

KUNA CITY COUNCIL MEETING
MINUTES
JUNE 6, 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. – BUDGET WORKSHOP

Mayor Obray called the Budget Workshop to order at 6:11 p.m.

City Treasurer Colleen Cook explained that Council should consider funding for projects. Big ticket items that need to be done the next fiscal year need to be identified with proposed costs and then placed in the budget.

Interim P & Z Director Diana Sanders explained that, for accounting purposes, income generated by Planning and Zoning will be transferred from Administrative Income into P & Z accounts so that profits and losses can be more closely tracked.

Mayor Obray asked Treasurer Cook to explain items in the budget that are just a trade or pass through costs as well as the starred items.

Mrs. Cook discussed the following:

- ACHD impact fees reimbursed to the County.
- Rental income on the senior building—left it to Council to see if they could find someone to operate the building.
- Grant map. City thought they would borrow the money from the water fund to do the project at the industrial park to finish up the grant. The grant needs to be completed by this summer.
- Figures will be needed from Bond Counsel for the recreation bond and the LID.
- Latecomers fees – City Engineer Shreeve will supply figures on expected development which will pass through as revenue on building permits.
- The Juvenile Justice fund has had very little activity since juveniles have been sent to court rather than being diverted into the City's program—will the funds be used this year?
- Estimated revenues from the increase in water rates were added to the water fund.

Mrs. Sanders stated that Planning & Zoning will be proposing increased fees for water (\$1,270) and pressurized irrigation (\$1,300) hook-ups and sewer fees on new building construction as recommended by Justin Walker of Keller Associates.

Mr. Shreeve proposed that the pressurized irrigation hook-up inspection fee be cut in half to \$650 as the inspection does not demand the time that a water or sewer line inspection would need.

Mr. Shreeve stated the \$2.3 million in hook-up fees need to remain in the bank and draw interest to pay for Phase 2 of the new sewer system add-on for the whole City. Also, revenue received from the non-LID portions needs to be banked. The proposed new water tank south of town needs to be funded with the hook-up fees and be banked for that project.

Mayor Obray recessed the meeting 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 7:09 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.

SUGGESTED CHANGES TO THE AGENDA:

Mayor Obray requested addition of \$127,737.62 to Accounts Payable for payments to Irminger Construction, Inc. for installation of the irrigation line around the Johnson property bringing the total Accounts Payable amount to \$435,695.03; approval of Change Order #1 in the amount of \$11,361.60 for Irminger Construction and addition of Item No. 9 AA under Citizens Requests for J & M Sanitation's presentation of a citizen's award for the town clean-up.

Moved by Councilman Lang, seconded by Councilman Dowdy to amend the agenda as recommended by the Mayor. Motion carried 4-0.

2. INVOCATION

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

4. RECEIVED AND FILED MINUTES

- A. Special Joint Meeting with Meridian City Council October 25, 2005.
- B. Special Joint Meeting with Meridian City Council February 28, 2006.

5. APPROVED MINUTES

- A. Regular City Council Meeting of May 2, 2006 - Moved by Councilman Dowdy, seconded by Councilman Lang to approve regular minutes of May 2, 2006. Motion carried 4-0.

- B. Regular City Council Meeting of May 16, 2006- Moved by Councilman Dowdy, seconded by Councilman Lang to approve regular minutes of May 16, 2006. Motion carried 4-0.

6. APPROVE ACCOUNTS PAYABLE

- A. Dated May 16, 2006 in the amount of \$307,957.41.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve change order #1 with Irminger Construction, Inc. to increase the contract amount by \$11,361.62 bringing the total to \$127,737.62. Motion carried 4-0.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve Accounts Payable dated June 6, 2006 in the amount of \$435,695.03. Motion carried 4-0.

- B. Received and filed Financial Reports dated May 31, 2005.

7. FIRE DISTRICT REPORT

Chief Rosin reported that the City had 76 calls for the month of May—48 calls inside City limits and 28 outside, 59 were medically-related and 17 were fire calls. He stated that the roster remains the same and equipment maintenance and training take place regularly.

Mayor Obray thanked the Kuna Fire District on behalf of the City for their wonderful response to the disaster the prior weekend when the irrigation ditch flooded. They were very prominent out at the site and stayed all day even though they had fought a structure fire the previous night.

8. ADA COUNTY HIGHWAY DISTRICT REPORT

No report given.

9. CITIZEN'S REPORTS OR REQUESTS:

AA.CITIZEN AWARD FOR CITY CLEAN-UP

Chad Gordon presented a \$100 award to Jackie Briggs and others in the Sutter's Mill Subdivision for their clean-up efforts around the subdivision.

Ms. Briggs explained that last year they received \$136 and left the funds with the City Treasurer for Winchester Park. She stated that her group would be purchasing a bench and adding a memorial plaque to Richard Haumann who was very instrumental in helping with the acquisition of playground equipment and improving the park.

- B. REQUEST BY KUNA LIFE CENTER FOR FUNDING FOR "THE ZONE" IN THE AMOUNT OF \$5,000.

Tina Purbeck, Treasurer of Kuna Life Center, requested funding from the City for "The Zone" after school program in the amount of \$10,000 to cover expenses and hire a part-time manager for the year. A huge increase is anticipated when the facility is moved to their new location.

In response to Mayor Obray, Ms. Purbeck stated that current attendance is 75-100 per day.

Mrs. Cook reported that the City budgeted and approved \$5,000 for "The Zone" for fiscal year 2006-07 that has never been used.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to release \$5,000 to the Zone to be paid in the next accounts payable. Motion carried 4-0.

10. LICENSES AND PERMITS:

- A. APPROVED BUSINESS LICENSE – PHILIP MIKELONIS, "DOMINO'S PIZZA," 1027 E. KUNA RD.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the business license for Philip Mikelonis, doing business as "Domino's Pizza," at 1027 E. Kuna Road. Motion carried 4-0.

- B. APPROVED BUSINESS LICENSE – MIKE & SUSIE ELLIOTT, "MIKE ELLIOTT CONSTRUCTION, INC.," 364 W. 4TH ST.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the business license for Mike & Susie Elliott, doing business as "Mike Elliott Construction, Inc." at 364 W. 4th St. Motion carried 4-0.

- C. DENIED REQUEST FOR KENNEL LICENSE – LINDSEY POHLMEIER & RYAN HARTLEY, 1309 W. CRENSHAW.

Moved by Councilman Dowdy, seconded by Councilman Lang to deny the Kennel License for Lindsey Pohlmeier & Ryan Hartley, at 1309 W. Crenshaw as the applicants were not present. Motion carried 4-0.

- D. APPROVED BUSINESS LICENSE – RENEE HARPER/LEANNE BORCHARD, "TREASURE VALLEY BASKETS," 328 E. SNOWY OWL ST.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the business license for Renee Harper/Leanne Borchard, doing business as "Treasure Valley Baskets" at 1175 N. Forty Niner Ave. Motion carried 4-0.

11. OLD BUSINESS:

DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS - ORDINANCE NO. 2006-25 REPEALING CHAPTERS 1 AND 2 OF TITLE 3 OF THE KUNA CITY CODE, DESIGNATING A NEW CHAPTER 1 OF TITLE 3 GOVERNING LICENSES FOR SELLING ALCOHOLIC BEVERAGES IN THE CITY OF KUNA; PROVIDING FOR APPLICATIONS, FEES, OPERATIONAL REGULATIONS, CONDITIONS, HEARINGS REGARDING SUSPENSIONS OR REVOCATIONS, AND CRIMINAL PENALTIES; ADOPTING PROVISIONS FROM TITLE 23, IDAHO CODE; REDESIGNATING KUNA'S ALCOHOL CATERING PERMIT ORDINANCE FROM CHAPTER 2A, TITLE 3 TO CHAPTER 2, TITLE 3; AND PROVIDING FOR AN EFFECTIVE DATE (Revised 6/1/06) (Continued from 5/16/06).

Attorney Grove explained this is an ordinance in its final form repealing Chapters 1 and 2 of Title 3 of the Kuna City Code consolidating them into one chapter for the sale of beer, liquor and wine in the City of Kuna. There are only a few changes: 1) The fee for the change of location (15% of the annual fee); 2) Hours of operation: Beer and wine are restricted from sale between the hours of 2:00 a.m. and 7:00 a.m. with liquor restricted from sale between the hours of 2:00 a.m. and 10:00 a.m. No sale of liquor on Christmas day after 2:00 a.m.

Councilman Cardoza stated that he had been asked by two businesses in the City if we Council would consider another public hearing on the changes to this ordinance.

Mr. Grove stated that if the Council was amenable they could have another hearing on the ordinance.

Councilman Dowdy stated that the only business that showed up to the previous hearing was Mr. Godfrey. The changes the Council has made to the ordinance are relatively minor.

Councilwoman Stroebel was concerned about the wording in the ordinance that prohibits businesses from making improvements to their premises.

Councilman Dowdy reminded the Council that the selling of spirits is the most regulated business in the state.

Mr. Grove suggested a correction 3-1-15-B, second sentence from "an exception granted for any license premise under this section creates rights or entitlement" to "an exception granted for any license premise under this section creates no rights or entitlement."

Councilwoman Stroebel suggested that the ordinance would be much less restrictive if it says "every expansion or change to their premise must come before City Council."

P & Z Director Sanders clarified that a liquor business is a non-conforming business and if they want to expand, it gives the City Council opportunity for that business to come in and present their case for expansion.

Mayor Obray read the Ordinance by title only.

Moved by Councilman Dowdy, seconded by Councilman Lang to dispense with full reading and 3 consecutive readings of Ordinance No. 2006-25. Motion carried 2-2, Mayor Obray voted to continue consideration of the Ordinance.

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt of Ordinance No. 2006-25 with a to 3-1-15D, second sentence to read “an exception granted for any licensed premise under this section creates no rights or entitlement.” Motion carried by the following Roll Call vote:

AYES: Lang, Dowdy,

NOES: Stroebel, Cardoza

ABSENT: None

TIE BREAK: Mayor Obray voted to break the tie and approve adoption of the Ordinance.

12. NEW BUSINESS:

A. PROPOSED RESOLUTION NO. R3-2006 APPROVING A NOTICE OF INTENT TO CREATE A LOCAL IMPROVEMENT DISTRICT (Continued from 5/16/06).

Attorney Grove reported on a meeting held with Jim Keller, Floyd Ayres, Dennis Cabello, Ken Faucett, Keven Shreeve and the Mayo. New interpretations of the law plus engineering changes have delayed approval of the Notice of Intent. Mr. Grove explained:

- Bond portion: Bond counsel’s opinion is that all of the land to be included in the LID has to be annexed before adopting a resolution. Mr. Grove did not see any requirement for that to occur in the code. However, bond counsel is going to have to ultimately issue an opinion on the process and on these bonds to be able to ensure that they are tax exempt and saleable in the market place. The City will have to wait until all the annexations are complete to adopt the resolution and that should be by the middle of July.
- Engineering portion: Calculation of lots to be included in the LID and the remaining unplatted acreage which will generate the number of required EDU connections planned for the area. Displacement of the existing lagoon system which is a major complicating factor. Currently, there are a number of pump stations within the City that are pumping sewage out to the south. Do something with the effluent from the lagoons; how many pump stations to remove from pumping and let them gravity flow to the north.

B. APPROVED CHANGE ORDER NO. 1 FOR THE TOMORROW PUMP STATION PROJECT WITH HILLS CONSTRUCTION INCREASING THE CONTRACT AMOUNT FROM \$326,925.76 TO \$333,542.04.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve change order No. 1 from Hills Construction for the Tomorrow Pump Station project from \$326,925.76 to \$333,542.04. Motion carried 4-0.

C. APPROVED PAY REQUEST NO. 1 FOR THE TOMORROW PUMP STATION PROJECT – HILLS CONSTRUCTION IN THE AMOUNT OF \$77,262.91.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve pay request No. 1 from Hills Construction in the amount of \$77,262.91 for the Tomorrow Pump Station project. Motion carried 4-0.

D. APPROVED PAY REQUEST NO. 4 FOR THE WINTER STORAGE LAGOON - WF CONSTRUCTION AND SALES, LLC IN THE AMOUNT OF \$354,231.98.

Moved by Councilman Cardoza, seconded by Councilman Dowdy to approve pay request No. 4 from WF Construction and Sales, LLC in the amount of \$354,231.98 for the Winter Storage Lagoon. Motion carried 4-0.

E. CONSIDER HIRING AN APPRAISER FOR “THE FARM” PROPERTY IN THE AMOUNT OF \$3,000.

Moved by Councilman Dowdy, seconded by Councilman Lang to authorize the Mayor to retain an appraiser for “The Farm” property in the amount not to exceed \$3,000. Motion carried 4-0.

F. CONSIDER SETTING A DEADLINE FOR APPLICATIONS TO JOIN THE LID.

Mr. Shreeve informed Council the deadline had already passed on this item.

G. APPROVED FINAL PLAT FOR RYAN MEADOWS #3 SUBDIVISION.

Diana Sanders reported that Planning and Zoning reviewed the Final Plat for Ryan Meadows #3 Subdivision and found it to be consistent with the preliminary plat as well as meeting all city requirements.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve the Final Plat for Ryan’s Meadows #3 Subdivision. Motion carried 4-0.

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

A. PUBLIC HEARING:

06-010-AN/REDCLIFF/DEER FLAT-HWY. 69

Diana Sanders, Interim Planning & Zoning Director, gave the staff report and explained that this application is a request to be included in the LID and be annexed with an agricultural zone only. The property is located at Deer Flat-Hwy. 69 and consists of

two parcels totaling approximately 71.703 acres. A comprehensive plan map amendment will be sought after the annexation is completed.

Mayor Obray opened the Public Hearing at 8:50 p.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 8:50 p.m.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve Annexation 06-010-AN/Red Cliff/Deer Flat-Hwy. 69 with Agriculture Zone and participation in the LID. Motion carried 4-0.

B. PUBLIC HEARING:

06-011-AN/SMART/1590 MEADOWVIEW

Mayor Obray opened the Public Hearing at 8:51 p.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 8:51 p.m.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve Annexation 06-011-AN/Smart/1590 Meadowview with Agriculture Zone and participation in the LID. Motion carried 4-0.

C. PUBLIC HEARING:

PROPOSED ORDINANCE NO. 2006-43, AMENDING CHAPTER 1 OF TITLE 5 BY ADDING SECTIN 5-1-5A AND AMENDING CHAPTER 2 OF TITLE 6, SECTION

3 OF THE KUNA CITY CODE TO ADD APPLICATION PROCEDURES FOR ALL ZONING APPLICATIONS AND PROVIDING AN EFFECTIVE DATE.

Mayor Obray read the Ordinance by title only.

Mayor Obray opened the Public Hearing at 8:52 p.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 8:52 p.m.

Moved by Councilman Dowdy, seconded by Councilman Lang to dispense with full reading and 3 consecutive readings of Ordinance No. 2006-43. Motion carried 4-0.

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt Ordinance No. 2006-43. Motion carried by the following Roll Call vote:

AYES: Lang, Dowdy, Stroebel, Cardoza

NOES: None

ABSENT: None

D. PUBLIC HEARING:

PROPOSED ORDINANCE NO. 2006-44, AMENDING CHAPTER 1 OF TITLE 5, SECTION 5-1-5 BY ADDING ARTICLE B OF THE KUNA CITY CODE TO ADD SIGN POSTING PROCEDURES AND PROVIDING AN EFFECTIVE DATE.

Mayor Obray read the Ordinance by title only.

Mayor Obray opened the Public Hearing at 9:00 p.m.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

None

There being no public testimony offered, Mayor O Bray closed the Public Hearing at 9:00 p.m.

Moved by Councilman Dowdy, seconded by Councilman Lang to dispense with full reading and 3 consecutive readings of Ordinance No. 2006-44. Motion carried 4-0.

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt Ordinance No. 2006-44. Motion carried by the following Roll Call vote:

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

13. REPORTS:

P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS – Mrs. Sanders reported that there were 76 building permits for the month of May with 42 new residentials (2,234 avg. SF – price \$201,242), 1 commercial building permit. A fee increase will be placed on the July 5th agenda. The P & Z Department looked at several cities plus the county’s fees to compare our fees and found the City was low on all of its fees. Some items that staff has been processing that the department is not being paid for will be included in those fees.

A few property owners would like to annex into the City and create 1-acre subdivisions. Mrs. Sanders wanted to know if Council would support these annexations. Council stated that they would look at them.

CITY ENGINEER / KEVEN SHREEVE – Mr. Shreeve discussed the scope of duties requested of him by the City.

Mr. Shreeve announced that a meeting will be held with the YMCA on June 8 to organize a “Blue Ribbon Committee” to generate funds and reach out and check interest in the community.

On June 9th, a meeting will be held the ACHD and Union Pacific Railroad to discuss an overpass.

An LID workshop is scheduled for June 21 and all LID participants have been invited to discuss the financing. Presenters will be Keller Associates and the city’s financial consultant.

CITY ATTORNEY / RANDY GROVE – Attorney Grove reported that Ordinance 2006-25 should be corrected in Section 3-1-18, second to the last sentence from “50%” to “15%.”

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt Ordinance No.2006-25 amending Section 3-1-18 in the 2nd from the last sentence to read 15% instead of 50%. Motion carried 4-0.

CITY CLERK / LYNDA BURGESS – Suggested reduction in the size of City Council agendas by use of a “Consent Agenda” wherein routine items may be approved in one motion.

14. APPROVED FINDINGS OF FACTS & CONCLUSIONS OF LAW:

- A. 06-05-AN/SMITH/610 W. COLUMBIA RD.
- B. 06-06-AN/MURPHY/SOUTH SCHOOL AVE.
- C. 06-07-AN/FREDERICKS/8680 S. BLACK CAT RD.
- D. 06-08-AN/GORDON/1206 BLACK CAT RD.
- E. 06-09-AN/LEE/HIGHWAY 69

Moved by Councilman Dowdy, seconded by Councilman Lang to approve items A – E.
Motion carried 4-0.

9.A. PRESENTATION BY ALLEN GAMEL REGARDING “KUNA DAYS.”

Allen Gamel, Kuna Days Chairman, asked to move the location of the Kuna Days Street Dance from Main Street to Sandstone Plaza. Mr. Gamel also asked for a catering permit to be issued to Larry Hansen and create an enterprise zone to be agendized for June 20, 2006.

15. ORDINANCES :

Moved by Councilman Lang, seconded by Councilman Dowdy to dispense with full reading and 3 consecutive readings of Ordinances Item 15 A-G. Motion carried 4-0.

Moved by Councilman Dowdy, seconded by Councilman Lang to adopt Ordinances 15 A-G.
Motion carried by the following Roll Call vote:

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

- A. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE 2006-36 ANNEXING A PORTION FROM THE BOISE KUNA
IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM –
KELLEHER SUBDIVISION I.
- B. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE 2006-37 ANNEXING A PORTION FROM THE BOISE KUNA
IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM – RYAN
MEADOWS SUBDIVISION 3.

- C. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE NO. 2006-38 ANNEXING PARCEL NUMBER R6961010010, SOO W.
LEE.
- D. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE NO. 2006-39 ANNEXING PARCEL NUMBER S1301438810, SMITH
PROPERTIES, LLC.
- E. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE NO. 2006-40 ANNEXING PARCEL NUMBER R5070500080, LEO J.
AND DARCEL A. MURPHY.
- F. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE NO. 2006-41 ANNEXING PARCEL NUMBER S1310233603, JERRY
FREDERICKS.
- G. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE NO. 2006-42 ANNEXING PARCEL NUMBERS S1322223400,
S1322223010, S1322244275, S1322325605 AND S132232560, TIMOTHY W. AND
BELINDA S. GORDON.

16. MAYOR / COUNCIL DISCUSSION:

Mayor Obray reminded Council that the Council meeting in July falls on the 4th so it will be moved to July 5th.

Mayor Obray requested City staff holiday on July 3rd.

Mayor Obray will be away at the AIC conference in Lewiston next week.

17. ANNOUNCEMENTS:

18. EXECUTIVE SESSION:

Adjourned to Executive Session at 11:11 p.m.

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

19. ADJOURNMENT

There being no further business to conduct, moved by Councilman Dowdy, seconded by Councilman Lang to adjourn the meeting at 11:11 p.m. Motion carried 4-0.

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: July 5, 2006