

**KUNA CITY COUNCIL MEETING  
MINUTES  
AUGUST 1, 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**

Council President Jeffery Lang called the Regular Meeting to order at 7:09 p.m.

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

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

**2. INVOCATION** – Not given.

**3. PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Council President Lang.

**4. CONSENT AGENDA:**

**SUGGESTED CHANGES TO THE AGENDA:**

Council President Lang requested that Item No. 4.B., Accounts Payable, add Idaho Power \$21,661.00 and Appraisal West \$2,900.00 for appraisal on the Sewer Farm brings the total to \$263,044.59. Item 4.D. add bonding for the School House Subdivision Letter of Credit in the amount \$52,250.00. Bonding for landscaping of Creekside Lounge in the amount of \$1,204.50.

Council President Lang requested that Item No.8.5., Citizen Report, add Allen Gamel – Kuna Days.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to amend 4.B. accounts payable by adding the bill for Idaho Power for power in the greenbelt in the amount of \$21,661.00 and Appraisal West \$2,900.00 for appraisal on the Sewer Farm bringing the total for accounts payable to \$263,044.59 and we amend 4.D. to add performance bond for School House Subdivision \$52,250.00 and Creekside Lounge \$1,204.50. Motion carried 4-0.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to amend Item No. 8.5., Citizen Reports, add Allen Gamel – Kuna Days. Motion carried. 4-0.

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- A. APPROVE MINUTES –
1. Special City Council Meeting of June 9, 2006.
  2. Budget Meeting of July 5, 2006
  3. Regular City Council Meeting of July 5, 2006
  4. Budget Meeting of July 7, 2006
  5. Special City Council Meeting of July 12, 2006
- B. APPROVE ACCOUNTS PAYABLE - Dated August 2, 2006 in the amount of \$238,483.59. Add Idaho Power \$21,661.00 and Appraisal West \$2,900.00 for the Farm for a total Accounts Payable amount of \$263,044.59.
- C. APPROVE PAY REQUEST NO. 6 IN THE AMOUNT OF \$84,912.90 FOR WF CONSTRUCTION & SALES, LLC, FOR A TOTAL CONTRACT AMOUNT TO DATE OF \$1,105,989.54 FOR THE WINTER STORAGE LAGOON.
- D. APPROVE PERFORMANCE BOND FOR FAMILY DOLLAR STORE IN THE AMOUNT OF \$7,485. Add bond for \$52,250.00 for Schoolhouse Subdivision Letter of Credit and bond for \$1,204.50 for Creekside Lounge landscaping.
- E. APPROVE ELECTRONIC SERVICE AGREEMENT AND ACH ORIGINATION SERVICES ADDENDUM FOR BANKING SERVICES PROVIDED BY FARMERS AND MERCHANTS BANK VIA BANK OF THE CASCADES.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the Consent Agenda. Motion carried 3-0-1. (Councilman Cardoza voted no).

## 5. FIRE DISTRICT REPORT

Chief Rosin reported that the Fire District set records last month the City had 211 calls for the month of July—a year ago it was 91 and that also set records in 2005. 67 calls inside City limits and 44 outside, 69 were medically-related and 42 were fire calls. We are 54 calls ahead of last year.

Councilman Cardoza asked if any of the staff of the Kuna Fire District were trained in hazmat. Chief Rosin stated all of our firefighters are trained for that awareness level for hazmat; Chief Rosin is a Hazmat Technician. Best Bath is great to work with they have gone above and beyond what we required of them for off-loading any hazardous material. They have come up with ideas to enclose an area for off-loading their products. They have done everything the Fire District and I have requested them to do. Councilman Cardoza asked: What is the response time for a Hazmat Team to come from Boise? Chief Rosen responded: At least 15 minutes. The chemicals that we are dealing with at Best Bath is far less hazardous than what goes up and down this railroad track many times a day.

Councilman Dowdy asked: Chief do you have any concerns about what is going on at Best Bath with regards to their business practices? Chief Rosen responded: That he has had a couple of complaints that he has checked out at Best Bath. They had some 55 gallon drums

that were out back that neighbors were concerned about and they were all empty and cleaned out the way they were suppose to be. They were setting outside the building waiting for someone to pick them up and dispose of them.

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

Errol Morgan reported that the signal is active at Deer Flat & Hwy 69. Mayor Obray requested ACHD look into a safety issue for the need of a sidewalk on the west side of Linder. Council President Lang asked Mr. Morgan is there a way to add a crosswalk at Stonegate Subdivision for children to cross. Mr. Morgan stated he did not see a problem with putting in a crosswalk at that site. Councilman Cardoza asked Mr. Morgan when Kuna will get back on ACHD's schedule for street sweeping. Mr. Morgan responded: He estimated three weeks. Councilman Dowdy asked there is a right of way/drainage issue on Avenue D/Main near Kuna Copy? Mr. Morgan was not aware of the issue, but will look into it.

## **7. OLD BUSINESS:**

### **A. REVIEW COMMERCIAL WATER AND SEWER USER EQUITY AND DETERMINE HOW TO CHARGE (CONTINUED FROM 7/18/06).**

Keven Shreeve explained that a commercial business when they consume water, because there is very little landscaping, it is presumed that 100% of their water goes into the sewer. Residential there is a percentage that does not go into the sewer due to landscaping. The two alternatives were attempts to 1) equalize the service that the City is providing be it water and or sewer so that revenue is realized and that the City is not losing money on the services provided to commercial users. 2) In an attempt to try to treat residents equal to what they are using. What is presented before you is for you to look and decide how to charge these commercial businesses. This can be a tough decision because definitely there will be significant increases for some of the businesses. Either you give them the equivalent EDU's or you give them the minimum EDU's and charge them on a per use rate.

Colleen Cook requested that Council make the policy of what is standard and how you want the water bill figured. We will then charge every commercial business by this policy. Then it will be equitable for all businesses in the City.

Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to create a third alternative with water rates from alternative 1 and sewer from alternative 2 and continued to August 15, 2006 City Council meeting. Motion carried 4-0.

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

### **1. MELISSA TILLMAN REGARDING THE WATER CONSUMPTION ALLOWANCE.**

Ms. Tillman stated that she was shocked when she got her water bill with the new rates. Dropping usage from 20,000 gallons a month to 7,000 gallons is too extreme. Could

you increase the cap to 10,000 gallons?

Councilman Dowdy stated that the 7,000 cap was set by our engineering staff and it was based on the dollars the City needs to have in order for the system to maintain itself, staff, etc. Council chose the 7,000 gallon cap options because it was our engineering firm's recommendation that this was the figure that would allow the water system to pay for itself and not have to rob other funds continually to pay for operation, maintenance and replacement. If we raised the cap to 10,000 gallons you would have to pay a higher dollar amount such as \$18.00 instead of the \$17.00 amount you pay now.

Keven Shreeve expanded on this explanation by stating that there are three components to any system. 1) Current capital expenses, 2) Maintenance and 3) Operations and future expansion. A projection was made accounting for all of those expenses and once we had accounted for all those expenses to maintain the system and allow for improvements that gave us the fee to charge our customers. The City has to make X amount of dollars to come up with these expenses. To maintain the 20,000 cap of usage you would have to increase that fee for water to make the income offset the expense.

Council instructed that this agenda item be placed on the August 15, 2006 to revisit.

2. PRESENTATION BY KELLI FAIRLESS, VALLEY REGIONAL TRANSIT REGARDING THE REGIONAL PUBLIC TRANSPORTATION PLAN.

Kelli Fairless presented the Council with plans they have for the Treasure Valley and particularly Kuna for Valley Transit. Ms. Fairless requested Kuna participate in funding and involvement in the long-term plan for transportation of its community.

Valley Regional has been involved with leaders in the community to try to identify a long term fund for transportation and the direction the regional plan will head in the future. The coalition for public transportation started back in November and they were formed through the efforts of business leaders in the community. These business leaders started out trying to get educated on public transportation and then they joined local officials to look at other regions that were successful in funding their systems and matching that with the plans for public transportation in our region: Three questions that the coalition were to answer: 1) Is the current transportation system sustainable. With the growth in the Valley--are we able to maintain a good transportation system. 2) Is there a future for public transportation in the region? 3) If there is, how should it be funded?

Under the Regional Plan services Kuna has a bus slated to be in and out of the City every 2 hours. The long range funding is done through the Compass "Community's in Motion" plan it shows that land uses are changing and that we are integrating more jobs where people live that will change how people may travel. They looked at regions that have grown to where we will be in twenty years and they all have a solid transit systems that has dedicated funding for the system. Where the investments were made in public transportation they not only met expectations of rider ship, but exceeded them. Ada and

Canyon County are far behind regions of similar in size and far behind of where we need to be in order to meet the growth of the Valley.

The coalition recommends that to fund the transit system they will need a local option sales tax, put on the ballot by the Regional Authority. They will have to have approved plans that have lots of public input to be able to place it on the November even year ballot to assure high voter turn out to acquire a simple majority.

Ms. Fairless asked Council if they would consider the coalition's recommendations and requested passing a resolution supporting a local option sales tax to fund the transit system.

3. PRESENTATION BY SGT. JOHN LARAWAY REGARDING DESIGN FOR A NEW KUNA POLICE PATCH.

Sergeant Laraway requested that Council consider changing the patches on our uniforms. Reason for this change is so the community will start looking at us more as part of the community and when we go out on calls it will separate us from the Ada County Deputies that help us on those calls.

Council's consensus was to replace patch at Ada County's expense.

4. PROCLAIMING "PACK THE TRACK, RACING AGAINST HUNGER DAYS" AUGUST 9-11, 2006.

President Jeff Lang read a proclamation for a plea from the Boise Rescue Mission that the demand for food at their Pantry and the Feed Center is up 100% from last year due to high fuel costs and demands for goods and services we proclaim August 9-11, 2006 "Pack the Track, Racing against Hunger Days".

5. ALLEN GAMEL – KUNA DAYS.

Mr. Gamel came before Council to update them on the Kuna Days celebration plans:

Vendors in the park – lunch in the park at noon

Friday:

Barbeque at 6:00 p.m. and then fireworks

Saturday:

Pancake breakfast with Scouts 7:00 a.m.

5K run

Kids carnival 9:00 a.m.

Parade 11:00 a.m.

Street Dance

Council's donations went to fireworks, sanitation, kid's carnival, signage, advertising, info booth, and power for Kuna Days, street sweeping and security.

Councilman Dowdy stated that there was one issue he was concerned about. When Council approved the catering permit for Mr. Hansen's business for the street dance it was promoted as a street dance. In reading a flyer that came in the mail I found out that he has also scheduled other events, one being extreme fighting. I don't think the catering of alcohol mixes well with that kind of an atmosphere. He has taken the liberty to put in events that have been turned down in the past by the Council. When Council approves these catering permits they are based upon the circumstances that are requested. When circumstances are changed after the permit has been granted the Council could choose to revoke the catering permit.

Mr. Gamel responded that they would just serve alcohol on the dance side. We believe that the extreme fighting is a good event and we think it is well managed. There will be 12 foot fences around the fight so unless you pay to get in the community will not view the fight. There will be security provided around the event at all times.

## **9. LICENSES AND PERMITS:**

APPROVE BUSINESS LICENSE – "FAMILY DOLLAR," 349 E. AVALON.

Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to approve the business license for Brandi Driver, doing business as "Family Dollar," at 349 E. Avalon Road. Motion carried 4-0.

## **10. NEW BUSINESS:**

**RECESS:** Council President Lang recessed the meeting at 8:45 p.m.

**RECONVENE:** Council President Lang reconvened the meeting at 8:52 p.m.

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

### **A. PUBLIC HEARING:**

#### **06-01-CPA – COMPREHENSIVE PLAN MAP AMENDMENT**

Diana Sanders, Interim Planning & Zoning Director, reported that Planning and Zoning had several requests for Comprehensive Plan Map amendments at the same time. The addition of ½-mile north of Columbia up to Lake Hazel which does not have a current designation in the current adopted plan. With the annexation of some properties in that area it is important to include them in the Comprehensive Plan Map amendment so that we could identify what the City's plans would be in the future for those properties.

The recommended changes to the Comprehensive Plan Map are as follows: 1) Corner of Lake Hazel and Ten Mile in the future becoming commercial. Lake Hazel is slated for a five-lane road and Ten Mile going to a possible connector. Higher density around commercial properties and then transitioning out to the medium and lower density. 2) Sewer treatment plant site on the east side of Ten Mile needs to be zoned public.

Putting the higher density around the public zone and then transitioning out to the medium density to the east of the plant. 3) Ten Mile and Columbia Road some commercial. 4) Linder Road at the corner of Columbia Road making that corner commercial and then some medium density and higher density to the east and transition back into some medium density. 5) At the corner of Meridian Road and Columbia being commercial. 6) Hubbard Road and Linder Road southeast side of the road would be commercial. 7) Meridian Road and Meadow View on the corner and have higher density around that commercial property. 8) Linder Road north of Boise Road central business district with some medium density. (This would be the start of a larger downtown area). 9) Linder Road south of Stage Coach Road currently zoned recreational areas, recommended medium density (4-6 units per acre). 10) Swan Falls Road there is a cone shaped piece that would be zoned industrial. 11) King Road triangle that is zoned industrial change to medium density residential. 12) Kuna Mora Road which would take in the sewer lagoons zoned medium density residential.

Planning and Zoning Commissions recommendations on the proposed zoning changes: 1) only commercial on Highway 69. 2) Meadow View Rd. commercial zone and place high density behind it. 3) Property north of Columbia Road change it to be commercial zoning along Hwy 69 with high density to the west.

Council President Lang opened the Public Hearing.

Speakers in support of application:

Ralph Melon, 4500 Tumbleweed Lane, Boise, stated that he owned 36 acres west of the corner of Linder and Boise Although I do not know the specifics of the proposed central business district, it seems that the proposed district is an opportunity to improve upon the existing center of Kuna expanding it to a center that has a larger roll which is appropriate for a growing community. I want a nice facility and I believe it is needed in this growing community. I have contacted the Land Group that built the Gosgrove and Elk Garden in Eagle and I was quite impressed with the structures and I want a similar structure on my property.

Speakers opposed to application:

Rob Hagett, Red Cliff Development, 787 E. 5th St., Eagle – On the southwest corner of Highway 69 we are in agreement with recommendation of staff as to a portion of the property being zoned commercial. Planning and Zoning Commission recommendation is that all property along Highway 69 be zoned commercial. We do not agree with the recommendation that the whole 72 acre piece of our property bordering Highway 69 be zoned commercial; I believe that Kuna is just not ready for all of the acreage to be zoned commercial at this point in time. We request that the 72 acres be considered for mixed use.

Neutral Speakers:

None.

There being no further testimony offered, Council President Lang closed the Public Hearing.

Councilwoman Stroebel stated that she was concerned about the amount of commercial along the Highway 69 corridor. I would like some mixed use, some commercial, and some residential behind high berms with attractive landscaping.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to adopt the comprehensive plan map amendment as amended by Council. Motion carried 4-0.

**B. PUBLIC HEARING:**

**APPLEWOOD MASTER PLAN AND 06-03-S PRELIMINARY PLAT**

Ms. Sanders, Interim Planning and Zoning Director, explained to Council that these are actually two separate applications One is the master required in the development agreement for the developer to provide before bringing the preliminary plat before Council. What I would like to do is go over the master plan and then go over the preliminary plat for Applewood I & II. You will need to make your decision on the master plan first. We have not received ACHD's traffic report for the preliminary plat; which gives us some concern. ACHD has promised to have the report completed by August 11, 2006. Ms. Sanders recommended opening the public hearing and listening to the preliminary plat, but continue your decision until the ACHD traffic study is completed.

Council President Lang opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

None.

Neutral Speakers:

None.

There being no testimony offered, Council President Lang closed the Public Hearing.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to table the public hearing of the Applewood Master Plan and preliminary plat to the August 15, 2006 Council meeting. Motion carried 4-0.

**C. PUBLIC HEARING:**

**06-01-ZC REZONE/06-04-DA DEVELOPMENT AGREEMENT/06-04-S  
PRELIMINARY PLAT/PAWNEE CREEK/DEERFLAT ROAD**

Ms. Bachman, Planner, gave the staff report and explained that the application is a request for preliminary plat and rezone with a development agreement for 41 single

family lots on approximately 12.98 acres on the south side of Deer Flat Road between Ten Mile and Black Cat Road.

Council President Lang opened the Public Hearing.

Gavin King 3921 S. Naples, Meridian, applicant stated that the conditions for the preliminary plat have been presented by Ms. Bachman.

Speakers in support of application:

None.

Speakers opposed to application:

None.

Neutral Speakers:

None.

There being no testimony offered, Council President Lang closed the Public Hearing.

Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to approve 06-01-ZC rezone, 06-04-DA development agreement and 06-04-S preliminary plat with the zoning request of R-6 to follow staff recommendations and the path between lot 13 and 14, block 4 for Pawnee Creek. Motion carried 4-0.

## **12. REPORTS:**

P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS. Code Enforcement did a site check at the Willow Glen II Subdivision playground area and found that there was some homemade playground equipment that had been placed on the common area. Ms. Sanders does not feel it is appropriate playground equipment for a subdivision and asked that Council give her direction on whether to accept it or require the developer to put in more appropriate equipment. Monkey bars are all rusted; they are homemade with large welds. They have put up three swings. If you go to Chapparosa, Calico Creek, any of the subdivisions that have small playground areas, their equipment is purchased from a playground equipment company. I did not sign-off on the final plat for this subdivision because of this playground equipment and also because I envisioned the homeowners coming to the City and asking why we allowed the developer to put this type of equipment in the common area.

Carl Porter, 6081 Highway 52, stated he was representing the developers Tim and Julie Shelhorn of Willow Glen II Subdivision. The Shelhorn's do have insurance on the playground equipment that is in place. They do have every intention of painting the monkey bars and they will be adding more equipment to the playground. Does your zoning ordinance stipulate what should be installed in subdivision playgrounds?

Ms. Sanders responded there are state standards for playground equipment for public use.

Council agreed that the playground equipment added by developer is not appropriate.

Ms. Sanders reported that there were 41 building permits for the month of June, 18 residential (2,188 avg. SF – price \$208,201) and 3 commercial building permits. There were 20 building permits for the month of July, 5 residential (2,444 avg. SF – price \$188,288).

CITY ENGINEER / KEVEN SHREEVE - Keven Shreeve explained that the engineering work presented in his budget proposal was structured two ways: City engineering related work and other services per the agreement I have with the City. My original budget proposal included hired personnel and I backed that amount out of my proposal. The treatment plant project I have proposed to manage (scheduling, budget, check on contractor and Keller, recreation district coordination, LID and assessment) for the City. The normal fee for that management is 1-1/2% of the budgeted amount of the project. When it goes to contract, Keller will be the quality control engineer.

Councilman Dowdy clarified that Mr. Shreeve's proposal is \$17,800 per month to manage the project? Shreeve answered: Correct. Councilman Dowdy stated that the City can't pay you \$213,000.00 per year.

Councilwoman Stroebel asked Council who they proposed to do all the liaison work above and beyond the city engineering employment duties. There was no offered solution.

Councilman Cardoza I would like to see some way of keeping the momentum up on some of these PR projects such as (LID, recreation district, YMCA, etc) results have been very worthwhile to the City. I feel we need someone of Mr. Shreeve's caliber to Shepard these projects onto completion.

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel that the City accept the contract from Shreeve and Associates of July 27, 2006 with the understanding that the \$123,600.00 a year would not come into play until the LID has been completed and those funds are available and the \$90,000 engineering fees would come out to the City budget October 1, 2006 to September 30, 2007. Motion failed by the following Roll Call vote:

AYES:           Stroebel, Cardoza  
NOES:           Lang, Dowdy  
ABSENT:        Mayor Obay

Mr. Shreeve asked for clarification from Council as to how he is to perform his duties until a decision is made concerning this budget item. He is interfacing on recreational district, overpass with ACHD, LID (a lot time is spent in that capacity), and I do not want to be accused of over billing the City doing work that I am not authorized to perform. Councilman Cardoza replied that he should do the duties of a contracted City engineer.

Mr. Shreeve reported that he had attended the LID bank financing meeting today and that went very well.

CITY ATTORNEY / RANDY GROVE – The tour that Ms. Sanders and Mr. Shreeve went on with the Boise Project in reviewing waterways in Kuna and the various ways that landscaping has evolved and pathway in those communities was a follow-up to a meeting. There was a frank discussion about what they would like see in the City and what they think the City should be requiring of development as far as a drainage plan in the City to ensure that a comprehensive drainage plan is in place. There was also discussion concerning some of the limitations that the Boise Project has of taking storm water and waste water from the City. The irrigation districts are water distribution systems they don't get bigger as they go further down the line. Drainage systems are collection systems and they get bigger the further you get down stream. That is why they really can't take our water because they really have no mechanism for distributing the water if they have too much.

We as a City need to spend more time dealing with the distribution or the collection of storm waters and other situations. The hard part is trying to implement such an ordinance to my knowledge there are very few cities that have implemented an ordinance such as this, at least locally.

CITY CLERK / LYNDA BURGESS – None.

**13. ORDINANCES :**

**14. MAYOR / COUNCIL DISCUSSION:**

**15. ANNOUNCEMENTS:**

JOINT MEETING WITH ACHD, SEPTEMBER 12, 2006, 12 NOON, FIESTA GUADALAJARA. SUBMIT TOPICS FOR DISCUSSION TO CITY CLERK.

**16. EXECUTIVE SESSION:**

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to adjourn to Executive Session per Idaho Code 67-2345f regarding potential litigation. Motion carried 4-0. Adjourned to Executive Session at 11:35 p.m.

Reconvened Regular Council Meeting at 12:25 p.m.

**17. ADJOURNMENT**

There being no further business to conduct the meeting was adjourned at 12:25 p.m.

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O. Dean Obray, Mayor

ATTEST:

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Lynda Burgess, City Clerk

DATE APPROVED: September 5, 2006