

OFFICIALS

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



CITY OF KUNA

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

Board of Control MINUTES Tuesday, March 15, 2016

5:30 P.M. BOARD OF CONTROL

1. Call to Order and Roll Call (Timestamp 00:00:01)

COUNCIL MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Richard Roats, City Attorney
Chris Engels, City Clerk
Gordon Law, City Engineer
Mike Borzick, GIS Manager

2. Introduction:

A. Introductory memo from Gordon Law

City Engineer Gordon Law explained the purpose of meeting. He noted that the state code interpretation could apply to any year. These meetings are held with the premise that any irrigation issue can be addressed. He stood for any questions.

The Board of Correction can last up to three days according to state code if the business can't be addressed at this meeting.

He explained the tax deed process for irrigation season. If property is delinquent by three years, it can be taken to satisfy the lien. There is only five this year and they are home owner associations. Last year all properties were taken care of before it went to tax deed.

Mr. Law said in cases of the tax deed of a home owners association, a fraction of the assessment is assigned to each home in the association.

Mayor Stear asked if the Oasis Properties was where a guy got stuck with a corner lot in an HOA deal on School Street last year.

Mr. Law answered yes and stated that City Attorney Richard Roats handled it.

City Attorney Richard Roats responded that he handled it last year and now the gentleman in question is coming in for an application to develop it this year. It is about 10 acres and will be developed. Attorney Roats has advised Planning and Zoning that, when he comes in to do the application, he needs to make that payment. We did the same thing last year with 2012. This gentleman waited until hours before the cut off to pay his tax.

Council Member Cardoza asked if the city costs were covered in the delinquent assessment.

Mr. Law said that there isn't any penalty added to compensate for city time. State code determines what can be charged.

Water supply rights were reviewed by Mr. Law including the capacities. He discussed the relative amounts of canal water and potable water. There has been a reduction of potable water pumped into the system. It is primarily due to pressurized irrigation mains that allow Se-go Prairie pond to supplement supplies. We are doing a project this year that will deliver water again from Prairie Pond to supplement the supplies from the Saporosa Substation. We expect another drop. Canal water wasted is when water goes over the weir and isn't used or pumped from the canal. Our book accounts say that in 2014 we wasted 152,000,000 and 68,000,000 in 2015. The numbers are improving,

Council Member Cardoza asked if wells 10 or 11 will be counted as potable water.

Mr. Law said it wouldn't be counted as such. It is intended to be used during peak draw time which is at night. It is more expensive than using canal water and will only be used when absolutely needed. This should preserve surface water rights, giving us a longer season.

3. Irrigation irregularities:

A. David Szplett - Skipped

- a. Sprinkled area vs. Lot size issue

B. Old Town PI Connections

(Timestamp 00:13:05)

- a. Several lots have taken PI use without paying for the connection, can we.....
 - i. sign those individuals into a Promissory Note
 - ii. Re-Lock the services as we find them

- iii. Apply fines as City Code states
- iv. Annex any lot that isn't already in the KMID if they are using our PI water

Mr. Law explained there were pressurized irrigation mains installed. They were dry, meaning there was no water allowed. Water has been provided and notice was given to the property owners they could convert to pressurized irrigation instead of gravity irrigation. Some have taken advantage of the opportunity. He reviewed the various water situations of the property owners in the area and several specialized situations.

For properties that get gravity irrigation, some use the water and some don't. The staff would like to establish a schedule to deliver water a limited number of days and only to those who use it in order to get rid of waste. Mr. Law asked for council's input.

Mayor Stear asked if the people who use the water contact Mr. Law and his staff or do we just give them a schedule of when the water is being delivered and they can water then, take it or leave it.

In response to Mayor Stear, Mr. Law reviewed how the schedule works according to even and odd years. He proposes to deliver on the weekend for those who use it and that those who don't, not waste the water. If any decided to restart receiving water, the city will get them scheduled to get water. If everyone were to sign back up for water, we would change our schedule accordingly.

Council Member Cardoza asked about the gaps in the water schedule and where the water goes during that time.

Mr. Law said it just runs down the ditch.

Council President Jones asked why the times couldn't be scheduled for a street to get the water on the same day for efficiency. He is not sure he wants to mandate when someone gets water, especially if they're paying for it. He is not sure the people will be receptive to a schedule to make it more efficient. He does not think people want to waste water and wonders, if we bring it to them, will they be more receptive to coordinating with us to help.

Mr. Law agreed that there should be a session explaining water conservation to residents. He said there are three delivery ditches and staff would like to reduce the number of days and have it all on one weekend day and during daytime hours to help with the situation.

Mayor Stear commented that when you use gravity irrigation you do have to mandate when it has to be used or else you just run ditch water all the time. That's the nature of the beast.

Council President Jones asked if anyone has ever complained that we aren't giving them enough water.

Mr. Law said no.

Mr. Law asked if there were any objections to going forward with changing the schedules. No one opposed.

Mr. Law discussed the properties that are taking water without paying for it, it becomes an automatic petition and the connection fee and costs are required. There are about nine properties in this category. Right now, for those who sign up voluntarily to connect, most of them will sign a note to pay that off over a period of 12 years at a flat monthly rate. They would do the same pay schedule for those who they automatically start charging.

Council Member Cardoza asked about the legal status of us doing this. What are the repercussions of us forcing this on them? Do we have the legal status to enforce it with a foreclosure after three years?

Mr. Roats explained the process of a lien and the agreements may need to be revised to deal with the forced contract. Those who are entering into the contract willingly are getting half off on the connection charge. Mr. Roats suggests that those who have gone in and turned on the connection themselves, but then voluntarily sign the contract be charged the full price. Give them warning that if they come in and sign the contract there will be no penalty, but if they refuse they will be charged the full amount.

Mayor Stear confirmed that Attorney Roats was suggesting that we lock out the system and give them notice that they can have access to the system if they sign up for it and if they take it again illegally they will be charged for it.

Council President Jones doesn't understand why they aren't held accountable as they are stealing water from the city. He said there should be a severe deterrent and is disappointed that there is nothing in place to stop this. He supports Mr. Law in whatever action he would like to take.

Mr. Law is willing to take any action that Council directs.

Mike Borzick said that the Sheriff was called about a situation of a lock being cut, and they wouldn't process the complaint because they said there wasn't enough evidence to show there was a lock on it.

Council said that education can be used and relocking the services. If it is cut again, then further action would be taken.

Mr. Law reviewed the properties that are taking water without being part of the Kuna Municipal Irrigation District. He suggests that an annexation would need to be included with a notice.

Council discussed the process and what was allowable for enforcement remedies.

Council was agreeable to the process Mr. Law proposed for a resolution to the situation with education and then lockout enforcement.

April 20, 2016 is the anticipated start date for irrigation turn on date. If the water is in the system prior to April 20, residents can use the water. Mr. Law concluded his presentation and stood for questions.

Council Member Cardoza asked about the Szplett item.

Mr. Law said that Mr. Szplett had been notified but hasn't responded and hasn't made a request to be on the agenda. He has been denied the waiver by Council twice before. He responded to Council Member Cardoza that staff doesn't recommend exclusion of portions of properties.

Mayor Stear supports the response given to Mr. Szplett previously.

4. Tax Deeds:

A. General remarks and comments

5. Mayor/Council Discussion Items:

6. Announcements:

7. Adjournment:


Meeting was adjourned at 6:28 p.m.

(Timestamp 00:57:50)



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Customer Service Specialist
Date Approved: CCM 04.05.2016