council Member Cardoza asked if it should be addressed as to who has authority to use it.

Mr. Roats responded; his preference would be to do that in a separate agreement.

Council Member Cardoza asked if it would be assumed the concession stand was part of the baseball fields.

Mr. Roats said he would not make that assumption. It would be separate from the fields.

Council Member Buban-Vonder Haar asked why the agreement didn't run on the calendar year.

Mr. Roats said it was based on the KYSBA board member elections.

Council Member Buban-Vonder Haar asked about paragraph 2.11; should it read the third Saturday in July instead of the third Sunday since there are no games on Sundays.

Mr. Roats responded Sunday was referenced in the event a tournament may occur.

Mr. Roats reviewed the scheduling options; how the schedule was determined and the effort to maintain flexibility in regard to the amount of players signing up and possible tournaments.

Council Member Buban-Vonder Haar said she is still confused by the language.

Mayor Stear explained the agreement was based on the time they requested. The flexibility discussion came up later. The new board is elected by the end of January.

Mr. Roats pointed out paragraph 2.8 states KYSBA may, with good cause modify the reserved schedule during the season. Showing good cause would put that flexibility to use.

Council Member Buban-Vonder Haar asked if there would be value in combining paragraphs 2.7 and 2.8 to eliminate confusion.

Mr. Roats explained why it was listed as it is. The goal of the contract is to provide availability for KYSBA and preserve the ability for others to use the fields.

Council Member Buban-Vonder Haar suggested a change of verbiage to avoid confusion.

Mr. Roats suggested observing how this works out this year and revisit any changes that need to be addressed next year.

Council Member Buban-Vonder Haar asked if another group reserved the fields during an available time, could KYSBA override those reservations if they show good cause.

Mr. Roats clarified; if another group reserved the fields when available, KYSBA could not override those reservations.

Council Member Buban-Vonder Haar proposed combining paragraphs 2.8 and 2.9 into one paragraph and suggested something to the effect of; after January 31<sup>st</sup>, KYSBA may, upon good cause modify the reserved schedule during the season. However, if dates KYSBA is seeking have already been reserved, the first party to reserve takes priority.

Mayor Stear thought it made sense to make that change.

Mr. Roats said if Council would like to pass the Resolution, he will make the change to that paragraph.

Council President Jones asked about paragraph 2.11; KYSBA will be using the fields Monday – Friday, every single day.

Mr. Roats confirmed that is what KYSBA said, yes.

Council President Jones wanted to be sure they didn't reserve them when they didn't really need them.

Council President Jones asked if a tournament running on Friday, Saturday and Sunday would trigger a special event and would they be required to obtain a special event permit or would they be excluded from that process due to this agreement.

City Clerk Chris Engels responded in the past they have obtained a special use permit for tournaments.

Council Member Buban-Vonder Haar asked if the only way to use the fields is to go through the Clerk's office.

Mr. Roats responded if someone wants to reserve the fields they need to go through the Clerk's office. If it is not reserved and a family would like to use it, they can.

Park Supervisor Bobby Withrow explained signage would be available. The use can also be monitored and tracked. When it is time to renew the agreement, that information would be available.

Mayor Stear said he thinks the schedule request from KYSBA covering the entire week is because they expect additional teams this year.

Council President Jones asked if someone uses the fields and messes up the lines, who would be responsible to take care of that.

Mr. Roats said that KYSBA plans on pre-game prep maintenance.

**Council Member Buban-Vonder Haar moved to approve R15-2016 with the change noted to the agreement. Seconded by Council President Jones by the following roll call vote:**

**Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and McPherson**

**Voting No: None**

**Absent: None**

**Motion carried 4-0.**

- G.** Summary of Fee Waiver Committee meeting and Consideration to Approve Resolution No. R16-2016 Amending Fee Schedule for City Parks and City Public Property – Council President Pat Jones  
(Timestamp 00:48:55)

A RESOLUTION OF THE CITY OF KUNA, IDAHO AMENDING RESOLUTION NO. R26-2015 TO DELETE THE RENTAL FEES FOR THE SENIOR CENTER FROM THE CITY PARK AND CITY PUBLIC PROPERTY PARK USE FEE SCHEDULE, AND PROVIDING AN EFFECTIVE DATE.

Council President Pat Jones updated Council on the Fee Waiver Committee meeting. At this time the recommendation is to address the Senior Center only.

There will be further discussion on the other items. The recommendation of the Committee is that the city no longer rents out the facility at this time. Council President Jones stood for questions.

Council Member Buban-Vonder Haar said one of the reasons noted in the attached memo was minimal amount of funds received and asked if it would help to raise the cost of renting the facility. How many rentals were there last year?

City Clerk Chris Engels responded there were 10 Senior Center rentals last year and two fee waivers.

Mayor Stear explained \$700 was received for the year. Rental usage also requires extra work for the seniors to have to put things away and lock up rooms because sometimes people are disrespectful of the building. Staff time is also required to provide keys and check the building after usage to reset thermostats and put things away. Keys are sometimes not returned. Staff time exceeds the rental income. It is also a matter of respect for the seniors to have a building of their own

Council Member Buban-Vonder Haar asked if there was an amount that would make it worth renting out since the senior association rent doesn't cover the costs incurred for the building.

City Clerk Chris Engels responded Friday and especially Saturday nights are high rental nights. The seniors have bingo every Saturday beginning at 3:30 p.m. so the facility is not available for events that would generate revenue.

Mayor Stear said there are other facilities such as the Community Hall that available for rental.

Council President Jones said another discussion item was how to place parameters to enable people to not have to come to the Council to ask for a fee waiver without being discriminatory. Facilities Director Bob Bachman is in the process of making the building more manageable cost wise. If the building costs are reduced, the rental income from the facility would not be needed to offset costs.

Mayor Stear explained that Facilities Director Bob Bachman is looking into the inefficiencies of the building. The cost savings on utilities should come down to the cost that is covered by the senior association rent. He explained some of the main areas of concern for utility reduction options.

Council Member Cardoza said the VFW uses the facility. Will they continue to be able to use it?

Mayor Stear said that would be up to the senior association but the VFW uses the History Center.

Council Member Cardoza said he doesn't feel it is appropriate for a city owned building to not be available to the public. The citizens pay for the majority of the costs to maintain the building.

Council President Jones asked if Council would be agreeable to not allowing fee waivers of the building.

Council Member Cardoza said he would be agreeable.

Council Member Buban-Vonder Haar said she would possibly be agreeable.

Council President Jones said he wouldn't have a problem to continue renting out the facility if fee waivers were not allowed and rental rates were reevaluated.

Council Member Buban-Vonder Haar explained she agreed with Council Member Cardoza, it should be able to be used by the public. Her principle on fee waivers is that events should be open to the public and be free to all.

Mayor Stear asked if Council would like to have a workshop scheduled or does Council have direction for the committee.

Council Member Cardoza said there are private businesses in the city who invest in community centers. When the city allows a public organization free use of a facility it deters investment the community. The fee waivers should end.

Mayor Stear asked about a workshop or direction to the committee.

Council President Jones said he was bias to not having fee waivers but is willing to compromise. He appreciates Council Member Buban-Vonder Haar's comment regarding a fee waiver being approved if it is open to the public and free to all but would like to add vendors at such an event shouldn't be charged either. Also, the public needs to be made aware there is a free event being held there through social media or otherwise.

Council Member Cardoza asked if that is on the city website.

City Clerk Chris Engels said the reservations and events are posted on the website as well as if it is a private event or a public event. Ms. Engels asked Council President Jones if he was saying it would be up to the city to advertise free public events or if it would up to the person asking for the fee waiver.

Council President Jones responded it should be up to the person asking for the waiver. There needs to be direction regarding how to advertise to ensure everyone knows about the event.

Council Member Buban-Vonder Haar said her preference for the Senior Center is to calculate the actual costs including all staff time to determine if the fees should be increased.

Council Member McPherson believes it is a safe haven for the senior association and doesn't know if the damages or the staff time is worth continuing to rent. He would prefer for it to just be a senior center.

Mayor Stear thinks the city owes it to the seniors to take care of them. Originally, the building belonged to the seniors and was signed over to the city to obtain grant funds for building improvements. The benefit to them is the city has covered many of the costs the seniors would not have been able to afford on their own.

Council Member Cardoza asked City Treasurer John Marsh what the yearly costs to maintain the facility are.

Mr. Marsh said he does not have the numbers in front him. He does know the city spends more than is brought in by revenue. Council President Jones looked up the annual senior center budget as Mr. Marsh was speaking. \$14,400 is budgeted annually. Projected annual revenue is \$5,380. \$5040 of that revenue is from the seniors. Outside revenue is projected to be \$340 annually.

Mayor Stear asked the Councilmembers for direction; should we not rent out this facility or would they like to pursue the matter further.

Council direction is to have a workshop. In preparation for the workshop determine fees other facilities charge and obtain a projection from Facilities Director Bob Bachman on cost reductions. The workshop is scheduled for March 1, 2016 at 6:00 p.m.

**Council President Jones moved to table R16-2016 until March 1, 2016 with a workshop set for 6:00 p.m. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.**

- H.** Area of City Impact Area Ordinance for discussion only – Richard Roats, City Attorney  
(Timestamp 01:22:41)

City Attorney Richard Roats reviewed the draft proposal to be sent to the Ada County Commissioners; the changes and the reasons for them.

Council President Jones asked if 9.1.5c should have a parameter of how notice is sent.

P & Z Director Wendy Howell explained how the process currently works and the notification comes via email. In response to the questions, the notices only go to her email.

Mayor Stear suggested that a “confirmation of receipt is required” be included in the language.

Mr. Roats agreed.

Council Member Cardoza asked if 9.1.2 is the amendment to R12-2016 that previously passed.

Ms. Howell said it was not. This is for Ada County book of codes and then will be adopted as part of our ordinances. The boundaries will be the same boundaries as indicated on the map relating to R12-2016.

Mr. Roats said he will change the notice language and send it out.

## **8. Ordinances:**

- A. First Reading of Ordinance No. 2016-06 – Change in Council Meeting time  
(Timestamp 01:32:07)

AN ORDINANCE OF THE KUNA CITY COUNCIL, KUNA, IDAHO AMENDING KUNA CITY CODE (KCC) 1-6-3A COUNCIL MEETINGS BY CHANGING THE MEETING TIME FROM COMMENCING AT SEVEN O’CLOCK (7:00) P.M. TO SIX O’CLOCK (6:00) P.M.; STRIKING THE PRECOUNCIL MEETING LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

Council Member Buban-Vonder Haar asked if the language “if Council Meeting day falls on an Election Day the Council Meeting will be moved to the following day” should be included.

Mr. Roats agreed.

## **9. Mayor/Council Discussion Items:**

- A. Urban Renewal Committee – Mayor Stear  
(Timestamp 01:34:15)

Mayor Stear asked for a committee to review an urban renewal area that is smaller than the one previously reviewed.

Council Member Cardoza said he would be on the committee.

Council Member McPherson said he would be on the committee.

City Clerk Chris Engels will set up the meeting.

**Council President Jones moved to have Council Member Cardoza and Council Member McPherson on the committee. Seconded by Buban-Vonder Haar. Motion carried 4-0.**

Mayor Stear said city hall options should be forthcoming to Council.

Council President Jones asked if Council could tour the facility included in the options.

Mayor Stear was agreeable.

Council Member Cardoza asked ACHD to look at School St between Mendi and Deer Flat. The surface seems to have sunk.

Council President Jones asked if the baseball group could be notified and maybe have caution signs on Second Street. The detour for the roundabout goes down Second Street and baseball starts March 1<sup>st</sup>.

**10. Announcements:**

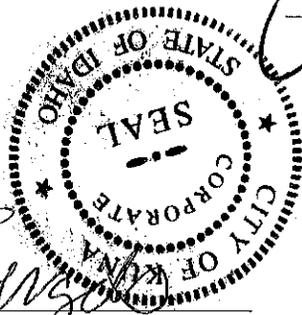
**11. Executive Session:**

**12. Adjournment:**

**Mayor Stear adjourned the meeting at 8:38 p.m.**

ATTEST:

  
Chris Engels, City Clerk





Joe L. Stear, Mayor

*Minutes prepared by Dawn Stephens, Deputy City Clerk  
Date Approved: CCM 03.01.2016*