

**CITY OF KUNA
COUNCIL MEETING
MINUTES**

TUESDAY, AUGUST 6, 2013

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

SPECIAL MEETING 5:15 P.M.

1. Call to Order and Roll Call

Mayor Nelson called the meeting to order at 5:15 p.m. Roll call reflected Council President Cardoza, Council Member Hoiland and Council Member Stear present at the meeting. Council Member Buban-Vonder Haar was out of town on family business.

2. Adjourn to Executive Session Pursuant to Idaho Code 67-2345(f) for the Purpose of Discussing Potential Litigation – Development Agreement – Stetson
(Timestamp 00:00:43)

**Council Member Stear moved to go into Executive Session under Idaho Code section 67-2345(f). Seconded by Council Member Hoiland with the following roll call vote:
Voting Aye: Council Members Cardoza, Hoiland and Stear
Voting No: None
Absent: Council Member Buban-Vonder Haar
Motion Carried: 3-0
Time: 5:16 p.m.**

**Council Member Stear moved to adjourn the Executive Session. Seconded by Council Member Hoiland, all voting aye.
Motion carried 3-0.**

3. Adjournment

The meeting adjourned at 5:50 p.m.

BUDGET WORKSHOP 5:30 P.M.

1. Call to Order and Roll Call *(Timestamp 00:02:32)*

Mayor Nelson called the meeting to order at 5:30 p.m. Roll call reflected Council President Cardoza, Council Member Hoiland and Council Member Stear present at the meeting. Council Member Buban-Vonder Haar was out of town on family business.

2. Fiscal Year Ending 2014 Budget Workshop – John Marsh, City Treasurer
(Timestamp 00:02:56)

John Marsh presented a PowerPoint of the Revenue and Expense Consideration Decision Matrix for FYE 2014 noting the information was previously sent to the Mayor and Council in preparation of the budget workshop. Copies of the budget preferences made from Council Member Buban-Vonder Haar were made available to the Council and public.

Mr. Marsh explained the maximum property tax increase available for consideration is 3% creating an amount of \$47,619.66. The maximum property tax for new construction is \$24,371.57 and the property tax foregone amount is \$48,539. The total amount under consideration is \$120,530.23.

Recommendation was given to review the expense considerations first and then decide what amount is needed for the property tax increase.

Discussions took place on the following list of items under consideration:

- Ada County Sheriff Contract
- Ada County Prosecutorial Services
- Greenbelt Extension – Grant Supplement
- Sidewalks: Orchard Street to the Greenbelt
- Indian Creek pump station enhancement
- Beautification of West Indian Creek crossing (Bridge Street)
- Painting of the City Water Tower
- Park Expansion between Pizza Hut and Indian Creek
- Indian Creek garden enhancement contribution
- Bonds & Election initiatives
- Acquisition of 20 acres of land
- Addition of one full-time parks position
- Increase in wage for parks lead position
- Increase in wage for Deputy City Clerk
- Addition of one full-time water/irrigation position
- Increase in IT services
- Employee cost of living adjustment and merit increase
- Business account for Mayor
- Document imaging software
- GIS software upgrade
- Parks service truck
- Membership in Idaho Council of Governments
- Establishment of a humane society
- Establish a Trails Committee
- Donation to Kuna Days

The budget discussion will be continued during the regular Council Meeting under Old Business 6A.

3. Adjournment or Continuation to Old Business 6A *(Timestamp 01:09:10)*

Council Member Stear moved to come out of the Budget Workshop. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

REGULAR COUNCIL MEETING 7:00 P.M.

1. Call to Order and Roll Call *(Timestamp 01:09:30)*

Mayor Nelson called the meeting to order at 7:00 p.m. Roll call reflected Council President Cardoza, Council Member Hoiland and Council Member Stear present at the meeting. Council Member Buban-Vonder Haar was out of town on family business.

2. Invocation: Karen Hernandez, United Methodist Church, was unable to attend the meeting.

3. Pledge of Allegiance: Mayor Nelson

4. Consent Agenda: *(Timestamp 01:11:00)*

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Old Business or as instructed by the City Council.

- A. Approve Minutes of July 16, 2013 Regular Meeting
- B. Approve Minutes of July 23, 2013 Special Meeting – Budget Workshop
- C. Accounts Payable Dated August 6, 2013 in the Amount of \$229,453.62
- D. Approve Resolution No. R20-2013 to Authorize Execution of Reimbursement Agreements with The Westpark Company

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

5. Citizen’s Reports or Requests:

A. Anne Hankins Day Proclamation – Mayor Nelson *(Timestamp 01:11:33)*

Mayor Nelson read the Proclamation declaring August 9, 2013 as “Anne Hankins Day” and presented it to Anne expressing appreciation to her for all her years of service to the community. The Mayor announced that Anne was also responsible for beginning the Mayor’s Reading Club stating one of her famous sayings is “Leaders Read” which she teaches to all the children.

6. Old Business:

- A. Continuation of Fiscal Year Ending 2014 Budget Workshop (if needed) – John Marsh, City Treasurer (*see agenda item 8B*) (*Timestamp 01:18:44*)

Due to the number of people in attendance for other agenda items, John Marsh proposed moving this item to agenda item 8B and suggested the existing 8B be moved down to 9C to allow him time to enter the budget figures in preparation of adopting the Tentative Budget. The meeting proceeded as suggested by Mr. Marsh.

- B. Water Tower Painting – Casey Cobb, Kuna High School Associated Student Body President (*Timestamp 01:19:56*)

Casey Cobb reported their Kuna Days fundraiser made over \$1,000 and they will start their school year off with another fundraiser.

The youth received three bids for painting the water tower: (1) \$71,000 (2) \$76,000 (3) \$98,000.

Casey reported there is someone who is considering donating their time and labor to paint the water tower. The paint and supplies would need to be furnished. When more information is received he will notify the Mayor and Council.

Mayor Nelson reported the safest way to paint the tower is with a crane and the crane and paint will cost approximately \$10,000. The logo decal might cost \$1,000.

It was noted that if the tower is not maintained then consideration should be given to tearing it down depending on feedback from the community.

Casey will report back when he has more information regarding the person interested in helping with the project.

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

- A. 13-02-S; The applicant (DBTV Applewood Farm LLC) is seeking preliminary plat re-approval for Silver Trail Subdivision, a residential subdivision in Kuna consisting of 115 buildable lots and 11 common lots over two parcels, and approximately 29.3 acres. Presented by Troy Behunin, P&Z Senior Planner. (*Timestamp 01:25:20*)

Troy Behunin reported originally there was an approved re-plat for this specific area from 2006-07 but during this time there was also the formation of the Local Improvement District (LID). This land was assessed a certain number of equivalent dwelling units (EDUs) and in order to keep things on track and to make it more efficient, the current owner decided to match a preliminary plat with the EDUs that were assessed to the property. When the property was acquired, the current owner decided to go through the preliminary plat process in order to acquire the 115 lots. It was about 12 short from what was assessed through the LID. This preliminary plat reflects an equal amount of residential units to the assessed EDUs and is the basis for going through the preliminary plat re-approval. It was noted this is a different applicant from the original

one approved in 2006-07.

Mr. Behunin explained the applicant has followed through with all of the noticing procedures, held a neighborhood meeting and the site has been posted for the Planning and Zoning Hearing. It has also been properly posted and noticed for the City Council Meeting tonight both in the newspaper through posting and also through a neighborhood notice that complies with State Code and in accordance with Kuna City Code.

Laren Bailey, LEI Engineers & Surveyors, 3023 East Copper Point Drive, Meridian, Idaho, represented DBTV Applewood Farm LLC for the Silver Trail Subdivision. He explained that because of the additional EDUs assigned to the property they felt it prudent to come back and add those to the plat so the number of lots and the number of assigned EDUs balance. The EDUs have been paid for by the developer.

One issue in the staff report found on page 4 of 6, E. Proposed Findings of Fact, item 7, subsection c, was discussed regarding single story homes for lots that back North Ten Mile Road. Mr. Bailey didn't feel this condition was part of the motion and did not understand what the motive is to reduce the homes to a single story construction along North Ten Mile. He asked to discuss lifting the requirement if possible noting it could not be found in city code or anything that would set precedence for it.

Troy Behunin answered the question stating there is nothing in city code that requires single family homes along arterials, collectors or any other street. The genesis of this requirement stems back to Applewood, again another developer, which was part of a Findings and Fact from staff report in 2006-07. It was brought up again during Planning and Zoning Commission hearing earlier this spring and the beginning of summer but there is no code that requires it.

Council President Cardoza reported he was on the Council at the time this development was brought before the Council. The people to the west of the development along Ten Mile had a negative attitude to the subdivision because of people being able to look down into their yards. The Council at that time and Planning & Zoning (P&Z) agreed at that time that there would be no two-story houses along the western part of the subdivision in alignment with Ten Mile. There was one built before P&Z was aware of the structure being there. The people were quite vocal at the City Council Meeting and that is how it came about. They were agreeable to the subdivision as long as there were no two-story houses built on the east side of the road. He thought there was something in the development agreement stating there would not be any two-story houses along there.

Mr. Bailey reported photos were taken standing on the edge of the asphalt back towards Applewood Subdivision of the two-story home accidentally constructed by the previous owner and provided them to the Council for review. It was noted the landscaping trees from that distance were actually higher than the roof tops of the two-story homes. He understands what the property owners were concerned about but thought the distance between the homes in those areas precludes ability of seeing into yards any differently than it would be otherwise. The proposed landscaping plan will be of a similar type tree along the berm so he doesn't see the reason to have the two-story homes precluded and

asked they be allowed to continue with normal construction in the area.

Council Member Hoiland didn't see a problem with a neighbor being 100' away.

Mayor Nelson opened the public hearing stating there were people signed up to testify.

Tim Eck, 6152 W. Half Moon Lane, Eagle, Idaho, elaborated more on the single story issue stating it was a condition of approval of the Applewood Phase 1 Plat, but it was not a component of the development agreement. The development agreement in itself has questions of validity in the fact that it was never signed by the land owner. He believes, even without that, all the conditions of the development agreement have been complied with by the land owner. The single story restriction was not part of the development agreement. It was strictly a component of the Applewood Phase 1 condition of approval. Ten Mile Road is approximately a 95' right-of-way with a 30' landscape buffer on each side, 20 or 30' rear yard setbacks create over 200' from the back of a home to the back of a home. From fence to fence it would be 160' away. The city code requires fencing on a subdivision and they will comply with that and when the subdivision occurs across the street, they will comply with it. The same fence corridor on each side of Ten Mile with the same landscape buffer at some point will shelter and obstruct the views of the backs of homes.

Richard Parrish, 9499 S. Cherry Apple Avenue, Applewood reported the following:

1. Silver Trail Subdivision should not be approved until conditions in the Developer Agreement for Danskin/Applewood (hereafter "Development Agreement" are met. Based on the information outlined below, I do not believe that all these conditions are currently fulfilled, and I propose that the cognizant developers should be made to, at a minimum, be made to finish the uncompleted common area between the north end of Applewood and Mason Creek.

2. Stetson Properties is principal on the Development Agreement, signed April 18, 2006 by then, Mayor O. Dean Obray. Although the document was not signed by Stetson Properties, the document "Annexation and Supplemental Declaration of CC&R's for Danskin #5" was. That document was signed by Mr. Tim Eck, General Manager of Stetson Properties and Danskin Ridge Manager. Note #12 on the Final Plat for Applewood Subdivision No. 1 specifies that the development is subject to the conditions of that Development Agreement with the City of Kuna.

3. It appears that development of Silver Trail Subdivision was pursued instead of Applewood Phase 2 and 3 because it eliminated the requirement to provide a swimming pool and club house and leaves the common areas unfinished. CBH Homes Sales staff used the pool and clubhouse as a marketing tool, verbally and in writing through the CC&R's to attract home buyers lime me. This practice continued after the original developer seemed to be no longer involved and Dyver Development (Mr. Corey Barton, managing member) became the principal.

4. Mr. James L. Jewett was a principal of Applewood Development along with Stetson Properties. Dyver Development subsequently bought 52 lots and Jim Jewett signed the rights over to Dyver Development as stated in the “Assignments of Declarant’s Rights” recorded in Ada County in April, 2009. Both individuals signed the recorded document.

Mr. Parrish stated he has page numbers on the reference material that he has. He also went to P&Z to see the Council Meeting Minutes and the two documents that are cited in note 12 of that approved Applewood Plat if there are questions on where he got the information.

5. Mr. Barton had rights of the Developer in Applewood and responsibilities to finish what the original developers did not finish, especially in the common areas; one of which runs along Ten Mile Road to Mason Creek Street. This is significant, as City Council’s approval of Applewood No. 1 Plat in September 2006 specified conditions upon the developer. Details of the conditions are not that specific in the City Council Meeting Minutes that he looked at but they do address conditions along Ten Mile, they can be found in the documents cited in note 12 of the final plat. The P&Z staff should be able to easily locate them and evaluate whether Mr. Barton is required to finish common areas as part of the new development approval process. CBH Homes is likely to be a primary builder in Silver Trail. DBTV Applewood Farms, Mr. Tim Eck, should also be involved as his new subdivision benefits most from the adjacent common areas.

6. In Ada County in June 2000, Mr. Tim Eck of Stetson Properties and Mr. Wesley L. Waldorf of Waldorf & Sons Concepts and Construction signed and recorded a document indicating that they were in partnership developing Danskin Ridge, which would potentially be developed as five subdivisions. One of these is the current Applewood Subdivision and another, the fifth of these potential subdivisions, Danskin Ridge No. 5, would appear to be what will be called Silver Trail if and when approved. DBTV Applewood Farms is principal in this development. Mr. Tim Eck is principal in DBTV Applewood Farms. He has been involved since 2000 in one capacity or another and is not a new developer to the Danskin Ridge plans. It is therefore difficult to understand why MGM or Mr. Barton, MGM Barton HOA Management Company, would have been ignorant of who is behind DBTV Applewood Farms or their plans for what would have been Applewood 2 and 3 when asked at annual HOA meetings.

7. I do not believe the City would have approved Applewood 1 as platted if it had known the Applewood phases 2 and 3 would be scrapped. It makes no sense to burden Applewood with common areas for the benefit of Silver Trail. Accountability was lost as developers changed even though the principals, except Mr. Jewett, are the same with regard to building and developing.

8. This homeowner would appreciate City Council’s full review at all levels of what conditions were not met in Applewood. I urge the City to exercise their authority, where possible, to hold developers accountable as they proceed with Silver Trail approval and development. As a compromise and to meet the City’s conditions, especially since the club house and pool are no longer feasible, Mr. Barton and/or Mr. Eck should finish the

common area between the north end of Applewood and Mason Creek.

Ben Huff, 9433 S. Cherry Apple Avenue, Applewood Subdivision, is here on behalf of Lance Jenkins. This is a follow up to the common area landscaping as mentioned by Mr. Rick Parrish. I have read through the Kuna, Idaho code ordinances specifically Title 6, Subdivision Regulations and there appears to be a clear violation of city code relating to landscaping of the common area in question. The common area in question was never landscaped by the developer of Applewood No. 1 and therefore, the final plat should not have been signed off until the landscaping was complete or a financial guarantee was obtained by the City.

The following information was obtained directly from the Kuna, Idaho code. In Title 6, Chapter 2, Subdivision Approval Procedure, 6-2-4, the final plat note the sub-divider and developer are intended to be interchangeable terms. The City Engineer shall not sign the final plat Mylar if any city code violations exist on the subject property at the time of requesting the signature. The following procedure shall apply. The filing for final plat approval of the City of Kuna subdivision, Section G and A, all required improvements, infrastructure, public utilities, public improvements, etc. have been met and inspected and approved by the City. Part of the land wasn't actually developed and the approval for the building had already gone through.

Title 6, Chapter 4, Improvement Standards, every sub-divider as part of the final subdivision shall be required to install the following public and other improvements in accordance with the conditions and specifications. Section K, Landscape, Open Space and Park Areas, the subdivisions landscape and open space and park areas shall be installed according to the approved landscape plan. All subdivision entrance ways, common areas, common lots, recreation, pathways, parking strips, buffers, and some dedicated easements are subject to the provisions of the City. (5-4 and 5-17)

Based on this information, both City and the Developer are in violation of the city code as required improvements were not completed and a financial guarantee was not received. However, the final plat was signed off on while these violations existed and building permits continued to be issued.

I propose that the City Council table a decision on the approval of Silver Trail Subdivision until these violations have been investigated and remedied.

As Mr. Parrish stated, the company names may have changed but the individuals involved in this development have largely stayed the same. The home owners of Applewood Subdivision should not be burdened due to violations committed by the Developer and the City.

Mr. Parrish noted they would have a clubhouse and a pool in our development as a way to get people to buy in the development that hasn't come to pass. Another clear violation or underhanded tactic that was used, when the Developer developed the land for one particular home owner on a corner, the front yard was put in the wrong place. There was only 10' (20' was required) from the road to the fence and the City of Kuna came after th

em and told them they had to fix it. The Developer wouldn't fix it and they didn't have the money to fix it themselves so they eventually let their home go back to the bank.

No disrespect, but we don't feel we should be burdened to pay for this part of land to be developed.

Council Member Cardoza reported he was asked by the owner of the property to look at the fence installed incorrectly and the first problem was the fence had been put up without a permit. Had the fence been put up with a permit, we would have caught the lack of distance from the setback being in a corner lot. Part of the problem lies with the property owner who hired a contractor who did not obtain a permit.

Brad Isner, 9289 S. Cherry Apple, Kuna, Idaho, stated that promises were made that were not kept and things were done when this first plat was approved. Since that didn't happen the rest of it was sold. It seems the only thing they acquired was all of the good part and lost all the bad part. They are not going to build a pool, they are not going to build a clubhouse, they are not going to tie in walkways, Applewood 1 is not their problem.

We cannot be part of their HOA and have nothing to do with that subdivision so Mr. Isner asked that once this gets approved and if it comes before the Council, that they not be allowed to put in a pool or a clubhouse so the children who walk right by it on their way to school would not be allowed to use it even though they were told they would get one. Their dues for the HOA were increased and money set aside for this but somehow the money has disappeared when the HOA took over.

The EDUs were paid for by the Developer, either the original or current Developer, but Mr. Isner is not clear if they have to use all of them. Is there a requirement with the sewer district that they use that many or is it just a way to sell more lots? The original development was fine when it was approved but the only way the new development is being done is to increase profit, sell more lots and not keep the promises that were already made. He hopes the City Council won't let this happen. He asked for a moratorium on the empty lots until the issues have been resolved. There is no reason they should be allowed to develop any further until the agreements have been met. They were not enforced before and we all know who didn't pay them. The money is being sent from the City now to those people. I think it should go into fixing this problem.

This problem we keep talking about, the little strip of land that needs some landscaping that didn't get done. Mr. Eck's expert drew out a crazy number of \$45,000 to landscape that little strip of property. That is twice what the HOA has in yearly dues. There is no way we can afford it without doubling or tripling everyone's dues.

The Mayor announced this concludes the people who have signed up to talk and invited anyone else to talk who did not have a chance to sign up.

Randy Jones, 37 S. Red Delicious, Applewood, is a homeowner in the development noting the plots were zoned for 3 different phases. The infrastructure and streets were

developed to support 3 phases. Since we are being casted aside, why should we have additional traffic through our little subdivision when we are not part of the original planning and zoning of phases 2 and 3? If Silver Trails is a new subdivision, he would like to see a petition across the streets where they don't have to assume the additional traffic coming through their subdivision.

Michael Burt, 9290 S. Cherry Apple Avenue, stated he is not a parent but he has learned through living in a housing division that the new elementary school recently built now means kids in their subdivision have to walk through undeveloped property to get to school. Walking through undeveloped areas is unsafe for children and he would like to have a designated walkway from the housing division to the elementary school. Since the community continues to grow with the new housing division he feels it would be good to have this.

Mayor Nelson announced this concludes everyone that was signed up and invited Mr. Eck to speak.

Tim Eck, 6152 W. Half Moon Lane, Eagle, Idaho, stated he is the applicant and referred to the letter from Mr. Jenkins saying there is some accuracy, there was an issue. This particular lot and block, the landscape buffer along Ten Mile is a recorded plat in phase 1. For some unknown reason, the developer failed to landscape the entire lot and block. There was no surety retained by the City to confirm that the remaining landscape would be completed by the developer. We are in that situation now, the landscaping is not complete and the developer entity has been dissolved for about 5 years.

Mr. Eck would like to correct some of the statements that were made. He sympathizes with their position in attempting to get the landscaping buffer completed along Ten Mile but it is not his responsibility. The landscaping buffer lies entirely within lot 1 block 4 of Applewood Subdivision No. 1. The landscape buffer and required landscaping are a required condition of approval of Applewood Phase 1. As a condition of approval of approval of the Applewood Subdivision No. 1 Plat, the developer of Applewood Subdivision No. 1 is responsible to complete all the conditions of approval or bond the improvements prior to recordation of the final plat.

The development agreement they referred to was never signed by the developer. There were terms in the development agreement that Stetson and JLJ disagreed with. There was a portion of Applewood that Stetson never owned. The development agreement was rejected by Stetson and JLJ returned for correction and then fell through the cracks. Even if the development agreement was executed by Stetson, when Stetson sells a parcel, the development agreement requirements go with the land of the new owner.

Applewood development owned a portion of Applewood that was never owned by Stetson. Applewood's Mr. Jewett subsequently purchased the balance of Applewood from Stetson. Mr. Jewett was at one time a middle partner of Stetson as they believed. Mr. Jewett was subsequently bought out of Stetson on January 1, 2009. The documents he recites as annexation and supplemental declaration of CC&R's for Danskin No. 5 is irrelevant. The document has nothing to do with the City. Its purpose was to bring Phase 5 of Danskin into the CC&R's it was an annexation into the CC&R's.

No. 12 on the final plat for Applewood Subdivision No. 1 might tie Applewood Phase 1 to the development agreement assuming the development agreement was determined to be a binding document. Absence the landowner's signature, when it states in the document that it requires the property owner's signature to be binding. The Applewood Phase 1 plat and conditions of approval and the unsigned development agreement do not encumber Silver Trail since there is not a recorded final plat on Silver Trail, it would record encumbrances against the Silver Trail property.

Contrary to their belief, Applewood Development was solely owned by JLJ Enterprises. Barton and all of its associated entities and Eck and all of my associated entities never owned or participated in anyway with Applewood Development. We have never been partners, members or had any financial interest or obligation in Applewood Development.

Applewood Development went into default on their acquisition development loan. The loan was subsequently sold to DAS. DAS sold the loan to Barton or one of his entities. Barton conducted a Deed in Lieu to acquire the remaining finished lots excluding the common lots. He never owned them, he acquired them. They were a number of finished lots through a Deed in Lieu foreclosure. The Deed in Lieu does not assign or assume any financial obligation of the developer. For Barton to assume any obligations of the developer, he would have had been through a purchased and sell agreement whereby Barton agreed to assume the obligations. The common lots in question were not a part of the Deed in Lieu and was never owned by Barton.

The declarant's rights were assigned to Barton. The assignment and acceptance of the declarant's rights and obligations under the CC&R's would apply only to the CC&R's. They would not apply to any obligations owned by the developer. The CC&R's have nothing to do with the developer or the developer's responsibilities. The developer processed the property. The CC&R's are a separate document that outlined the management and specific rights of the grant or declarant. What Mr. Barton acquired was the rights as the guarantor or declarant but did not acquire any obligations of the prior developer.

In conclusion, Mr. Eck stated he understands the HOA is not financially healed enough to cover the cost of the landscape required on the common space lot. They own land that does not include that property. It is a lot and block in phase 1 that unfortunately the developer didn't finish, unfortunately the City signed the plat, unfortunately the lot got conveyed to the HOA.

As for the traffic in the subdivision, he's correct. There is about an eighth of a mile between Applewood and the Silver Trail School. Right now, if he understands the conditions of that school, all students have to be bused because there is not a safe walking corridor to the school. There is a pathway to Mason Creek Road to help afford a walkable community for Applewood to walk through Silver Trail to get to that school. It is all on the plat that has been submitted.

The Mayor closed the Public Hearing at 8:07 p.m.

Mayor Nelson stated the Council will take what they heard under advisement. The matter will be placed on the agenda for the next council meeting.

8. New Business:

- A. 13-04-FP; The applicant (Providence Properties) is requesting Final Plat approval for Greyhawk Subdivision No. 2. The final plat for Deserthawk Subdivision No. 2 requests two construction phases. Phase 1 of Subdivision No. 2 proposes 16 residential lots and five (5) common lots. Presented by Troy Behunin, P&Z Senior Planner. *(Timestamp 02:19:08)*

Council Member Stear moved to approve Case Number 13-04-FP Final Plat for Greyhawk No. 2.

Council President Cardoza asked if North Kay Street would be extended all the way down to the property line. Mr. Behunin explained that it will be extended south to the boundary of Subdivision No. 2 which is past the entrance on east Apple Water Street. Mr. Cardoza asked for research to be done to see if Kay Street would be carried all the way down to the next lateral. Mr. Behunin will perform the research on it. Mr. Cardoza clarified that this is not a condition at this time, only research. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0

- B. Adopt Tentative Fiscal Year Ending 2014 Budget *(see agenda item 9C)*

As explained under agenda item 6A, the Continuation of Fiscal Year Ending 2014 Budget Workshop took place at this time. *(Timestamp 02:25:07)*

(Council took a 5 minute break at 8:20 p.m.)

John Marsh continued the discussion with the Council on the following budget considerations:

- Kuna Days parade float
- Easter Egg Hunt Donation
- Community Garden contribution
- Economic Development Committee Stimulus Funds
- Installation of a variable frequency drive on pump in well #3 (water tower pump)
- Chamber of Commerce membership increase
- Tree chipping
- Additional seasonal parks employee – Recreation Director
- Arbor Ridge Park improvements
- Valley Regional Transit contribution

The maximum amount for the property tax increase was included in the budget matrix. It was noted the Contingency Fund in the General Fund reflected \$314,034.92.

Mr. Marsh proposed adopting a Tentative Budget as the last item on the agenda to allow time to enter in the final numbers or a separate meeting could be scheduled. The Council Members were in favor of adopting the budget in tonight's meeting (*see item 9C*).

C. Wellness Plan – John Marsh, City Treasurer (*Timestamp 02:57:24*)

Mr. Marsh explained that as part of the Affordable Care Act, one of the requirements for the insurance companies is a minimum loss ratio called the 80/20 rule. They are required to spend at least 80% of the premiums collected on health care and only 20% can go toward administrative costs which will be evaluated at the end of each year. At the end of 2012, the City's insurance company, Regence, discovered they had spent less than 80% so they are required to refund it. The net amount received was \$3,854.83. The Council was in favor of reserving the funds due to the upcoming changes in health care plans and possibly using them for a Wellness Plan.

Council Member Stear moved to reserve the \$3,854.83 net 2012 Regence MLR rebate for employee health & welfare purposes related to the planned health plan re-write in 2014. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

9. Ordinances:

A. First Reading of Ordinance No. 2013-13 Irrigation Annexation – Falcon Ridge Public Charter School (*Timestamp 03:01:04*)

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING FALCON RIDGE PUBLIC CHARTER SCHOOL INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE BOISE~KUNA IRRIGATION DISTRICT AND CHANGING THE BOUNDARIES THEREOF; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-13. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

Council Member Stear moved to approve Ordinance No. 2013-13. Seconded by Council Member Hoiland with the following roll call vote:

Voting Aye: Council Members Cardoza, Hoiland and Stear

Voting No: None

Absent: Council Member Buban-Vonder Haar

Motion carried 3-0.

Council Member Stear moved to approve a summary publication of Ordinance No. 2013-13. Seconded by Council Member Hoiland, all voting aye.

Motion carried 3-0.

B. First Reading of Ordinance No. 2013-15 Irrigation De-Annexation – Zamzows

(Timestamp 03:03:23)

Consideration to dispense with full reading and three consecutive readings.

Consideration to approve ordinance.

Consideration to approve a summary publication of the ordinance.

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, DE-ANNEXING PARCEL NO. S1326121010 FROM THE KUNA MUNICIPAL IRRIGATION DISTRICT AND INTO THE BOISE-KUNA IRRIGATION DISTRICT; CHANGING THE BOUNDARIES OF SAID DISTRICTS AS A RESULT; DECLARING WATER RIGHTS APPURTENANT THERETO ARE REMOVED FROM THE KUNA MUNICIPAL IRRIGATION DISTRICT; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Stear moved to dispense with the full reading and three consecutive readings of Ordinance No. 2013-15. Seconded by Council Member Hoiland, all voting aye. Motion carried 3-0.

Council Member Stear moved to approve Ordinance No. 2013-15. Seconded by Council Member Hoiland

with the following roll call vote:

Voting Aye: Council Members Cardoza, Hoiland and Stear

Voting No: None

Absent: Council Member Buban-Vonder Haar

Motion carried 3-0.

Council Member Stear moved to approve a summary publication of Ordinance No. 2013-15. Seconded by Council Member Hoiland, all voting aye.

Motion carried 3-0.

C. Adopt Tentative Fiscal Year Ending 2014 Budget *(Timestamp 03:17:29)*

(As explained under agenda item 6A, this agenda item was moved from 8B to 9C.)

John Marsh, City Treasurer, presented the Tentative Budget for review of the Council.

General Fund	\$3,466,720
Late Comers Fund	\$459,050
Grant Fund	\$188,000
Well Mitigation Fund	\$250,000
Water Fund	\$2,142,341
Sewer Fund	\$2,904,125
Irrigation Fund	\$891,276
Solid Waste	\$1,355,275
Grand Total	\$11,656,787

The public hearing for the Tentative Budget is set for 7:00 p.m. on Tuesday, September 3, 2013 here at Kuna City Hall.

Council Member Stear moved to adopt the FYE 2014 Tentative Budget with the grand total of \$11,656,787 and the Public Hearing to be set for 7:00 p.m. on Tuesday, September 3, 2013 at Kuna City Hall. Seconded by Council Member Hoiland with the following roll call vote:

Voting Yes: Council Members Cardoza, Hoiland and Stear

Voting No: None

Absent: Council Member Buban-Vonder Haar

Motion carried 3-0

10. Mayor/Council Discussion Items: *(Timestamp 03:07:04)*

It was noted the new ACHD representative, Diane Bevans, was in attendance at the meeting.

Downtown sweeping by ACHD was scheduled to take place after Kuna Days.

Council Member Stear offered to donate his labor for the processing and making of clips, welding, etc. for bridge improvements in connection with the greenbelt extension if the City will pay for the materials at his cost.

Chief Dusseau reported that Kuna Days went well with no major injuries and not as many incidents as the previous year.

11. Announcements: None

12. Executive Session: None

13. Adjournment:

The meeting adjourned at 9:30 p.m.

W. Greg Nelson, Mayor

ATTEST:

Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham
Date Approved: CCM 8/20/13*