

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

**3:00 p.m. – SPECIAL COUNCIL MEETING**

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

Mayor Dean Obray called the Regular Meeting to order at 3:02 p.m.

Present: Mayor Dean Obray, Council President Jeffery Lang,  
Councilman Scott Dowdy, Councilwoman Trina Stroebel.  
Councilman Cardoza arrived at 3:35 p.m.

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, Wastewater Superintendent Leola Vega and  
Public Works Director Jim Taylor.

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

**3. APPROVED MINUTES**

Regular Meeting of February 7, 2006 – Moved by Councilman Dowdy, seconded by  
Councilwoman Stroebel to approve the minutes with the following correction: under the  
heading “Compass Workshop,” amend the speaker’s name to “Charles ~~Wilson~~ **Trainor**”.  
Motion carried 3-0-1. (Richard Cardoza absent).

**4. APPROVED ACCOUNTS PAYABLE**

A. Dated March 13, 2006 in the amount of \$245,635.19.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve Accounts  
Payable dated March 13, 2006 in the amount of \$245,635.19. Motion carried 3-0-1.  
(Richard Cardoza absent).

B. Dated March 21, 2006 in the amount of \$102,093.03.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve  
Accounts Payable dated March 21, 2006 in the amount of \$102,093.03. Motion carried  
3-0-1. (Richard Cardoza absent).

**C. APPROVED AGREEMENT WITH USTI FOR ESTABLISHMENT OF CREDIT  
CARD SYSTEM FOR COLLECTION OF UTILITY PAYMENTS.**

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve  
agreement with USTI for establishment of credit card system for collection of utility  
payments. Motion carried by the following Roll Call Vote:

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

**5. FIRE DISTRICT REPORT**

Chief Rosin reported that the City had 64 calls for the month of January--46 inside City limits and 18 outside. He announced that the final testing for a paramedic would be taking place in the next couple of days which will provide paramedic services around the clock.

**6. SHERIFF MONTHLY REPORT**

Sergeant Laraway presented the Statistical Report for February 2006 and pointed out the highlights and trends of the report. He stated that the Sheriff's department responded to 590 calls in the month of February.

**7. ADA COUNTY HIGHWAY DISTRICT REPORT**

Errol Morgan stated that the Western Heritage Historic Byway received a grant from the U.S. Department of Transportation, Federal Highway Administration National Scenic Byways Program, in the amount of \$640,000 and ACHD will contribute funds of \$160,000 to develop bicycle and pedestrian pathways and vehicle pullouts along Swan Falls Road. The Western Heritage Historic Byway and ACHD requested the funding to construct shoulder improvements to Swan Falls Road from the City of Kuna to Dedication Point.

Mayor Obray asked if the ACHD is making any headway in getting a traffic light installed at Deer Flat Road and Highway 69.

Mr. Morgan stated it would be installed this year.

**8. OLD BUSINESS:**

**A. APPROVED TEMPORARY CONSTRUCTION EASEMENT AGREEMENT FOR ARBOR RIDGE SEWER TRUNKLINE - DANSKIN REGIONAL LIFT STATION (Continued from February 21, 2006).**

Moved by Councilman Dowdy, seconded by Councilman Lang to approve a temporary construction easement agreement for the Arbor Ridge sewer trunk line – Danskin regional lift station. Motion carried by the following Roll Call Vote:

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

**B. APPROVED SANITARY SEWER MAIN EASEMENT AGREEMENT THROUGH ARBOR RIDGE SUBDIVISION.**

Moved by Councilman Dowdy, seconded by Councilman Lang to ratify sanitary sewer main easement agreement through Arbor Ridge Subdivision. Motion carried by the following Roll Call Vote:

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

**C. AUTHORIZED THE MAYOR AND CITY ATTORNEY TO NEGOTIATE AN AGREEMENT FOR FARMING "THE FARM."**

Moved by Councilman Dowdy, seconded by Councilman Lang to table to the matter to the end of special agenda. Motion carried 3-0-1. (Richard Cardoza absent).

Mayor Obray stated that Jeff Beus would custom farm "The Farm" and plant and harvest the crop instructed by the City. It would be the City's responsibility to irrigate and dispose of the crop. This arrangement will give the City the flexibility to look at other options for the property, such as the golf course, etc.

Moved by Councilman Lang, seconded by Councilman Dowdy to authorize Councilman Lang to negotiate with Jeff Beus for custom farming for "The Farm" for 2006 and indicating that the City would provide labor for irrigation. Motion carried 4-0.

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

**A. PRESENTATION BY JOHN STEINBACHER, GOLF COURSE CONSULTANT, REGARDING PROPOSED GOLF COURSE IN KUNA**

John Steinbacher made a presentation to the Council proposing a golf course/recreation center on the sewer farm property. Mr. Steinbacher stated that golf courses, on average, use 1,000,000 gallons of water per day. This would be a perfect match for the golf course since it would use the effluent water from the lagoons to water the facility. Mr. Steinbacher paid for some research from the National Park Foundation to access the proposed site. In the satellite area of the City of Kuna ranging from 12 miles to 24 miles, there is approximately 25% more golf playing households than the national average, which is unusual. In a 12 mile radius from the center of Kuna, the household life index from the National Golf Foundation provided a score of 184. Usually, these scores range from 98 to 85, a score of 184 is off the charts.

Mr. Steinbacher walked the Council through the design of the recreation center pointing out soccer fields, tennis courts, swimming pool, basketball courts and baseball diamonds. A golf course takes about 150 acres on average. Adding the extra recreational facilities would push the acreage needed to 200 acres. The areas between the fairways are a little wider than typical because Boise Valley does not have a regulation golf course certified under PGA rules for tournaments. The Albertson's tour needs some place else to go. The revenue from a PGA event usually exceeds a couple million dollars. Once this type of facility is setup, it tends to become self-perpetuating and special events can be held

there, such as wedding parties nearly every weekend like at Banbury. On a typical Saturday, two weddings are held at an approximate charge of \$7,000 each. Basically, Kuna would be getting a public amenity at no cost to the taxpayers. A series of steps must be completed in the planning process for a public golf course. A conceptual plan has been prepared, the land acreage would work well but the basic numbers need to be worked on.

Mr. Steinbacher further reported that providing recreational facilities at the course would pump up real estate values across the board.

- It will cost the developer \$500,000 to build.
- A developer would build the facility with the facility to be turned over to City ownership--usually in 10 years.
- The course would be playable by approximately August of 2007.
- The goal of the facility would be municipal golf.
- Establish a First Tee Program which would be the first in the State.

Lavar Thornton stated he would be amenable to accept the effluent water onto his property, rather than on the golf property, if it would not pose a health threat to his workers.

Councilman Cardoza stated he had concerns about looking at a golf course at this time because the City should concentrate its efforts in trying to annex properties to the north and planning a sewer plant. While he felt the concept was a good one, he suggested that the City delay making a decision on a golf course for approximately a year. He felt that the City needed to get the sewer plant sited, the LID in place, Meridian and Ada County calmed down, etc.

Councilwoman Stroebel stated she would still like to see golf course numbers.

Moved by Councilman Lang, seconded by Councilman Dowdy to use General Fund swimming pool money in an amount not to exceed \$7,425 to contract with John Steinbacher, golf course consultant, to proceed with his investigation of the numbers for Council to make an educated decision. Motion carried 3-0-1. (Councilman Cardoza voted no).

**B. PARK RENTAL FEE WAIVER REQUEST BY NEW BEGINNINGS CHRISTIAN CHURCH FOR YARD SALE FUNDRAISER ON MAY 20, 2006.**

Moved by Councilman Lang, seconded by Councilman Dowdy to waive the park rental fees for the New Beginnings Christian Church yard sale fundraiser on May 20, 2006. Motion carried 4-0. It was agreed that the congregation would move the tables.

**C. KUNA SUMMER FUN DAYS / KAREN WALLIN AND LISA DRIESEL.**

Lisa Driesel asked Council for a donation for the Kuna Summer Fun Days.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve \$1,000 from the City's donation fund for Kuna Summer Fun Days. Motion carried 4-0.

D. PROCLAIMED APRIL 2006 AS "FAIR HOUSING MONTH."

Mayor Obray read the proclamation designating March 2006 as "Fair Housing Month."

**10. LICENSES AND PERMITS:**

APPROVED BUSINESS LICENSE – K. PAUL KEENE, "KEENE HEALTH," 515 E. WILD PRIMROSE CT.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the business license for K. Paul Keene doing business as "Keene Health" at 515 E. Wild Primrose Ct... Motion carried 4-0.

**RECESS:** Mayor Obray recessed the meeting at 4:43 p.m.

**RECONVENE:** Mayor Obray reconvened the meeting at 4:53 p.m.

**11. NEW BUSINESS:**

A. APPROVED AGREEMENT WITH INTEGRA INFORMATION TECHNOLOGIES FOR SCANNING SERVICES FOR ARCHIVAL RECORDS.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve an agreement with Integra Information Technologies in the amount of \$2,539.95 for scanning services for archival records. Motion carried by the following Roll Call Vote:

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

B. APPROVED FINAL PLAT FOR SUTTER'S MILL SUBDIVISION #5.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve the final plat for Sutter's Mill Subdivision #5. Motion carried 4-0.

C. LATECOMERS AGREEMENT WITH ERNEST LOMBARD.

Moved by Councilman Dowdy, seconded by Councilman Lang to table the latecomer agreement with Ernest Lombard to the April 18, 2006 Council meeting. Motion carried 4-0.

D. CONSIDER IMPACT FEE COLLECTION AGREEMENT WITH ACHD.

Diana Sanders stated that the last impact fee collection agreement was signed in 2001. ACHD has requested that the agreement be updated; Ms. Sanders requested permission to

negotiate several issues in the agreement including a requirement that the City would only have 10 days to make payment to them. Because of the City's billing cycle, staff would be unable to meet that deadline. Regarding impact fees, the City currently receives \$20 for each impact that the City writes. In the County's new language, the City's impact receipts may never exceed \$25,000. Since that agreement was ratified in 2001, the City may exceed that \$25,000 mark by the time a new contract is adopted. Ms. Sanders suggested that this dollar amount be removed from the contract.

Council agreed with Ms. Sanders' proposed changes and directed her to continue with negotiations with the County.

**E. CONSIDER JOINING WITH CITY OF MERIDIAN AND ADA COUNTY FOR THE SUB AREA PLAN AND DRAFT COMPREHENSIVE PLAN AMENDMENT.**

Diana Sanders, Interim Planning & Zoning Director, explained from a planner's perspective, the amendment would be a good idea for Ada County, Meridian and Kuna to negotiate together and plan for that area; however, there are other issues that need to be addressed. In the scope of work are two issues: 1) Identity of the area – which City residents identify themselves with--Meridian or Kuna--which would be Phase I of the sub-area plan and 2) Actual land use for the area.

Ms. Sanders further reported that Ada County has requested Kuna stop annexing land in order to join this area plan. During numerous discussions with the County's Development Services Department, the City has clearly stated its position which is not to stop annexing. The City is currently getting annexation requests and requests to be a part of the LID for the sewer treatment facility. Ms. Sanders explained that a large annexation request will be coming to the Council in April followed by several other annexations. The City has explained to the County that the purpose of our annexations is to get to the site of our sewer treatment facility, to form the LID and provide a path for other properties that want to be a part of Kuna and the LID. The City has received letters of intent from many properties--especially along Columbia and Highway 69 along with properties just east of Highway 69 on Hubbard and the Baptist College.

Ms. Sanders clarified that if the Council wishes to move forward with this joint plan it must be soon. Meridian plans to proceed with updating their comprehensive plan and moving their area of impact. By state law, they can annex outside their area of impact, but they have to have a plan in place before they can proceed with the annexations. Kuna has a plan, even though its area of impact is not identified by Ada County, for the area 1/2 mile north of Columbia and all of the boundaries in the City's impact area developed in 2003. Kuna is moving forward with their area of impact negotiations with the County and initial meetings have begun.

Councilwoman Stroebel asked if the only way the County and Meridian will to accept Kuna into their joint plan is if Kuna stops annexing.

Ms. Sanders replied that has been their request and that is basically what the newspaper reported this morning. Ada County Commissioners are not willing to finance the joint plan if Kuna does not stop annexing land.

Ms. Sanders felt that the City should move forward with its annexations, especially when people have requested to be annexed.

Ms. Sanders explained that the advantage to Kuna for participation in the joint comp plan would be access to the consultants. Kuna would participate in a community effort, which would send out mailers and get the community involved. The disadvantage would be that Kuna probably would not go forward with its own Comprehensive Plan and Area of Impact until the study is completed. Meridian would like to have their Comp Plan in place and adopted by this winter. If Kuna waits until Meridian is ready, both plans would go to the county at about the same time.

Mayor Obray stated the he knew for a fact that Meridian is still moving forward with its own comprehensive plan. He felt that this was another effort to get their comprehensive plan approved in order to change their area of impact so they can annex property where they want to annex. Kuna must update its comp plan regardless of the joint plan. He suggested that the City prepare its own comp plan and set its own boundaries and tell the other parties to go do the same. The cost for preparing the comp plan would be approximately \$100,000.

Moved by Councilman Dowdy, seconded by Councilman Lang to direct staff to send a letter to Ada County telling them we are continuing with annexations. Motion carried 4-0.

**F. AWARDED CONTRACT FOR THE TOMORROW IRRIGATION PUMP STATION TO HILLS CONSTRUCTION IN THE AMOUNT OF \$326,925.76.**

Moved by Councilman Lang, seconded by Councilman Dowdy to award a contract for the Tomorrow Irrigation Pump Station to Hills Construction in the amount not to exceed \$326,925.76. Motion carried by the following Roll Call Vote:

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

**G. APPROVED TIME EXTENSION FOR SABLE RIDGE SUBDIVISION PHASE 3.**

Moved by Councilman Lang, seconded by Councilman Dowdy to approve a one-year extension for Sable Ridge #3 Subdivision with the stipulation that they join the LID for the sewer plant. Motion carried 4-0.

**12. REPORTS:**

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

Interim Director Diana Sanders stated that the Planning and Zoning Department is moving forward with several large annexations. Two of the three applicants are asking to be a part of the LID.

CITY ENGINEER / KEVEN SHREEVE – Drain field at Linder and Deer Flat.

**CITY ATTORNEY / RANDY GROVE**

Attorney Grove stated that he is in the process of updating ordinances for beer, wine and liquor sales. The original ordinance was adopted in 1969 and hasn't been amended in any meaningful way since its adoption. Kuna's fees for liquor licensing compared to surrounding cities are ridiculously low. All of Kuna's fees are substantially lower by about half of what other cities charge. A draft liquor license ordinance will be ready for discussion at the April 4, 2006 Council meeting. A public hearing notice should be placed in the newspaper for the April 18, 2006 Council meeting so Council can ratify the ordinance at that meeting.

CITY CLERK / LYNDA BURGESS – No report.

**13. ORDINANCES & RESOLUTIONS:**

- A. RESOLUTION R1-2006:** ADOPTING A POLICY ALLOCATING EXISTING AND EXPECTED SEWER CONNECTIONS IN THE CITY'S PRESENT WASTEWATER TREATMENT FACILITY; ADOPTING A POLICY REQUIRING NEW DEVELOPMENTS TO PARTICIPATE IN THE CITY'S PLANS TO FINANCE A NEW MECHANICAL BIO-REACTOR (MBR) WASTEWATER TREATMENT FACILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Obray read the Resolution by title only.

Moved by Councilman Dowdy, seconded by Councilman Lang to adopt Resolution R1-2006 allocating existing and expected sewer connections in the City's present wastewater treatment facility. Motion carried 4-0.

- D. ORDINANCE NO. 2006-18:** DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE AMENDING CHAPTER 5 OF TITLE 7, SECTION 7-5-3 OF THE KUNA CITY CODE TO ALLOW THE CITY TO ADJUST WATER RATES FROM TIME TO TIME AND PROVIDING AN EFFECTIVE DATE.

Mayor Obray read the Ordinance by title only.

Moved by Councilman Lang, seconded by Councilman Dowdy to dispense with full reading and 3 consecutive readings of Ordinance No. 2006-18. Motion carried 4-0.  
Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to adopt Ordinance No. 2006-18. Motion carried by the following Roll Call vote:

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

**E. ORDINANCE NO. 2006-19: DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER R7702700500, 500 DEER FLAT ROAD, KUNA LIFE CENTER CHURCH.**

Mayor Obray read the Ordinance by title only.

Moved by Councilman Lang, seconded by Councilman Dowdy to dispense with full reading and 3 consecutive readings of Ordinance No. 2006-19. Motion carried 4-0.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to adopt Ordinance No. 2006-19. Motion carried by the following Roll Call vote:

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

**RECESS:** Mayor Obray recessed the meeting at 6:25 p.m.

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

**14. CALL TO ORDER AND ROLL CALL**

Mayor Obray called the Regular Meeting to order at 7:12 p.m.

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

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.

**15. INVOCATION –** No invocation given.

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

**17. CITIZEN'S REPORTS OR REQUESTS (CONT'D).**

- A. REQUEST FOR SUPPORT OF FLAG DAY PARADE DURING 2006 BIRDS OF PREY FESTIVAL - TOM GASE, REPRESENTING VIETNAM VETERANS (continued from February 21, 2006).

Tom Gase was not present but Council gave their full support for the Vietnam Veterans Flag Day Parade.

**18. LICENSES AND PERMITS (CONT'D):**

APPROVED BUSINESS LICENSE – ROBERT AND JAMI CARNEY, “CARNEY CONCEPTS,” 251 W. TALLULAH DR.

Councilman Lang explained to the applicant that there could be no signs and no traffic on this home business.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the business license for Robert and Jami Carney doing business as “Carney Concepts” at 251 W. Tallulah Dr. Motion carried 4-0.

**19. NEW BUSINESS (CONT'D):**

- A. **PUBLIC HEARING** – (Re-advertised for April 4, 2006)

PROPOSED RESOLUTION R1-2006 TO INCREASE MONTHLY USER FEES FOR THE MUNICIPAL WATER AND SEWER SYSTEMS

Mayor Obray stated that this item's public notice had to be re-advertised to meet legal requirements. The item will be placed back on the agenda for the April 4, 2006 Council meeting.

- B. **PUBLIC HEARING** – (Re-advertised for April 4, 2006)

05/13/ZC, ROCKWOOD PROPERTIES REZONE, 2<sup>ND</sup> AND 3<sup>RD</sup> STREET EAST OF LINDER.

Mayor Obray stated that this item's public notice had to be re-advertised to meet legal requirements. The item will be placed back on the agenda for the April 4, 2006 Council meeting.

- C. **PUBLIC HEARING** –

05-10-2/RECONSIDERATION OF PRELIMINARY PLAT – CRIMSON VILLAS  
Interim Director Diana Sanders presented staff's overview of the Crimson Villas proceedings:

- At the February 21, 2006 meeting you approved the appeal for the special use that Planning & Zoning Commission denied. That would allow the multi-family in the C-1 zone. You did vote to deny the proposed preliminary plat for the Villas at Crimson Point.
- The applicant has requested reconsideration of that decision and has proposed changes to the application. He has reduced the number of proposed units from 160 to 136. That removes 6 four-plexes and Planning & Zoning reviewed the plans that he presented to you. He also has agreed to provide a minimum of two parking spaces per unit that does exceed our City Code and addressed some of the concerns that you had on the number of units and the adequate parking for the units. The applicant has also agreed to provide additional space that you had discussed in the February 21, 2006 meeting.
- The special use you approved would allow the applicant to proceed with a design review for the 160 units. If he comes back through with a preliminary plat he has agreed to the 136 units, two parking spaces and additional open space to address the Council's concerns and the Planning & Zoning conditions.
- Items in red are the proposed changes.

Jim Jewett, 1560 Carroll St., Meridian, applicant, stated during the last hearing, considerable discussion took place concerning density, parking and on-site recreation. Mr. Jewett reported that 6 buildings (24 units) were eliminated from the preliminary plat giving each unit 2 parking spaces with an additional 36 parking spaces on the street. The density dropped to 13.8 units per acre. He reported that at the time he applied for the PUD, the City was looking for larger spaces and more open space-- design futures that were not being offered at any other subdivision in Kuna. He asked Council to reconsider denial of the subdivision.

Ms. Sanders stated that the City submitted a letter to Mr. Jewett on February 24, 2006 that addressed some of the other multi-family projects within the City of Kuna. The Art Ross is 11.16 units per acre, White Barn is 14.94 units per acre, the Villas as proposed are 13.8 units per acre. Your unit number is in the ball park of what had been approved for other multi-family development in other areas of the City.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

Forest McKennon, 2255 N. Ten Mile, asked why Council is reconsidering. He was told by a Council member that if Mr. Jewett was denied on his plat, he would have to wait a year to resubmit. The Council specified then that there was not enough open space. The revised plat shows only two open spaces and a tot lot. He felt that there should be more playground space.

Wendy Carr - not present.

Ann Wright - not present.

Andrew Shaber, 2290 N. McClure Lane – Felt that 136 units were still too many; however, the parking ratio would improve with this number. Even though units were removed, no amenities were added. He did not feel that the new plat addresses the open space issues raised in last public hearing.

Stacy Shaber, 2290 N. McClure Lane – Suggested that a recreational facility be added to the plan for multi-family use as well as open space around the units and ample parking.

Brian Williams, 1874 Thistle – Explained that in researching apartment complexes, he learned that good complexes need open space. Anything over 100 units has a minimum of 3 full-size playgrounds, fenced in for children to play and picnic and barbecue areas are often provided. Agreed with other speakers that 136 units is still too crowded for this acreage.

Neutral Speakers:

Bill Carr, 2802 N. McClure Lane – Stated that the developer made an effort to decrease units in the development and increasing the parking for multi-family units. In 2002, Mr. Jewett said he would keep this to R-12 on 5 acres which would be 60 units. Now the development is on all 10 acres at almost 14 units per acre which is 136 units. He wondered why the plan wasn't being sent back to the Planning and Zoning Commission.

Rebuttal:

Mr. Jewett stated that the plat provides the open space required by City Code for this amount of acreage. Regarding the R-12 zoning, Mr. Jewett explained that a group of neighbors filed a lawsuit during the platting process to try to stop the Crimson Point plat. An agreement was negotiated with one of the neighbors that the subdivision would not exceed R-12; however, the agreement was never ratified by the developer, the homeowners or the City Council.

There being no further testimony offered, Mayor Obray closed the public hearing at 8:15 p.m.

Councilman Dowdy suggested removal of one unit north of the open space to provide a full basketball court.

Motion by Councilwoman Stroebel, seconded by Councilman Lang to approve the preliminary plat for Crimson Point Villas with the following conditions: remove two units east and north of the pool, thereby reducing the number of units to 134, remove the driveway east of the pool creating more and include a full basketball court, volleyball area and barbeque pits.

Keven Shreeve reminded everyone that the development would be required to be part of the LID commitment.

Motion amended by Councilwoman Stroebel, seconded by Councilman Lang to add the requirement that the plat be part of the LID commitment. Motion carried 3-1 (Cardoza voted no).

**D. PUBLIC HEARING –**

05-08-AN, 5-12-S/SADIE CREEK SUBDIVISION, S. LUKER RD.

Lisa Bachman, Planner, reported that this is a request for annexation into Kuna with an R-6 and M-1 zone, medium residential and light manufacturing. The plat consists of 209 family lots and 2 light manufacturing lots. The site is approximately 78-1/2 acres and is located south of Shortline between Luker and Kuna-Meridian Road. The Planning and Zoning Commission recommended approval of the preliminary plat to City Council and that they meet all the staff conditions.

Rob Haggett, Red Cliff Development, 787 E. 6<sup>th</sup> St., Eagle, ID, applicant stated (couldn't understand applicant's short testimony).

Ms. Sanders stated that the applicant agreed to install a 6-ft. vinyl solid fence along the boundary of the property to protect the neighbors' livestock from subdivision animals. It is not a requirement of the City's Code, but the developer will put it in to alleviate problems with the neighbors.

Councilman Dowdy stated that in previous developments, adequate grading and drainage has not been provided in subdivisions. Homeowners move onto the properties and start watering their lawns and drainage issues arise.

Mr. Shreeve assured Council that any new developments are required to submit a general grading plan for outside as well as inside the subdivision because of past issues of poor drainage installation.

Mayor Obray opened the Public Hearing at 8:41.

Speakers in support of application:

Jeff Walker, 301 N 27<sup>th</sup>, Boise, stated that he has 22 acres at the southwest corner of property and that he had drainage concerns on the south corner of the property where there is a drainage pipe draining the field from the south. Mr. Walker supported the subdivision if proper drainage is provided.

Speakers opposed to application:

Douglas Gear, Ten Mile, was no longer present.

Neutral Speakers:

None

Rebuttal:

Bob Unger stated that the developer would not be vacating any ditches. Any ditches that cross the subdivision will be piped or rerouted.

There being no further testimony offered, Mayor Obray closed the Public Hearing at 8:50 p.m.

Councilman Cardoza was concerned about the public area in Block 9 where a road accesses the railroad. He wondered if it is appropriate to have a public area facing a road that leads out onto the railroad tracks.

Rob Haggett, Red Cliff Development, replied that the open space at Block 9 will be fenced.

Ms. Sanders clarified that the Planning and Zoning Commission wanted a large buffer along the railroad track and the residential area.

Councilman Dowdy asked to have the cul-de-sac extended in Block 10, lot 10 to shorten the driveway to the flag lot.

In response to Councilman Cardoza, Mr. Haggett stated that the property will be part of the LID.

Moved by Councilwoman Stroebel, seconded by Councilman Lang to approve the annexation and preliminary plat for the Sadie Creek Subdivision with R-6 and M1 zoning pursuant to staff and Planning and Zoning's recommendations and requiring that the property be included in the LID per Resolution. Motion carried 4-0.

**E. PUBLIC HEARING –**

06-01-AN, 06-01-2, 06-01-PUD/ GALIANO ESTATES SUBDIVISION, 2604 N. TEN MILE RD.

Lisa Bachman presented the staff report and explained that this application was for an annexation with an R-4 and C-1 zone. The applicant is proposing annexation, preliminary plat and planned unit development approval for 61 single-family lots and 2 commercial lots, located on the east side of N. Ten Mile Road and on the north side of Ardell. The Planning & Zoning Commission recommended that they meet all the staff conditions and asked that they match the fencing. The Commission further recommended approval to City Council and require that the developer meet all staff conditions.

David Crawford, B & A Engineers, 5505 W. Franklin Rd., Boise, representing the applicant, stated that his firm has met the conditions of approval listed in the staff report. During the Planning & Zoning Commission hearing, the applicant agreed to become a part of the LID. Galiano Estates brings large quarter to half-acre lots to Kuna and there will be a commercial area/light office on Ten Mile Road.

Mayor Obray opened the Public Hearing at 9:15 p.m.

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 9:16 p.m.

In response to Councilwoman Stroebel, Diana Sanders explained that the applicant is required per City Code to either fence or pipe the irrigation ditch.

Councilman Lang asked if they would consider four and five access strips so that the northern lots would have access to that open space.

Mr. Crawford answered that the applicant has indicated that there would be access provided in that area.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve annexation, the preliminary plat and the planned unit development for the Galiano Estates Subdivision from an RR to an R-4 and a C-1. Preliminary plat changes will include open space along Lot 5 to gain access for the northern lots and approve the planned unit development, incorporating Planning and Zoning's recommendations, including a pathway and solid vinyl fencing along Teed Lateral with the property included in the LID. Motion carried 4-0.

**20. MAYOR / COUNCIL DISCUSSION:**

**21. ANNOUNCEMENTS:**

Mayor Obray thanked Keven Shreeve and Diana Sanders for their hard work on encouraging developers to join the LID and pursuing northerly annexations toward a pathway to the future wastewater treatment site.

Mayor Obray asked Council to start thinking about preparing for next year's budget. Every department of the City is pushed to the limit. Consideration needs to be given to adding at least one more person for Planning and Zoning and one more for general office reporting to the City Clerk. In addition, the City Engineer and City Attorney's hours will increase.

I have also appointed Lynda Burgess to be the City's Office Manager along with her duties as the City Clerk.

**22. EXECUTIVE SESSION:**

Moved by Councilman Dowdy, seconded by Councilman Lang to adjourn to executive session at 6:25 p.m.

Adjourned executive session at 6:40 p.m.

**23. ADJOURNMENT**

There being no further business to conduct, it was moved by Councilman Lang, seconded by Councilman Dowdy to adjourn the meeting at 9:35 p.m. Motion carried 4-0.

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O. Dean Obray, Mayor

ATTEST:

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Lynda Burgess, City Clerk

DATE APPROVED:     May 2, 2006