

**KUNA CITY COUNCIL MEETING**  
**MINUTES**  
**APRIL 18, 2006**  
**KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

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

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

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

Mayor Dean Obray called the Regular Meeting to order at 7:10 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, and Interim Planning & Zoning Director Diana Sanders.

**2. INVOCATION –** The Invocation was given by Pastor Stan Johnson, Kuna Life Center Church.

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

**SUGGESTED CHANGES TO THE AGENDA:**

Mayor Obray requested that Item No. 8.E. be added to the agenda and that Item No. 11.H. be heard immediately following the Ada County Highway District Report.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve amending the agenda by adding Item No. 8.E., Earth Day Proclamation and moving Item No. 11.E., Ratify Appointment of Planning Commissioner, to immediately following the Ada County Highway District report. Motion carried 4-0.

**4. APPROVED MINUTES**

Town Hall Meeting of February 23, 2006- Moved by Councilman Dowdy, seconded by Councilman Lang to approve. Motion carried 3-0-1 (Councilwoman Stroebel abstained.)

**5. APPROVED ACCOUNTS PAYABLE**

A. Notice of Budget Hearing – August 15, 2006 at 7:00 p.m.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve Notice of Budget Hearing on August 15, 2006 at 7:00 p.m. at the regular City Council Meeting. Motion carried 4-0.

B. Approved Accounts Payable dated April 18, 2006 in the amount of \$234,768.80.

Moved by Councilman Dowdy, seconded by Councilman Lang to amend Accounts Payable dated April 18, 2006 to include \$7,425 to Summit Associates and \$75 for the City Building Inspector's Continuing Education Certification for a total Accounts Payable amount of \$242,268.80. Motion carried 4-0.

## **6. SHERIFF MONTHLY REPORT**

Sergeant Laraway presented the Statistical Report for March 2006 and pointed out the highlights and trends of the report. He stated that the Sheriff's Department responded to 627 calls in the month of March. He announced that a film entitled "Every 15 Minutes" would be shown on April 27, 2006 at Kuna High School enacting student drunk driving. Along with the film, a simulated car crash will be staged. On April 28, 2006 the film will be shown at the school assembly.

Sgt. Laraway further reported that a 16-year old Kuna High School student wrote threatening words on a bathroom stall, which lead to the high school closure the following day. There were 32 officers on duty at the school the following day investigating the threat.

## **7. ADA COUNTY HIGHWAY DISTRICT REPORT**

Errol Morgan reported that bids for the signal at Deer Flat Road and Highway 69 will go out on April 26, 2006. As a follow up to Councilmember Cardoza, Mr. Morgan reported that the Main Street drain was not connected but will be repaired within the next 30 days.

Diana Sanders stated that ACHD has contacted the City in reference to a study to try to find a location and funding for an overpass. This request will be taken to the Transportation Task Force and brought back to Council with their recommendations for possible sites.

Councilman Cardoza thanked ACHD for repairing the flooding at Main and D Streets.

**RATIFY APPOINTMENT OF PLANNING AND ZONING COMMISSIONER TO FILL THE VACANCY LEFT BY MEL COULTER** - Moved by Councilman Lang, seconded by Councilwoman Stroebel to ratify the appointment of Holly Kerfoot to the Planning and Zoning Commission to fill the vacancy left by Mel Coulter. Motion carried 4-0.

## **8. CITIZEN'S REPORTS OR REQUESTS:**

A. STEVE DANIELS REGARDING UPCOMING SOCCER TOURNAMENT.

Mr. Daniels was not in attendance.

B. REQUEST BY J & M SANITATION FOR MATCH OF DONATION FOR ANNUAL CLEAN-UP PROGRAM.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve matching funds of \$200 for J & M Sanitation for the Kuna Annual Clean up Program. Motion carried 4-0.

C. CATHY GEALY REQUESTING WAIVER OF FEES FOR EASTER SUNRISE SERVICES ON THE GREENBELT.

Moved by Councilman Dowdy, seconded by Councilman Lang to waive park rental fees for Easter Sunrise services on the greenbelt. Motion carried 4-0.

D. TRACEE MILBURN, REPRESENTING KUNA YOUTH SOFTBALL, REGARDING CITY COUNCIL APPROVAL ON JULY 19, 2005 FOR DONATION OF \$2,000 FOR BALLFIELD IMPROVEMENTS. (Milburn unable to attend – continue to 5/2/06)

E. PROCLAIMED APRIL 22, 2006 AS EARTH DAY.

Moved by Councilman Lang, seconded by Councilwoman Stroebel proclaiming April 22, 2006 as Earth Day. Motion carried 4-0.

**9. LICENSES AND PERMITS:**

A. APPROVED BUSINESS LICENSE – BRIAN BAILEY, “BRIAN BAILEY HOMES,” 896 E. LIMESTONE.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the business license for Brian Bailey, “Brian Bailey Homes,” 896 E. Limestone. Motion carried 4-0.

B. APPROVED BUSINESS LICENSE – “U.S. BANK,” 485 W. MAIN ST.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the business license for U.S. Bank, 485 W. Main Street. Motion carried 4-0.

C. APPROVED BUSINESS LICENSE – “CAPITAL EDUCATORS FEDERAL CREDIT UNION,” 738 E. AVALON.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve the business license for Capital Educators Federal Credit Union, 783 E. Avalon Street. Motion carried 4-0.

D. APPROVED BUSINESS LICENSE – TERRY & WANDA CRAWFORD, “KUNA CHEVRON,” 150 W. DEER FLAT RD.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve the business license for Terry & Wanda Crawford, “Kuna Chevron,” 150 W. Deer Flat Road. Motion carried 4-0.

- E. APPROVED BUSINESS LICENSE – JOSEPH H. LUPPENS, “J & D MANAGEMENT CO., LLC,” 2263 N. BUTEO PL.

Mayor Obray recused himself due to a potential conflict of interest.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the business license for Joseph H. Luppens, “J & D Management Co., LLC,” 2263 N. Buteo Place. Motion carried 4-0.

- F. APPROVED BUSINESS LICENSE – MICHAEL R. SMITH, “S.P.I. TRANSPORTATION, INC.,” 485 W. MAIN ST.

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel to approve the business license for Michael R. Smith, “S.P.I. Transportation, Inc.,” 485 W. Main Street. Motion carried 4-0.

- G. APPROVED BUSINESS LICENSE – DAVID & ALICE WHITE, “A & D QUALITY HYDROSEEDING, INC.,” 850 BOISE ST.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve the business license for David & Alice White, “A & D Quality Hydroseeding, Inc.,” 850 Boise Street. Motion carried 4-0.

- H. APPROVED BUSINESS LICENSE – “FARMERS & MERCHANTS STATE BANK,” 840 E. AVALON.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the business license for Farmers & Merchants State Bank, 840 E. Avalon. Motion carried 4-0.

- I. APPROVED CATERING PERMIT FOR THE LONGHORN LOUNGE FOR THE “IDAHO STATE CORRECTIONAL EMPLOYEE ASSN.” GATHERING AT THE KUNA COMMUNITY HALL ON MAY 6, 2006, 7 P.M. TO 12 MIDNIGHT.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve a Catering Permit for the Longhorn Lounge for the Idaho State Correctional Employee Assn. gathering at the Kuna Community Hall on May 6, 2006 from 7 p.m. to 12 midnight. Motion carried 4-0.

**10. OLD BUSINESS:**

- A. **CONTINUED PUBLIC HEARING –**

ADOPT PROPOSED RESOLUTION R2-2006 TO INCREASE MONTHLY USER FEES FOR THE MUNICIPAL WATER AND SEWER SYSTEMS (continued from April 4, 2006).

Justin Walker, Keller Associates, addressed questions asked in previous meetings and displayed charts attached to these Minutes as Exhibit A.

- **Why raise rates when there is money in the bank?** There are two functions of each utility--operation/maintenance and replacement (MOR) to replace existing equipment, pay for power, replace pumps or lift stations when they fail. The replacement fund should be funded by pre-existing users through user rate fees collected every month. The operation/maintenance and replacement funds should be self-sustaining and capable of not only repairing and operating the system, but replacing parts. He referred to the handout distributed to the public and pointed out that the MOR has experienced a shortfall of \$80,000 every year except 2004.
- **Capital improvements.** Connection fees are collected when building permits are issued for new construction --\$860 for water and \$4,200 for sewer. The Capital Improvement Fund is intended to build additional infrastructure to serve future growth. Unfortunately, the City has found it necessary to use funds in the MOR account for capital improvements.

Mayor Obray opened the Public Hearing at 8:35 p.m.

Speakers in support of application:

None.

Speakers opposed to application:

Chris Mauer, 518 Dawn Court, asked why it costs more money to pump less water in the winter months since residents would be paying \$1.50 for every 1,000 gallons over the allotted use.

Mr. Walker explained that the summer rate is intended to accommodate those individuals that don't have pressurized irrigation. It is intended to mimic the \$75 pressurized irrigation annual fee paid by all those users that do have pressurized irrigation.

Beth Davis – No longer present.

Don Fox, Dawn Court, stated that in the older part of town, there are places that look like the people who live in them can't afford to water. Any water rate raises will have a large effect on people who live on a fixed income. He asked for figures for operation and maintenance of the present system, how much the City is spending on replacements and what is the life span of a pump.

Mr. Walker explained that there is a dedicated fund for replacement.

Mayor Obray added that the negative number under the 2005 annual access shortfall is an actual debt the City incurred that year--it is not a planned cost for future development.

Merlene Henry, 580 Ridgestone, stated that her only objection to the increases was that the average consumption by anyone in the city is about 5,000 gallons/month.

Mr. Walker responded that, in the winter months, the average consumption number is 5,500 while in the summer, consumption averages 7,800.

Mrs. Henry objected to the base rate of 3,000 gallons if residents use 5,000 or 6,000 gallons and expressed concern about the extra costs associated with going over 3,000 gallons. She did not object to the increase in sewer rates.

Maggie Bacher, 525 Linder, suggested that it would be a lot less complicated if the City would use a flat rate and asked that the increases be added to the bills in small increments over the next few years, rather than all at once. This would allow people on small budgets to get used to the fee hikes.

Mr. Walker responded that there would be an increase of \$4 per customer to water bills if the consumption rate were kept at 20,000 gallons as a base.

Ron Schroeder, 1525 W. 4<sup>th</sup> Street, pointed out that the fees charged by United Water for Boise is \$10.90 for 7,500 gallons in winter and \$13.60 in summer. Further, senior citizens need a water discount and he objected to lowering the base rate to 3,000 gallons.

Earl Lasater, 1327 W. Balboa St., - Not present.

Neutral Speakers:

None

There being no further testimony offered, Mayor Obray closed the Public Hearing at 9:15 p.m.

Mr. Walker gave the following statistics to assist Council in making their decision: the Middleton base rate is 3,000 gallons, Mountain Home's is 4,000 gallons and Eagle is 4,500 gallons. Raising the consumption base rate allotment requires raising the cost base rate to generate the dollars needed.

Mayor Obray stated that the City Clerk contacted Star, Emmett, Payette, Glenss Ferry, Melba, Mountain Home and Weiser to see if they offer a discount rate to seniors. Only the City of Weiser gives a discount on trash and water fees for seniors.

Keven Shreeve suggested that, in order to promote conservation, the City should not raise the consumption rate too high. Those who use less water would lose the benefit of paying less for their conservative water consumption.

**RECESS:** Mayor Obray recessed the meeting at 9:20 p.m.

**RECONVENE:** Mayor Obray reconvened the meeting at 9:33 p.m.

Councilwoman Stroebel and Councilman Dowdy spoke in favor of a 7,000 gallon base rate rather than 3,000 gallon. The City cannot continue with deficits in the sewer and water funds--user fees need to pay their own way. The public often comments that growth needs to pay for itself, but with the existing rate structure, the City is requiring new growth to subsidize current residents using the city services. Councilman Lang agreed with Councilman Dowdy and Councilwoman Stroebel.

Councilman Cardoza stated that he would like to set the base consumption rate at 10,000 gallons during the irrigation season.

- 7,000 base for those on pressurized or gravity irrigation
- 10,000 base for those without irrigation.

Moved by Councilwoman Stroebel, seconded by Councilman Lang to adopt Resolution R2-2006 as follows:

Users with alternative irrigation services available (Pressurized):

Water User Fees / month	\$17.00 for 7,000 gallons
	\$ 1.50 per 1,000 gallons over 7,000 gal.

Users outside city limits or oversized lines:

Water User Fees / month	\$19.50 for 7,000 gallons
	\$ 1.50 per 1,000 gallons over 7,000 gal.

Users with no alternative irrigation services (Using City Water or Gravity Irrigation)

Water User Fees / month	\$17.00 for 7,000 gallons
	\$ .70 per 1,000 gallons over 7,000 and up to 40,000 gal.
	\$ 1.50 per 1,000 gallons over 40,000 gal.

**DISCOUNT FOR SENIOR CITIZENS OVER 65 YEARS OF AGE:**

Users with alternative irrigation services available (Pressurized):

Water User Fees / month	\$13.00 for 7,000 gallons
	\$ 1.50 per 1,000 gallons over 7,000 gal.

Users outside city limits or oversized lines:

Water User Fees / month	\$15.50 for 7,000 gallons
	\$ 1.50 per 1,000 gallons over 7,000 gal.

Users with no alternative irrigation services (Using City Water or Gravity Irrigation)

Water User Fees / month	\$13.00 for 7,000 gallons
	\$ .70 per 1,000 gallons over 7,000 and up to 40,000 gal.
	\$ 1.50 per 1,000 gallons over 40,000 gal.

SEWER USER FEES

\$23.50 per month

Motion carried 3-1 (Councilman Cardoza voted no).

**B. CONTINUED PUBLIC HEARING –**

PROPOSED ORDINANCE NO. 2006-24 AMENDING DIMENSIONAL STANDARDS (continued from April 4, 2006).

Diana Sanders, Interim Planning & Zoning Director, presented several exhibits adding to the dimensional standards proposal from several developers and the City Engineer. She stated that the City is proposing a smaller square footage for the lots in all of the zones to make them a true R-4. In allowing for the smaller lots, the City may want to adopt a code requiring open space. Currently, no City code addresses open space except on large developments and that can be done in a development agreement or a planned unit development. The City of Meridian has an open space requirement in its code because they are allowing smaller lots.

Mayor Obray opened the Public Hearing at 10:10 p.m.

Speakers in support of application:

Kent Brown, 1600 Iron Eagle, Eagle, ID stated that developers need some flexibility with whatever Council decides on this issue. Star has just said that if a development is 2 units per acre, that is an R-2 zone, etc. to simplify their zoning and planning. If Kuna restricts acreage to square footage per lot, then whatever does not work out in the math is open space. Active use of open space in subdivisions is usually walking paths and basketball parks. In 2004, there were 10 approved subdivisions in Kuna. All subdivisions that year were under 3 units per acre no matter what the requested zoning.

There being no further testimony offered, Mayor Obray closed the Public Hearing at 10:15 p.m.

City Attorney Randy Grove opined that the City should not be looking at 28,000 developable feet per acre divided by whatever zone is requested. Mr. Grove felt that the City should decide on minimum lot size desired in any zone. Developers will try to get the maximum density in their subdivisions which would be controlled by the zoning that they requested.

Councilman Dowdy stated that he did not agree with letting the market control lot dimensions because developers are going to build what is marketable. Based on a lot of subdivisions that are going up, not only in Kuna, but also in surrounding areas, it looks like some people will buy into whatever is on the market to be sold. He would like to see the City go in a more diverse direction.

Councilwoman Stroebel stated that she wanted a lot square footage number for the different zoning areas of at least 7,000 square feet, based on the examples given.

Mayor Obray re-opened the Public Hearing at 10:40 p.m.

Speakers opposed to application:

None

Neutral Speakers:

Sherri Russell, 781 S. School Street stated that, as a realtor, she receives a lot of requests for larger lots for children to play in rather than sending them to public playgrounds. Elderly home buyers do not want the large lots. These requests suggest that diversity is needed in local subdivisions. She felt that lot dimensions are still important as a development tool for Kuna. For example: a 2,000 square foot home should require a 10,000 square foot lot. Home square footage should dictate lot size to some degree.

Tim Gordon, Black Cat - The average home that is going into Kuna right now is over 2,000 square feet, so that would mean that all the lots would have to be a minimum of 10,000 square feet.

There being no further testimony offered, Mayor Obray closed the Public Hearing at 10:45 p.m.

Moved by Councilman Lang, seconded by Councilman Dowdy to continue the Public Hearing on proposed Ordinance No. 2006-24 amending dimensional standards to the May 2, 2006 Council meeting. Motion carried 4-0.

**C. DISCUSSION REGARDING FUTURE WELLS.**

Mayor Obray announced that the long range plan for future growth estimates that by 2009, Kuna would need a new well; that is 2-1/2 years from now. In that plan it stated that we would monitor and evaluate existing wells to see if a new well is needed for future pumping. Council needs to hire a well company to monitor the twelve wells. Continue discussion regarding future wells to May 16, 2006.

**11. NEW BUSINESS:**

- A. APPROVED CHANGE ORDER NO. 2 AND PAY REQUEST NO. 1 FOR CONTRACT WITH WF CONSTRUCTION & SALES, INC. FOR CONSTRUCTION OF THE WINTER STORAGE LAGOON.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve Change Order No. 2 and pay request No. 1 for the contract with WF Construction & Sales, Inc. in the amount of \$1,190,759.52 for construction of the Winter Storage Lagoon. Motion carried 4-0.

- B. APPROVED THE "WEBSITE PRIVACY POLICY" REQUESTED BY UNITED SYSTEMS TECHNOLOGY, INC. FOR CREDIT CARD UTILITY BILLING.

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Moved by Councilman Lang, seconded by Councilman Dowdy to approve the City of Kuna “Website Privacy Policy and Disclaimers” requested by United Systems Technology, Inc. for credit card utility billing. Motion carried 4-0.

C. APPROVED THE “UTILITY BILLING POLICY” REQUESTED BY UNITED SYSTEMS TECHNOLOGY, INC. FOR CREDIT CARD UTILITY BILLING.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the “Utility Billing Policy” requested by United Systems Technology, Inc. for credit card utility billing. Motion carried 4-0.

D. 06/03/AN – ANNEXATION, 06/01/DA – DEVELOPMENT AGREEMENT FOR APPLEWOOD SUBDIVISION

Diana Sanders, Interim Planning & Zoning Director, gave the staff report and explained that this is an annexation request with an R-6 zone with an overall density of 3 units per acre. This development has 257.08 acres and is located on Ten Mile and Columbia just south of the current Danskin Subdivision. The developer has submitted a development agreement with several conditions: 1) upon annexation, the developer will submit a master plan for the entire property prior to submitting a preliminary plat to show how the density will be dispersed over the entire site; 2) the developer has agreed to purchase a minimum of 200 new sewer connections prior to completion of the new sewer treatment plant and will participate in the LID. The Planning & Zoning Commission had specific conditions to include in the Development Agreement (see Planning & Zoning staff report Page 5 and 6 to change the minimum to the maximum of 3 dwelling units per acre, maximum of 711 lots and transitional lots for any building lots up against existing home sites of 1 acre or larger..

Mayor Obray opened the Public Hearing at 11:35 p.m.

Jim Jewett, 1560 Carroll St., Meridian, ID applicant, stated they are in the process of developing a master plan for this development. They chose R-6 zoning for the property because it gave them the most diversity to try to get 3 units per acre--having the versatility to go down below a 7,000 square foot lot while still offering the 14,000 square foot lots. He reported that JLJ donate 20 acres for a school site and City park and indicated that there was discussion regarding creating a joint facility with a city park and school. The Kuna School Board was not in favor of a joint park and school site. The developer is not adverse to having a city park in the development as long as the City’s Park Department could facilitate owning and maintaining a site within the development. He found the transitional lot size of 110 x ½ acre requested by the Planning & Zoning Commission to be cumbersome. He said that, in his experience, any 5 or 10 acre lots that abut a proposed development will redevelop and transition away when the development does not seem logical. The Danskin lots are established and will not be redeveloped and should be transitioned. He asked for guidance regarding what Council perceives as an equitable transition. Mr. Jewett felt that 110 x ½ acre gives would give him enough flexibility to address some of the things needed. In the development agreement for a development of this size, there should be an established

minimum of at least 5 or 10% of open space. Property owner-driven requests ask that they have clubhouses in their subdivisions--there should be two for a development of this size--walking pathways and a City owned park. These amenities would be calculated into the open space percentage.

Speakers in support of application:

None.

Speakers opposed to application:

Kathy Kleen – Left meeting.

Greg Potcher, 8957 S. Perfect Lane stated that he lives on a 10 acre parcel that is impacted on two sides by this proposed development. The minimum lot size is 10 acres. He took exception to the comment that his property will be redeveloped as Mr. Jewett stated in his lot transition explanation. He explained that he and his neighbors bought acreage to enjoy the rural lifestyle. He felt that the Planning and Zoning Commission's transitional stipulations for the development agreement would help protect his concerns. He asked Council to consider a transitional buffer per the Planning and Zoning Commission's recommendation, not an R-6 or R-8 up against his property line. Since he has large animals, he is concerned about the interaction of the animals and people from the subdivision.

Tracey Freeman, 8219 S. Ten Mile stated that he lives across the street from the proposed development. He moved to Kuna to raise his daughters and a couple of horses in a rural setting and do not plan to subdivide. He asked Council to consider the properties surrounding the development, which are 1 – 20 acre parcels. He asked that the area remain a rural environment.

Aaron Rath, 8191 S. Slide Creek Lane, Meridian opposed the annexation because some of the ground that is included in the annexation contains a land application permit for the sewer system on 54.5 acres in this annexation and a sewage pond. DEQ's position is that those lots cannot be filled while this land application permit exists. He requested a  $\frac{3}{4}$  acre buffer zone up against his subdivision. He pointed out that he has a well-sharing agreement on a pump for his irrigation system which is located in the annexation. Mr. Rath provided pictures of Kuna entrances to subdivisions and put entrances to Meridian subdivisions next to them for comparison. The common areas need improvement and he requested that Council consider an increase in the amount of money spent to improve these entrances.

Pam Stevens – Left meeting.

Virgil Stucker, 8815 S. Ten Mile stated that he lives across the road from the proposed development and owns the west half of Ten Mile. He indicated that he would not be opposed to the annexation into Kuna if Council would take into consideration existing community needs. He felt that the Planning and Zoning Commission made an effort to move in that direction. He asked Council to help maintain the rural lifestyle of the abutting properties and quoted the Kuna Comprehensive Plan, Section 4 – Land Use:

“It is the policy of this City to promote new residential development that will not adversely affect the existing neighborhoods.” He agreed with the Planning and Zoning Commission’s recommendation in the development agreement for the developer to provide transitional lots abutting existing home sites of one-acre or larger and felt that it is a good step in honoring the Comprehensive Plan.

Henry Vanderstelt, 8589 S. Dancing Wind, asked Council to consider the rural lifestyle and take that under consideration when approving units per acre and the transitional boundaries.

Eugene Tibbits – Left meeting.

Todd Wasden – Left meeting.

Ann Potcher, 8957 S. Perfect Lane stated that she would prefer a golf course over a development with 700 houses.

Randy Allen – Left meeting.

Neutral Speakers:

Rick Michaels, Hubbard Road stated that he lives on 10 acres east of the proposed subdivision and requested that the density be no more than is proposed and preferably less. He asked the City to be considerate of residents that have been in the area for awhile and keep things the way they are as much as possible.

Sheri Russell, 781 S. School Street stated that she owns a property directly across from Applewood on Ten Mile. She agreed with Mr. Stucker that the property along Ten Mile should be a part of the transitional buffer. Further, she stated that she also has an interest in two other 10-acre parcels so that she will have enough space when she builds her home out there. She reported that she has no intention of developing.

There being no further testimony offered, Mayor Obray closed the Public Hearing at 12:05 a.m.

Rebuttal:

Mr. Jewett clarified that when the development was first proposed, a golf course was considered, designed and a feasibility study conducted; however, there was opposition from residents across the street. He stated that he has proposed a significant green buffer along Perfect Lane. Interference with the right to farm happens as cities grow out into the rural areas. Mr. Jewett indicated that he hopes to put language into the development agreement to clearly state the requirements for the building out of the subdivision. Regarding the quotation from the Comprehensive Plan, he explained that that wording refers to existing neighborhoods in a city in an urban environment. Ten Mile Road is scheduled to be a 5-lane road at build out. Customarily, the highest density developments are placed next to transportation corridors to buffer home sites on the other side of Ten Mile--that 68 foot width is a significant buffer. He felt that the potential exists for rural lots to be developed and if they do, the level of buffer

transitioning needs to be appropriate. Rooftops are necessary for growth and for commercial.

Councilman Dowdy stated that it is naive to think that Kuna is going to remain with 5-20 acre lots 30 or more years down the road. To buy rural land in close vicinity to an existing city and think that a city is not going to develop around you is not a realistic view. He felt that Mr. Jewett's proposal is a very diverse subdivision--something not seen in any of the proposals that have been presented to the City so far. The development is taking into consideration the Danskin 1-acre lots. He stated that he appreciated the concerns expressed during the Public Hearing and agreed that some transition is necessary around the existing larger lots.

Keven Shreeve, City Engineer, reported that the southwest corner parcel on Ten Mile and Columbia has been annexed into the City. The owner lives in California and his sole intent is to develop the 10-acres. Further, the owner of the three 10-acre parcels located just south of the Potcher's on Perfect Lane has retained an engineer who has laid out a rough development for those parcels.

Councilwoman Stroebel asked Mr. Jewett if he agreed with the Planning and Zoning Commission's recommendation of a maximum 3 units per acre and keeping the maximum units at 711.

Mr. Jewett responded that it would be hard to commit to an answer until they were finished with the master plan for the development.

Councilman Cardoza asked if a traffic study had been reviewed by Ada County Highway District.

Mr. Jewett answered that a traffic study was completed and turned in.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve the annexation of 257.08 acres for JLJ Enterprises on Ten Mile, Columbia and Hubbard with R-6 zoning and a development agreement as set forth by the Planning and Zoning Commission with the following changes: Section 3.11 - The overall density of property shall be a maximum of 3 EDU's per gross acre not to exceed 771 lots; Section 3.12 - the developer agrees to submit a master plan for the entire property to be approved prior to approval of the first preliminary plat; Section 3.16 - the transition properties on the interior along the existing Danskin Development shall be ½ acre in size; Section 3.17 - the developer agrees to provide a 30-foot wide pedestrian path and landscaping overlay; Section 3.18 - the developer shall construct an 8-acre City park site with landscaping and amenities to be donated to the City and Section 3.19 - construct single-story residences along Ten Mile Road. Motion carried. 3-1. (Councilman Cardoza voted no.)

E. 06/03/FINAL – CRIMSON POINT NO. 4 FINAL PLAT

Diana Sanders reported that Planning and Zoning reviewed the final plat for Crimson Point No.4 and found that it is consistent with the preliminary plat.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve Crimson Point No. 4 final plat. Motion carried 4-0.

F. 06/01/TP – TEMPORARY BUSINESS “SNACK SHACK – TROPICAL SNOW” – KAREN WALLIN/LISA DRIESEL

Moved by Councilman Cardoza, seconded by Councilman Lang to approve the 06/01/TP temporary business permit for Karen Wallin/Lisa Driesel doing business as “Snack Shack – Tropical Snow”. Motion carried 4-0.

G. 06/02-AN – ANNEXATIONS:

- PATTERSON FAMILY TRUST, 8430 S. LINDER RD. & S. LINDER RD.
- C. RUSSELL DURRANT & MARIE B. LIVING TRUST, 7640 & 7800 S. LINDER RD.
- DAVID R. & LYDIA ANN DURRANT, PORTIONS OF 7590 S. TEN MILE RD.
- KENNETH DURRANT, 6820 S. TEN MILE RD.
- BILL RAMSEY, S. DURRANT LN.
- CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, S. LINDER RD.

Diana Sanders, Interim Planning & Zoning Director, gave the staff report and explained that this application is to be annexed with an agricultural zone only and will bring a route to several properties that want to be a part of the LID. They are not asking for a development zone at this time; they are just asking to be annexed into the City.

Mayor Obray opened the Public Hearing at 1:35 a.m.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

None

There being no public testimony offered, Mayor Obray closed the Public Hearing at 1:36 a.m.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve 06/02-AN – Annexations. Motion carried 4-0.

I. APPROVED UTILITY CONSTRUCTION CREDIT AND LATECOMERS AGREEMENT – SUTTER’S MILL NO. 5.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the Buy-out and Latecomers Agreement for Sutter’s Mill No. 5 paying the developer Ernie Lombard

\$9,400 from the sewer fund, \$35,691.86 from the water fund and \$31,106.39 from pressurized irrigation, for a total of \$76,198.25. Motion carried 4-0.

**12. REPORTS:**

**P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS –** Mrs. Sanders reported that two new staff members will join the Planning and Zoning Department. Molly Smith, formerly with Ada County Development Services and Debby Brown from Ada County Highway District.

**CITY ENGINEER / KEVEN SHREEVE –** Mr. Shreeve informed Council that as they form the LID, they will need to contract with a financial person, Lloyd Ayres, to help put materials together for the bank. He asked for Council authorization to speak with him and negotiate a contract for his services.

Mr. Shreeve further reported that he met with a realtor/developer shocked by the City's annexation maps and LID negotiations. He had purposely been staying away from Kuna for several years but when he reviewed the maps and learned of the LID, he was motivated to come back and do business in Kuna.

**CITY ATTORNEY / RANDY GROVE**

**CITY CLERK / LYNDA BURGESS**

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

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

Moved by Councilman Dowdy, seconded by Councilman Lang to approve the Findings of Facts and Conclusions of Law regarding 05/13/ZC, Rockwood Properties rezone with a development agreement, 2<sup>nd</sup> and 3<sup>rd</sup> Street east of Linder. Motion carried 4-0.

**14. ORDINANCES & RESOLUTIONS:**

**15. MAYOR / COUNCIL DISCUSSION:**

Regarding the Senior Center Building rental fees, Mayor Obray advised Council to keep rent the same, but charge for utilities, maintenance and operations. Discussion was continued to the May 2, 2006 meeting.

**16. ANNOUNCEMENTS:**

**17. EXECUTIVE SESSION:**

**18. ADJOURNMENT**

There being no further business to conduct, it was moved by Councilman Cardoza, seconded by Councilman Lang to adjourn the meeting at 1:55 a.m. Motion carried 4-0.

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O. Dean Obray, Mayor

ATTEST:

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Lynda Burgess, City Clerk

DATE APPROVED: 05-16-2006