

**CITY OF KUNA  
REGULAR COUNCIL MEETING  
MINUTES**

**TUESDAY, MAY 21, 2013**

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

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

**COUNCIL MEMBERS PRESENT:** Mayor W. Greg Nelson  
Council President Richard Cardoza  
Council Member Briana Buban-Vonder Haar  
Council Member Joe Stear

**EXCUSED ABSENCE:** Council Member Doug Hoiland

**CITY STAFF PRESENT:** Richard Roats, City Attorney  
Gordon Law, City Engineer  
John Marsh, City Treasurer  
Wendy Howell, P & Z Director  
Troy Behunin, Senior Planner  
Brenda Bingham, City Clerk

**Call to Order and Roll Call**

Mayor Nelson welcomed everyone and called the meeting to order at 7:00 p.m. Roll call reflected Council President Cardoza and Council Members Buban-Vonder Haar and Stear present at the meeting. Council Member Hoiland was unable to attend.

**Invocation:** Randy Maxwell, 7<sup>th</sup> Day Adventist

**Pledge of Allegiance:** Mayor Nelson

**1. Consent Agenda:** *(Timestamp 00:00:00)*

*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. City Council Meeting Minutes:**

1. Minutes of May 7, 2013 Regular Meeting
2. Minutes of May 14, 2013 Special Meeting

B. Accounts Payable Dated May 21, 2013 in the Amount of \$224,761.32.

C. Alcohol Licenses: None

D. Resolutions:

1. Approve Resolution No. R16-2013 Authorizing the Mayor to Execute the Real Estate Lease Agreement with Henry Vanderstelt for Lease of City of Kuna Property Located on South Swan Falls Road of Approximately 80 Farmable Acres

E. Findings of Facts and Conclusions of Law: None

Briana questioned phone charges for admin. John explained portion being reimbursed.

Cardoza questioned lease, Roats explained Hopkins property, will be growing corn.

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

## 2. Citizen's Reports or Requests:

A. Update on Current Status of Lt. Kody Aldrich – Lt. Kody Aldrich (*Timestamp 00:00:00*)

Kody explained recent illness and making good recovery. Thanked everyone for cards. Worked for 3 different mayors and multiple council members. All have a lot of passion for Kuna. Will be taking new position as Jail Captain but will miss Kuna. Will miss everyone he has worked with. Mayor and Council thanked Kody for a job well done.

B. Presentation of Funds to Kuna Police Athletic League (PAL) from Ada County Sheriff's Youth Foundation – Lt. Kody Aldrich (*Timestamp 00:00:00*)

Sheriff, importance of dealing with delinquency of crime in Kuna. Mayor invited to join, Sheriff presented Kuna Pal Program a check for 5,000. Expressed appreciation to Kody and service to Kuna. Justin will do a great job as well.

C. Crime Report – Sgt. Justin Dusseau, Interim Kuna City Police Chief and Lt. Kody Aldrich (*Timestamp 00:00:00*)

Crime rate down, felony crime down. Calls for service slightly down, increase in code 3 calls of service. Top calls are for suspicious nature. Available on the website. 91 welfare incidences. Proactive in juvenile crime to track trends. Chief Dusseau beginning initiatives at skate park. All in all very similar to last year.

Total crashes severity going down. Cardoza, Linder and Deer Flat no longer top spot.

D. Proclamation for National Kids to Parks Day (*Timestamp 00:00:00*)

Mayor read proclamation.

**3. Old Business:**

- A. 13-01-LS; A Lot Split request from The Land Group. The school is requesting to split this original lot into 3 separate and unique lots. The land owner is the Falcon Ridge Public Charter School. Presented by Troy Behunin, Sr. Planner/Planning & Zoning (*Timestamp 00:00:00*)

Wendy explained lot split questions from last meeting. Staff has met, recommended by staff for approval. 10" line will be installed.

Cardoza, curb & gutter along south side of Deer Flat and asked decision of council. Law, if ACHD did not have a near project then curb & gutter would go in.

Wendy, this lot split is unique in the way the drainage is. By alleviating the requirement for curb and gutter it resolves it.

Briana, all of Gordon's recommendations in letter also included curb & gutter.

Applicant? Have been able to resolve concerns by eliminating the curb & gutter, will install 10" pipe and widen sidewalk.

Briana explained not changing use of the land.

Wendy, curb & gutter is not a requirement for a lot split but sidewalk is.

Cardoza, Special use permit requirements that would require curb, gutter and sidewalk from temporary to permanent. Wendy, no.

Gordon addressed both lot split and sup in his memorandum

Council Member Buban-Vonder Haar approved lot split, Sec by Joe. Voting yes, briana & joe. Voting no, cardoza.

**4. Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.) None

**5. New Business:**

- A. 13-01-FP – Final Plat – Deserthawk Residential Subdivision will be a multi-phased project. The applicant is requesting a Final Plat for Deserthawk Subdivision No. 1. Deserthawk No. 1 proposes 41 residential lots and 5 common lots. Presented by Troy Behunin, Sr. Planner/Planning & Zoning (*Timestamp 00:00:00*)

Wendy presented applicant has completed requirements. Read staff analysis. 35'ROW changed to 40' ROW. An issue with ROW and fence line was noted. Applicant, staff and city engineer decided to allow row to be dedicated equally. Proposed final plat does reflect the 35 row width. Staff determined it is in compliance.

Mayor, does it line up ok with the 5' difference. Wendy, yes.

South side of sunbeam has curb gutter sidewalk.

Briana, page 4, notes subdivided difference. 6 open lots needs to be reflected in staff report 41 and 6.

Cardoza, asked about common areas, ownership and maintenance may not be (page 7 of 9 #4 under notes.

Roats, had several HOA attempt to dissolve. Has additional language he is working on. We can require it, not as easy to dissolve as people think. Most ccr's, each lot is represented by each owner and is responsible for these expenses. In future they may try to give it back to city. good idea to have this language. Ultimate benefit to city for homeowners to take care of common lots.

Cardoza, if no one steps forward, what alternative do we as a city have? Roats, hopefully they recognize they are responsible and maintain it as owners. Cardoza, is there enough teeth in resolution for city to maintain and bill accordingly to home owners in subdivision. Roats, yes, to have the consent and don't want to be in the business of common lots being given back to city.

Mayor, trying to deal with this matter. Differences throughout different cities on how they handle it. Richard Roats trying to research it. city has ability to go in and clean it up and put lien on property if not paid.

Law, this has been in notes on plats for years.

**Council Member Stear moved to approve the final plat for Case Number 13-01-FP Final Plat for Deserthawk Residential Subdivision removing 5' from row. Seconded by Council Member Briana, all voting aye. Motion carried 3-0**

- B. Resolution R15-2013 Municipal Potable Water System Fees and Policies – City Attorney, Richard Roats (*Timestamp 00:00:00*)

Roats, changes up for discussion. Done away with well mitigation fee. Cleaning up language. Rate \$1.54 per 1,000 gallons is cities cost on it. subsidizing .336 for irrigation. Given to commercial, residents, non-residents. Everyone else in city is subsidizing this rate. Do we want to get rid of it or graduate it out by percentage over a few years. Power and chemical costs alone come to the .33 rate and assume it was done in 2006 or 2007.

Mayor wondered if readjusted the minimum charge they may have added it then.

Law, this was an inherited number being charge in 2008 when he came on board. Assume it was a hardship rate.

Law, .336 is too low but can maybe give some latitude for hardship cases. Needs to be raised and severely limited on who can qualify for it. Recommends if PI is available then the subsidized rate is not allowed.

Briana, do we want it to end when PI ends in a low water year. Suggested it begins May 1 of each year.

Roats, do we want a graduated removal of the rate? Costs about \$50,000 to subsidize it.

Law, habits of people differ. Calculate the amount of dollars the subsidy, 45,000 gallons is a good number to start with for keeping yards green. Some leave back yards unwatered.

45,000 gallons at .33 is \$90 for season verses \$420 at regular rate.

Roats will run some numbers and variables on costs. Cost of potable water also needs to be considered.

Briana, if have access but choose not to tie in then they don't receive favorable rate.

Mayor, electronic newsletter, asking people to irrigate throughout the day to reduce demand on system. In past, water only allowed every other week. Need to make a decision on conserving water.

Will be in paper about the water situation. Can also contact HOA's to disseminate the information.

Cardoza, \$93.50 annual PI costs, is this the true costs? Law, yes, each of the components of the costs are included plus an allowance for those who do not pay their bill. Potable water is part of the equation but not at 100%.

Cardoza, Butler meeting, not just the cost of attaching to the PI but another \$2,000 to install sprinklers for home owners plus connection almost \$3,000.

**6. Ordinances:**

**7. Mayor/Council Discussion Items:** (*Timestamp 00:00:00*)

**8. Announcements:**

**9. Executive Session:**

**10. Adjournment:** (Timestamp 00:00:00)

Council Member Stear moved to adjourn the meeting at 8:15 p.m.

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W. Greg Nelson, Mayor

ATTEST:

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Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham  
Date Approved: CCM 6/4/13*

***An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website [www.cityofkuna.com](http://www.cityofkuna.com).***