

**KUNA CITY COUNCIL MEETING
MINUTES
DECEMBER 5, 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.

6:00 p.m. – PRE-COUNCIL MEETING:

Mayor Dean Obray called the Pre-Council Meeting to order at 6:16 p.m. - NO QUORUM PRESENT.

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

Also present were: City Attorney Randy Grove; City Clerk Lynda Burgess; Planning & Zoning Director Diana Sanders; Clay Carley and John Steinbacher, Swann Falls Development LLC.

DISCUSSION REGARDING GENERAL OBLIGATION BOND MEASURE

Mayor Obray explained the purpose of the meeting was to decide whether or not the City will go forward with a general obligation bond to support a recreational facility, without a quorum today we will just discuss the topic.

Mr. Grove reported that there is nothing from the City side that we should be doing at the moment. The proposed community cooperation agreement with Mr. Carley needs to be ratified to allow contractual obligations to proceed to move his portion of the project forward.

Mr. Carley stated that he needs to have the proposed Community Cooperation Agreement approved so that he can continue with land use planning for the project. The Letter of Intent that was originally given to him has expired. The agreement gives a specific time-frame to the developer to present to the City how they would lay out the ground that the City owns and how the surrounding grounds would interface. In the meantime, we need to continue to work with BLM to acquire some additional ground to move the project forward. We cannot contract with these external entities without some document to show our relationship with the City in this venture. In addition, we are looking at financing to acquire additional ground to make these amenities financial feasible for the City.

Mayor Obray asked Mr. Grove what timetable we are looking at for the obligation bond announcement.

Mr. Grove stated it would be the same timetable we had for adopting an ordinance for the election that took place in November and the same publication requirements. A better way of approaching our time limits this time would be to consider an election ordinance at the December 19, 2006 Council meeting.

Mr. Grove would like two items changed in the Community Cooperation Agreement: 1) a commitment by the City to a residential density averaging 5 dwelling units per acre. For the sewer LID, the City has preferred to adopt a minimum density standard rather than average density standard; 2) in the Commitments from the City, that "free and unfettered access" should be changed to read "reasonable access."

Mayor Obray agreed to put the Community Cooperation Agreement on the December 19, 2006 agenda and send a draft of the agreement via e-mail for Mr. Carley's review prior to December 15, 2006.

Mr. Steinbacher gave his report on his negotiations with the BLM for additional ground. He is working with Clay Costa, is the real estate expert for BLM of Idaho and is pursuing a land swap scenario. We have identified 400 acres of other land that would be suitable for the exchange. The full process for a land exchange would take approximately one year.

Mayor Obray asked Mr. Carley if they have a more accurate dollar amount for the railroad overpass. Mr. Carley stated that they have supplied Keller Associates more engineering data so they can give us an accurate quote and we should have that dollar amount before Christmas.

Mr. Grove reported that he received a call yesterday from Doug Speer, Golf Course Consultant, in North Carolina advising him that Kuna is the right size and may qualify for a guaranteed loan under USDA's Rural Community Development Program. After September 11, the interest in building up rural communities was energized and now this loan avenue is allowed. John Steinbacher has done one of these projects in Montana. He did not know if this is a program beneficial for Kuna to pursue, but it is a low interest loan.

Mayor Obray stated that when he was looking to pursue one of these loans for the wastewater treatment plant, he found that usually a population of 10,000 was the cut-off number for funding those infrastructures and growth was not something considered for infrastructure improvements.

Mr. Grove stated that he was on the USDA's website earlier and the cut-off number for Rural Community Development Program is a population of 20,000. This funding does require a feasibility study which is already completed.

There being no further business to conduct, the Pre-Council meeting was adjourned at 6:50 p.m.

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Dean Obray called the Regular Meeting to order at 7:06 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; Director of Public Works Jim Taylor; and Peter Olsen of Keller Associates.

2. **INVOCATION** - The Invocation was given by Rob Sievers, LDS Church.
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: Amend 4B.Accounts Payable to add \$170.25 to reimburse City Clerk for Christmas Party expenses, add Jeff Beuss \$3,225.00 for moving the mint on the Sewer Farm. This brings the Accounts Payable total to \$281,181.67. Move Item 12, Treasurers Report and add under Reports Item 6A. Add 10A New Business, Schuler – Continuing Animal Control Problem. Add under Item 14 Mayor/Council Discussion, City’s Future Use of Old Bridge on Black Cat Road. Ms. Sanders asked that Item 13 be amended to read “irrigation annexation – ~~Denali Heights Subdivision~~ Laurel Wolf property, 179 Morris Court.

Moved by Council President Lang, seconded by Councilwoman Stroebel to amend the agenda by adding to 4B Accounts Payable \$170.25 to reimburse Lynda Burgess for Christmas Party expenses, and Jeff Beuss \$3,225.00 for moving mint for a total Accounts Payable of \$281,181.67. Move Item 12, Treasurers Report and add under Reports Item 6A, add 10A under New Business, Schuler – Continuing Animal Control Problem, and add under Item 14 Mayor/Council Discussion, City’s Future Use of Old Bridge. Motion carried 3-0-1. (Councilman Dowdy absent).

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

A. **APPROVE MINUTES –**

1. REGULAR MEETING OF NOVEMBER 13, 2006.
2. SPECIAL MEETING OF NOVEMBER 20, 2006

B. **APPROVE ACCOUNTS PAYABLE – DATED NOVEMBER 28, 2006 IN THE TOTAL AMOUNT OF ~~\$277,786.42~~ \$281,181.67.**

C. **APPROVE FINDINGS OF FACTS AND CONCLUSIONS OF LAW – 06-04-ZC REZONE/06-06-S PRELIMINARY/GRAYHAWK SUBDIVISION.**

5. FIRE DISTRICT REPORT

Chief Rosin reported that the Fire District had 66 calls in the month of November--45 of those responses were within City limits and 21 were outside City limits. 52 calls were medically-related and 14 were fire calls.

Chief Rosin brought Council up-to-date on a proposed ordinance that Ada County Paramedics are taking to the Ada County Commissioners for a Public Hearing on December 12, 2006 9:00 a.m. What this ordinance will do is make the Ada County Paramedics the only ambulance service that can respond to emergency 9-1-1 calls within Ada County. How it will effect Kuna is that the Kuna Fire District will be unable to respond to those calls; our ambulance will not even be able to respond to help. This ordinance will cause Kuna residence to pay a higher price for ambulance service then they are receiving from the Kuna Fire District. Mr. Rosen asked the Mayor to instruct the City Attorney to draft a letter to the Ada County Commissioners in support of keeping the Kuna Fire District Ambulance Services in Kuna and signed by the Kuna City Council and Mayor.

Councilman Cardoza asked where is the nearest location the Ada County Ambulance would respond from for a call. Chief Rosen replied that they propose to put one of their ambulances and two of there personnel somewhere in Kuna. This ambulance would cover the first response. Lately we have been having simultaneous calls and their second closest ambulance is in Meridian. The multiple calls for emergency service prompted the Kuna Fire District to offer paramedic ambulance service that started operating in February of 2006. The Kuna Fire District has two fully equipped ambulances with paramedics on duty to handle a medical emergency 24/7.

Council instructed Mr. Grove to write a letter to the Ada County Commissioners opposing their exclusive emergency service status and instructing the Commissioners that the City wishes to remain with the Kuna Fire District's emergency 9-1-1 response service.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Errol Morgan reported that ACHD has several citizen advisory committees which help advise them. One of these committees is the Kuna Neighborhood Advisory Committee which is in need of a new appointee to represent Kuna.

He reported that the 100-year old poplar tree at Avalon and Orchard after Kay Street will be removed this week.

7. TREASURER'S REPORT

Robin McKean reported that starting October 1, 2006 we are tracking expenses and income in separate departments of the City. Year-to-date we have taken in \$30,771.75 in application fees and have four people working in the Planning & Zoning Office.

We budgeted \$45,000.00 for disaster clean-up for the flood in August and we have received a reimbursement check from ICRMP in the amount of \$32,957.05 which puts us at 75% of the budget.

8. OLD BUSINESS:

- A. ADOPT RESOLUTION R9-2006 PROVIDING FOR THE ISSUANCE AND SALE OF AN INTERIM WARRANT PURSUANT TO SECTION 50-1722, IDAHO CODE, IN

ANTICIPATION OF THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS FOR LOCAL IMPROVEMENT DISTRICT NO. 2006-1, FOR THE PURPOSE OF PAYING THE COSTS OF THE IMPROVEMENT DISTRICT; PROVIDING FOR THE MANNER OF ISSUANCE AND THE FORM OF WARRANT; PROVIDING FOR THE REGISTRATION AND PAYMENT OF THE PRINCIPAL THEREOF AND THE INTEREST ON THE WARRANT; PROVIDING FOR THE SALE OF THE WARRANT TO KEYBANK NATIONAL ASSOCIATION; PROVIDING COVENANTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Grove reported the proposed resolution was drafted by the Bond Council, Mr. Rick Skinner. This is a product of conversations between Mr. Skinner, Mr. Ayers and Mr. Grove with the bank. It outlines the interim financing arrangement with Key Bank and Farmers & Merchants Bank for borrowing the \$30,000,000 to construct a new sewer treatment plant. He presented the resolution today to give Council an opportunity to go through the document and get familiar with the terms. Ratification of this resolution will not be until the December 19, 2006 Council meeting. The resolution is not quite in its final form and the changes that will be made will be minor.

Mr. Floyd Ayers, Financial Consultant for the LID, in answer to Council's question concerning the \$10,000,000 inserted into the resolution by the bank per federal regulation, explained that if the City issues \$10,000,000 or less, it is bank-qualified which means that the bank gets some extra credits. He felt that it is very unlikely that the City will issue \$10,000,000; the engineer has to complete the bids on the entire project and actually ask for a draw down of the funds.

Further, Mr. Grove clarified financing arrangements in Mr. Ayer's proforma. When he presented projected cash flows to the bank, we had always included in that number an expectation that our connection revenue during the construction period would be earmarked for paying down debt. It was expected that these funds would not necessarily be pledged or obligated. One of the items that the bank has insisted on is connection fee revenue from participants in the LID during the construction period be applied to construction. The drafted documents specifies that the amount we pay toward construction from connection revenue actually reduces the amount of the warrant and the City needs to work on reducing correspondingly the amount of the unused credit facility fee.

Mr. Ayers stated that, in the proforma, the City counted on being able to invest the connection revenue, if interest rates were to increase. The City will not be able to invest the money because the bank are requires us to pay-down the debt. They should not require us to pay on the unused \$30,000,000.

Moved by Council President Lang, seconded Councilwoman Stroebel to table adoption of Resolution R9-2006 Issuance and Sale of an Interim Warrant to December 12, 2006, 1:00 p.m. Special City Council meeting. Motion carried 3-0-1 (Councilman Dowdy absent).

- B. APPROVE AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR FOR PRESSURIZED IRRIGATION LINE CROSSING OF MORA DRAIN (Continued from 11/21/06).

Moved by Council President Lang, seconded by Councilwoman Stroebel to continue approval agreement with the U.S. Department of the Interior until construction is complete. Motion carried 3-0-1. (Councilman Dowdy absent).

9. CITIZEN'S REPORTS OR REQUESTS:

- A. PRESENTATION BY DR. DALE STEPHENSON FROM BOISE STATE UNIVERSITY REPRESENTING THE TREASURE VALLEY AIR QUALITY COUNCIL.

Dr. Dale Stephenson provided a presentation updating Council with the actions of the Air Quality Council over the last year and contents of the Treasure Valley Air Quality Plan which will be submitted to the Idaho Legislature in February, 2007.

Two episodic events that causes concern for poor air quality in the valley are inversions in the winter and heat waves in the summer causing stagnant air and pollutants to build up.

The primary source of pollutant emissions are vehicle miles traveled.

What can the government do to us if we get past the level of pollutant levels that are required? The Federal Government will take away federal subsidies in the form of transportation funding. If we don't meet federal standards, the Idaho Department of Environmental Quality will be required to write a state implementation plan in which Idaho will have to demonstrate how it will come back into compliance. They will have to come and mandate control measures throughout the valley to meet those standards. This will cause tougher permitting processes on industrial plants, regional and growth planning. It will come down to a revenue issue in terms of non-health factors.

The new emission testing will be testing for ozone and PM2.5 which are the major pollutants and the Treasure Valley with these new federal standards will be in violation next year.

Treasure Valley Air Quality Council will be sending legislation to the State Legislature in February to mandate new emission testing for all vehicles in the Treasure Valley.

- B. 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 to December 19, 2006).

Mr. Grove reported that he had not had the opportunity to review the documents for the ground lease; he ran into other issues that took precedence over this review. He asked for

direction from the Boys and Girls Club and the City Council to identify what they would like to see in the lease document so he would have a clearer idea of how to draft the document for the next Council meeting.

Belinda Gordon, 1206 N. Black Cat, stated that she was a member of the steering committee for the Boys and Girls Club; however, she was not able to discuss any legal issues.

Colleen Braqa, Executive Director of the Boys and Girls Clubs of Ada County, proposed to enter into a discussion and address any questions that Council may have regarding the letter that we sent requesting a lease of the land on the southwest corner of Linder and Deer Flat to build a Boys and Girls Club facility. She stated that the Club is requesting to enter into a lease of minimum of 50 years at a \$1 per year. The Club is not prepared to go into the specifics of the lease this evening, however, she supplied the City with lease information from other Boys and Girls Clubs in other municipalities for reference.

Mayor Obray reported that the City has supplied the Boys and Girls Club with a legal description of the property and the requirements for maintaining the property. The property will always be used as a Boys and Girls Club or the property will revert back to the City. The will maintain the grounds and the building.

Mike McGuinness, 3308 Lake Harbor, Boise, ID, President of the Board of Directors, Boys and Girls Clubs of Ada County, stated that he has been on the Board for 10 years in Idaho. Kuna is the kind of community that a Boys and Girls Club can thrive in and can bring some things to this town that every community needs from the standpoint of respect and being good citizens. A member of the Board of Directors is an attorney who helped with the Meridian lease and can interact with the City Attorney on the specifics that need to be in the lease. Why should the City literally give a piece of property to a non-profit organization? Mr. McGuinness pointed out that the Club doesn't raise money from the children and families served; funds are raised privately. The City's provision of the property will be a major financial benefit in providing the club in Kuna.

Joe Luppens, 2263 N. Buteo Pl., stated that he was a retired educator from Colorado. He explained that he had visited the Garden City Boys and Girls Club and found it to be an excellent facility for children. It is important for Kuna to invest its dollars in the future of the children in the community. He gave a summary of a survey conducted at Kuna Middle School in September 2004. The reason for the survey was the Kuna Juvenile Justice Counsel wanted to get some money for its program. 689 students responded to the survey that were between the ages of 11 and 14. 422 students indicated they would be interested in an after school program; 267 students stated they would need a ride to the facility, and 415 students stated that an adult in present in the home when they get back from school. Mr. Luppens hoped the Council would consider what the Boys and Girls Club can bring to the community.

Jay Hummel, Kuna Superintendent of Schools, stated that he worked 9 years with the Boys and Girls Club in a previous school district as an official partner of that district. The Club actually extended the teacher time and it was very successful. He felt that

Kuna is in a unique moment with the quality of life for our kids and families and adding the Boys and Girls Club to the community can only strengthen the City.

Julie Golden, 304 W. Buck Ct., stated that while she was a single parent in Meridian, her two children attended the Meridian Boys and Girls Club for seven years. They went to the Club after school and stayed there until she picked them up. Activities included “Power Hour” where they can do homework, there are athletic and music programs and provide great role models. She stated that it made a big difference in her family that the children had a place to go instead of an empty home and she supported having a Boys and Girls Club in Kuna.

Brenda Blitman, 8460 S. Locust Grove, stated that she was in support of having a Boys and Girls Club in Kuna along with other residents that stood up in the audience.

Mary Hege, 1850 N. Andrew Ln., expressed support for the Boys and Girls Club. The Clubs have great character building programs and serves the community so well in so many different ways.

Christa Deutsche, Kuna School Resource Officer, stated that the Boys and Girls Club in the community of Kuna would help her with child raising. She explained that a lot of her work is not necessarily law enforcement action, it is mostly prevention. Teaching the children how to get along in another environment will take away the of “us versus they” in learning how to get along with everybody. She worked with the Garden City and Meridian Boys and Girls Clubs and felt that the Club brings the community together.

Joey Schuler, Club Director for the Meridian Boys and Girls Club, stated that he was entrusted to help children learn what it means to guard their community. The community itself is only as strong as it gives to its citizens. The land appropriation being discussed is that very essence of community involvement we try to instill in the children as we teach them to be good citizens in their community and give back to that good will.

Sharon Bishop, 450 Deer Flat Rd., stated that, as a single mom she would really appreciate having a club like this in the community for her daughter to walk to after school. As a Kuna resident, she felt that others would find the Club really attractive to the health and stability of the community.

Tim Gordon, 1206 N. Black Cat, felt that this is a great opportunity for the community to take an initial step and provide some of the activities that we haven’t been able to provide to the children in our community.

Erroll Morgan, ACHD, stated that the property being considered for the Boys and Girls Club is a fantastic location for a club like this and is a very poor location for storm drainage. There is an easement for ACHD on that parcel for drainage. Engineering calculations indicated that there is room to accommodate the present flow of drainage and the club. However, it does not take into account the fact that some day, Linder Road and Deer Flat Road will be five-lane and along with that comes curb and gutter.

Mayor Obray thanked Christie Deutsche for moving the Boys and Girls Club project ahead in the City of Kuna.

Council President Lang addressed the audience stating that he sits on the Steering Committee for the Boys and Girls Club. He spoke of his amazement at the level of commitment from the citizens on the committee. He felt that having people willing to volunteer their time, talent and resources to help the children of our community is refreshing.

RECESS: Mayor Obray recessed the meeting at 8:50 p.m.

RECONVENE: Mayor Obray reconvened the meeting at 9:02 p.m.

10. LICENSES AND PERMITS:

- A. APPROVED BUSINESS LICENSE FOR GREG JOHNSON, "TREASURE VALLEY POOP PATROL," 634 E.HUCKLEBERRY CT.

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve the business license for Greg Johnson, doing business as "Treasure Valley Poop Patrol," at 634 E. Huckleberry Ct. Motion carried 3-0-1. (Councilman Dowdy absent).

- B. APPROVED BUSINESS LICENSE FOR CHRISTINA AND ROBERT FREDERICKS, "ALL ABOUT PETS," 1728 N. PEWTER AVE.

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve the business license for Christina and Robert Fredericks, doing business as "All About Pets," at 1728 N. Pewter Ave. Motion carried 3-0-1. (Councilman Dowdy absent).

11. NEW BUSINESS:

- A. CHAZ SCHULER – CONTINUING ANIMAL CONTROL PROBLEM.

Requested volunteers to adopt a dog or cat to shelter over weekend until Humane Society is open.

Mr. Grove stated that if the City pursued this avenue, the City would have to add volunteer workforce with workers' compensation insurance to allow some measure of protection for the people who would engage in this activity on the City's behalf. CC&R's are the best way to deal with neighborhood infractions with pets. A homeowners association can put more pressure on people than the City can in this situation.

- B. APPROVE REQUEST FOR ZONING ORDINANCE CHANGE FOR SIGN REQUIREMENTS - QUIZNO'S FRANCHISE, 763 E. WYTHE CREEK CT., STE. 101.

Diana Sanders, Planning & Zoning Director, explained that the owner requested a

variance but the definition of variance does not fit into this situation. She felt that the owner meant to request that the City to change its sign ordinance to allow for more wall signs. Ms. Sanders stated that she did not think that it was an unreasonable request and stated that Council could direct staff to change the ordinance to allow additional wall signs.

Council directed staff to pursue a change in sign ordinance.

C. **APPROVE REQUEST FOR TEMPORARY RETAIL BUSINESS**
06/04/TB/TEMPORARY BUSINESS/JSR ENTERPRISES, 439 MAIN ST.

Diana Sanders, Planning & Zoning Director, explained that this is an application for a temporary business located in the CBD area at 439 Main St. The applicant is applying for a design review, but that has not gone through yet. This is the only option staff could find to allow for them to place a business in that building without going through the design review and bringing the building up to code. Staff knows they have plans for a design review and will meet current codes. Staff recommends approval of the temporary business request.

Moved by Councilwoman Stroebel, seconded by Council President Lang to approve 06/04/TB/Temporary Business/JSR Enterprises, 439 Main St. Motion carried 2-0-2. (Councilman Dowdy absent and Councilman Cardoza abstained).

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

PUBLIC HEARING – 06/18/AN ANNEXATION/06/02/LS LOT SPLIT/06-09-DA DEVELOPMENT AGREEMENT/2295 COLUMBIA ROAD (Continued from November 21, 2006).

Lisa Bachman explained that this is an application for annexation into the City with a proposed R-3 zoning designation for approximately 1.79 acres and a lot split into three single family lots. The P & Z Commission recommended approval for the annexation and development agreement with an R-3 zone to meet staff and agency recommendations which consists of a sidewalk in a shared driveway on Columbia, and added additional recommendations that the applicant match the fence and berm with the Chisum Valley Subdivision to the north and the developer to work with ACHD on access to lots for the property. City sewer service is approximately 1 mile from the site and the applicant is proposing a new septic system with installation of dry lines for future connections to City sewer when it becomes available. The City Engineer made several recommendations: the applicant could construct a lift station with approximately 1 mile of forced main to the Danskin lift station, install a community sewer service system, or install a septic system.

Ms. Sanders stated that staff has some reservations concerning the project and discussed the matter with Central District Health regarding the septic system. Kuna is in a high nitrate area which means that they do not like to see a lot of septic systems out in the County. Typically, Central District Health does not approve septic systems under 1 acre parcels but will allow it if the City will allow it. Their recommendation is at least an acre to 2-1/2 acres

for a septic system. She reported that she has scheduled a meeting with Central District Health and the City Engineer for Friday to resolve the issue. Some of the discussion we had at the last Council meeting was that we have several other applicants that would like to put a septic system on ½ acre lots and Council's recommendation was that it was not to be allowed. This application for this lot split if approved would allow 3 septic systems on just under 2 acres.

Applicant Eric Clark, 1123 N. Clint Avenue. He stated that his company purchased for development approximately 1.79 acres at 2295 W. Columbia Rd. All criteria for annexation and the lot split have been met. Due to unavailability of sewer at this time, several discussions have taken place with Central District Health. His understanding that Mike Reno's letter from Central District Health were different from Ms. Sander's rendition. Mr. Reno had no reservations with using this specific septic technology on ½-acre lots.

Ms. Sanders clarified that this piece of property is not within Kuna's area of impact; rather it is in the City's proposed area of impact. Right now that property is zoned RR by the County, which is a 10 acre minimum lot size and the County's ordinance will not allow for them to drop the acreage down any smaller than the 10 acre minimum. The property is under the County's regulations at this time, unless it is annexed into Kuna.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

Steven Rule, 520 W. 9th St., Middleton, ID. Nitrate reduction is becoming more of an issue since nitrates are building up in our ground water supply. The DEQ and Health Districts all over the State are looking for ways to reduce nitrate build ups. The Mantex System that we are proposing to put on the site will reduce nitrates down to 15-27 milligrams per liter which typical waste water might 75 to 150 depending on the residence. This is one of two packages approved on a state-wide level by DEQ and the Health Districts as a canned unit for nitrogen reduction. This system is an extended treatment system--it is not a standard septic and is guaranteed for 25 years.

Speakers opposed to application:

None.

Neutral Speakers:

None.

Rebuttal:

Mr. Clark stated that if Council approved his annexation and lot splits he would put in the development agreement to prepay sewer hook-up connections and put in dry lines to hook-up to City sewer when available to the property.

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

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel to deny 06/18/AN

Annexation/06/02/LS Lot Split/06/09/DA Development Agreement /2295 Columbia Road.
Motion carried 3-0-1 (Councilman Dowdy absent).

13. REPORTS:

P & Z DIRECTOR/DIANA SANDERS – Ms. Sanders reported that the City had an Arbor Day Celebration and that this is our 15th year of being a tree city. The new City flag has been placed on the City Hall flag pole and we will be giving a flag to the Sheriff and Fire Departments. Further, she stated that the Planning & Zoning Commission has requested a joint meeting with the Council to discuss the new dimensional standards.

CODE ENFORCEMENT REPORT/ DIANA SANDERS – Ms. Sanders reported that code enforcement always has some people that will respond and take care of the problem and others that ignore the code violation letters. We are moving forward on clearing up the cases of the violators that have ignored our violation letters.

CITY ENGINEER/KELLER ASSOCIATES – Mayor Obray reported that he had a talk with Justin Walker concerning the Ten Mile Line Water Project and he has learned that there is more to the project about the loop feed necessary to maintain the pressure requested. It isn't just a matter of installing the single line, but in reality installing three different lines. Instruct Mr. Walker how to remedy the problem and what it will cost.

CITY ATTORNEY / RANDY GROVE – For the benefit of Councilwoman Stroebel and Councilman Cardoza who were not at the Pre-Council Meeting this evening, Mr. Grove reported on the conversation he had with Mr. Speer of North Carolina. (See Pre-Council Meeting Minutes for details).

CITY TREASURER/ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS– Ms. Burgess reported that after looking at our human resources processes over the last 1-1/2 years, the City needs revisions starting with formal job descriptions, revision to the Personnel Policy Manual and a job classification study. Proposals have been requested from several human resource management firms to start providing the City with some of the new programs that need to be put into place. The City is open for some real liability problems if we do not start addressing some of these personnel policy issues. The proposals will be presented at the Council meeting on December 19, 2006.

14. ORDINANCES:

DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE 2006-99 ANNEXING A PORTION FROM THE BOISE KUNA
IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM – LAUREL
WOLFE PROPERTY, 179 MORRIS CT.

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 2006-99. Motion carried 3-0-1. (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-99. Motion carried by the following Roll Call vote:

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

15. MAYOR / COUNCIL DISCUSSION:

Mayor Obray stated that the Water's Edge Development has asked to purchase the old bridge on Black Cat Road from the City. Jim Taylor brought to his attention today that they are not asking to buy the old bridge, they are asking for permission to move it from its present location to City-owned property at their cost. I assume from this clarification that the Council does not want to declare the bridge surplus property and have it go out to bid as discussed at the last Council meeting. I will make sure that all of the concession activity they expect to sponsor on the bridge fits and conforms to the present Planning and Zoning Codes of the City. If their use activities meet code, do I have the Council's consent to allow them to move the bridge at their cost as long as they put it on City-owned property and maintain it. Council did not respond to the Mayor's request.

16. ANNOUNCEMENTS:

17. EXECUTIVE SESSION:

18. ADJOURNMENT:

There being no further business to conduct, Council President Lang moved, seconded by Councilwoman Stroebel to adjourn the meeting at 10:58 p.m. Motion carried 3-0-1. (Councilman Dowdy absent).

O. Dean Obray, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: JANUARY 2, 2007