

**KUNA CITY COUNCIL MEETING**  
**MINUTES**  
**JUNE 20, 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 7:02 p.m.

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

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

**2. INVOCATION**

Methodist Church.

The Invocation was given by Pastor Jody Felton of Kuna

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

**SUGGESTED CHANGES TO THE AGENDA:**

Mayor Obray requested that Item No. 4.B., Accounts Payable, be reduced by \$100 (water deposit was reused so no refund is available) and adding Item 10.B. for Resolution Ratifying the Declaration of a Local Disaster Emergency.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to amend the accounts payable by decreasing it by \$100 bringing the total to \$213,073.42 and adding Item 10.B. Resolution Ratifying the Declaration of a Local Disaster Emergency. Motion carried 3-0-1 (Councilman Dowdy absent).

**4. CONSENT AGENDA:**

Mayor Obray asked Council if there was any discussion or any items that needed to be pulled out of the Consent Agenda for review.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve the consent agenda for June 20, 2006. Motion carried 3-0-1. (Councilman Dowdy absent).

A. APPROVED MINUTES - Town Hall Meeting of May 31, 2006

- B. APPROVED ACCOUNTS PAYABLE - Dated June 20, 2006 in the amount of \$213,173.42.
- C. ADOPTED RESOLUTION 2A-2006 AMENDING RESOLUTION 2-2006 SETTING DOMESTIC WATER RATES – for clarification of seasonal rates.
- D. ADOPTED RESOLUTION R3-2006 ESTABLISHING FEES FOR LICENSES GOVERNING THE SALE OF ALCOHOLIC BEVERAGES.
- E. AWARDED CONTRACT FOR CONCEPTUAL LAYOUT, DESIGN AND IMPLEMENTATION OF RECREATIONAL FACILITIES AT THE EXISTING SEWER FARM.
- F. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW:  
  
06-10-AN/REDCLIFF/DEER FLAT – HIGHWAY 69\  
06-11-1N/SMART/1590 MEADOWVIEW
- G. APPROVED PAY REQUEST NO. 5 IN THE AMOUNT OF \$42,031.95 FOR W.F. CONSTRUCTION & SALES, LLC, FOR A TOTAL CONTRACT AMOUNT TO DATE OF \$1,021,076.64.

**5. SHERIFF MONTHLY REPORT**

Sergeant Laraway presented the Statistical Report for June 2006 and pointed out the highlights and trends of the report. There were 695 calls for service compared to last month's calls of 785.

**6. ADA COUNTY HIGHWAY DISTRICT REPORT**

Errol Morgan reported that the traffic light at Deer Flat and Meridian Road should be completed in 30 days and the road project on Deer Flat Road is scheduled for next January.

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

**8. LICENSES AND PERMITS:**

- A. REQUEST BY ALLEN GAMEL FOR APPROVAL OF A CATERING PERMIT REGARDING "KUNA DAYS."

Mr. Gamel reported that Kuna Days is coming together, a parade route is established, vendors are applying, fireworks purchased and the Chamber agreed to sponsor the barbeque. The Kuna Days Committee would like to officially request a \$3,500 sponsorship from the City to be applied to various items for Kuna Days such as fireworks, advertising, sanitation and additional security.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve a \$3,500 donation from the Donation Fund to sponsor Kuna Days. Motion carried 3-0-1. (Councilman Dowdy absent).

- B. BUSINESS LICENSE – JOHN SCHOEBOUT, “KARATE FOR KIDS,” 231 N. KAY ST. Applicant was not present. Tabled to next meeting.
- C. APPROVED BUSINESS LICENSE – NANCY BAERLOCHER, “INDIAN CREEK FLORIST,” 383 N. LINDER RD.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve the business license for Nancy Baerlocher, doing business as “Indian Creek Florist,” at 383 N. Linder Road. Motion carried 3-0-1. (Councilman Dowdy absent).

- D. APPROVED BUSINESS LICENSE – JOHN AND DENA WALKER, “THE ICE CREAM TRUCK,” 2000 SEGO PRAIRIE.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve the business license for John and Dena Walker, doing business as “The Ice Cream Truck,” at 2000 Sego Prairie. Motion carried 3-0-1. (Councilman Dowdy absent).

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

- A. TEMPORARY BUSINESS/EL GALLO GIRO

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel to approve the temporary business license for El Gallo Giro, doing business at 347 Avenue E on weekends and 290 W. 9<sup>th</sup> Street during the week days. Motion carried 3-0-1. (Councilman Dowdy absent).

- B. RESOLUTION R4-2006 RATIFYING DECEMBER OF LOCAL DISASTER

Mayor Obray asked for Council approval to place \$50,000 in an emergency fund account to provide assistance to residents of Wild Meadows Subdivision. He will notify the Council at next meeting where the funds will be moved within the current budget.

Moved by Councilman Cardoza, seconded by Councilman Lang to ratify Resolution R4-2006 for Declaration of Local Disaster Emergency. Motion carried 3-0-1. (Councilman Dowdy absent).

Moved by Councilman Lang, seconded by Councilwoman Stroebel to dedicate up to \$50,000 in a separate budget line item for “emergency funds” coming from various line items in the budget per Mayor Obray’s instructions to be placed in the 2005-06 budget and carry over into the 2006-07 budget to provide assistance to residents of Wild Meadows Subdivision. Motion carried 3-0-1. (Councilman Dowdy absent).

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

**A. PUBLIC HEARING:**

06-13-AN/LAYNE THORNTON/BLACKCAT-KUNA RD.

Lisa Bachman, Planner II, gave the staff report and explained that this application is a request to be annexed with an agricultural zone only and the property owners do not wish to participate in the LID. The property is located on Black Cat-Kuna Road and is approximately 139.676 acres.

Mayor Obray opened the Public Hearing at 7:40 p.m.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

Margo Whale, 3333 W. Ambrosia Lane stated that they are adjacent to the property to be annexed and that she was not opposed to the land being annexed into the City with an agricultural zone.

Cheryl McCord, 3543 W. Ambrosia Lane stated that her property was adjacent to the property being annexed and that she was neutral about the proposed annexation. She expressed concern that Kuna has no plans for future development of the hundreds of acres that are under consideration for annexation. She wanted to preserve agricultural areas, a rural lifestyle and open space. She felt it was important that Kuna prioritize planning, not simply approving individual developments, but to put into ordinance the aspects of the community that should be preserved, such as open spaces, community gardens and walking and biking paths that connect the community.

Terry Shannon, 3701 W. Ambrosia Lane stated that the current annexation has nothing to do directly with the LID; the land is being annexed to provide an annexation path. He was not against annexation or against growth, but felt very protective of the land-use process. He expressed concern about the public information process on the LID and pointed out that he asked Mrs. Sanders for information on considerations being given to land owners to join the LID but stated that he had not gotten any clear answer to the question. He said he heard that the City would provide 3 hook-ups per acre.

There being no further public testimony offered, Mayor Obray closed the Public Hearing at 7:50 p.m.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve Annexation 06-013-AN/Layne Thornton property of 139.676 acres zoned Agriculture without participation in the LID. Motion carried 3-0-1 (Councilman Dowdy absent).

**B. PUBLIC HEARING:**

06-12-AN/MULTIPLE #3

Lisa Bachman, Planner II, gave the staff report and explained that this application is a request for annexation with an agricultural zone with most of the property included in the LID. The southern three acres of the Welker property will be exempt from the LID. There are several sites involved in this annexation and Council was presented with a map showing the locations of approximately 517.396 acres.

Mayor Obray opened the Public Hearing at 8:02 p.m.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

Margo Whale, 3333 W. Ambrosia stated that she was specifically concerned about the density of the 3 sewer hook ups per acre on the property east of her home and that the City seems to have objectives in conflict with one another: 1) the City previously approved a private airstrip to stay in the county; 2) the Planning and Zoning Commission stated that they planned on having standards for park expansion and open space issues of new development with pedestrian and bike connectivity before going through the annexations; 3) the Planning and Zoning Commission indicated that they would impose a 30' "no construction zone" extending on both ends of the airstrip. Further, she stated that she was concerned that the approach pattern to the airstrip will be in conflict at a future date when homes are allowed to be built too close to the take-off and landing pattern areas of that airstrip.

Bill Clark, 3543 W. Ambrosia Lane stated that he had put in a public records request with Planning and Zoning and had not, as of this meeting, received the documents to be able to address his concerns.

Terry Shannon, 3701 W. Ambrosia Lane stated that he did not understand the density promises of the LID participation and expressed concern about the density of future development around his property.

Cheryl McCord, 3543 W. Ambrosia Lane supported the concept of the LID and having developers pay the infrastructure improvements needed for growth. However, she did not know what properties would be involved in the LID annexations and pointed out

that she did not have any specifics other than the definition of the LID. There should be plans in place before the City starts bringing in huge land annexations.

Matt Schultz stated that he appreciated the process the City Council has been up against over the last 5 years to provide sewer service and putting a band-aid on a bad situation. He indicated that he was in favor of the LID even though it was not the best alternative but admitted that it is the only alternative.

Tim Gordon, 1206 N. Black Cat reported that he would be participating in the LID. He stated that he also supported the whole concept of development paying for infrastructure improvements

There being no further public testimony offered, Mayor Obray closed the Public Hearing at 7:50 p.m.

Mr. Grove addressed some of the questions that Mr. Shannon brought before Council by stating that it might seem that the City has put the LID together rather hastily because there have been many annexations in the last few months. In actuality, financing discussions for a new sewer plant and the various methods to accomplish that goal have been going on for at least 1-1/2 years. The City does not have the ability to simply place a dollar value on an annexation. The various financing avenues available to a City are 1) general obligation bonds; 2) revenue bonds; 3) local improvement districts and 4) some private financing. The problem with a general obligation bond or a sewer revenue bond is that they are community-wide obligations. A general obligation bond is a tax upon all of the property within City boundaries. The new sewer plant was designed to exclusively serve new growth. There is a feeling, not only in Kuna, but in every single community he has been involved in that the existing residents do not want to subsidize infrastructure for new growth. New growth should pay for itself. There is a limitation placed upon municipalities for incurring debt like a general obligation bond--it is limited to 2% of the total assessed valuation of property within the City. The total assessed valuation of property within Kuna, as of last December was \$355,000,000. The most that the City could bond for would be \$7,000,000 and that will not build a new treatment plant that will serve the City's needs. The other general bonding obligation is a sewer revenue bond. The City would have to pledge the revenues of the City's monthly sewer charges to pay for the new plant by this method. The City could not guarantee this type of bond, new construction could come to a halt and there would not be enough funds to pay off the debt. If new construction stopped, the only way the City could pay off the bond would be to raise everyone's monthly sewer charge to be able to service the debt. The best way the City could come up with having growth pay for itself was the LID. The properties within the LID would be paying for the infrastructure to serve their own properties. There is a process for creating the LID and Mr. Shannon's and other's objection to that process is the implicit guarantee of density that goes along with the creation. Three units per acre were not simply chosen at random. Staff looked at historical development of residential subdivisions in Kuna and it averages 3 to 3.5 units per acre. Council did not want to guarantee to anyone development density greater than what existed within the City; they wanted to stay on the low end. Governing is balancing competing interests. The City simply does not have the funds available to pay for necessary infrastructure to serve new

growth. It was felt that a concession of 3 units per acre was a minor concession. The City would still retain as much control as possible by annexing these parcels as agricultural parcels which would then require an application for rezoning to a development zone and placing an additional burden of a development agreement when reviewing new developments within the LID. The City does not really know who will come in with a development for 2 lots per acre or 6 lots per acre. Every developer in the LID has those same options of bringing to the City how they want to zone and develop the property. The City could not apportion these connections to parcels of land when the kind of development to be proposed was unknown. So the City simply went with the low average of 3 units per acre over all of the undeveloped ground within the LID.

Keven Shreeve added that the City had a proposed treatment plant that needed to be built with a price tag. The cost of the new plant generated the number of acres that needed to be included in the LID to cover the cost. What is Multiple Annexation #3? The third group of multiple annexations. The Council has had to go out into the City and request multiple acreage all around the City to try to accumulate the land x 3 units per acre x \$ value to come up with the funds to finance the treatment plant. An airstrip clear zone will have to be something that developers surrounding the airstrip will have to accommodate.

Councilman Lang reminded the residents along the airstrip that when the City starts the process of revising the Comprehensive Plan, one of the residents from this neighborhood should join the committee putting the plan together.

Mayor Obray further explained that he had been working on a plan to rid the City of continued funding problems with both sewer and water since he took office 2-1/2 years ago. He stated that he and the Council have looked at every avenue in that period of time for financing that would solve the problem and still be equal to every citizen in the City. Even though the LID is not the perfect system, it is as close as any law allows for Kuna to finance the plant without a burden on existing residents. The LID will be totally funded by developers of new construction.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve Annexation 06-012-AN/Multiple #3 with approximately 517.396 acres with an Agriculture Zone and participation in the LID except for the three acres of the Welker property. Motion carried 3-0-1. (Councilman Dowdy absent).

## **12. REPORTS:**

**P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS** – Mrs. Bachman reported that code enforcement has had some weed complaints that they are working to correct.

**CITY ENGINEER / KEVEN SHREEVE** - Mr. Shreeve will be turning over the correspondence from the statement of qualifications received from four companies that responded even though they didn't propose or provide a statement of qualification. He asked Council if they would like him to work with Diana Sanders to manage the 200 connections reserved in the sewer allocation budget for commercial and infill.

Council instructed Mr. Shreeve to hold back some connections for commercial and schools.

CITY ATTORNEY / RANDY GROVE – No report.

CITY CLERK / LYNDA BURGESS – Ms. Burgess announced that, as of yesterday, the City went live on the e-Bill/ePay system via the City’s website.. Customers can now pay their utilities bills online through this program.

**RECESS:** Mayor Obray recessed the meeting at 9:15 p.m.

**RECONVENE:** Mayor Obray reconvened the meeting at 9:28 p.m.

**13. ORDINANCES :**

- A. DISPENSED WITH FULL READING AND 3 CONSECUTIVE READINGS –  
ORDINANCE 2006-36A AMENDING ORDINANCE 2006-36 ANNEXING A  
PORTION FROM THE NEW YORK IRRIGATION DISTRICT INTO THE  
MUNICIPAL IRRIGATION SYSTEM – KELLEHER SUBDIVISION I.
- B. DISPENSED WITH FULL READING AND 3 CONSECUTIVE READINGS –  
ORDINANCE NO. 2006-45 ANNEXING PARCEL NUMBER S1324110377, 1385 E.  
DEER FLAT RD., DONALD AND KAREN MOWERY.
- C. DISPENSED WITH FULL READING AND 3 CONSECUTIVE READINGS –  
ORDINANCE NO. 2006-46 ANNEXING PARCEL NUMBER S1419233321, 1590 E.  
MEADOWVIEW RD., FLOYD AND PATRICIA SMART.
- D. DISPENSED WITH FULL READING AND 3 CONSECUTIVE READINGS –  
ORDINANCE NO. 2006-47ANNEXING PARCEL NUMBERS S1324141801 AND  
S1324110079, THELMA AND ELMER JENSEN.
- E. DISPENSED WITH FULL READING AND 3 CONSECUTIVE READINGS –  
ORDINANCE NO. 2006-48 ANNEXING A PORTION FROM THE BOISE KUNA  
IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM –  
WILLOW GLENN SUBDIVISION PHASE II.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinances Item 13 A through E. Motion carried 3-0-1. (Councilman Dowdy absent).

Moved by Councilman Lang, seconded by Councilwoman Stroebel to adopt Ordinances 13 A through E. Motion carried by the following Roll Call vote:

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

**14. MAYOR / COUNCIL DISCUSSION:**

Councilman Lang asked if there was anyone who knew of an open type vehicle which would allow the Council and the Mayor to participate in the Kuna Days parade.

**15. ANNOUNCEMENTS:**

**16. EXECUTIVE SESSION:**

**17. ADJOURNMENT**

There being no further business to conduct, moved by Councilman Lang, seconded by Councilwoman Stroebel to adjourn the meeting at 9:31 p.m. Motion carried 3-0-1. (Councilman Dowdy absent).

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O. Dean Obray, Mayor

ATTEST:

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Lynda Burgess, City Clerk

DATE APPROVED: July 18, 2006