

**KUNA CITY COUNCIL MEETING  
MINUTES  
FEBRUARY 21, 2006  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**NOTE: These minutes are an unofficial record of this City Council meeting until reviewed; corrected if deemed appropriate and formally approved by the Kuna City Council at a subsequent Council meeting.**

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**6:00 p.m. - PRE-COUNCIL MEETING:**

Council President Lang called the Pre-Council Meeting to order at 6:11 p.m.

Present: Council President Jeffery Lang and Councilman Richard Cardoza. Councilman Scott Dowdy arrived at 6:35 p.m. Mayor Obray and Councilwoman Stroebel were absent.

Also present were: City Attorney Randy Grove, City Engineer Keven Shreeve, City Clerk Lynda Burgess, City Treasurer Colleen Cook, Interim Planning & Zoning Director Diana Sanders and Public Works Director Jim Taylor.

**DISCUSSION WITH FIRE DISTRICT BOARD OF DIRECTORS REGARDING CITY BOUNDARIES**

Fire District Board: Joe Stear, Linda Ostalasa and Kent Regli

Diana Sanders explained that the map presented is just an area that the City of Meridian is proposing for their area of impact. In 2003, Kuna placed its area of impact ½ mile east of Locust Grove, ½ mile north of Columbia, and ½ mile west of Black Cat. When the City decided to place a wastewater treatment facility, they spoke to the County Commissioners. The Commissioners do not want the treatment facility in the county; they want it within city limits. Then Meridian jumped in and wanted to move their line to Lake Hazel, down Ten Mile over on Hubbard. The city currently has properties annexed at the corner of Hubbard and Linder on the east side, which is part of the area Meridian is showing. The City also has two applications for annexation on the east side of Linder north of Hubbard.

City Attorney Grove explained that as long as property owners asked for or consent to annexation Meridian, can annex outside their city limits. If it is a forced annexation, and not everyone agrees, they are limited by their area of impact boundaries.

Ms. Sanders clarified that at this time, Meridian does not have its application in for their area of impact. Kuna submitted its application just to get it started, even though we know that we have to go back and change our Comprehensive Plan. Kuna has been asked to hold this back and try to negotiate an area with Meridian. These boundaries will impact our fire district and if Meridian does come into the above proposed boundaries, it will take away a significant amount of the fire district's area.

Keven Shreeve asked the fire board to explain what kind of an impact these boundaries would have on them.

Fire Chief Doug Rosin stated that if Meridian succeeds with these boundaries, a significant amount of revenue would be lost and full time employees would be lost. The District has just updated its services with a full paramedic with pay increases for that qualification. The District might be forced to go back to a volunteer force, or increase taxes to pay for the fire district personnel.

Council President Lang suggested that the fire district have representation at the upcoming town hall meeting to educate the citizens on how losing our area of impact would affect the community and their fire protection services.

Councilman Cardoza stated that he had heard that a bill had been introduced by State Representatives to reduce the assessed value by half on annexations to avoid annexation into counties.

Adjourned Pre-Council meeting at 6:40 p.m.

## **7:00 p.m. – REGULAR COUNCIL MEETING**

### **1. CALL TO ORDER AND ROLL CALL**

Council President Jeff Lang called the Regular Meeting to order at 7:00 p.m.

Present: Councilman Jeffery Lang, Councilman Scott Dowdy and Councilman Richard Cardoza. Councilwoman Trina Stroebel and Mayor Obray were excused.

Also present were: City Attorney Randy Grove, City Engineer Keven Shreeve, City Clerk Lynda Burgess, City Treasurer Colleen Cook, Interim Planning & Zoning Director Diana Sanders and Planner Lisa Bachman.

**2. INVOCATION –** The invocation was given by Pastor Christ Bent, Calvary Chapel.

**3. PLEDGE OF ALLEGIANCE –** The Pledge of Allegiance was led by Council President Lang.

Council President Lang stated that he would like to add to the agenda Items 10B, Approval of Catering Permit and 11B.1, Crossing Agreement with BLM for Teed Lateral

Moved by Councilman Dowdy, seconded by Councilman Cardoza to amend the agenda for February 21, 2006 by adding Items 10B and 11B1. Motion carried 3-0-1 (Councilwoman Stroebel absent).

**4. APPROVED MINUTES**

Town Hall Meeting of January 24, 2006 - Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve. Motion carried 3-0-1(Councilwoman Stroebel absent).

**5. APPROVE ACCOUNTS PAYABLE**

A. ACCOUNTS PAYABLE DATED FEBRUARY 21, 2006 IN THE AMOUNT OF \$349,411.89. Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve Accounts Payable dated February 21, 2006 with the addition of a payment in the amount of \$2,061.00 to the State Insurance Fund for Workers Compensation in the amount of \$351,472.89. Motion carried 3-0-1 (Councilwoman Stroebel absent).

B. CONSIDER IMPLEMENTATION OF CREDIT CARD SYSTEM FOR UTILITY BILLING (continued from February 7, 2006):

Treasurer Cook reported that proposals were requested from by USTI and Farmers & Merchants Bank ; however, no proposal was received from Farmers & Merchants Bank.

Moved by Councilman Dowdy, seconded by Councilman Cardoza to table the credit card system for utility billing to March 13, 2006 to provide staff an opportunity to obtain a proposal agreement form. Motion carried 3-0-1 (Councilwoman Stroebel absent).

**6. SHERIFF MONTHLY REPORT**

Sergeant Laraway presented the Statistical Report for January 2006. He stated that the Sheriff's department responded to 611 calls in the month of January.

**7. ADA COUNTY HIGHWAY DISTRICT REPORT** - No report given.

**8. OLD BUSINESS:**

A. APPROVED CONTRACT WITH KELLER ASSOCIATES FOR DESIGN & CONSTRUCTION PERIOD SERVICES FOR SEWAGE TREATMENT FACILITY.

Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve a contract with Keller Associates for design & construction period services for the sewage treatment facility. Motion carried by the following Roll Call vote:

AYES: Dowdy, Cardoza, Lang  
NOES: None  
ABSENT: Stroebel

B. APPROVED CONTRACT AND NOTICE TO PROCEED WITH WF CONSTRUCTION FOR WINTER STORAGE LAGOON.

Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve the contract and notice to proceed with WF Construction for winter storage lagoon. Motion carried by the following Roll Call vote:

AYES: Dowdy, Cardoza, Lang  
NOES: None  
ABSENT: Stroebel

**C. APPEAL OF PLANNING AND ZONING COMMISSION'S DENIAL OF SPECIAL USE 05-05-A - CRIMSON VILLAS (Continued from February 7, 2006).**

Interim P & Z Director Sanders explained that Council continued a decision on the appeal of the special use for Crimson Point Villas until they could hear the public hearing for the preliminary plat to address some of the issues that the neighbors brought to the last meeting, such as density. She further stated that Council had asked for transcribed minutes from the Planning & Zoning Commission which had since been submitted for Council's review.

Attorney Grove stated that he had reviewed the certificate of transcription and recommended that the Council should uphold the appeal and find that the Planning & Zoning Commission had committed an error. He further stated that when the Council considers the preliminary plat during the public hearing, it will have to consider the special use and make a decision on that as well.

Councilman Dowdy clarified that when the original preliminary plat was submitted for the PUD, it was anticipated that there would be multi-family housing units in the plat. The specific density currently requested by Mr. Jewett on the preliminary plat has increased acreage and doubled the multi-unit dwellings. The denial of the special use permit by the Planning & Zoning Commission was inappropriate and Mr. Jewett is correct in his appeal in requesting that the decision be revisited by the Council.

Ms. Sanders stated that Mr. Jewett is requesting a special use for the multi-family and has submitted a preliminary plat for that area in Crimson Point that has already been approved as a PUD.

Moved by Scott Dowdy, seconded by Councilman Cardoza to uphold the appeal of Mr. Jewett reversing the opinion of the Planning & Zoning Commission's denial of special use 05-05 A – Crimson Villas. Motion carried 3-0-1 (Councilwoman Stroebel absent).

**D. CONTINUED PUBLIC HEARING –**

**APPLICATION FOR PRELIMINARY PLAT 05-10-2 – CRIMSON VILLAS  
(Continued from February 7, 2006).**

Jim Jewett, 1560 Carroll Street, Meridian, lead Council through the preliminary plat showing the Ten Mile strip mall, clubhouse, four-plex apartments, streetscape design, a parking lot to serve 16 to 20 units and landscaping. Regarding density, he stated that

the original submittal on the plat was for 690 residential units including 160 multi-family units. Parking is proposed to contain 1.75 stalls per unit, exceeding Kuna's code. Regarding density, he stated that a C-1 zone does not have specific density requirements so his firm looked at the city's lowest multiple-family density allowed in the code which is 16 units per acre and the proposed density of the project matches that. Further, he stated that a traffic study was conducted which shows that the roads are able to handle the amount of traffic the development will generate. These 160 units on 9.8 acres will generate five times more revenue for the same amount of ground to fund the city's infrastructure.

Councilman Dowdy stated that all the other public hearings on this PUD have had one recurring theme, which is the issue of density. He asked Mr. Jewett if he had ever considered lowering the density of this particular complex.

Mr. Jewett responded that, in several Planning & Zoning meetings, he requested input regarding the development but the Commission denied the project instead.

Councilman Dowdy explained that the Council should envision what the development will look like and determine whether it will be beneficial or detrimental to the community for years to come.

Council President Lang opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

Wendy Carr, 2082 N. McClure Ln. - Not enough parking. Let's develop it right.

Willis Carr, 2082 N. McClure Ln. - Not present.

Raymond Girouard, 1537 Crenshaw – Increase in traffic and crime leading to a degraded community and decreased property values.

In response to Councilman Dowdy, Mr. Girouard stated that he did not have any statistics to support his position and could not recommend another area in Kuna that would be more suitable for apartments.

Forest McKennon, 2255 N. Ten Mile Rd. – Supported less apartments and lower density. Do what is best for the community.

Carrie Girouard, 1537 Crenshaw - Not present.

Anna Wright, 1791 N. Bisque Ave., - Deferred to her husband.

Daniel Wright, 1791 N. Bisque Ave. asked if the City has statistics on why Kuna needs apartments and that they do not bring crime. Develop the community before you put apartment complexes in.

Stacie Sheber, 2290 McClure - Not enough parking spaces planned and the common area is too small for the apartment units. If Mr. Jewett doesn't get the answer he likes from Council, he will just keep doing it again and again until he gets the answer he wants. Other options--lower density with town houses or condos.

Andrew Sheber, 2290 McClure - Usage is not a right. Apartments should be placed by amenities and many other communities design growth plans with that in mind. Place similarly-sized properties close to each other in order to keep consistent property values.

Brian Williams, 1874 N. Thistle - Not in harmony with the community. Could live with 80 apartments, but 160 are too many for that small of a development.

Shawn Thomas, 952 Quartzite - Less apartments, less density.

Councilman Dowdy expressed concern that there would not be adequate overflow parking since the plan provides less than 2 parking spaces/unit.

Council President Lang suggested that 1) density be lowered; 2) the clubhouse be expanded to make room for more equipment; 3) a half court basketball facility be provided across the street and 4) more parking be provided. He asked if Mr. Jewett would be willing to lose one lot next to clubhouse.

Councilman Dowdy stated that the plan is not acceptable at 160 units and suggested that the total be lowered to 100 units.

Council President Lang further suggested increasing the plan to provide 2 parking stalls/unit without losing landscaping. Further, he felt that additional recreation area should be required.

Neutral Speakers:

None

Applicant Rebuttal:

Mr. Jewett rebutted that 100 units would not be feasible dollar-wise for the project.

There being no further testimony offered, Council President Lang closed the Public Hearing at 10:00 p.m.

Attorney Grove instructed that two decisions need to be made by the Council--one regarding the special use and the second regarding the plat.

Diana Sanders stated she would like the clubhouse size to be increased.

Moved by Councilman Dowdy, seconded by Councilman Cardoza to deny the preliminary plat based on the following specific reasons:

- Too many buildings within the number of acres.
- Insufficient parking, open space and common area for recreational purposes.
- Record to be left open for written comment from Jim Jewett's attorney.

Motion carried 3-0-1 (Councilwoman Stroebel absent).

**RECESS:** Council President Lang recessed the meeting at 10:30 p.m.

**RECONVENE:** Council President Lang reconvened the meeting at 10:40 p.m.

**9. CITIZEN'S REPORTS OR REQUESTS:**

**A. REQUEST FOR SUPPORT OF FLAG DAY PARADE DURING 2006 BIRDS OF PREY FESTIVAL - TOM GASE, REPRESENTING VIETNAM VETERANS**

Mr. Gase no longer present.

**B. PROCLAIMED MARCH 2006 AS "READ ACROSS AMERICA MONTH" – ANN HANKINS, KUNA LIBRARY**

Ms. Hankins invited all Councilmembers to read at the library for 10 minutes each on March 2, 2006.

**C. PROCLAIMED MARCH 2006 AS "RED CROSS MONTH"**

President Jeff Lang read a proclamation of services and a plea for donation of blood, volunteerism and donations to the Red Cross for the month of March.

**10. LICENSES AND PERMITS:**

**A. APPROVED BUSINESS LICENSE – BECKY ABBOTT, "BECKY'S DANCE CO.," 225 N. KAY AVE.**

Moved by Councilman Dowdy, seconded by Council President Lang to approve the Business License for Becky Abbott doing business as "Becky's Dance Co." at 225 N. Kay Ave. Motion carried 2-1-1. (Councilman Cardoza voted no) (Councilwoman Stroebel absent).

**B. REQUEST FOR APPROVAL OF CATERING PERMIT FOR KUNA COMMUNITY AUCTION, MARCH 4-5, 2006, 5 p.m. TO 2 a.m.**

Sheri Russell asked permission for the Auction to serve alcohol on March 4, 2006.

Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve a catering permit for L & G Enterprises for March 4, 2006 from 5 p.m. to 2 a.m. for the Kuna Community Auction. Motion carried 3-0-1 (Councilwoman Stroebel absent).

## 11. NEW BUSINESS:

### A. APPROVED WAIVER OF ANNEXATION APPLICATION FEES FOR PROPERTIES ZONED A FOR ESTABLISHMENT OF CITY BOUNDARIES.

Council agreed.

### B. APPROVED CONTRACT, NOTICE OF AWARD AND NOTICE TO PROCEED WITH JIM RUSSELL EXCAVATION FOR CONSTRUCTION OF PRESSURE IRRIGATION CROSSING FOR TEED LATERAL CANAL

Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve the contract, notice of award and notice to proceed with Jim Russell Excavation for construction of pressure irrigation crossing of Teed Lateral Canal in an amount not to exceed \$31,987.00. Motion carried by the following Roll Call vote:

AYES: Dowdy, Cardoza, Lang  
NOES: None  
ABSENT: Stroebel

### B.1. APPROVED AGREEMENT WITH BUREAU OF RECLAMATION FOR PRESSURE IRRIGATION CROSSING FOR TEED LATERAL CANAL

Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve agreement with Bureau of Reclamation for pressure irrigation Danskin lift station crossing Teed Lateral. Motion carried by the following Roll Call vote:

AYES: Dowdy, Cardoza, Lang  
NOES: None  
ABSENT: Stroebel

### C. DISCUSS AND DECIDE JOINT LONG RANGE PLANNING WITH THE CITY OF MERIDIAN AND ADA COUNTY

Pete Freedman, Ada County Development Services, requested joint comprehensive plan participation from the City of Kuna. He stated that the County would facilitate the process, one consultant would be chosen and each entity would pay their share of the fees. The purpose for the three entities to share in this joint planning is to come up with a document that each entity would take and extract as part of their comp plan.

### D. REVIEW QUALIFICATIONS SUBMITTED BY FARMERS AND AUTHORIZE THE MAYOR AND CITY ATTORNEY TO NEGOTIATE CONTRACT TERMS.

Moved by Councilman Dowdy, seconded by Councilman Cardoza to draft a contract with Bob Nichols for farming The Farm. Motion carried 3-0-1(Councilwoman Stroebel absent).

**12. REPORTS:**

**P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS**

Diana Sanders stated that she had given Council a letter from ACHD containing sidewalk estimates for Deer Flat Road from Linder to Kuna High School. The city does not have this item in the budget, but could put it in next year's budget.

Ms. Sanders further reported that staff sent two code enforcement letters to Paul's Market and another letter informing the Charter School that their temporary occupancy will expire at the end of March. There are safety issues that the building inspector tagged at the school that have not been addressed to date.

**CITY ENGINEER / KEVEN SHREEVE**

Keven Shreeve stated he asked that the city to draft an ordinance or resolution for future allocation of sewer connections. He felt that one of the developers could use up all of the connections if an ordinance or resolution were not adopted.

Mr. Shreeve stated that Mineral Springs had acquired an easement through Arbor Ridge for future sewer hook-ups. The document has been sent to the City Attorney for approval.

Further, Mr. Shreeve announced that the Johnson irrigation project had been surveyed and that it was anticipated that rough plans for the construction would be received in the next 2-3 weeks.

**CITY ATTORNEY / RANDY GROVE**

Randy Grove reported on pending legislation of interest to many municipalities: 1) regarding official newspapers and cities' ability to publish in other newspapers other than their official newspaper and 2) public infrastructure improvement districts like Kuna's LID for the sewer. This bill would allow properties from cities and counties to be joined into one public improvement district.

**CITY CLERK / LYNDA BURGESS – No report.**

**13. APPROVED FINDINGS OF FACTS & CONCLUSIONS OF LAW:**

**A. APPROVED FINDINGS OF FACT FOR KUNA LIFE CENTER ANNEXATION**

Moved by Councilman Dowdy, seconded by Councilman Cardoza to approve the Findings of Fact and Conclusions of Law regarding the Kuna Life Center annexation. Motion carried 3-0-1 (Councilwoman Stroebel absent).

**B. APPROVED FINDINGS OF FACT FOR LOT SPLIT:**

05-05-LS Josh Manwaring  
R5070002445  
R5070002450  
R5070002455  
R5070002460

Moved by Councilman Dowdy, seconded by Council President Lang to approve the Findings of Fact and Conclusions of Law regarding lot split 05-05-LS. Motion carried 3-0-1(Councilwoman Stroebel absent).

**14. ORDINANCES & RESOLUTIONS:**

**15. MAYOR / COUNCIL DISCUSSION:**

**16. EXECUTIVE SESSION – LITIGATION (AS NECESSARY)**

Pursuant to Idaho Code 672345(f), adjourned to Executive Session at 12:00 p.m. to discuss pending property acquisition – Water Treatment Plant Site.

Moved by Councilman Dowdy, seconded by Councilman Lang to adjourn Executive Session at 12:10 a.m. Motion carried 3-0-1 (Councilwoman Stroebel absent).

**17. ANNOUNCEMENTS:**

**18. ADJOURNMENT**

There being no further business to conduct, Councilman Dowdy moved, seconded by Council President Lang to adjourn the meeting at 12:10 a.m. Motion carried 3-0-1 (Councilwoman Stroebel absent).

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Jeffery Lang, Council President

ATTEST:

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Lynda Burgess, City Clerk

APPROVED AS SUBMITTED: APRIL 4, 2006