

**KUNA CITY COUNCIL MEETING
MINUTES
DECEMBER 19, 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.

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Dean Obray called the Regular Meeting to order at 7:04 p.m.

Present: Mayor Dean Obray, Council President Jeffery Lang, Councilwoman Trina Stroebel and Councilman Richard Cardoza. (Councilman Scott Dowdy absent).

Also present were: City Attorney Randy Grove; City Clerk Lynda Burgess; City Treasurer Robin McKean; Planning & Zoning Director Diana Sanders; Planner Lisa Bachman; and Justin Walker and Larry Rupp of Keller Associates (Walker & Rupp left meeting at recess).

2. INVOCATION – None given.

3. PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Obray.

SUGGESTED CHANGES TO THE AGENDA:

Mayor Obray requested that the following changes be made to the Agenda: Remove 4A, Minutes and 4B, Accounts Payable from the Consent Agenda. Under Old Business, table 7.1, Ground Lease for the Boys & Girls Club, under Licenses & Permits remove 9C, License for Sale of Liquor by the Drink – John Schull/W.G. Nelson, Redeye.

4. CONSENT AGENDA: Moved by Council President Lang, seconded by Councilwoman Stroebel to remove Items 4A, Minutes and 4B, Accounts Payable from the Consent Agenda and table 7.1, Ground Lease for the Boys & Girls Club and remove 9C, License for Sale of Liquor by the Drink – John Schull/W.G. Nelson, Redeye. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve the consent agenda. Motion carried 3-0-1 (Councilman Dowdy absent).

C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW – 06/18/AN ANNEXATION/06-02-LS LOT SPLIT/06-09-DA DEVELOPMENT AGREEMENT/ 2295 COLUMBIA RD.

D. APPROVED FINAL PLAT FOR MINERAL SPRINGS SUBDIVISION NO. 2.

- E. APPROVED PAY REQUEST NO. 1 FOR BERNIE FISHER BATHROOM FACILITIES, DON YOUNG CONSTRUCTION & SUPPLY, INC. IN THE AMOUNT OF \$21,699.
- F. APPROVED NOTICE OF AWARD TO SIEMENS WATER TECHNOLOGIES CORPORATION IN THE AMOUNT OF \$4,165,177 FOR THE WASTEWATER TREATMENT PLANT MEMBRANE BIOREACTOR SYSTEM (MBR) EQUIPMENT PRE-PURCHASE.

REMOVED CONSENT AGENDA ITEMS:

- A. APPROVED MINUTES – REGULAR MEETING OF NOVEMBER 21, 2006.
Councilman Cardoza requested that the following changes be made to the Minutes: second sentence on Item 12, Reports the word ~~skeptie~~ should be changed to **septic**.

Moved by Councilwoman Stroebel, seconded by Council President Lang to approve the regular meeting minutes of November 21, 2006 as amended. Motion carried 3-0-1 (Councilman Dowdy absent).

- B. APPROVED ACCOUNTS PAYABLE DATED DECEMBER 15, 2006 IN THE TOTAL AMOUNT OF ~~\$289,638.65~~. Mayor Obray asked that line item 429 on Accounts Payable be removed: Keller's request for \$85,447.50 (Keller Associates and the City Treasurer are auditing this invoice for payment); add PERSI in the amount of \$12,568.00 for state taxes for a total Accounts Payable of **\$204,191.15**.

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve accounts payable dated December 15, 2006 in the total amount of \$204,191.15. Motion carried 3-0-1 (Councilman Dowdy absent).

5. SHERIFF MONTHLY REPORT

Sergeant Laraway presented the Statistical Report for November 2006 and pointed out the highlights and trends of the report. There were 889 calls for service compared to last month's calls of 809.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Errol Morgan reported that Kay Street opened today. The tree at Avalon and Orchard is scheduled to come down.

Mayor Obray presented Mr. Morgan with a certificate of Appreciation for his Outstanding efforts as the liaison between ACHD and the Citizens of the City of Kuna.

7. OLD BUSINESS:

- 1. APPROVE GROUND LEASE FOR PROPERTY ON SOUTHWEST CORNER OF LINDER AND DEER FLAT TO THE BOYS AND GIRLS CLUB OF ADA COUNTY,

INC. FOR NOT LESS THAN 50 YEARS AT \$1 PER YEAR (Continued from 12/5/06).
Tabled to the December 28, 2006 Special Council Meeting.

2. CONSIDER MEMBERSHIP IN THE TREASURE VALLEY PARTNERSHIP, FY 06-07, IN THE AMOUNT OF \$1,518.

Moved by Councilman Cardoza, seconded by Councilman President Lang to pay the FY 2006-07 membership dues in the Treasure Valley Partnership in an amount not to exceed \$1,518. Motion carried 3-0-1 (Councilman Dowdy absent).

8. CITIZEN'S REPORTS OR REQUESTS:

- A. PRESENTATION BY KANDY WEAVER, KANDY WEAVER & ASSOCIATES REGARDING PROPOSAL FOR PREPARATION OF JOB DESCRIPTIONS, EMPLOYEE POLICY HANDBOOK REVIEW AND UPDATE.

Ms. Burgess explained that, with the rapid growth of the City, the Human Resource System has been allowed to languish and a recent audit of the system has shown that it is time to formalize our Human Resources System. Items on the list for update are: Job descriptions to bring them into ADA compliance and other issues update the Personnel Policy Manual and perhaps conduct a classification study.

Kandy Weaver presented her strategy on formalizing the human resource process for the City of Kuna. At the beginning of the process, they will look at the job descriptions which then lays the ground work for the policy manual and compensation programs that the City may want to put in place.

Councilman Cardoza requested that salary structure design be incorporated into Kandy Weaver & Associates proposal and that at least four references be provided.

- B. PRESENTATION BY ANDREA FOGLEMAN REGARDING PROPOSAL FOR CLASSIFICATION AND COMPENSATION SYSTEM AND POLICY HANDBOOK.

Bonnie Frasier presented a proposal and strategy on formalizing the human resource process for Kuna. Primary clients are municipalities in Idaho, Washington, Oregon and Arizona. In the reclassification process, it is imperative to involve employees at all levels of the organization for buy in. When a municipality engages in this process, the employees look at it that management is "doing it to us again." It is critical to have job description classifications for liability purposes, compliance with ADA and the Fair Labor Standards Act, organizational design, work assignments and a foundation that leads to performance expectations. It must reflect the City's pay philosophy. In the policy manual, it is critical that continuity and consistency of how work practices are applied and interpreted be clearly spelled out. Detail work expectations, administrative systems, and moving the City into a more professional working environment.

9. LICENSES AND PERMITS:

- A. APPROVED BUSINESS LICENSE FOR JIM & SHERI RUSSELL, "JSR ENTERPRISES," 439 MAIN ST.

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve the business license for Jim & Sheri Russell, doing business as "JSR Enterprises," at 439 Main Street. Motion carried 3-0-1 (Councilman Dowdy absent).

- B. APPROVED LICENSE FOR RETAIL SALE OF BEER AND WINE – TERRY CRAWFORD, KUNA CHEVRON, 150 W. DEER FLAT RD.
- C. APPROVE LICENSE FOR SALE OF LIQUOR BY THE DRINK – JOHN SCHULL/W.G. NELSON, REDEYE, 414 W. MAIN ST. (Tabled to the December 28, 2006 Special Council Meeting).
- D. APPROVED LICENSE FOR ON PREMISE SALE OF BEER AND WINE – ENRIQUE CONTRERAS, EL GALLO GIRO, 482 W. MAIN ST.
- E. APPROVED LICENSE FOR SALE OF LIQUOR BY THE DRINK – JERRY FORREY, 4 E'S BAR, 379 W. MAIN ST.
- G. APPROVED LICENSE FOR ON PREMISE SALE OF BEER AND WINE – TWG, INC., IDAHO PIZZA CO., 331 AVENUE E.
- H. APPROVED LICENSE FOR RETAIL SALE OF BEER AND WINE – JACKSON'S FOOD STORE, 330 W. MAIN ST.
- I. APPROVED LICENSE FOR RETAIL SALE OF BEER AND WINE – RUSS TUTTLE, KUNA LIQUOR AND SMOKE SHOP, 371 W. MAIN ST.
- J. APPROVED LICENSE FOR SALE OF LIQUOR BY THE DRINK – BRENT NYBORG, LONGHORN LOUNGE, 458 W. MAIN ST.
- K. APPROVED LICENSE FOR RETAIL SALE OF BEER AND WINE – PAUL ZATICA, PAUL'S MARKET, 680 E. AVALON.
- L. APPROVED LICENSE FOR ON PREMISE SALE OF BEER AND WINE – GERALD WALLER, PIZZA HUT, 251 N. D ST.
- M. APPROVED LICENSE FOR RETAIL SALE OF BEER AND WINE – R.L. NICK NICOLAS, SILVER TRAIL WINERY, 374 AVENUE E.
- N. APPROVED LICENSE FOR SALE OF LIQUOR BY THE DRINK – VICTORIA HANSEN, COWGIRLS SALOON & TEQUILARIA, 353 AVENUE E.

- O. APPROVED LICENSE FOR RETAIL SALE OF BEER AND WINE – SHIVA, LLC, SUPER C, 331 AVENUE D.

Moved by Councilman Cardoza, seconded by Council President Lang to approve the alcohol permits from B through O, excluding items A, C and P for liquor by the drink retail sale of beer and wine. Motion carried 3-0-1 (Councilman Dowdy absent).

- P. CONSIDER REQUEST FOR KENNEL LICENSE – LINDSEY POHLMEIER & RYAN HARTLEY, 1309 W. CRENSHAW (Temporary approval given on 7/5/06 with a requirement that the matter be reviewed again in December).

Ms. Burgess stated that this item is up for review because there were a number of complaints lodged against the applicants back in July when this matter originally was up for consideration. Council gave a temporary approval for a follow-up review in December. Ms. Burgess sent out notification to the individuals who lodged the complaints in July and the City has to date received no complaints.

Councilman Cardoza stated that he interviewed 3 of the applicants' neighbors today to see if they had any complaints. Two of the neighbors complained about the dogs still barking.

Mr. Hartley & Ms. Pohlmeier explained that the dogs are now in the house and are only outside for approximately 5 minutes in the morning and twice in the evening. The only time the dogs bark is when someone comes to the door or the neighbor's dog runs up and down the fence barking. The dogs were kept in the backyard all day when they originally moved to Kuna and that is why the City received all the complaints.

Councilman Cardoza stated that he had no problem with having the kennel license renewed as long as the applicants will make a concentrated effort to try to keep their dogs a little more quiet in the evenings and on weekends.

Moved by Council President Lang, seconded by Councilwoman Stroebel, to approve the Kennel License for Lindsey Pohlmeier & Ryan Hartley at 1309 W. Crenshaw. Motion carried 3-0-1 (Councilman Dowdy absent).

10. NEW BUSINESS:

CONSIDER DRAFT SWAN FALLS COMMUNITY COOPERATION AGREEMENT.

Mr. Grove stated he was not yet ready to discuss this item and Mr. Carley and John Steinbacher are out of town this week. There will be three items for the Council to consider: 1) draft Swan Falls Community Cooperation Agreement; 2) draft Osprey Ridge Proposed Development Proposal from Keller Associates on the south corridor. He stated that funds to expand the present sewer system to meet the demands to be placed on the City in the interim would be for \$30,000,000. Keller's letter says they can put in the necessary headworks and concrete minus the filtration filters themselves for \$1,500,000. If Council chooses to pursue this, we have to give Keller permission to go ahead with the design of about 30% improve-

ment in size of the new waste water treatment plant; and 3) the lease for the Boys & Girls Club which will be scheduled for the Special Council Meeting December 28, 2006 at 11:00 a.m.

Mr. Grove asked for questions concerning the Swan Falls Community Cooperation Agreement draft that can be answered by Mr. Carley and colleagues next week to move the agreement forward.

Mr. Grove wanted the following items changed in the agreement:

- Go with a minimum dwelling unit per acre.
- City obligations, Item 3 “provide free and unfettered access to City information representatives;” change “free and unfettered” to “reasonable.”
- Item 10 “actively participate in and promote special election.” The City cannot actively promote one side of a contested election.

Councilman Cardoza wanted the following items changed, & questions answered:

- Item 10 “seeking a bond measure to allow the purchase and conversion to the City waste water ponds.” He said he didn’t know what they meant about the purchase. Mr. Grove stated that there is other negotiation that needs to go in there.
- Item 5, what is “self-cost”. Mr. Cardoza stated that the City has already expended \$48,500 without bond election expenses. What are the soft costs?
- Item 6 needs discussion “consolidating the necessary BLM land purchase with or adjacent to 685.” Understand what the commitment is for the City in facilitating the necessary BLM land purchase.
- The agreement looks like they want to take out 120 days. I think there should be a time limit to keep this in an active phase of property development. The developer should present a list of development issues including to but not limited to major roadway improvements. Mr. Cardoza stated that he had not seen from the developer showing what progress they have made to-date.

Keven Shreeve, 3655 E. Meadowview Rd., responded to the 120 day time limit clarifying that the intent is to wait for the election so there can truly be absolute energies put into the development.

Mayor Obray stated there are 2 items that are necessary to move this agreement forward:

- Need to make sure that the Thornton’s are willing to hold onto their property for land application at least to the build-out of the treatment plant.
- He did not see any reason to promote the bond if there is not have a definite set of amenities that are going to be given to the City for exchange of the property. If the City cannot identify that the BLM land is part of that property then we need to identify that this is the acreage that the City has available and this is what will be exchanged for City property and capital improvements. Before the City starts advertising for another bond, we need hard facts to give the citizens.

Keven Shreeve explained that Item 6 is the City’s role. The intent is to work cooperatively together on the BLM ground. The transaction must have the municipality’s partnership.

Item 10's intent is working together to publicize the project with the election process straightforward.

RECESS: Moved by Council President Lang, seconded by Councilwoman Stroebel to take a 5 minutes recess at 8:23 p.m. Motion carried 3-0-1 (Councilman Dowdy absent).

RECONVENE: Mayor Obray reconvened the meeting at 8:33 p.m.

11. PUBLIC HEARINGS: 7 p.m. or as soon thereafter as matters may be heard.

A. PUBLIC HEARING – 06-11-ZC REZONE/06-08-DA/06-13-S PRELIMINARY PLAT/ROCKAWAY/SWAN FALLS ROAD.

Lisa Bachman gave the staff report and explained that this is an application for preliminary plat and rezone approval with a development agreement for an R-6 zone, 39 single-family lots, on approximately on 8.71 acres with a density of 4.48 dwelling units per acre. The Planning & Zoning Commission recommended approval with an R-4 zone for this development with the additional requirements: applicant to install a 6' vinyl perimeter fence around the subdivision and the common areas; provide a minimum 6,000 sq. ft. common lot within the subdivision and construct a stub street to the west; install stop signs and adjust some of the lot lines on the flag lots to provide a wider frontage; install an entrance monument sign on the south side of the Swan Falls Road entrance; construct single story homes only in block 1 which is along the western property line.

Pat Tealey, 187 E 50th, Garden City, representing the applicant, stated that the application is for 39 lots on 8.71 acres with an overall density of 4.4 dwelling units per acre with a request for R-6 zoning. There is a mix of lot sizes on the plat with the minimum lot sizes of 4680-5,040 sq. ft. for 5 lots, 5040-5,620 sq. ft. for 13 lots, 6,900-7,160 sq. ft. for 13 lots, and 9,700-11,100 sq. ft. for 6 lots and the two remaining lots are 11,000 and a 44,000 sq. ft. The applicant feels they have met the intent of the ordinance with providing this density mix. Mr. Tealey knew that he did not need to show the detail today for a preliminary plat but he wanted to show the applicant's commitment to the City in providing a different housing product than in the surrounding area. This housing development is patterned after 2 housing developments, one in Nampa and one in Eagle. He wanted to address what came out of the Planning & Zoning Meeting, as it was confusing. He did not quite understand the Commission's decision. The applicant asked for an R-6 zone and was granted an R-4 zone but the Commission approved the preliminary plat. R-4 zone won't allow any of the lot sizes that we have in the preliminary plat to be developed because of the square footage and frontage requirements. On page 14 of the Planning & Zoning Commission recommendations, there were 7 bullet points that they brought up that he felt were out of the ordinary. There is nothing in the ordinance that requires the installation of a 6' vinyl fence around the perimeter of the subdivision and common areas. A vinyl fence around this subdivision would be at a cost of more than \$70,000 and the applicant objected to this expense. He said that he didn't have a problem with the requirement of cedar fencing. The ordinance also does not address the need for a 6,000 sq. ft. common lot within the subdivision. He believed that a common area is required in a subdivision with 50 lots or

more. Regarding construction of a stub street to the west, the applicant deferred to the ACHD requirements, which does not require a stub street to the west. A stub street to the south to connect into Ryan Meadows and also access onto Swan Falls is being provided. The Commission wanted to adjust the flag lot lines but the applicant does not see any reason to adjust them. The requirement for single-story homes only in Block 1 is at the request of the neighbors who did not want two-story homes against their 5 acre lots. Since the neighboring homes are 350 to 400 feet away from these lots, the applicant believes the restriction is too harsh.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

Susan Mittleider, 1253 Crane Ln., stated that the Rockaway Subdivision is a small development, which is a good start toward the continued prosperity of the community. In the recent past we have seen many starter home subdivisions and we need to go to the next level. Rockaway is just that level. This subdivision is designed for the older residents who are empty nesters. If we are forced to stub street to all of our neighbors and put in expensive fencing and playgrounds, a small development would not be financially feasible. Take into consideration the size and structure of this small development when making your decision because this will affect more than just this subdivision. This will set a precedent for all future small development.

Eva Wallace, 1401 S. Swan Falls Rd., spoke in support of the rezone and preliminary plat for Rockaway. As we will be homeowners in this new subdivision, we are not in favor of 6' vinyl fencing around the entire parameter of the subdivision. If existing homeowners require additional privacy, may it be at their discretion and expense. The marketing strategy for Rockaway is for empty nesters; therefore, there is no need for a common play area.

Decoayne Hagher, 227 W. King Rd., supported the Rockaway Subdivision. In looking at the plans, he felt it would add to the community. Let's not put costly restrictions on this small development.

Speakers opposed to application:

Eric Lebsack, 1487 S. Swan Falls Rd., stated that he bought a 5-acre piece of property to get away from close neighbors. The proposed rezone is not the quality of life we wanted. He would like to see the property zoned R-4 so there will not be such a density impact and he would like to see the vinyl 6' fence, a common area, single-story houses on the west and southern perimeters (this was in the Planning & Zoning motion and not in the minutes).

Neutral Speakers:

Judy Retzliff, 250 W. King Rd., stated that she was not opposed to the subdivision or the concept but did agree with some of the conditions that Planning & Zoning has asked them to do, except for the stub street to the west.

Jack Christensen, 1401 S. Crane Ln., stated that he was not opposed to the subdivision and that he would like to see a stub street to the west, as Planning & Zoning recommended.

Georgia Bonjour, 1450 Crane Ln. She expressed disappointment that the developer does not understand the recommendations made at the Planning & Zoning Meeting. At the last meeting, they were looking out for the homeowners in regard to privacy. She stated that her property will be impacted by a two story home next to her riding arena.

Dave Barnes, 1251 Swan Falls Rd., stated that at the Planning & Zoning Meeting, current residents asked that there be no two story homes to the east yet the Planning & Zoning Minutes describe the area to the west. He stated that single-story homes are not needed on the whole fence line, just at the first northern 200'. Further, he was concerned about drainage. The larger properties around the subdivision are still irrigating their property. The residents requested R-4 zoning as it is a 7-acre subdivision and we don't want as large an impact on the 5-acre subdivisions that surround the proposed development.

Ms. Sanders stated that the Ryan Meadows III concession for the 150' arc for single-story houses along that fence line was not a requirement due to litigation

Sam Johnston, 392 N. Black Cat Rd., stated that the Krack's property to the west would be landlocked if the stub road to the west were not required. Further, they want the fence with metal posts.

Donna Flood, 326 W. King Rd., asked Council to follow Planning & Zoning's recommendations.

Rebuttal:

Mr. Tealey stated that there seems to be two major points of opposition. Vinyl fencing seems to be someone's idea of what they want but it is not in the City's ordinance—the applicant is willing to put in a cedar fence. Regarding the privacy issue, the applicant is building essentially a single-story home but the roof height is two-story because of the steep pitches, which is the design appeal. The homeowners to the west will have adequate access to Swan Falls Road from Crane Lane and if they decide to redevelop, those 5-acres can take the road to a public road standard. The applicant is providing the stub road to the south which allows access into the adjacent 5-acre lot.

Public Rebuttal:

Dave Barnes read the stipulations of Ryan Meadows III passed at the Council meeting "any house on that fence line cannot develop a 2-story within a 150' arc," so it states that they are not allowed to build 2-story for the first few lots along his fence line.

Councilwoman Stroebel explained to Mr. Tealey that the City has a lot of run-down cedar fencing that is not being taken care of and the City gets complaints from residents that they are not being kept up. If you are building a higher end subdivision, you should be putting in a vinyl fence, not a cedar fence.

Mayor Obray closed the Public Hearing at 9:45 p.m.

Mayor Obray asked the developer why he did not see any information in the development agreement to accommodate the flow or a ditch so the neighbors could continue to irrigate.

Ms. Sanders stated that at the preliminary plat stage, the drainage plan is not submitted. It is further down the road with the construction plans and each plan is submitted to the City engineer for review. Drainage is addressed before the subdivision is constructed.

Mr. Grove clarified that the recommendation for approval of the R-4 and approval of this subdivision are mutually exclusive. The dimensional standards as proposed on the subdivision plat do not conform to the City's R-4 zoning, but do meet R-6. Approving the subdivision as an R-4 and approving the subdivision should not happen. The City cannot regulate the height of houses per development agreement unless that is something specifically agreed to by the developer. Similarly, the City cannot require the developer to put in vinyl fencing.

Councilwoman Stroebel stated that she was not as concerned for a common lot for this size of subdivision as she was about reducing the density to an R-4 to fit the density around the proposed subdivision.

Moved by Councilwoman Stroebel and seconded by Councilman Lang to continue the Rockaway rezone, preliminary plat and development agreement to the February 6, 2007 Council meeting for a revised preliminary plat to show 4 dwelling units per acre. Motion carried 3-0-1 (Councilman Dowdy absent).

B. PUBLIC HEARING - DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE 2006-100 AMENDING TITLE 5 OF THE KUNA CITY CODE BY ADDING CHAPTER 17, LANDSCAPING REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

Diana Sanders, Planning & Zoning Director, gave the staff report explaining that the City does not currently have a landscaping code. Planning staff has tried to get more specific as to how many trees, plants, etc. The City has reached the point where it is desirable to regulate the looks of future development to beautify the City and this landscaping ordinance should help to create more attractive entrances for those developments. The Planning & Zoning Commission recommended approval of these landscaping requirements.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

None

There being no testimony offered, Mayor Obray closed the Public Hearing.

Mayor Obray read the Ordinance by title only.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-100. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-100 amending Title 5 of the Kuna City Code by adding Chapter 17, Landscaping Requirements. Motion carried by the following Roll Call vote:

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

C. PUBLIC HEARING – DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE 2006-101 AMENDING TITLE 5, ZONING REGULATIONS, CHAPTER 1, SECTION 5-1-7-2, “MEANINGS OF TERMS OR WORDS” AND PROVIDING AN EFFECTIVE DATE.

Diana Sanders, Planning & Zoning Director, explained that more definitions are being added to the City Code so it will be clearer for the public and staff to interpret terms. The Planning & Zoning Commission recommended approval of this ordinance.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

None

There being no testimony offered, Mayor Obray closed the Public Hearing.

Mayor Obray read the Ordinance by title only.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-101. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel to adopt Ordinance 2006-101 amending Title 5, Zoning Regulations, Chapter 1, Section 5-1-7-2, "Meanings of Terms or Words." Motion carried by the following Roll Call vote:

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

D. PUBLIC HEARING – DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE 2006-102 AMENDING TITLE 5, ZONING REGULATIONS, CHAPTER 3, ZONING DISTRICTS, SECTION 5-3-2, OFFICIAL SCHEDULE OF DISTRICT REGULATIONS AND PROVIDING AN EFFECTIVE DATE.

Diana Sanders, Planning & Zoning Director, reported that this is the other half to the definitions in Ordinance 2006-101. They were added to the official schedule and looked at whether they should be slated for a special use in each of those zones. The Planning & Zoning Commission recommended approval.

Mayor Obray opened the Public Hearing.

Speakers in support of application:
None.

Speakers opposed to application:
None

Neutral Speakers:
None

There being no testimony offered, Mayor Obray closed the Public Hearing.

Mayor Obray read the Ordinance by title only.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-102. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-102 as amended by amending Items C-1, C-2, C-3, MCBBD, M-1 and M-2 as special use permits rather than permitted in Title 5, Zoning Regulations, Chapter 3, Zoning Districts, Section 5-3-2, Official Schedule of District Regulations. Motion carried by the following Roll Call vote:

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

- E. **PUBLIC HEARING** – DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE 2006-103 AMENDING “ZONING REGULATIONS” OF TITLE 5 BY AMENDING CHAPTER SA, OVERLAY DISTRICT AND PROVIDING AN EFFECTIVE DATE.

Diana Sanders, Planning & Zoning Director, stated that this is the Highway 69 overlay. In a joint meeting with the Transportation Task Force, the City Council and the Planning & Zoning Commission, a basis for the overlay was conceived. The current overlay district for Highway 69 needed to be updated. Language requiring landscaping was added to the ordinance in addition to language to have the ¼ mile off from Highway 69 on the east west road so that the ¼ mile going straight north and south of Highway 69 to allow for limited access on Highway 69. The ordinance allows for access at the mile and mid-mile location on Highway 69 and is consistence with ITD policy. ITD policy is at the mid-mile for access and signal lights. ITD would like to encourage the City to be even more restrictive than ITD if the City wants to be and only allow access at the mile location.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

None

There being no testimony offered, Mayor Obray closed the Public Hearing.

Mayor Obray read the Ordinance by title only.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-103. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel to adopt Ordinance 2006-103 amending “Zoning Regulations” of Title 5 by amending Chapter 2A Overlay District. Motion carried by the following Roll Call vote:

AYES: Lang, Stroebel, Cardoza

NOES: None

ABSENT: Dowdy

12. REPORTS:

P & Z DIRECTOR/DIANA SANDERS

CODE ENFORCEMENT REPORT/ DIANA SANDERS – Ms. Sanders reported that staff filed a complaint regarding code enforcement with the Sheriff’s Department regarding with Stubb’s Realty. Staff has been trying to work with the applicant since May.

CITY ENGINEER/KELLER ASSOCIATES

CITY ATTORNEY / RANDY GROVE

CITY TREASURER/ROBIN McKEAN

CITY CLERK / LYNDA BURGESS

13. ORDINANCES:

- A. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE 2006-104 ANNEXING A PORTION FROM THE BOISE KUNA
IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM –
SILVERDALE SUBDIVISION.

Mayor Obray read the Ordinance by title only.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-104. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-104. Motion carried by the following Roll Call vote:

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

- B. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE NO. 2006-25A AMENDING ORDINANCE NO. 2006-25
GOVERNING LICENSES FOR SELLING ALCOHOLIC BEVERAGES AND
PROVIDING FOR AN EFFECTIVE DATE.

Mayor Obray read the Ordinance by title only.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-25A. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-25A. Motion carried by the following Roll Call vote:

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

- C. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE NO. 2006-105 AMENDING ORDINANCE 691 AND ADOPTING THE 2006 VERSION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL MECHANICAL CODE AND THE INTERNATIONAL FUEL GAS CODE; PROVIDING FOR EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

Mayor Obray read the Ordinance by title only.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-105. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-105. Motion carried by the following Roll Call vote:

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

14. MAYOR / COUNCIL DISCUSSION:

15. ANNOUNCEMENTS:

Call Special Council Meeting for December 28, 2006 at 11:00 a.m.

Agenda Items:

Consideration of Keller Associates' proposal for design of wastewater treatment plant – 30% improvement.

Consideration of Swan Falls Community Cooperation Agreement.

Consideration of Latecomers Agreement for Danskin Lift Station

Consideration of Boys & Girls Club Lease

Consideration of Redeye Liquor License Renewal.

Consideration of Bond Election in February

16. EXECUTIVE SESSION:

Moved by Councilman Dowdy, seconded by Councilman Lang to adjourn to Executive Session per Idaho Code 67-2345-B & C regarding personnel and pending litigation.

Motion carried 4-0. Adjourned to Executive Session at 11:11 p.m.

Reconvened Regular Council Meeting at 11:20 p.m.

Mayor Obray asked for Council's direction on whether to go forward in search of a new

City Engineer. Council requested copies of all applications from engineer candidates.

17. ADJOURNMENT:

There being no further business to conduct, Councilman Dowdy moved, seconded by Councilwoman Stroebel to adjourn the meeting at 11:36 p.m. Motion carried 3-0-1 (Councilman Dowdy absent).

O. Dean Obray, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: JANUARY 16, 2007