

## OFFICIALS

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



## CITY OF KUNA

Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho

### City Council Meeting MINUTES Tuesday, February 21, 2017

#### 6:00 P.M. REGULAR CITY COUNCIL

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

###### **COUNCIL MEMBERS PRESENT:**

Mayor Joe Stear  
Council President Richard Cardoza  
Council Member Pat Jones  
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  
Gordon Law, City Engineer  
John Marsh, City Treasurer  
Bobby Withrow, Parks Director  
Troy Behunin, Planner III

2. *Invocation:* None
3. *Pledge of Allegiance:* Mayor Stear

###### **Consideration to Amend the Agenda**

*(Council must move to amend the agenda per IC 74-204(4)(b))  
(Timestamp 00:00:55)*

**Add item 7D under Business - Request from Mayor Stear to confirm appointment of Antonio Conti P.E. to the position of Kuna City Engineer**

*The City Clerk was notified of the request on Tuesday, February 21, 2017.*

**Council Member Buban-Vonder Haar moved to amend the agenda to include item 7D. Seconded by Council Member Jones. Motion carried 4-0.**

**4. Consent Agenda:**

*(Timestamp 00:01:27)*

*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:**

- I. Regular City Council Minutes, February 7, 2017**

**B. Accounts Payable Dated February 16, 2017 in the Amount of \$626,898.35**

**C. Alcohol Licenses:**

- I. Lima Limon – Liquor-by-the-Drink and On Premise Beer**

**D. Final Plat**

**E. Resolutions**

- I. Consideration to approve Resolution No. R17-2017 – Approving the Park Use Agreement Between the City of Kuna, Idaho and the Kuna Youth Softball and Baseball Association, Inc.**

A RESOLUTION OF THE CITY COUNCIL 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.

- 2. Consideration to approve Resolution No. R18-2017 – Authorizing Signatures for Banking Services**

A RESOLUTION AUTHORIZING SIGNATURES, INCLUDING FACSIMILE SIGNATURES, FOR BANKING SERVICES ON BEHALF OF THE CITY OF KUNA.

**F. Findings of Fact and Conclusions of Law**

Council Member Jones asked City Engineer Gordon Law to explain what a mixed liquor pipe is.

Mr. Law explained it is a line that recirculates the biological growth and mixture in the sewer lagoons from the back of the treatment train to the front. It is called mixed liquor because it has the biota mingled with it.

Council Member Jones asked City Clerk Chris Engels if Lima Limon's liquor license application was for a new license or a transfer.

Ms. Engels responded that it is not a transfer. The owner had previously been leasing a different license however Idaho State Liquor said he had to get his own.

**Council Member Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member Jones. Approved 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.**

**5. Community Reports or Requests:**  
(Timestamp00:03:30)

**A. KPAL Presentation – Kody Aldrich, Ada County Sheriff's Office**

Kody Aldrich updated Council on KPAL. The soccer program is going very well and it is growing. Kuna will have its full soccer league in play in spring with all Kuna kids and all games played in Kuna. The KPAL program has grown as well, including the board and new positions. Mr. Aldrich is currently serving as the secretary. He introduced Todd Moyer, an accident reconstruction specialist with the Ada County Sheriff's Office and a volunteer for KPAL, as President. John McDaniel is the Vice President and is with the Ada County Sheriff's Office. Chelsey Campbell is a juvenile probation officer in Kuna and serves as Treasurer. She refers a lot of kids for KPAL scholarships. Britnie Shofner is over the soccer program and has put in a lot of hours. She is invaluable. Her husband, Jason Shofner, built KPAL's website and put together a lot of their security protocol. He is with Boise City Police. The program is great and is really giving back to the Kuna community.

Mr. Aldrich acknowledged all the work of Kuna Police Chief Justin Dusseau and his service. His work has been very valuable. Chief Dusseau was awarded a gift card to Cabela's.

Mr. Aldrich stood for questions.

Council Member Buban-Vonder Haar asked how many kids are doing soccer and football.

Mr. Aldrich said there are 140 in soccer at this time and more are signing up. Last year there were about 165 in football. There should be, for football, a peewee

division with four (4) teams, eight (8) teams in the sophomore division, and eight (8) teams in the junior division. It has really grown. They tried to refocus those younger ages with skill building and positive interaction by getting rid of the tournaments and some of those things. For the older kids that want to be more competitive and see the value of hard work and putting in the practice they try to make the tournaments more rewarding. Ultimately, it is an activities league, so they want to continue the leadership aspect and other opportunities. All in all it is going well. They are there financially. They appreciate the support of the community and the City, especially the Parks Department.

Mayor Stear and Council thanked Kody Aldrich and all those that help for being a resource to the city and youth.

**6. Public Hearings:** (6:00 p.m. or as soon thereafter as matters may be heard.)  
(Timestamp 00:10:12)

**A. Public Hearing and consideration to approve 15-05-S (Subdivision) – Troy Behunin, Senior Planner**

A request from David Crawford with B & A Engineers and Tim Eck with DB Development for preliminary plat approval over approximately 130.55 acres, currently zoned R-6 (Medium Density Residential) in Kuna. The applicant proposes to develop 421 buildable lots and 56 common lots. The subject site is located on the south side of Columbia Road, between Ten Mile and Linder Roads. The south west corner of this project touches the east end of Mason Creek Street, which is south of Silver Trail Elementary School.

David Crawford from B & A Engineers presented the request to Council. The land, which they are calling the Silver Trail Addition Lands, is basically an in-fill project from a larger development that occurred many years ago as part of the Danskin overall development. Subsequently, since the purchase of this land, the LID assessments have been paid off. Ten (10) acres of property were gifted to the school district as part of that original development agreement and those development agreement provisions have all been satisfied. Part of the lands that constituted the original master plan were also sold to the school district so now there is a 40 acre parcel of land that belongs to the school district at the south east corner of Columbia and Ten Mile Road. They had two (2) hearings through the Planning & Zoning Commission and were able to get some information from them. What he brought before Council was a representation of the information received from the neighbors and the Planning & Zoning Commission. They consolidated the open space, as much as they could, to be near the south east corner of the development at the extension of Mason Creek and School Street. They have about twelve (12) acres of open space that will be landscaped throughout the development and they also granted about an acre and a half located at about the middle of the development. That was done based on information received from both the neighbors and the Planning & Zoning Commission. They also accommodated for a lot of ACHD's input from their original conditions. ACHD added a round-about to the intersection at Mason Creek and

School Street which they accommodated for on their plan. That required them to revamp a lot of the south west corner of the development. They also have a mid-mile collector at School Street that runs through the project. There was some input from Planning & Zoning Commission requesting a 35 MPH speed limit. That road is designated to have that speed limit because it is a mid-mile collector. They have placed, in accordance with Kuna City Code, buffer strips along the entire corridor except for the small section where they only have 50 feet which is only enough room for the road and no landscaping. They did a substantial amount of redesign and received unanimous approval twice from the Planning & Zoning Commission. What has been brought before Council, they believe, is well thought out and in compliance with Kuna City Code. Each lot will be eligible for pressurized irrigation water, domestic water, and sanitary sewer through the City of Kuna services. He requested approval for the project and stood for questions.

Council Member Jones asked about two (2) other smaller spaces that were added. He wanted to know if they were open spaces.

Mr. Crawford explained there are two (2) different kinds of open spaces. One (1) will be owned and maintained by the home owners association and is south of Mason Creek. There is an existing turnaround from the existing Danskin project for fire department access at that spot. They proposed to continue that fire department access temporary turnaround but it won't be providing public street connection through to the private lands in Danskin. It will just be landscaped and maintained by the home owners association but, if something happens in the future it could become eligible for building permit.

Council Member Jones asked if they would be providing any amenities in the open spaces or if they would just be grass.

Mr. Crawford said they provided buffers along the entire parkway system. There are twelve acres of park land in the project. They buffered the entire green space from the streets with density planning of trees and shrubs but, because those aren't public open space, they afforded an opportunity to the home owners association to place the amenities they wish to have in there to own, operate, and maintain.

Senior Planner Troy Behunin further explained the project. Staff appreciated the opportunity to work with David Crawford and Tim Eck on this project. It was a long time coming. It was delayed because of a traffic impact study that was required. Noticing procedures did not go the way they were supposed to for the meeting for December of 2016 so they held another at the end of January. In between those two (2) meetings the applicant was responsive to some of the changes the neighbors had requested including open space and additional things that will make this an even better project. The packet provided in the Council Packet was the original packet and the three (3) documents given to Council at the meeting reflect the changes that were made and their responsiveness to questions and concerns. He noted that the Planning & Zoning Commission voted unanimously both times, that this is a technical

compliance project, and the applicant is technically compliant. He stood for questions.

Council Member Buban-Vonder Haar noted the question from the neighborhood meeting about home sizes and the answer that they would range from 1,400 – 2,800 square feet. The Estimate of Revenue Generation listed the estimated square footage to range from 2,000 square feet to 2,200 square feet. She wanted to know which was correct.

Mr. Behunin deferred to the applicant. He clarified that this is a straight zoning package and staff looks for technical compliance so they don't really get into that if the applicant is compliant with all the conditions, zoning requirements, and measurements for the lots.

Council Member Jones asked if there was public access along the creek. He was concerned about having a creek so close to homes.

Mr. Behunin deferred to the applicant but he did not believe it was a sizable creek.

Council Member Jones asked about the estimated cost of bringing services to the subdivision as far as schools, fire, and police.

Mr. Behunin said it wasn't something the City gets involved in.

Council Member Jones asked if it was a large scale subdivision.

Mr. Behunin responded it was.

Council Member Jones asked Mr. Behunin to look, when he gets a chance, at 6-5-4 item number B which says "estimate the public service cost to provide adequate service to a development".

Mr. Behunin did not believe that talks about numbers. It just asks if they are providing the service.

Council Member Jones said, under that same code, item D is requiring the suggested public means of financing the services for the development if the cost of the public services would not be offset by tax revenue received from the developer. The way he reads that is they are supposed to provide the cost for all of these services and the revenue amount; then, if there is less revenue than the expenses, they are supposed to provide means of how that revenue will be generated. He asked City Attorney Richard Roats for his input.

City Attorney Richard Roats believed the question in that code section is what the City is expending to bring in those services. In this case, the developer is expending those funds to bring the services to that site.

Council Member Jones clarified that the applicant was expending the funds for fire and police protection and schools.

Mr. Roats said the roads and City services are being taken care of by the developer and the others are paid for by taxes generated by the properties.

Council Member Jones asked how they would know if the taxes will cover those services without an estimated cost and who would cover the expenses if they are not enough.

Mr. Roats said that is determined when they work with the police services during contract time.

Council Member Jones asked what happens if it ends up exceeding that time and the City can't go back to the developer if the costs exceed what their revenue supposedly generates.

Mr. Roats did not think they get that specific. They annex in and the City taxes that cover those services are charged.

Planning & Zoning Director Wendy Howell asked Council Member Jones which code he was referencing.

Council Member Jones cited 6-5-4. He asked why, then, that code is in place.

Ms. Howell and Mr. Roats asked if Council could come back to the question in a bit.

Council Member Jones said that was fine.

Council President Cardoza asked the applicant about Pear Apple Street. It was cut down to a 29 foot width and he wanted to know if the fire department had any objections.

Mr. Crawford responded the fire department had not specifically weighed in on that yet but it is quite typical for a road cross section to use a 29 back to back and 42 foot right of way. What normally occurs is a requirement to have parking restricted to one (1) side so there would only be one (1) lane of parking. It is reduced about 7 feet from a normal road cross section which is 36 feet back to back to curb which allows parking on both sides.

Council President Cardoza asked how they would obstruct parking on one (1) side with homes on both sides.

Mr. Crawford said it would be signed and that it is quite common.

Mayor Stear noted that after the public hearing Council Member Jones' questions would be returned to.

Mayor Stear opened the public hearing.

In Favor: None

Neutral: None

In Opposition:

Bryce Durrant, 2345 W. Columbia Road, Meridian, Idaho 83642, referenced the comprehensive plan's desire to keep the City of Kuna's small town feel. These types of developments, with their average of 7,000 to 8,000 square foot lots and cookie cutter homes, take away from the small town feel referenced in the plan. The comprehensive plan calls for a variety of lot sizes and there aren't any in this plat. Probably 80% of those lots fall in the 5,000 to 7,000 square foot size. Kuna has many lots that size. He asked where the bigger lots are. Bigger lots provide more tax base to provide for necessary services. This does not provide for that. Section 6 of the land use section of the comprehensive plan references the provision of a variety of housing densities and types to accommodate various lifestyles, ages, and economic groups and encourages a balance of land use to ensure that Kuna remains a desirable, stable and self-sufficient community. He asked if Kuna was really self-sufficient and referenced the multiple school district bond requests. The new homes being built are not providing those funds to be self-sufficient in Kuna's schools. They have to keep coming back to community members to ask for more money to build more schools for these new houses. He asked how many times he would have to pay for new schools to be built when the new houses are not covering it on their own. Goal three (3) of that section is to protect the quality of existing residential neighborhoods and ensure the new residential development is sustainable. This plan does not meet the requirements of the comprehensive plan in regards to protecting the quality of existing neighborhoods to ensure their character and quality is preserved. The Danskin lots are all larger one (1) acre lots. One of the corner lots has seven (7) houses backed up to it. In his opinion, that does not preserve the quality of those existing neighborhoods. He will have up to four (4) houses backing up to his one (1) acre lot. When he purchased his home he envisioned larger lots would be developed. He addressed concerns about the landscaping buffers ending abruptly. He wanted to know if there would be sidewalks and landscaping after the 20 foot buffer ends. He was concerned about the aesthetics. He thanked Council for listening.

**Council Member Buban-Vonder Haar moved to close the public hearing. Seconded by Council Member Jones. Approved 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.**

City Attorney Richard responded to Council Member Jones' previous question regarding code 6-5-4. When looking at 6-5-1, the purpose of that chapter is to identify the developments that pose a special concern to the Planning & Zoning Commission and elected officials when reviewing and acting upon subdivision requests. That preface leads into 6-5-4 which outlines those items Council Member Jones referenced for the large scale development. Identification of the services would be on page 24 of 101 followed by the tax revenue. Council Member Jones was looking for an estimated service cost to provide those services to the development. Mr. Roats suggest that the services listed are self-financed by the tax revenue generated. Planning & Zoning didn't question if those services would exceed the generated tax revenue. If there is a question about those numbers they should be revisited at tax time and the City's equity for the taxes on the generation to provide those services re-evaluated. If a (*unintelligible*) top is built, supposedly, those taxes generated should be enough to cover those services being provided. They may be behind for a year but overall speaking he would suggest that the tax revenue does cover those services provided.

Council Member Jones was concerned because the code said it and he can't vote on something outside of the code. He did not want to be accused of not following Kuna's code. He was a little concerned about the numbers because that explanation means there should never be a bond for anything. He said, if fire, police, and school costs are covered, why would more money be needed. He is not against removing it from the code if that is chosen but, he does not believe Council put that in the code at any time. Typically the City comes to Council to add stuff to the code and not vice versa. He wanted to make sure that some of the things are not coming up short on money; that enough was being collected to cover these services. He asked if he had the right, at budget time, to go back and look at all these costs and tell an entity that is the only money they are getting because that is what it says here and they can't get anymore because nothing more has been collected. He wanted his interpretation of it understood.

Mayor Stear stated generally any entity has to run bonds to buy new buildings and those are on-going costs. When the state provides funding for school districts they provide operational costs not money for infrastructure. That is for the public to do. That will be ongoing whether there is growth or not. You may not need to build a new school but it will need upgrades. It is the same with fire districts. That is just by virtue of how the system is set up. The code can be reviewed to see if there is room for clarification.

Mr. Roats explained these developments go out to the different entities. They have reviewed the application and haven't indicated they will be fiscally impacted or that they will need Council to ask the developer to pay funds up front for development. Police protection is part of the contract. They base those numbers on the prior year. It would be difficult to say this (*unintelligible*) top has to provide X amount in addition to what they are going to pay on their taxes. He reviewed services and fees. He was not sure if the school had an opportunity to comment on this application

specifically to say if they needed extra money. They are coming forward with their bond and this development would help pay for that. Mr. Roats said as he breaks down and identifies the services he understands where Council Member Jones is going but he wasn't sure where the additional revenue would be needed.

Council Member Jones said that was not his point. His point was, if he is to vote on this and follow Kuna's code, he has no recourse to vote any other way. He was not saying that was what he was going to do but, the code says they are to provide that and it was not provided. Council can make a motion to waive that requirement but he wanted to know if he was reading the code wrong and that was not required for a large scale subdivision.

Mr. Roats started to go through it. The services had been identified. He asked if the question was regarding B - estimate the public service costs to provide adequate service to the development.

Council Member Jones said B is the only one (1) because B goes into D. If you have B and C then you can figure out if D applies. He added that he would be fine with removing this from code but he wanted to be sure he was following code when voting on something. It is just a legality point and not about the numbers. He was not sure if Council could waive the requirement but, if they can and have to, he wants to be sure it is in the motion.

Mr. Roats said he would argue that the estimate of the public services is on the page that indicates the revenue generated. Those entities have determined what it costs to operate per household in Kuna and that then is the anticipated cost for providing those services.

Council Member Jones said he understood what Mr. Roats was saying.

Mr. Roats added, if a developer were asked to say how much the impact would be, the developer would figure out how that impact will equal or come close to what those taxes or revenue fees are generated. There may be ten (10) houses that never call on law enforcement and one (1) that does but each house of those eleven (11) are going to pay the same amount based on the prorated share of the City's tax revenue.

Council Member Jones said he understood that the only way it could be done would be if the entities provided the cost per house; what it costs for the police department to police a house or ten (10) houses. That may be asking too much and it is not what he is saying. He just wants to be sure the code is followed in making this decision.

Mr. Roats said that page provided by the developer satisfies the code.

Council Member Buban-Vonder Haar suggested that section of code be reviewed.

Mayor Stear asked if the applicant would like to rebut the testimony given in opposition.

Tim Eck, 6152 W Half Moon Lane, Eagle, Idaho, reiterated the history of the project. The greater Danskin master plan was about 300 acres once. It has to be taken into consideration that 40 acres of that now belong to the school district. Part of the diversity and density that is being required is the Danskin Ridge development which is all one (1) acre lots. Applewood also has larger lots. This is the tail end of the subdivision where they have to start bringing in smaller lots. The original Danskin had much smaller lots than this. It was probably 6 – 8 lots per acre. They have not done that. They have maintained larger lots. Their density is 3.54 per acre. Overall the property was assessed through the LID for more EDUs than they will use. They had to pay off the entire LID assessment including both school sites. A small percentage of the EDUs for the school sites were retained for the school sites but all the rest they paid for and were able to move to other properties in the city that were not encumbered by the LID but, this plat has significantly less lots than originally intended in the previously approved Danskin master plan. That master plan was done prior to annexation and the LID and all fell under the direction of a very specific development agreement. That development agreement was vacated a couple of years ago because all of the conditions of the agreement had been met. The City had met their requirements and the land holders had met their requirements which included paying off approximately 200 EDUs. This project paid off 700 EDUs. There is a diversity of density, lot size, and house size but everything that has already been built as part of the greater Danskin master plan has to be taken into consideration. Mr. Eck stood for questions.

Council Member Jones thanked the developers for adding the open spaces.

Mr. Crawford followed up on the Mason Creek drain question. The Kuna City Code does require that each phase or boundary of the development is fenced so along the boundary it will be fenced other than across roads. They are not allowed to interfere with maintenance access.

Council Member Buban-Vonder Haar asked about the discrepancy of the home sizes in the document.

Mr. Crawford explained they look at those things in two (2) different veins. What they are looking at is driven by the market and a successful marketing model for homes being sold in the area. It has been working well so they would like to continue with it. It allows for a mix of people to come in and buy a home they want with a mix of sizes. The revenue generation report shows an average of what has been built in other developments like this one so they are seeing things on the middle of the road with a 2,000 to 2,200 square foot range. They are looking at it from a revenue generation based on an average and that is why there is a discrepancy.

Council Member Buban-Vonder Haar asked if the plan was still to have a variety maybe between 1,400 and 2,800 depending on needs and wants.

Mr. Crawford said that is correct. Typically they don't see very many homes at 1,400 square feet but it is really dependent on what people want to buy.

Council Member Jones asked if there was a path along the creek.

Mr. Crawford said there is a gravel access point.

Council Member Jones clarified that there would be no encouragement for recreation along it.

Mr. Crawford said there would not. In some instances they like to add that kind of amenity but they are at the behest of the Boise Board of Control. They can implement some safety precautions that allow for fencing along the creek but they have to leave the Boise Board of Control's stuff alone.

Mr. Behunin added that on page two (2) of the staff report it talks about a recreation pathways map and, in the staff memo, there is an illustration of a future trail through part of the subdivision in that area.

Council Member Jones said that is not being put in at the moment so, if anything, it will possibly be a City entity not a developer entity.

Mr. Behunin said the future pathways map calls for it so it could be added to the conditions as far as providing some sort of access as long as it does not interfere with the district.

Council Member Jones said he would prefer to do that as a whole thing instead of per development. As long as they aren't putting anything in right now, he would be comfortable dealing with that at a later time.

Council Member Buban-Vonder Haar addressed the testimony of the public hearing. She personally agreed that it would be nice to see larger lot sizes because that is something that is missing within City limits but at this point the comp plan doesn't allow the flexibility to deny based on that interest alone. Later on the agenda there is an item on retaining a company to redo the comp plan. She is hoping to build some of that flexibility in so a greater variety can be encouraged but, as it is written now, this development meets the current comp plan and city code. It conforms to the future land use map in terms of density. She was somewhat heartened by the fact there is a plan to allow for a variety of housing sizes and that also follows the comp plan. It calls for a mix of residential type dwellings to accommodate different families. It does add to the network of roadways and sidewalks. The fact that they added the open spaces is great and also speaks to some of the elements of the comp plan which asks folks to incorporate landscape features and uses of that nature. Her

read is that it comports with the code and the comp plan so she would make a motion to approve 15-05-S.

Council Member Jones seconded.

Mayor Stear asked if Council would like to add any conditions of approval.

Council President Cardoza asked Planning & Zoning Director Wendy Howell about the development agreement. He thought it was rescinded back in 2006 and asked, since this is a preliminary, would there be a new development agreement.

Ms. Howell said no.

**Council Member Buban-Vonder Haar moved to approve 15-05-S (Subdivision) with the conditions of approval as listed in the packet. Seconded by Council Member Jones. Motion carried 4-0.**

**7. Business Items:**

*(Timestamp 00:57:45)*

- A. Consideration to approve Kuna Splash Pad Location – Bobby Withrow, Parks Director

Parks Director Bobby Withrow presented the options available for the splash pad and how they were determined. The choices were Bernie Fisher Park, the Greenbelt, and The Farm. He outlined public input and the pros and cons of each location. After analyzing the feedback and budget considerations he concluded that the most economical location was Bernie Fisher Park. If it is located there more money can be put into the actual splash pad instead of worrying about what else needs to be done to make it usable. He shared some different placement ideas and asked for Council's feedback on what to do next.

Council Member Buban-Vonder Haar asked, if budget wasn't an issue, would the Farm location be suitable to this use considering the flood plains and location.

Mr. Withrow said the flood area is an issue but otherwise it would be a good spot.

Council Member Buban-Vonder Haar was just thinking, since they were already talking about putting bathrooms in at different locations, if The Farm was suitable maybe they should splurge and do bathrooms and shelters but since it wouldn't logistically work out that was all she needed to know.

Council Member Jones said he appreciated Mr. Withrow's work on the project. He cautioned him against throwing away votes because there is no way of knowing if more than one (1) person voted from the same computer. He doesn't have a problem with Bernie Fisher Park. He did not like location options C and D and prefers option

B. He would be hesitant to move the gazebo and if that option is chosen he would suggest sending a courtesy note to the people who provided for that gazebo to be built to make sure they are on board with that. He said perhaps water coming out of the water tower could be a cool addition if option B is chosen. He deferred to Mr. Withrow's recommendation of Bernie Fisher Park and, if Council is in agreement with that, he would prefer option B.

Council Member Buban-Vonder Haar asked if there was feedback from the Farmers Market in regards to their interest in moving or ideas for where else they would go.

City Clerk Chris Engels said she spoke with Quency Murphey recently and had let her know this was possible. They discussed possibly moving to the City Hall Parking Lot. Ms. Engels discussed their needs for water, electricity, and that type of thing with the City's Facilities Director. The City's goal, should the market need to be relocated to the City Hall Parking Lot, would be to work with any special events that are coming, work with the Farmers Market's needs to get them solidly established, and help them that first year with the transfer as far as promoting their relocation. She surmised that the Farmers Market knows this could be coming and are amenable to using the City Hall Parking Lot if it is alright with Council.

Council Member Buban-Vonder Haar preferred option D. It requires the least amount of changes. She is leery of moving the gazebo; it seems like it is in a good, quiet spot. Also, the leaves falling may be a nightmare. Her objection to option B was moving the Farmers Market. She felt it was a feature that helps with the walkability of downtown. However, it might be a double bonus if that helps get people to walk to the other end of town. She would probably be fine with option B or D. The concrete already in place at option B may be an issue.

Mr. Withrow said another thing to consider with option B is the area could possibly still be used for the Farmers Market if the splash pad is situated a certain way and stayed off until after the Farmers Market.

Ms. Engels added that the Farmers Market would prefer to stay where they are but will move if needed.

Council Member Jones asked if Mr. Withrow had plans to add anymore shelters to that park.

Mr. Withrow said he would like to add two (2) more north of the swing set in the coming spring. They would take out six (6) of those trees.

Council Member Jones clarified that would be by option B.

Mr. Withrow confirmed it would be to the right of option B.

Council Member Jones asked if, with options C or D, the splash pad would be shut down during large events like Kuna Days.

Mr. Withrow said that would be up for debate. He could see how people would want it shut down but he could also see how it could bring more people to an event like Kuna Days. Kids could play at the splash pad while their parents walk around and it is usually pretty hot so it would be a nice way for everyone to cool down.

Council Member Jones said option D is prime real-estate and it was a goal to bring bigger events to Kuna by utilizing that park. That was why \$15,000.00 was spent to put power in that park. The use of that park would be limited if the power were not available. That amenity would no longer be used as much to encourage people to bring their event to Kuna. He added that, with option D, Kuna Days will have to split up their vendors. That is not an issue and was expected to happen someday anyways but it is a lot of real-estate to give up. Obviously a new feature would be created; a very beneficial and good feature. He was looking at option B as an area that would not create as much impact. He would not necessarily be against option C but option B, in his personal opinion, would be best.

Council Member Buban-Vonder Haar asked if it would be tenable and advisable to run a line through the Grange property, for example, if the Grange allowed it, to the Greenbelt location.

Mr. Withrow deferred to City Engineer Gordon Law but added that if the City did that they would have to get an easement from them.

Council Member Buban-Vonder Haar said there has been some conversation about the property having been without irrigation for a long time which is why it is dead in the summer. Her suspicion, without ever having broached the subject, would be they might be willing to offer that kind of easement if it meant they also got their water back. If it could all be done in one fell swoop it might benefit everybody. It is still pretty close to this location and addresses some of the concerns.

City Engineer Gordon Law clarified she was asking if it was feasible to bring drinking quality water to that location or pressurized irrigation water.

Council Member Buban-Vonder Haar said any and all water that would be required for the splash pad. Mr. Withrow had mentioned one (1) of the cons of the Greenbelt location was the need to tear up roads to bring water down there which would be a bigger undertaking. She thought cutting through the Grange property might be an option if it is realistic.

Mr. Law said to get potable road would require cutting the road.

Council Member Jones asked which lines on the presentation maps represent water, irrigation, and sewer.

Mr. Withrow said the blue lines are water, the green are sewer, and the purple are pressurized irrigation.

Council Member Jones said it looks like a 2 inch pipe and asked what minimum would be needed.

Mr. Withrow said 3 inch.

Mayor Stear preferred options D or C. He liked the exposure without being close to the major road and the lines are easy to get to as well as parking. It would also be a good place for kids during baseball tournaments. His preference was location D.

Council Member McPherson preferred B or D and left it up to Mr. Withrow.

Council President Cardoza preferred the Greenbelt. It was close to the creek, right next to the restrooms, near parking, and it frees up the park for any other activities. The only issues would be the potable water issue and a net to keep baseballs from coming over and hitting the kids. There is the entire area for the families under the trees and the green areas. The Greenbelt seems the best of all locations other than the water issue unless there is some way to run irrigation water there with some way to sterilize it as it goes through the system. He thought there was irrigation there and a pump by the creek.

Mr. Law said the pump is not activated but there is pressurized irrigation water there.

Council President Cardoza asked if there was a way of sterilizing it.

Mr. Withrow said there is but the problem with that is the extremely high cost to do it every year.

Mayor Stear said it was about \$30,000.00 in maintenance per year. Staff had looked at some filtered systems and using PI.

Council President Cardoza said \$30,000.00 seems reasonable when compared to the maintenance of a swimming pool. This is a one-time deal to put in and it would free up the park.

Mayor Stear clarified the \$30,000.00 would be per year.

Council President Cardoza said that is still cheaper than a swimming pool.

Mayor Stear asked how soon Mr. Withrow would need a decision.

Mr. Withrow said Council could have more time to think about it; he was just waiting for a decision.

Council President Cardoza joked they would like it done by June 1<sup>st</sup>.

Council Member Buban-Vonder Haar asked for operating costs and location costs for making the Greenbelt work. She was torn between location options and thought finding a happy medium might be worth a little extra cost.

Mr. Withrow said he could have the information for the next Council Meeting.

Council Member Buban-Vonder Haar added that operating cost estimates for Bernie Fisher Park would also help in making the decision. She said he did not need to spend a ton of time on getting the information together and could just bring something rough to Council.

Mr. Withrow said the system he originally looked at was a repurpose system that would use potable water to go through the splash pad. It would go in a storage tank and then be pumped into the grass. That is probably about 25% - 30% less than treating it every time and then figuring out how to get rid of it after that. They would probably still need to do the repurpose so there would still be that cost on top of treating it.

Council Member Buban-Vonder Haar asked if that was regardless of location.

Mr. Withrow responded yes.

Council Member Buban-Vonder Haar asked that Mr. Withrow be as creative as possible in finding ways to make the Greenbelt work.

Council Member Jones asked who owns the road in between the Grange and the City Ball Field.

Mr. Withrow said the City does.

Council Member Jones said there is a 10 inch line along 2<sup>nd</sup> Avenue so that could be tapped into and the line could be run down that gravel road and no main roads would have to be torn into which would be a significant savings. He asked what the line on the corner of the map coming out of the S was.

Mr. Withrow said the blue was a potable water line.

Council Member Jones was asking about the green line not the blue.

Mr. Withrow said it was sewer and the purple line is pressurized irrigation.

Council Member Jones asked about running it off the 10 inch line and if Mr. Withrow had any plans to bring irrigation over to the horseshoe pits to put grass in.

Mr. Withrow said yes, for sprinklers but he has to remodel a little bit because it is on its own separate system.

Council Member Jones asked that Mr. Withrow look into using that 10 inch line. If it can be done that way he would have no problem with the splash pad going on the Greenbelt.

Mr. Withrow said he would bring the details back to Council.

**B. Consideration to approve Resolution No. R19-2017 – Supporting the Kuna School District's Bond and Supplemental Levy Election – Mayor Stear**  
*(Timestamp 01:27:30)*

Ginny Gregor and Amber Abercrombie, the co-chairs of Friends of Kuna School District, asked for Council's support in the district's bond issue. They felt it would be a positive influence towards the success of the bond. Many months were spent on preparing the proposal and the school board was unanimous in the decision for a bond. They feel it would not only be beneficial for the school district but the community as a whole. They stood for questions.

Mayor Stear asked if more information would be coming up so no one forgets about the matter.

Ms. Abercrombie responded a committee is in place that is doing a number of things. They have information tables at every school district event and they have a phone bank set up that will go through the 14<sup>th</sup>. They are there four (4) days a week from about 5:30 to 8:30 making phone calls. A post card will also be going out closer the election. They are trying to educate as much as they possibly can in a financially conservative way.

Council Member Buban-Vonder Haar commented she had heard a lot about it online and was impressed with the amount being accomplished without taxes going up. It is remarkable and should be commended. It sounded to her like one (1) of the biggest misconceptions that people weren't aware of was why the district can't budget better and pay for the schools that way. She asked if they would like to talk about that a little bit.

Ms. Abercrombie responded that the district isn't authorized to use operating funds for buildings. Their only options are donation or bond. Ms. Abercrombie is a parent in the district with two (2) daughters that attend Kuna schools. They have been here about 13 years and she only knows of one (1) bond in that time. With the rapid rate of growth and the schools' inability to ask for educational impact fees, they get this misconception often. They can't go to developers and tell them to give them money since they are bringing in so many students. It is against the law in Idaho. The only opportunity they have to build new schools is to bond. She felt they had been really respectful to the patrons and the school district has done an amazing job positioning

it so there is not a tax increase. Basically, there will be about \$42.5 million worth of buildings and improvements without the rate going up at all which is phenomenal.

Ms. Gregor added that she spent 14 years on the board and has seen the budget and knows what it is like. The state does not give them enough money to fund education let alone buildings so bonding is really the only source of revenue for buildings. Growth does help pay for the bond but is also the reason for the bond. Also, the more commercial that comes in the better it is for the school district. It is a positive thing to see those commercial businesses going up on Meridian Road.

Council Member Buban-Vonder Haar asked if they knew how many districts in the state of Idaho have to ask for bonds or currently have supplemental levies on the books.

Ms. Abercrombie responded it used to be approximately 90%. Kuna is not alone and the school board has voted to maintain basically \$5.00 for every \$1,000.00. They have seen that rate go up and down in Kuna which is difficult for homeowners. Voting to keep it at that 5%, and it would stay at 5% even if the bond is passed, allows them to give their patrons a reliable number to budget for while still giving them the opportunity to address growth that will be seen in the upcoming years. This was something they have heard a lot about as they have been out promoting and it has been addressed in a great way.

Mayor Stear stated that he sat on the committee where there was a great deal of discussion from a very diverse group of people so there was a lot of different input in regards to how things should look and how they should go. It was a very good exercise to go through. They spent about four (4) months on that and came up with what he felt was a pretty good plan. The school boards direction from day one (1) was that they will not raise taxes and they kept it within those bounds.

Council Member Jones complimented the committee and the district on their fiscal awareness.

Mayor Stear asked if there was any further comment and then read the resolution in its entirety.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA, IDAHO, RECOGNIZING THE IMPORTANCE OF A HIGH QUALITY PUBLIC EDUCATION SYSTEM TO THE LIVABILITY OF A COMMUNITY AND THE WELL-BEING OF ITS CHILDREN AND THE SUBSEQUENT BENEFITS TO OUR FAMILIES AND CITIZENS; SUPPORTING THE KUNA SCHOOL DISTRICT'S BOND AND SUPPLEMENTAL LEVY ELECTION ON TUESDAY, MARCH 14, 2017.

**Council Member Buban-Vonder Haar moved to approve Resolution No. R19-2017. Seconded by Council Member McPherson. Motion carried 3-1.**

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

**Voting No: Council Member Cardoza**

- C. Consideration to approve Resolution No. R20-2017 – Approving the Selection of Agnew::Beck Consulting for the Preparation of a New City of Kuna, Idaho Comprehensive Plan – Wendy Howell, Planning and Zoning Director  
(Timestamp 01:45:30)

Planning & Zoning Director Wendy Howell explained there were three (3) proposals for consultation. All were interview on February 13, 2017 and it was determined Agnew::Beck was the best choice due to the availability of their services and they are local. She mentioned Council Member Buban-Vonder Haar and Mayor Stear were on the selection committee.

Council Member Buban-Vonder Haar said the decision was unanimous so everyone, including ACHD and Ada County representatives, agreed. Two (2) of the biggest factors were the fact that they are local and the fact that they are already well acquainted with Kuna. They are already familiar with the downtown revitalization project and it became apparent that the other firms would need a potentially significant period of education in order to get them up to speed on what Kuna was all about and its future which would take a lot of time and money. Overall, everybody was incredibly impressed. She came away feeling very excited and hopeful about what they could come up with. She, Mayor Stear, and Ms. Howell were open to questions.

Mayor Stear agreed that there was one (1) clear choice out of the three (3) presentations and felt Agnew::Beck would do an outstanding job. He, Ms. Howell, and the Planning & Zoning Staff got together a few days before that committee to draft questions that were pertinent and Agnew::Beck answered all those questions well. He asked Council if there were any questions.

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE SELECTION OF AGNEW::BECK CONSULTING FOR THE PREPARATION OF A NEW CITY OF KUNA, IDAHO COMPREHENSIVE PLAN, AND AUTHORIZING THE CITY'S SELECTION TEAM TO MOVE FORWARD WITH NEGOTIATIONS WITH AGNEW::BECK REGARDING THE FEE FOR SAID SERVICES.

**Council Member Buban-Vonder Haar moved to approve Resolution No. R20-2017. Seconded by Council Member Jones. Motion carried 4-0.**

- D. Request from Mayor Stear to confirm appointment of Antonio Conti P.E. to the position of Kuna City Engineer.  
(Timestamp 01:48:59)

Mayor Stear explained there were two (2) applicants that were quite qualified. They had talked to Paul Stevens in the beginning. The City ended up going through a long negotiation with him and, in the end it, seemed like he didn't want to leave his current job so it fell through the morning of this meeting. They had an engineer hired and by 2:00 PM that afternoon they didn't anymore. City Attorney Richard Roats

called and talked to Antonio Conti who was excited about the position and was willing to step up to take it. Mayor Stear pulled most of the directors that afternoon as well and they were all in support of Mr. Conti, with the exception of City Treasurer John Marsh whom the Mayor did not get a chance to ask. He added City Engineer Gordon Law would be the best to answer any questions Council might have.

**Council Member Buban-Vonder Haar moved to confirm the appointment of Antonio Conti P.E. to the position of Kuna City Engineer. Seconded by Council Member Jones. Motion Carried 4-0.**

**8. Ordinances:**

*(Timestamp 01:51:25)*

- A. Consideration to approve Ordinance No. 2017-02 – Annexing TNT’s Certain Real Property into the City of Kuna, Idaho

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, TO WIT: PARCEL NO. S1314438920 SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA INTO 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.

Mayor Stear stated this was a pretty straight forward ordinance and unless there were any questions there was no reason not to fast track it.

*Consideration to waive three readings*

*Consideration to approve ordinance*

*Consideration to approve summary publication of ordinance*

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2017-02. Seconded by Council Member Jones. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2017-02. Seconded by Council Member Jones. Approved by the following roll call vote:**

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

**Voting No: None**

**Motion Carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve the summary publication of Ordinance 2017-02. Seconded by Council Member Jones. Motion carried 4-0.**

**B. Consideration to approve Ordinance No. 2017-03 – Amending Kuna City Code Chapter 8, Title 3 - Special Events**

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING CERTAIN SECTIONS OF CHAPTER 8, TITLE 3 ENTITLED SPECIAL EVENTS OF THE KUNA CITY CODE SPECIAL EVENTS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Stear requested the three (3) readings be waived due to the high volume of special events coming in.

Council Member Jones asked City Attorney Richard Roats to read Special Event Permit Required under 3-8-2, A5. He thought it should read “*unless* weapons are sold” but it still said “or”. He thought they had corrected that.

Mr. Roats said it had been corrected... (*Unintelligible – Mic not on*)

Council Member Jones asked about notification of when a special event is happening. He had been thinking it would be nice to have those notifications going out to Council with a courtesy copy of the permit so they can be aware of events that are happening in case they get questions. He had not known there were 28 events the previous year. He did not know if that needed to be included in the code.

Mr. Roats was not sure it would go in the ordinance but it could be done by resolution or simple direction to the Clerk’s Office to e-mail Council when those come in.

Council Member Jones said that would be fine with him.

*Consideration to waive three readings*

*Consideration to approve ordinance*

*Consideration to approve summary publication of ordinance*

**Council Member Jones moved to waive three readings of Ordinance No. 2017-03. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.**

**Council Member Jones moved to approve Ordinance No. 2017-03 with the correction to 3-8-2, A5 to add the word “*unless*”. Seconded by Council Member Buban-Vonder Haar. Approved by the following roll call vote:**

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

**Voting No: None**

**Motion Carried 4-0.**

**Council Member Jones moved to approve the summary publication of Ordinance 2017-03. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.**

- C. Consideration to approve Ordinance No. 2017-04 – Amending Kuna City Code 4-2-1 - Building Codes  
(Timestamp 01:58:10)

AN ORDINANCE OF THE CITY COUNCIL FOR CITY OF KUNA, IDAHO AMENDING KUNA CITY CODE 4-1-2 TO CLARIFY THE SUBSECTION REGARDING VIOLATION, NOTICE, REMEDY AND ADDITIONAL COSTS; ESTABLISHING THAT CIVIL FINES SHALL BE ASSESSED FOR VIOLATIONS OF THE ADOPTED BUILDING CODES AND SETTING FORTH A GRADUATED CIVIL FINE PENALTY FOR SAID VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Mayor Stear asked Facilities Director Bob Bachman to briefly summarize how this came about. He added that this was another item that was less restrictive so there was no reason for three (3) readings if Council wishes.

Mr. Bachman explained that the busier they get the more people are proceeding without inspection. A lot of new contractors are coming into the area that may not be used to how the City of Kuna operates and the City basically has no teeth at the moment to do anything about it other than to stop the entire project which is generally not a good way to go about it. This will allow for some sort of penalty if they proceed without an inspection or if they proceed after being told not to proceed. It is something to enforce that will get their attention.

Council Member Buban-Vonder Haar asked if the dollar amounts were sufficient to get their attention.

Mr. Bachman said he thought it was because usually the general contractors require the sub that did it to pay that fee and generally that is the guy it hits the hardest.

Council Member Jones asked if any of the requirements were different from other cities as far as getting inspections.

Mr. Bachman said no, it's standard.

Council Member Jones said that means they should be versed on the requirements when they come in to get their permits; even if it is their first time dealing with the City.

Mr. Bachman replied yes, it is very well spelled out.

Council Member Jones was curious as to why the current code was not sufficient.

Mr. Bachman said more than anything it was to clear up the language. The current code said if the City was to red tag it and they were to proceed a penalty could be put in place but this clears it up to where even if they were to proceed without a red tag or an inspection the City is allowed to penalize them.

Council Member Jones clarified that the penalty as is can only be enforced if the inspector goes in and notices it whereas this change allows for them to be penalized if the inspector goes in and notices they have gone beyond it.

Mr. Bachman replied yes.

Council Member Jones said if Mr. Bachman felt this would be easier to enforce than what is already in place he has no problem with that but he felt the dollar amounts were too low. He did not feel they should be worried for someone who is violating Kuna's law. He would rather see it go back to the \$150.00 per day that was in the original code or his preference would be to go even higher.

Mr. Bachman felt that once they figure out this is now what the City is allowed to do there won't be a problem anymore. It is just recently that is has become a problem. The last eleven (11) years he had been doing this it had not been a huge problem until the last six (6) months. He thought most of that was due to the new people coming to Kuna. The subs that are normally used are all booked out so there are a lot of new contractors coming in. It is almost a matter of just training them in the way the City does things. He felt the fines, even though they're low, will definitely get their attention. He reiterated that it is generally the laborer that ends up paying it so he did feel it would get their attention.

Council Member Jones appreciated that but he would still like to keep it at \$150.00 per day. He asked if the misdemeanor clause was still in there.

City Attorney Richard Roats said it was still in there. The \$150.00 is a civil penalty and the misdemeanor falls back to the general city code violation. If they do not pay the fine it can become a misdemeanor.

Council Member Jones believed he read in Idaho State Code the City is prevented from giving them a misdemeanor and then charging a civil penalty.

Mr. Roats replied the preference would be to go with the civil penalty. Obviously it would be in the financial interest of the City versus sending it to the court just to have it shuffled through with the potential for no fine meaning nothing comes back to the City. The City does not intend to do anything with the misdemeanors really.

Council Member Jones said one (1) of the things he stresses is that the people are educated first. Obviously staff won't just go in every time and write them a ticket. If they are given the opportunity to fix their problem then he would prefer the higher dollar amount. He wanted to make sure the concern was not for what it is costing them. He understands the subs are not making that call but they know they are violating the code but they continue so there is more of a problem there than what is the City's responsibility. He still preferred the \$150.00 and would even go for \$250.00.

Mayor Stear said that would actually require publication and would extend the process to where the City could not get this through in a timely manner. This was needed right away.

Council Member Jones asked if this had already been publicized.

Mr. Roats said the current code is at \$150.00 so if it is kept at \$150.00 or less than a 10% increase it does not have to be publicized. If it were to be raised to \$250.00 that would require publication. He suggested if he wanted it at \$150.00 per day, leave it at that and see how it works. If it is decided it is not working the fee can be increased.

Council Member Jones asked if the rest of Council were alright with leaving it at \$150.00.

Mr. Bachman commented that he was fine with that if that is what Council wants but staff did also call other cities to see what they are doing. Staff followed the guideline of what is being done throughout the Treasure Valley, or at least of the cities that called them back, and that is where they came up with the numbers. He clarified that when they go in and do an inspection they do give one (1) warning.

Council Member Jones said if they are already getting a verbal warning he did not think the City should be concerned about how much they are being fined.

Council Member Buban-Vonder Haar said her read on it is that Mr. Bachman will have to primarily deal with this so if he thought what he was proposing would take care of it she was fine with going with it. Also, she thought the point of the fines was not to punish someone but to encourage compliance; to correct behavior rather than slap someone on the wrist. She would be willing to revisit this and up the dollar amount if this turns out not to take care of the problem but if Mr. Bachman thinks this will work she was fine with trying it.

Council Member Jones asked how much time this would involve above and beyond what staff would normally put in.

Mr. Bachman said they carry the letter with them and just write a red tag telling them to stop work after the verbal. Generally what happens is they are inspecting a house next door and know where that other inspection process is and see that they are proceeding without inspection. Staff wouldn't just be roaming around and run into it. They are in the area anyways and that is how they catch them. Otherwise there would be multiple cases where a house could skip two (2) or three (3) or four (4) trades before being noticed. To answer Council Member Jones question he said it does not add a lot of time because they are generally in the area anyways.

Council Member Jones said if it were to add hours that is worth more but if it is not too much out of their way then he did not have a problem going with what Mr. Bachman had. He would compromise.

Mr. Bachman added that there is also a re-inspection fee of \$50.00 so if the general contractor fails the same inspection more than three (3) times they are charged \$50.00 and if it is the fourth time it doubles. They never get to the fourth time. That \$50.00 re-inspection fee works well and really does get their attention. Generally the same problem does not recur.

Council Member Jones asked if they are given something when they come in for their permit to make them aware of the code.

Mr. Bachman said on the building permit it establishes a code and says which code sections are being used.

*Consideration to waive three readings*

*Consideration to approve ordinance*

*Consideration to approve summary publication of ordinance*

**Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2017-04. Seconded by Council Member Jones. Motion carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve Ordinance No. 2017-04. Seconded by Council Member Jones. Approved by the following roll call vote:**

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

**Voting No: None**

**Motion Carried 4-0.**

**Council Member Buban-Vonder Haar moved to approve the summary publication of Ordinance 2017-04. Seconded by Council Member Jones. Motion carried 4-0.**

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

*(Timestamp 02:11:10)*

- A.** Discussion of Special Events partnerships with the City and sponsorships of City events

Council Member Jones wanted to have this discussion with the other Council members especially now that a special event ordinance was approved. He explained the City was approached the previous year for a partnership to put on an event. That event was Trunk-or-Treat. During that event the City provided some amenities and covered some costs but there was no out of pocket cost for the City. The event was a free event for the city with no vendors or entry fees or items being sold. He wanted to see if Council felt there was any need to set guidelines for when the City can partner with a promoter. This would make people aware of what they can expect or what the City would require. He was not sure how often it would happen but

obviously an event that has vendors or people buying things should not have a partnership with the City that lessens the burden of insurance and similar items. He was not saying that was happening but he would like to put things in place to prevent that from happening in order prevent people questioning why they would be required to do something when others have not.

Mayor Stear explained that, in the case of Trunk-or-Treat, the City did not partner with them. They had found there was a possible problem with using the parking lot they usually use. Albertsons was under construction so they could not use it. The City had City Hall's parking lot available so he authorized its use and City Clerk Chris Engels helped organize the event. Normally he does not do things like that but they were in a bind so they City stepped in to help. He thought, usually, everything falls under a special event plan unless it is a City event. He deferred to City Clerk Chris Engels for confirmation and input.

Ms. Engels confirmed Mayor Stears account. The City was approached by Mary Ann Sugai of the Chamber of Commerce. She was in a bit of a panic. A special event plan was done for the event; the questionnaire was done and the application was filled out. The City was in attendance, as it has been in others, with a trunk with candy in it. The City did allow them the use of electricity as well. The City did not so much partner with them as try to help them out with their situation. Special event plan protocols were still followed other than the City's ICRMP covered the liability on the event.

Council Member Jones clarified that event did not have to have the required insurance.

Ms. Engels said the Chamber had the insurance and the City had ICRMP.

Council Member Jones said that was not accurate. The Chamber did not have insurance. He knew there were two (2) sides to the story but if it is not the norm and will not be happening again he would have no further questions. He did not think it was a bad thing for the City to partner with the Chamber. It was great. The City got just as much, if not more, recognition as the Chamber. He had nothing against it but wanted to make sure that if it is going to be allowed in the future there were guidelines in place.

Mayor Stear said it was done at his discretion because it was a good thing that was done every year and the Chamber was in a bind. He did not see any reason not to help them out and they followed most of the special event plan except for the number of days in which you have to submit your plan. As far as there being another side to the story, he did not know what that might be. He would be interested to know if there was something that wasn't true.

Council Member Jones said there was nothing untrue and he agreed with everything Mayor Stear said but he did know the insurance requirement was a concern with the Chamber. The Chamber was deeply grateful the insurance requirement was met by

the City. He thought that there was some discussion that the Chamber would facilitate the event, do all the advertising, and give the City recognition as a partner. He had no question about the decisions made and only wanted guidelines in place for future non-revenue generating events coming to the City. Based on what has been discussed in this meeting, he did not think that was the direction the City wanted to go and he had no reason to be concerned.

Ms. Engels had the special event plan for Trunk-or-Treat on hand and was willing to show Council where it calls out that the City will carry the ICRMP.

Council Member Jones said he was not disputing that but, because it was offered to the Chamber, others could come to the City and ask for the same thing; to partner with the City on a non-revenue generating event that gives the City second billing on everything. He wanted to know if that would be allowed.

Ms. Engels reiterated that the event would not have occurred due to the parking lot situation. The request was taken to the Mayor and the City did their best to accommodate an annual event. Typically the City does not partner with anyone. Typically, if the City has events and funding is needed, the City works through a sponsorship program. There are items for signature, letters are sent out, and there are obligations on both sides. For example, the special event Punk in the Park did not really have money for insurance but the City required that they do it anyway. The City did not partner with them or offer them any coverage. It was just one (1) of those situations. Everyone jumped in to do what they could to make sure the event was continued. If the Chamber had been a for profit business it would have been different but the Chamber is a civic organization in the City. That was the only reason it was even considered.

Council Member Jones reiterated his concern and that if it will not be happening again he has no more concern.

Ms. Engels felt Council had been pretty direct on any kind of fee waivers and the criteria for them. For example, there are no fee waivers at the park unless it is a youth organization with no vendors or profits being made. Council has set the criteria for when the City will do a fee waiver which gives a general direction of Council. City adhered to the direction Council had provided about 12 to 18 months ago.

Council Member Jones said he appreciated that and his concerns were resolved. He asked City Attorney Richard Roats about sponsorships. He was concerned about protection for the City. There have been generous donations in the past that have had requirements attached. He wanted to know how to protect the City if someone does not fulfill those requirements. He was not looking for a contract for everything but suggesting that anything over \$1,000.00 have a written contract so both sides are bound. He was not sure if that was something Council was receptive to but wanted to make sure the City was protected.

City Clerk Chris Engels said last year there were some issues with one (1) of the sponsorships and the City had to back track on it, however, from that incident and any future sponsorships, everything that has been done up until this point, the City has learned from that experience and now has a deadline. The City does not put out any promotional materials or promote someone as a sponsor unless they have paid their sponsorship. The Clerk's Office sends out an invoice from the Treasurer's Office. It goes to the sponsor and gets paid. Then it is noted and credited and the City moves forward with them as a sponsor.

Council Member Jones clarified that going forward the City is requiring all money be paid up front.

Ms. Engels said absolutely.

Council Member Jones was happy with that.

Mayor Stear announced Police Chief Dusseau had taken another position. Mayor Stear was unsure of the timeline for his replacement. He would be meeting with Chief Dusseau's recommendation for his replacement later that week to begin those discussions. He praised Chief Dusseau's work and felt he would be tough to replace and missed but Chief Dusseau had assured the Mayor his replacement would be every bit as capable and everyone will be just as happy with him as with Chief Dusseau. Chief Dusseau will also work with his replacement for a while before he leaves.

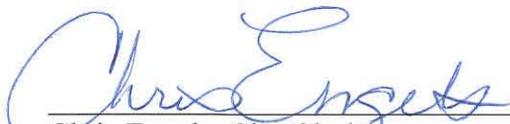
**10. Announcements:**

**11. Executive Session:**

**12. Adjournment: 8:23 pm**

  
\_\_\_\_\_  
Joe L. Stear, Mayor

ATTEST:

  
\_\_\_\_\_  
Chris Engels, City Clerk



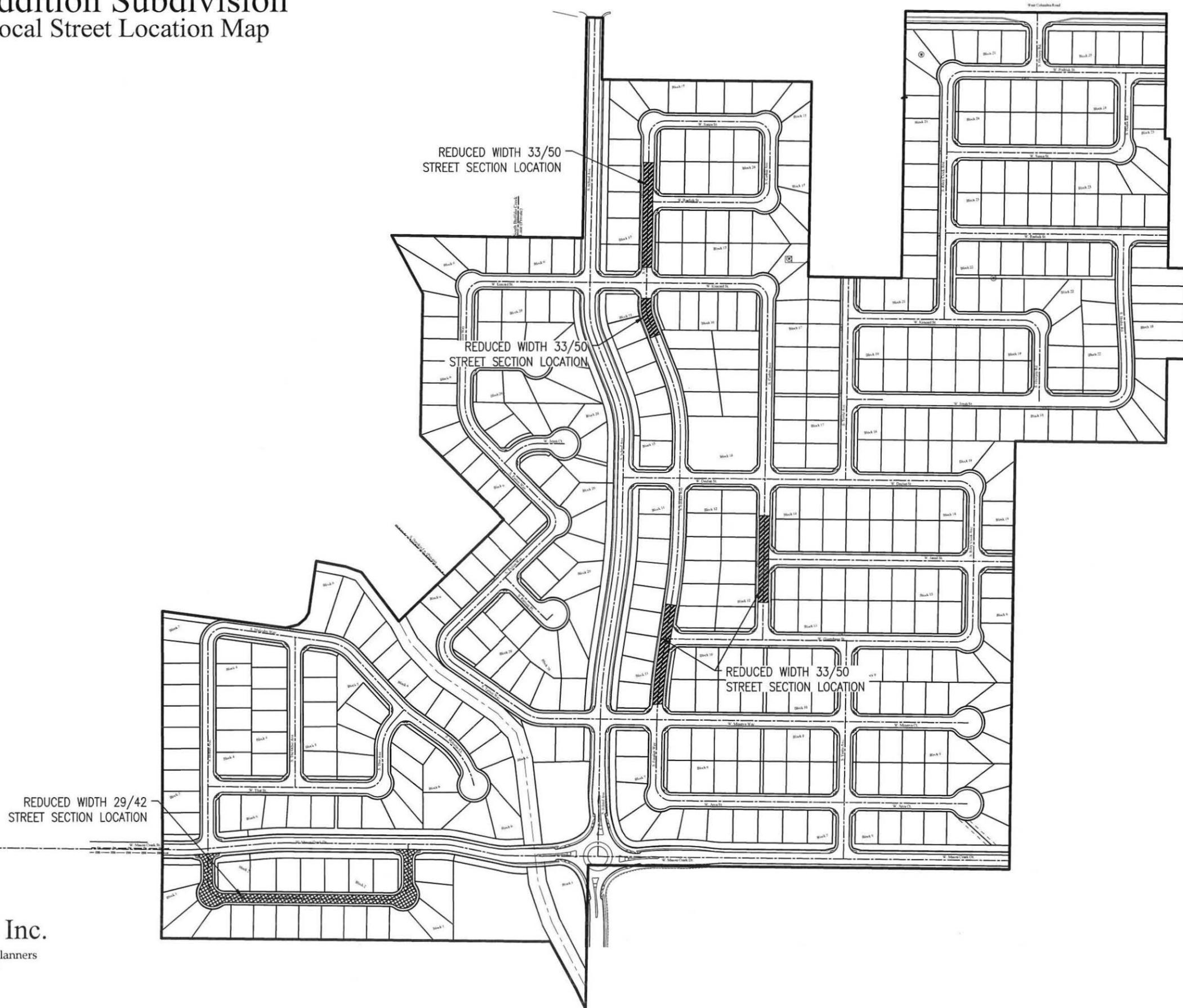
*Minutes prepared by Ariana Welker, Customer Service Specialist  
Date Approved: CCM 03.07.2017*





# Silver Trail Addition Subdivision

## Reduced Width Local Street Location Map

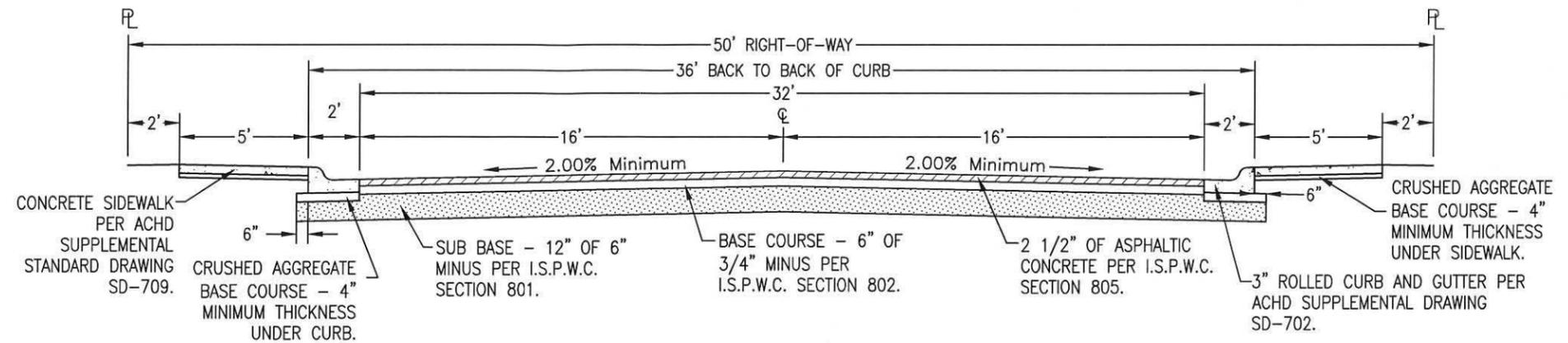


**B&A Engineers, Inc.**

Consulting Engineers, Surveyors & Planners  
5505 W. Franklin Rd. Boise, Id. 83705  
(208) 343-3381

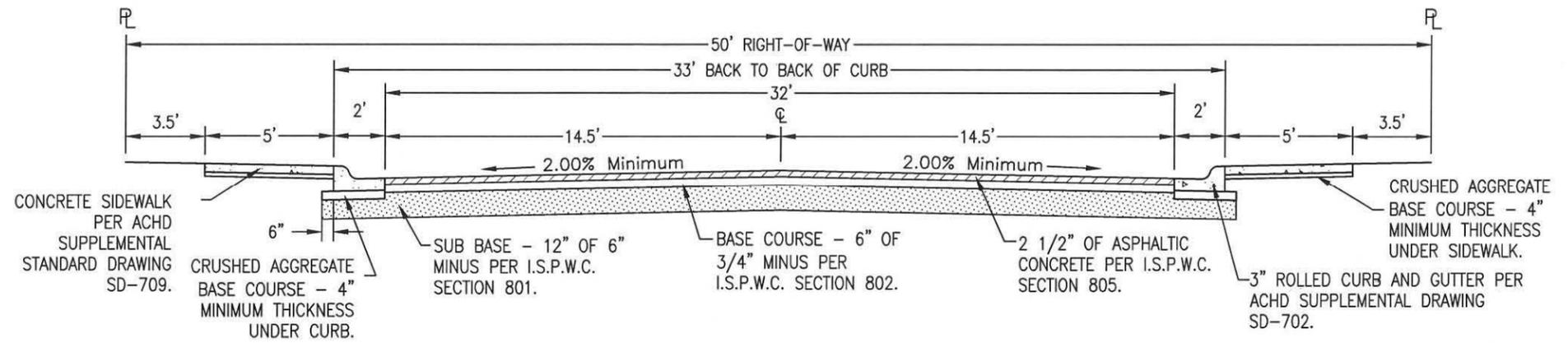
# Silver Trail Addition Subdivision

## Street Cross Section Exhibit



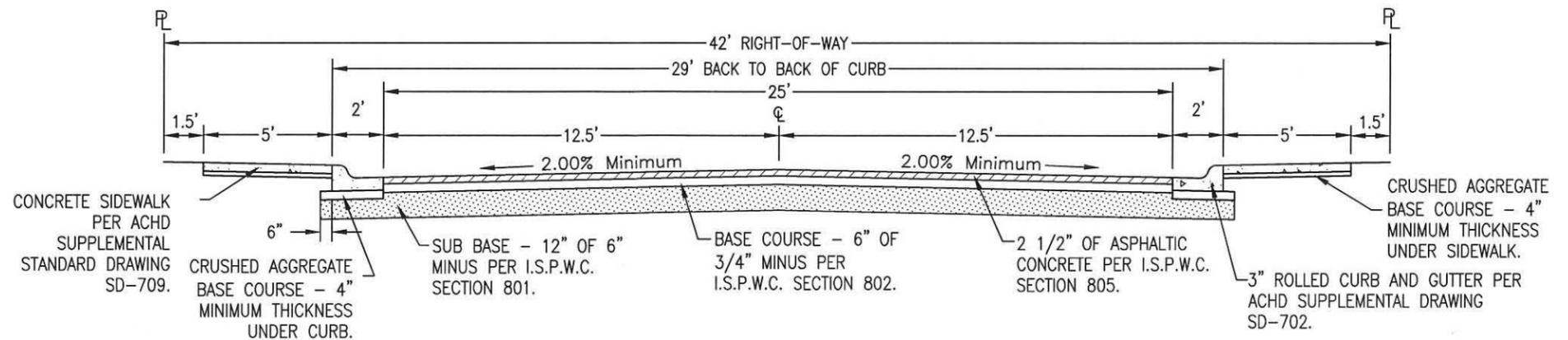
Typical 36/50 Local Street Section

NOT TO SCALE



Reduced Width 33/50 Local Street Section

NOT TO SCALE



Reduced Width 29/42 Local Street Section  
(W. Pear Apple Dr. only)

NOT TO SCALE



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