

**KUNA CITY COUNCIL MEETING**  
**MINUTES**  
**AUGUST 15, 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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**6:30 p.m. – EXECUTIVE SESSION**

**CALL TO ORDER AND ROLL CALL**

Mayor Dean Obray called the Executive Session to order at 6:45 p.m.

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

Moved by Councilman Dowdy, seconded by Councilman Lang to adjourn to Executive Session per Idaho Code 67-2345f regarding potential litigation. Motion carried 4-0. Adjourned to Executive Session at 6:45 p.m.

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

Mayor Dean Obray called the Regular Meeting to order at 7:06 p.m.

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

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; Interim Planning & Zoning Director Diana Sanders and Planner Molly Smith.

**2. INVOCATION -** The invocation was given by Pastor Dale Foote, Cool Springs Community Church.

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

**4. CONSENT AGENDA:**

**A. APPROVE MINUTES –**

1. SPECIAL CITY COUNCIL MEETING OF JULY 18, 2006
2. REGULAR CITY COUNCIL MEETING OF JULY 18, 2006
3. SPECIAL CITY COUNCIL MEETING OF JULY 25, 2006

4. SPECIAL CITY COUNCIL MEETING OF JULY 26, 2006
  5. SPECIAL CITY COUNCIL MEETING OF JULY 31, 2006
- B. APPROVE ACCOUNTS PAYABLE - Dated August 15, 2006 in the amount of \$171,930.48.
- C. RECEIVE AND FILE FINANCIAL REPORTS DATED JULY 31, 2006 (copies previously distributed to City Council).
- D. APPROVE FINDINGS OF FACTS & CONCLUSIONS OF LAW:
1. 06-01-CPA COMPREHENSIVE PLAN MAP AMENDMENT
  2. 06-01-ZC REZONE/06-04-DA DEVELOPMENT AGREEMENT/06-04-S PRELIMINARY PLAT/ PAWNEE CREEK, DEER FLAT ROAD
- E. APPROVE AGREEMENT WITH THE LAW OFFICES OF SKINNER FAWCETT FOR BOND COUNSEL SERVICES FOR LOCAL IMPROVEMENT DISTRICT BONDS.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the Consent Agenda. Motion carried by the following Roll Call vote:

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

## **5. SHERIFF MONTHLY REPORT**

Sergeant Laraway presented overpass information of accidents over the last three years that have occurred by the railroad tracks and risks without an overpass.

Kuna Days report: There were 53 calls generated by the festival.

Presented the Statistical Report for July 2006 and pointed out the highlights and trends of the report. There were 748 calls for service compared to last month's calls of 715.

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

Errol Morgan reported that they have contacted the property owner to ask for some right-of-way to put in a temporary asphalt pathway for school children near Stonegate Subdivision.

Councilman Dowdy informed Mr. Morgan that there is a drainage issue in the Deerhorn Subdivision, it has flooded again.

Mayor Obray thanked ACHD for the traffic light installation at Deer Flat and Highway 69 which has eliminated a large fraction of public complaints. Thanked ACHD for the new

Kuna population sign.

### **SUGGESTED CHANGES TO THE AGENDA:**

Mayor Obray requested that Item No. 9.Licenses and Permits, 9D., E., F., G., and Item No.10. New Business, 10.D., E. be added to the agenda.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to amend the agenda adding Item No. 9D. Approve business license – Katie Anderson, “Miss Katie’s ABC’S,” 1876 W. Mulhuland Ct., Item No. 9E. Approve business license – Cassandra L. Jones and Barbara A. Jones, “Ideal Decorators,” 333 Ave. C, Suite 3, Item No. 9F. Approve beer/wine license – Salvador Juarez, “Fiesta Guadalajara,” 780 E. Avalon, Item No. 9G. Approve sale of liquor by the drink license - W.R. Godfrey, “Creekside Kuna LLC,” 751 4<sup>TH</sup> St. and Item No. 10D. Consider helping the Seniors install an automatic door for handicapped individuals at the Senior Citizen’s Center, 10E. Consider a 2-year contract for a sewer farm contractor. Motion carried 4-0.

### **7. OLD BUSINESS:**

#### **A. REVIEW COMMERCIAL WATER AND SEWER USER EQUITY AND DETERMINE HOW TO CHARGE (CONTINUED FROM 8/1/06).**

Keven Shreeve stated that at the August 1, 2006 meeting Councilwoman Stroebel wanted the water based on usage and sewer based on EDU’s as a mix of the two options. Moved by Councilman Dowdy, seconded Councilwoman Stroebel adopt alternative #3 as a charging fee for water and sewer EDU’s for the commercial entities in the City of Kuna and direct staff to implement those fees immediately. Motion carried 4-0.

#### **B. CONSIDER AMENDING RESOLUTION NO. R2A-2006 SETTING DOMESTIC WATER RATES AND SEWER USER FEES.**

Moved by Councilman Dowdy, seconded by Councilman Lang to table Item 7B. amended Resolution No R2A-2006 to the September 5, 2006 City Council meeting to allow time for the City Attorney to bring back an amended resolution that reflects the changes on the attachment. Motion carried 4-0.

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

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

#### **A. APPROVE BUSINESS LICENSE – W.R. GODFREY, “CREEKSIDE KUNA, INC.,” 751 4<sup>TH</sup> ST.**

Moved by Councilman Cardoza, seconded by Councilwoman Stroebel to approve the business license for W. R. Godfrey, doing business as “Creekside Kuna, Inc.,” at 751 4<sup>th</sup> St. Motion carried 4-0.

- B. APPROVE BUSINESS LICENSE – DONNA M. NEVERS, “D.D.D., DONNA’S DESIGNATED DRIVERS,” 488 MARTEESON DR.

Councilman Dowdy stated that he would like to see an ordinance in place that deals with this type of business (essentially taxi service) before approving the business license of Donna M. Nevers.

Moved by Councilman Dowdy, seconded by Councilman Lang to table the application for business license for Donna M. Nevers, doing business as “D.D.D., Donna’s Designated Drivers” to allow time for the City Attorney to propose a draft ordinance for City Council meeting on September 19, 2005. Motion carried 4-0.

- C. APPROVE TRANSFER OF LIQUOR LICENSE – JERRY FORREY, “4 E’S BAR, LLC,” 379 MAIN ST.

Mayor Obray clarified that Mr. Forrey is not asking to move the license he is asking for a name change for the business.

Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to approve the transfer of liquor license to Jerry Forrey, doing business as “4E’s Bar, LLC”, at 379 Main St. Motion carried 4-0.

- D. APPROVE BUSINESS LICENSE – KATIE ANDERSON, “MISS KATIE’S ABC’S,” 1876 W. MULHULAND CT.

Moved by Councilwoman Stroebel, seconded Councilman Lang to table the application for business license for Katie Anderson, doing business as “Miss Katie’s ABC’s” until the special use permit is approved Council will reconsider at the October 3, 2006 meeting. Motion carried 4-0.

- E. APPROVE BUSINESS LICENSE – CASSANDRA L. JONES AND BARBARA A. JONES, “IDEAL DECORATORS,” 333 AVE. C, SUITE 3.

Moved by Councilman Dowdy, seconded by Councilman Lang to table the business license for Cassandra L. Jones, doing business as “Barbara A. Jones, Ideal Decorators” until the September 5, 2006 Council meeting. Motion carried 4-0.

- F. APPROVE BEER/WINE LICENSE – SALVADOR JUAREZ, “FIESTA GUADALAJARA,” 780 E. AVALON.

Moved by Councilman Lang, seconded by Councilman Dowdy to approve the beer/wine license for Salvador Juarez, doing business as “Fiesta Guadalajara” at 780 E. Avalon. Motion carried 4-0.

- G. APPROVE SALE OF LIQUOR BY THE DRINK LICENSE – W.R. GODFREY, “CREEKSIDE KUNA LLC,” 751 4<sup>TH</sup> STREET.

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Moved by Councilwoman Stroebel, seconded by Councilman Cardoza to approve the sale of liquor by the drink licenses for W. R. Godfrey, doing business as "Creekside Kuna LLC," at 751 4<sup>th</sup> Street. Motion carried 4-0.

**10. NEW BUSINESS:**

- A. ~~ADOPT RESOLUTION NO. R7-R6-2006~~ DECLARING THE INTENTION OF THE CITY COUNCIL TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 2006-1 FOR CONSTRUCTING IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT SYSTEM AND SETTING A PUBLIC HEARING FOR SEPTEMBER 5, 2006.

City Attorney Randy Grove instructed Council that the resolution number is incorrect on the agenda it should read R6-2006. This is a resolution that has been reviewed by the attorneys at Skinner Fawcett our selected bond council and this is the form they approved.

The project amount that can be assessed against the property is the total cost of the project, which is \$30,000,000. The EDU connections that this amount would cover is 853. It creates an assessment per EDU of \$3,500-\$3,600 the revenue stream that Mr. Aires has been considering is \$4,200 per connection. In addition to the notices that will be sent out to all the property owners within the district, would be an additional letter informing them that the \$3,600 assessment does not cover all of the sewer connection fee, that it is only a portion of the fee. Planning and Zoning will still collect at the time of proposed construction its normal sewer connection fee minus LID assessment on the property.

Moved by Councilman Dowdy, seconded by Councilman Lang to adopt Resolution R6-2006 declaring the intention of the City Council to create a Local Improvement District No. 2006-1 for constructing improvements to the City's wastewater treatment system; providing the kind and character of the proposed improvements; describing the boundaries of, and the properties to be benefited by, the proposed district; providing that the total estimated costs and expenses of said improvements are to be assessed against the lands benefited by said improvements; providing the method by which costs and expenses of the improvements assessable are to be paid; fixing a time in which protests against said improvements, or the creation of said proposed district, may be filed in the office of City Clerk; fixing a time when such protests shall be heard and considered by the Council; and providing an effective date. Motion carried 4-0.

- B. CONSIDER CANCELLATION OF CURRENT CONTRACT FOR CITY ENGINEERING SERVICES WITH SHREEVE AND ASSOCIATES.

Mayor Obray stated for the record that the consideration we have before us for cancellation of Mr. Shreeve's contract has nothing to do with job performance, in fact, quite the contrary. As far as I am concerned the work he has done for the City of Kuna has been exemplary and I would give any future venture a letter of referral from my

Office. The only question I have is the amount of the contract for 2006-07, which I personally feel is excessive to the City's finances.

Mr. Cardoza asked to clarify that the proposed fee that the City Engineer is requesting is in the budget. The other work that he is requesting payment for would be covered by the fees that would be assessed against the general development. As far as being excessive I am not sure that his fees are excessive for a civil engineer. I think the day will come that this City Council will regret allowing this City Engineer to leave its employ.

Councilwoman Stroebel stated a lot of the fees will be covered by the LID or be recouped by development and the amount of work and the momentum we have received from Mr. Shreeve has made the City what it is at this point.

Mayor Obray stated that he agreed with Councilwoman Stroebel's except for the point of the additional fees. Any passed through costs that will come to the City because of his services have already been budgeted as income and spent as expenditures on 2005-06 budget. Therefore, there are no pass through costs that have not already been allocated to some use. Anytime we add any item to the LID the cost of the LID goes up. The LID is a permanent fixed amount that we can collect from a developer so anything above that will be added to the City's expenses, not a pass through cost but an expense to the City.

Councilman Dowdy stated that the only way the City could approve Mr. Shreeve's \$213,000 contract at this point is to open 2006-07 tentative budget and take \$123,000 from other budgeted line items and put that \$213,000 toward engineering services.

Councilman Dowdy stated that he had concerns about Mr. Shreeve's follow through of his duties currently as a City Engineer. City staff has complained that Mr. Shreeve is not returning phone calls and following up on city engineering questions and duties. In a recent meeting Mr. Shreeve had commented that he really isn't interested in being an engineer, he likes the public relations side of his engineering position better. It troubles me that Mr. Shreeve is not responding to City staff who need engineering services, but is off working on the overpass, recreation center and LID issues which he has more of a desire to work on and you have put the engineering as second or third on the list. We have hired you to be specifically our City Engineer and when we have instances where developers, staff and residents who need your engineering help and are calling you and are not being helped.

Moved by Councilman Dowdy to authorize the Mayor to start the cancellation process of contract services with Shreeve & Associates. Motion dies for lack of a second.

Moved by Councilman Cardoza, seconded Councilwoman Stroebel to table the cancellation of current contract for City Engineering service until the September 5, 2006 City Council meeting. Motion carried 3-0-1. Councilman Dowdy voted no.

C. DISCUSS NEED TO REQUIRE BEST BATH TO SUBMIT AN APPLICATION FOR A SPECIAL USE PERMIT.

Mr. Grove explained that he had researched the history of the design review and approval of Best Bath facility in Kuna:

- December of 2000 Fiber Glass Systems applied for design review of a 94,000 SF building on a lot in the Swan Falls Business Park, zoned M-1.
- January 30, 2001 design review was approved building was not constructed on lot for several years.
- A couple of years ago Fiber Glass Systems applied and obtained a building permit and built a 22,000 SF facility on lot.
- The building that is constructed on the lot is configured differently then what they received design review approval for on January 30, 2001. No one ever said anything about it and they were granted a certificate of occupancy.
- Brief discussion at the design review hearing concerning noise, odor, etc.
- Ordinance does not allow under design review approval for the Planning & Zoning Commission or anyone else to address or regulate noise, odor, pollution, or any use issues that would affect neighboring property owners.
- Design Review approval is limited to traffic, outdoor advertising, landscaping, site layout and buildings, and drainage.
- Opinion of City Attorney that the use that Fiber Glass Systems was intending to place on the lot are an emission source of pollutants subject to permitting by DEQ.
- Emission of pollutants with potential for odor places them in need of special use approval. Deal with and regulate uses that have potential adverse effects beyond users own property.
- Best Bath was not required to apply for a special use permit in 2000.
- Can City require a special use permit for Best Bath's existing facility?
- No. Law: Vested rights when developer has obtained approval and expended money to further that approval they have obtained a vested right and no government entity can alter those vested rights arbitrarily or capriciously.
- No special use permit for existing operation.
- Building permit applied for in November required further action and no action was taken.
- To construct the remainder of their facility Best Bath will need to get a building permit.
- Can City then require additional permitting?
- City Attorney's opinion is, yes.
- Vested right that Best Bath has is limited to its existing facility.
- January 2001 design review was for a building that is a different size, orientation and ventilation.
- City can require special use permit and design review approval. The building that they plan on building is not what was approved five years ago.
- Best Bath has not applied for a new building permit, requires no action.
- Advise Planning & Zoning that these permits must be applied for when Best Bath applies for a building permit.

Moved by Councilman Dowdy, seconded by Councilman Lang to provide authorization to Planning & Zoning Department to require Fiber Glass Systems, Inc. to undergo a new design review and special use process on submission for a new building permit for expansion of their existing facility. Motion carried 4-0.

**D. CONSIDER HELPING THE SENIORS INSTALL AN AUTOMATIC DOOR FOR HANDICAPPED INDIVIDUALS AT THE SENIOR CITIZEN'S CENTER.**

Mayor Obray has received a bid \$6,472.00 to put in automatic doors of which the seniors have a total building fund \$2,717.00, which they are willing to donate to put these doors in. The total cost to the City would be \$3,755.00. The Council did budget in the 2005-06 budget \$16,500 and the current budget is \$20,000. The liability of not having proper ADA compliance overrides the cost of putting in these access doors.

Moved by Councilman Lang, seconded by Councilman Dowdy approve installation of automatic doors at the Senior Center not to exceed \$3,755.00. Motion carried 4-0.

**E. CONSIDER A 2-YEAR CONTRACT FOR A SEWER FARM CONTRACTOR.**

Council chose to see the contract before they voted on this item.

Moved by Councilman Lang, seconded by Councilman Dowdy table sewer farm contract until September 5, 2006 Council meeting. Motion carried 4-0.

**RECESS:** Moved by Councilman Dowdy, seconded by Councilman Cardoza to recess the meeting for 10 minutes. Motion carried 4-0. Recessed the meeting at 8:50 p.m.

**RECONVENE:** Mayor Obray reconvened the meeting at 9:00 p.m.

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

**A. PUBLIC HEARING:**

APPLEWOOD MASTER PLAN AND 06-03-S PRELIMINARY PLAT (Continued from August 1, 2006)

Diana Sanders, Interim Planning & Zoning Director gave the staff report and explained that upon submittal of the Applewood annexation and development agreement, one of the requirements was a master plan for the entire annexed site be submitted prior to preliminary plat submittal. Accordingly, the applicant has submitted the master plan for the entire annexed site and preliminary plats for Applewood I & II. The approved development agreement includes a maximum of three dwelling units per acre. The proposed master plan includes a 12-acre school site, an 8-acre City Park, two swimming pools, pedestrian pathways, and fire station location along Columbia. The site is included to participate in the LID. The Planning & Zoning recommended a round-about in the intersection of the mid-mile collectors with ACHD approval. A concern

regarding the round-about is it could create a challenge for pedestrian traffic around the school. P&Z recommended the developer work with ACHD for an agreement for the north south collector to include curb, gutter, sidewalk and pavement with bike lanes. Perfect Lane (future School Street extension) shall be constructed as a collector road. ACHD has required only 35-foot right-of-way on Hubbard from the centerline, and the applicant has proposed 48-foot right-of-way and the City would like to see that 48-foot dedicated on Hubbard Road.

Applicant Jim Jewett, 1560 Carroll Street, Meridian, ID, presented a recap of Applewood Master Plan specific points of the development agreement, school site with 12-acres and a city park of 8-acres. The future school site is located centrally within the master plan area (at the intersection of the mid-mile collectors). The soccer fields are located in the proposed park site because the school wanted to be close but not have a direct connection to the City Park. Higher density surrounds the school site and the low density will surround the existing Danskin Subdivision. Higher density is located towards Ten Mile, and a large area of low density lots is located to the south (adjoining some of the larger parcels to the south).

Councilman Dowdy asked why the low density lots are abutting the high density in the proposed master plan.

Mr. Jewett stated they tried to create a diversified plat with the largest lots and the smallest homes in one plat. A landscape strip along some of the lots will create a nice streetscape.

Mr. Jewett stated he will dedicate 48-feet of right-of-way from centerline on Hubbard Road and the north-south and east-west collector roads will be constructed.

Mr. Jewett asked the City of Kuna to consider changing the City code to a 50-foot right-of-way instead of a 60-foot right-of-way for a collector in a subdivision.

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

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

Aaron Black, 8095 South Slide Creek, President of Danskin Homeowners Association, stated that the Homeowners Association is opposed to having a section of Danskin that abuts the high density; their intent is to fence off access to their park. The subdivision currently has a sewer system that is currently operational.

Sherri Russell, 781 S. School St., stated she is opposed to the high density on Ten Mile, and would like to see a high berm with no fence on top. A berm would be more

appealing to the homeowners on the opposite side of Ten Mile with the large parcels and also buffer them from traffic.

Sam Johnston, 392 Black Cat Rd., asked if the Danskin Subdivision homeowners will be connecting to City services without participating in the LID.

Councilman Dowdy said there is currently no agreement to provide City services to Danskin Subdivision and City Council will not forcibly annex the subdivision for any reason. If the Danskin Subdivision requests annexation, the homeowners would be charged hook-up fees.

Mr. Jewett stated the reason for drilling another well for Danskin Homeowners Association is to clear up a water right conflict. High density along Ten Mile Road was discussed in the development agreement and there will be a berm within the buffer and the homes along Ten Mile will be single-story.

Mayor Obray closed the Public Hearing at 9:45 p.m.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve Applewood Master Plan for Applewood Subdivision with the following conditions: Developer to comply with all of staff and ACHD recommendations. Provide a minimum of 60 parking stalls for the park site to be donated to the City. The Developer shall work with staff and ACHD to construct the future extension of School Street. The Developer shall go through Design Review for the landscaped buffers and setbacks along Ten Mile Road, Columbia Road, Hubbard and all collectors within the subdivision and the pool and club house. Comply with all Planning and Zoning Commission recommendations excluding the round-about. The collector road right-of-way dimensions shall be contingent upon approval by Planning and Zoning staff and ACHD. Motion carried 4-0.

Moved by Councilman Dowdy, seconded by Councilman Lang to approve Applewood 06-03-S preliminary plat 1 & 2 with the following conditions. The Developer shall comply with all recommendations of staff, ACHD and Planning and Zoning Commission. The collector right-of-way dimension be contingent upon approval by Planning and Zoning staff and ACHD in regard to whether it should be 50 or 60 feet wide. That Hubbard right-of-way be consistent with other developments along Hubbard Road. That the Ten Mile Road berm, pool, club house, collector along Hubbard and collector entrance off of Ten Mile must be presented for Design Review approval prior to any construction. Motion carried 4-0.

**B. PUBLIC HEARING:**

0603-ZC REZONE/06-06-DA DEVELOPMENT AGREEMENT/06-09-S  
PRELIMINARY PLAT/ARROYO INDIO/ARDELL

Diana Sanders, Interim Planning & Zoning Director, reported the applicant is requesting rezone approval from an agricultural zone in the city with an R-4 zone and

inclusion in the LID. The preliminary plat includes 221 single family lots on approximately 80 acres. Indian Creek runs through the site and is located on Black Cat, Hubbard and Ardell Roads.

Applicant Chris Hobbs of Pinnacle Engineering at 12552 West Executive Dr., Meridian, ID., presented the application. The main features of the project are Indian Creek and the Life Estate lot. In the Staff Report item, Section G vinyl fencing along Indian Creek, we would like to request that we be allowed to use a wrought iron.

Mayor Obray opened the Public Hearing at 10:16 p.m.

Speakers in support of application:

None.

Speakers opposed to application:

Deb Wiscomb, 4387 W. Hubbard Road, lives on Hubbard Road to the northwest of the site and is concerned about access to their property with the amount of new traffic that will be generated with the subdivision.

Ken Wiscomb, 4387 W. Hubbard Road, is concerned about the impact of the traffic for farming and access to Hubbard Road.

Charlene Wiscomb, 10072 W. Irene, Murphy, ID, lives north of the site and is concerned about the open space and amenities in the subdivision not abutting Indian Creek.

Neutral Speakers:

Tuck Uhing, 1500 El Dorado, Boise, ID., asked for clarification regarding the half road on Ardell Road.

There being no public testimony offered, Mayor Obray closed the Public Hearing at 11:09 p.m.

Mr. Hobbs rebuttal: The applicant cannot provide additional park space because Indian Creek is 18% open space.

Moved by Councilwoman Stroebel, seconded by Councilman Dowdy to approve 0603-ZC Rezone/06-06-DA Development Agreement/06-09-S preliminary plat of Arroyo Indio. Comply with all recommendations of staff, ACHD, Fire District and Planning and Zoning Commission with the following conditions. Maintain Item 2 with the pathway easements minimum of 20 feet. Remove Item 3 lots abutting Indian Creek shall be a minimum of a third of an acre. Change Item 4 to read that the Life Estate Property shall use the existing access, the property owner will be able to determine the access off of Black Cat or Helliah Drive. Leave Item 5. Leave Item 6, including the landscape islands and stone subdivision signs. Item 7 be changed to provide general playground equipment to include maintenance free swings and slides approved by City's staff at the proposed tot lot shown in the preliminary plat as Lot 1 Block 5.

Remove Item 9 (bridge truss with ACHD and the City of Kuna). Item 11: keep as the 4 foot vinyl with 2 foot lattice fence, no option of a 6 foot wrought iron. Item 12 included with a note stating upon submittal of the replat of the Life Estate property, it will be required to add pathways along the greenbelt. Item 13: the proposed basketball courts will be located in Phase I, Lot 4, Block 28. Coordinate with the City Engineer, area landowners, and developers concerning a regional lift station. Access paths on Phase I, Block 3 between Lots 7 and 8 and Block 3 Lots 17 and 18. Item numbers that did not change leave the same as stated by the Planning and Zoning Commission. Motion carried 4-0.

**C. PUBLIC HEARING:**

1. RE-OPEN PUBLIC HEARING TO ADOPT FISCAL YEAR 2005-06 BUDGET AMENDMENT.

Mayor Obray opened the Public Hearing at 11:52 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 11:52 p.m.

Mayor Obray stated that when we borrowed \$650,000.00 from the water fund to fund the purchase of the new sewer site, we did not change the budget to reflect this transaction. This amendment will show the deficit in the water fund of \$650,000.00 and will show a credit on the sewer fund of \$650,000.00.

2. AMEND FISCAL YEAR 2005-06 APPROPRIATION ORDINANCE #723 BY ADOPTING ORDINANCE #723A:

Moved by Councilman Dowdy, seconded by Councilman Lang to amend fiscal year 2005-06 appropriation ordinance #723 by adopting ordinance #723A. Motion carried 4-0.

DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS – ORDINANCE NO. 723A, ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR 2005-06 APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$650,000.

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. 723A. Motion carried 4-0.

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt Ordinance No. 723A. Motion carried by the following Roll Call vote:

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

**D. PUBLIC HEARING:**

1. APPROVE BUDGET FOR FISCAL YEAR 2005/2006

Mayor Obray opened the Public Hearing at 11:57 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 11:57 p.m.

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt Ordinance No. 2006-93 for fiscal year 2006-07 in the amount of \$17,800,000.00. Motion carried by the following Roll Call vote:

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

2. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –  
ORDINANCE NO. 2006-93 ANNUAL APPROPRIATION ORDINANCE FOR  
FISCAL YEAR 2006-07.

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. 2006-93. Motion carried 4-0.

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt Ordinance No. 2006-93. Motion carried by the following Roll Call vote:

AYES: Lang, Dowdy, Stroebel, Cardoza

NOES: None

ABSENT: None

## **12. REPORTS:**

P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS – Ms. Sanders reported that Mayor Obray asked us to call the mosquito abatement district and we have asked them to spray all of our parks and drainage areas.

On Highway 69 we have had a developer request for a change in that ordinance. Currently the ordinance calls for 150 foot setback from the property line. They are asking us to review other cities setback requirements on state highways. While we are going to change that ordinance they also recommend that the landscaping requirements along Highway 69 should also be reviewed at the same time. The Planning and Zoning Commission requested feedback from the City Council for how they envision the look of the Highway 69 corridor.

CITY ENGINEER / KEVEN SHREEVE- No report.

CITY ATTORNEY / RANDY GROVE – Next potential Bond Election date is November 7, 2006 and when reviewing the code to place a bond issue on an election requires the City Council to pass an ordinance first. Requires 30 day notice of said election in the ordinance and will have to be presented and approved at or before the first meeting in October.

The code does authorize that refurbishing or installing a sewer system the 2% bond cap does not apply.

CITY CLERK / LYNDA BURGESS– Not present.

## **13. MAYOR / COUNCIL DISCUSSION:**

Mayor Obray asked the Council to consider whether they wanted to continue on with the present contract they have with Keller Associates for preliminary design and construction of the wastewater treatment plant or if you will bid the construction part of the project.

Randy Grove recommends that there are time and financial constraints on the City that does not make it feasible to go out and request for proposal of bids.

Mayor Obray reminded Council that they would like to start construction in May of 2007.

## **14. ANNOUNCEMENTS:**

Mayor Obray informed Council that the City Treasurer resigned.

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

**15. ADJOURNMENT**

There being no further business to conduct, it was moved by Councilman Dowdy, seconded by Councilman Cardoza to adjourn the meeting at 12:30 a.m. Motion carried 4-0.

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O. Dean Obray, Mayor

ATTEST:

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Lynda Burgess, City Clerk

APPROVED: September 5, 2006