

KUNA CITY COUNCIL MEETING
MINUTES
SEPTEMBER 19, 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.

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Dean Obray called the Regular Meeting to order at 7:00 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; Interim Planning & Zoning Director Diana Sanders and Director of Public Works Jim Taylor.

2. INVOCATION –

The Invocation was given by Mika Pruett, Kuna Bible Missionary Church.

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

SUGGESTED CHANGES TO THE AGENDA:

Mayor Obray requested that the following changes be made to the Agenda: Add Item No.4I, Approve Pay Request No. 4 for the Tomorrow Pump Station Project, Hills Construction, in an amount not to exceed \$61,752.57; add \$575 to Item 4F for a welding class for Carey Knight; amend Item 4B, Accounts Payable, in an amount not to exceed \$900 for employee bonuses for Diana Sanders \$400, Molly Smith \$300, and Debbie Brown \$200 for the extra work load in the absence of a City Treasurer; introduce Patrick Schneider, Ada County Sheriff, supervisor of the Sheriff's Department, introduce Robin McKean, Proposed City Treasurer and add an Executive Session for Personnel and Pending Litigation.

Moved by Councilman Lang, seconded by Councilman Dowdy to amend the agenda as requested by the Mayor.

Mayor Obray introduced Robin McKean to fill the vacant City Treasurer position. Ms. McKean has been Middleton's City Treasurer for the past 10 years and is a Certified Municipal Treasurer. He recommended that the Council ratify the appointment.

Moved by Councilman Dowdy, seconded by Councilman Lang to appoint Robin McKean as the City Treasurer. Motion carried by the following Roll Call vote:

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

4. CONSENT AGENDA:

Moved by Councilman Dowdy, seconded by Councilman Lang to approve the Consent Agenda. Motion carried 4-0.

- A. APPROVED MINUTES – REGULAR CITY COUNCIL MEETING OF SEPTEMBER 5, 2006.
- B. APPROVED ACCOUNTS PAYABLE - DATED SEPTEMBER 5, 2006 IN THE AMOUNT OF \$163,406.82 PLUS \$900.00 BONUSES AND \$575.00 FOR PERSONNEL TRAINING. NEW TOTAL = \$164,881.82.
- C. APPROVED CONTRACT CHANGE ORDER NO. 2 FOR THE TOMORROW PUMP STATION PROJECT, HILLS CONSTRUCTION, DECREASING PROJECT TOTAL BY \$4,186.89 FOR A CONTRACT TOTAL OF \$329,355.15.
- D. APPROVED PAY REQUEST NO. 3 FOR THE TOMORROW PUMP STATION PROJECT, HILLS CONSTRUCTION, IN THE AMOUNT OF \$119,378.57.
- E. APPROVED PAY REQUEST NO. 7 FOR THE WINTER STORAGE LAGOON, WF CONSTRUCTION & SALES, LLC, IN THE AMOUNT OF \$20,840.
- F. APPROVED PAYMENT TO BOISE STATE UNIVERSITY FOR WORKFORCE TRAINING COURSES AT KUNA HIGH SCHOOL FOR 9 CITY EMPLOYEES IN THE AMOUNT OF \$1,873.00 PLUS \$575.00 FOR CAREY KNIGHT'S WELDING CLASS FOR A TOTAL OF \$2,448.00.
- G. APPROVED CUSTOMER SERVICE AGREEMENT WITH BILLING DOCUMENT SPECIALISTS FOR RENEWAL OF BILLING PROCESSING SERVICES FOR FISCAL YEAR 2006-07.
- H. APPROVED NOTICE OF AWARD OF CONTRACT TO DON YOUNG CONSTRUCTION AND ISSUE NOTICE TO PROCEED (contingent upon completion of contract documents, bonds, insurance, etc.) FOR THE BERNIE FISHER PARK BATHROOM FACILITIES PROJECT IN THE AMOUNT OF \$134,200.

5. SHERIFF MONTHLY REPORT

Sergeant Laraway presented the Statistical Report for July 2006 and pointed out the highlights and trends of the report. There were 644 calls for service compared to last month's calls of 748, last year at this time, there were 676 calls.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Errol Morgan reported that they have received an indemnity agreement for a temporary pathway on Linder.

7. OLD BUSINESS:

A. DISCUSS BALLOT QUESTION FOR THE PROPOSED NOVEMBER 7, 2006 BOND ELECTION (Continued from September 5, 2006).

Mr. Grove stated that he had circulated by e-mail a proposed election ordinance for a bond election in November. The City has other revenue obligations of approximately \$2,500,000 owed to the Department of Environmental Quality through loans the City has received to improve its water and sewer facilities. They are pledged to City revenue to pay those back from those systems. The \$2,500,000 loans should not affect the City's ability to pursue a general obligation bond up to the maximum of \$8.3 million. One decision that needs to be made is how much to have on the ballot as a proposed bond. Another decision would be the length of maturity of those bonds. Due to time constraints, the City will need to special a special meeting for next week to review and adopt the ordinance.

Mr. Grove specified the deadlines for the election as follows: The City Clerk has to have ballots prepared. The ordinance has to be adopted and published prior to publishing notices for the election and publishing sample ballots. They have to be published twice. Ballots have to be prepared with sufficient lead time before the election. Decisions will have to be made by the end of next week to be able to put this bond on the November ballot.

Mayor Obray asked for a luncheon workshop on Tuesday to make changes to the budget and close out the 2005-06 budget year.

Moved by Councilman Dowdy, seconded by Councilman Lang to table Item 7A discuss the ballot question for the proposed November 7, 2006 bond election to the September 26, 2006 City Council meeting at 1:00 p.m. Motion carried 4-0.

B. NOT APPROVED - TASK ORDER NO. 4 WITH KELLER ASSOCIATES FOR SOUTH IRRIGATION PUMP STATION & POND DESIGN & CONSTRUCTION MANAGEMENT (Continued from September 5, 2006).

Mr. Grove recommended that the south irrigation pump station and pond design and construction be put through the normal bidding and proposal process required by State Code.

Moved by Councilman Dowdy, seconded by Councilman Lang to require specific RFP and on-call status for the south irrigation pump station and pond design and construction management. Motion carried 4-0.

- C. NOT APPROVED - TASK ORDER NO. 5 WITH KELLER ASSOCIATES FOR TEN MILE WATER LINE DESIGN & CONSTRUCTION MANAGEMENT (Continued from September 5, 2006.)

Mr. Grove recommended that the Ten Mile water line design and construction management be put through the normal bidding and proposal process required by State Code.

Moved by Councilman Dowdy, seconded by Councilman Lang to require specific RFP and on-call status for Ten Mile water line design and construction management. Motion carried 4-0.

- D. NOT ADOPTED - RESOLUTION NO. R8-2006 TO ACCEPT THE RECOMMENDATION OF THE COALITION FOR REGIONAL PUBLIC TRANSPORTATION FOR LOCAL OPTION SALES TAX AS THE FUNDING OPTION TO PURSUE FOR THE ADOPTED VALLEY REGIONAL TRANSIT REGIONAL OPERATIONS AND CAPITAL IMPROVEMENT PLAN. (Requested by Valley Regional Transit August 1, 2006).

Moved by Councilman Dowdy, seconded by Councilman Lang to reject Resolution No. R8-2006. Motion carried 4-0.

8. CITIZEN'S REPORTS OR REQUESTS:

9. LICENSES AND PERMITS:

- A. APPROVED BUSINESS LICENSE – PERRY & SHIRLEY LEFFLER, “LEFFLER’S BEAUTY SALON,” 762 E. WYTHE CREEK COURT #102.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the business license for Perry & Shirley Leffler, doing business as “Leffler’s Beauty Salon,” at 762 E. Wythe Creek Court, #102. Motion carried 4-0.

10. NEW BUSINESS:

- A. APPROVED PAYMENT OF \$16,000 TO KELLER ASSOCIATES FOR PREPARATION OF DESIGN CONCEPTS, COST ESTIMATES, PRESENTATION MATERIALS, ETC. FOR THE KUNA OVERPASS PROJECT.

Moved by Councilman Cardoza, seconded by Councilman Lang to approve payment in an amount not to exceed \$16,000 to Keller Associates for preparation of design concepts, cost estimates, presentation materials, etc. for the Kuna Overpass Project to be paid from General Contingency funds. Motion carried 4-0.

- B. AUTHORIZED KELLER ASSOCIATES TO PROCEED WITH ADVERTISING FOR A SUPPLIER FOR THE WASTEWATER TREATMENT PLANT MEMBRANE.

Mr. Keller asked Council to authorize Keller Associates to proceed to advertise for a supplier. He requested Council's decision regarding when to start advertising and who the contact person would be.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to authorize Keller & Associates to draft the advertising for the supplier of the wastewater treatment membrane plant and return the advertisement to City Council for approval before publishing. Motion carried 4-0.

RECESS: Mayor Obray recessed the meeting at 8:20 p.m.

RECONVENE: Mayor Obray reconvened the meeting at 8:30 p.m.

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

A. PUBLIC HEARING:

06-07-ZC REZONE/06-05-DA DEVELOPMENT AGREEMENT/06-07-S
PRELIMINARY PLAT/TIMBERMIST/HUBBARD-LINDER

Diana Sanders, Interim Planning & Zoning Director, explained that this application is currently zoned A within city limits and they are requesting an R-4 zone, medium density. The developer is proposing 3.44 dwelling units per acre, 10.9% of common area, a 2.9 acre park, 233 single-family residential lots, and 20 common lots. The property is located on the north side of Hubbard between Kay and Linder and will participate in the LID.

Applicant Matt Schultz, Grizzly Land Co., 2127 S. Alaska Way, Meridian, ID, presented the application. He reported that the main features of the project will include: a connector street out of the subdivision that will hook-up to Kay Street; a plan to create a higher value and set the project apart from other projects; a pool, pool house, full parking lot off street; a playground area and extra depth lots to abut the Schultzmeier's property. The average lot size will be 66x105, just shy of 7,000 sq. ft. and density will be 3.4 per acre. There will be an extra 25 ft. of buffer along Hubbard and 30 ft. of buffer along Linder with an 8-foot sidewalk. A six-foot vinyl fence will surround the subdivision. Mr. Schultz asked for Council approval of the project.

Councilman Cardoza asked if 12 parking spaces at the pool would be adequate since there will be 233 homes in the subdivision?

Mr. Schultz explained that people will walk or ride their bikes and additional parking along the street will be available.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

Christy Moreno, 855 W. Hubbard, asked that they hire an irrigation specialist engineer to put the correct size of pipe in the wastewater ditch so that water will not back up onto their property. She explained her concerns about getting out of her driveway with the extension of Kay Street. She further requested a special type of light fixture for the lighting of the subdivision. In addition, she would like to see some lots larger than 6,000 sq. ft.

Neutral Speakers:

Effie Schultzmeier, 1030 W. Hubbard Rd., asked for the access and egress out of the sub-street connecting her property to come in from the west onto her property.

Gene Morrison, 1640 W. Hubbard Rd. stated that the developer will be installing a covered pipe for the irrigation rights on the northwest corner. He asked that the Boise Board of Control design how the ditch will flow from the subdivision.

Britt Christensen, 9200 S. Linder, requested solid vinyl fencing along the road where it stubs in to separate his ranch from the subdivision.

Ms. Sanders explained that staff has met with the Boise Board of Control about pathways along the irrigation canals. The Board has to approve a final check off list for subdivision approval so that the P& Z Department knows that they have approved all irrigation issues before building permits will be issued. The City requires shoebox lighting for consistency throughout the City.

Mayor Obray stated that no contractor may to lay any blacktop in the City until drainages and live ditches are approved by the City Engineer and Boise Board of Control.

Mr. Schultz stated that he will work with the Boise Board of Control to make sure that everyone gets the water that they have always had and he will work with the Christensen's to put in adequate fencing to protect their animals. Further, he stated that his firm will employ a drainage engineer to make sure the wastewater off the subdivision will flow properly and will work out the driveway alignment with Kay St.

Councilman Lang asked Mr. Schultz if they had permission from the Irrigation District to put the pedestrian bridge across the ditch.

Mr. Schultz stated that it will be a fenced crossing, but did not clarify whether they had permission for the crossing.

There being no further testimony offered, Mayor Obray closed the Public Hearing.

Ms. Sanders stated that the City has not been requiring contractors put in curbs and gutters on the arterials because ACHD will be widening those arterials and would have to take out the curbs and gutters.

Councilman Dowdy stated that he agreed with P & Z's recommendation that a more upscale development with better amenities would put a better quality fence along the irrigation ditch than a chain link fence. He would be more inclined to require the 6-ft. wrought iron fencing for aesthetic reasons.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the Timbermist Subdivision preliminary plat and development agreement with R-4 zoning and require that the developer follow all ACHD, staff and P & Z recommendations with the following changes: Developer required to put sidewalks along the arterial roads, a wrought iron fence along the west side of the canal, that the live ditch on the north be engineered properly and that all drainages and live ditches must be approved by the City Engineer and Boise Board of Control prior to issuing building permits or laying blacktop. The developer must work with property owner to the north regarding the fencing along the stub. Motion carried 4-0.

B. PUBLIC HEARING:

06-06-ZC REZONE/06-03-DA DEVELOPMENT AGREEMENT/06-08-S
PRELIMINARY PLAT/KROMAN/TEN MILE.

Ms. Sanders, Interim Planning and Zoning Director, explained that the applicant requested a rezone from agricultural to R-6 and inclusion in the LID. There are 9.64 acres with 30 lots, 3 common lots, a landscape buffer and a walking pathway. The proposed density is 3.1 dwelling units per acre and average lot size is 9,789 sq. ft. The property is located on the east side of Ten Mile south of Falcon Ridge Charter School.

William Weaver, engineer, 5797 N. Bogart Lane, Boise, ID, presenting on behalf of the applicant, stated that the parcel is a 9.64 acre development bordered by the Charter School on the north, Liberty Subdivision on the west, Nicholas Subdivision on the south and Sutters Mill to the east. There will be a landscaped area along Ten Mile Rd. The P & Z Commission recommended that the landscaping be consistent with the Nicholson Subdivision with a 6-ft. vinyl fence on the frontage.

Mayor Obray opened the Public Hearing.

Speakers in support of application:

None.

Speakers opposed to application:

None

Neutral Speakers:

None

There being no testimony offered, Mayor Obray closed the Public Hearing.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to approve the Kromann Estates Subdivision, File No. 06-06-ZC rezone, 06-08-S preliminary plat and 06-03-DA development agreement with an R-6 zone and direct that the developer follow all staff and ACHD recommendations; fencing along Ten Mile Rd. to match with Nicholas Subdivision and lay sidewalks without curb and gutter along Ten Mile Rd.

Moved by Councilman Lang, seconded by Councilwoman Stroebel to amend the motion to require all drainage and live ditch design be approved by the City Engineer and Boise Board of Control. Motion carried 4-0.

12. REPORTS:

P & Z - CODE ENFORCEMENT REPORT / INT. DIRECTOR DIANA SANDERS – Ms. Sanders reported that the City has received several complaints and staff has moved forward to investigate. The City Attorney has written a letter to one of the code violators, since they have ignored our correspondence for several months.

The City of Meridian will host another comprehensive plan meeting on September 20 which staff is planning to attend. Staff will also attend an ACHD transportation plan meeting.

She reported that staff is working on updating several ordinances including the PUD, landscaping and design review. They will be given to the P & Zoning Commission in rough draft form for their corrections before setting them for public hearing.

With regard to complaints about odors from Best Bath, Ms. Sanders stated that she personally investigated and was unable to detect any odors from the facility.

CITY ENGINEER / KEVEN SHREEVE – Mr. Shreeve stated that Washington Group is requesting a meeting with Kuna on the South Meridian Transportation Plan. Council chose to meet Monday, September 25, 2006 at 2:00 p.m. The dates for sewer tours in Austin are October 9 and 10, 2006 and Toronto October 16 through October 18, 2006. Please give travel requests to Lynda Burgess by Thursday, September 21, 2006.

CITY ATTORNEY / RANDY GROVE – Mr. Grove stated he had gone to the “Blueprint for Good Growth” meeting last week. The meeting triggered some issues: 1) Dr Freilich’s opinions about annexing outside a city’s area of impact. He was trying to get communities to commit to develop areas of impact with enough vision and planning to stay within the impact area. Dr. Freilich was advocating that cities and the county come to agreement about a sufficient planning horizon that the cities do not have to go outside their areas of impact for a significant period of time. The cities and county all agreed to work toward adopting 20-year areas of impact and they will meet again on October 5, 2006 for the nuts and bolts to get timelines in place. Mr. Grove was encouraged walking away from that meeting believing that the county can no longer just ignore Kuna’s request for its area of impact, they actually have to act on it and have committed to that fact. Dr Freilich put a timeline on area of impact acceptance action of six months.

CITY CLERK / LYNDA BURGESS – No report.

13. ORDINANCES:

- A. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE 2006-95, CREATING LOCAL IMPROVEMENT DISTRICT NO.
2006-1 FOR ACQUIRING, CONSTRUCTING AND INSTALLING WASTEWATER
COLLECTION AND TREATMENT SYSTEM IMPROVEMENTS.

Mayor Obray read the Ordinance by title only.

Mr. Grove stated that he had some language to add to the exhibit of this ordinance and read that language for the record: Page 10, Exhibit A, Description of Boundaries of the District - Strike all the words that are in the three lines below that and add these words. "The properties that comprise this Local Improvement District, a Modified District under Section, 50-17-05 Idaho Code, are located in scattered locations within the City of Kuna. As such, a District-wide boundary would be difficult, if not impossible, to reasonably describe. The District boundaries, therefore, shall be the boundaries as described in Ada County Property and Tax Records for the parcels listed in Schedule A-1 by parcel number assigned by the Ada County Assessor. These properties are also depicted in an area map in Schedule A-2." Schedule A-1 would be the LID parcel number list. The list would have Schedule A-1 attached on the top of it. Schedule A-2, General Area Map, would refer to the attached map.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-96. Motion carried 4-0.

Moved by Councilman Dowdy, seconded by Councilman Lang to adopt Ordinance 2006-95 with amendments as read into the record. Motion carried by the following Roll Call vote:

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

- B. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE 2006-96, ANNEXING A PORTION FROM THE BOISE KUNA
IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM –
KUNA LIFE CHURCH, 500 W. DEER FLAT ROAD.

Mayor Obray read the Ordinance by title only.

Moved by Councilman Lang, seconded by Councilman Dowdy to dispense with full reading and 3 consecutive readings of Ordinance 2006-96. Motion carried 4-0.

Moved by Councilman Lang, seconded by Councilman Dowdy to adopt Ordinance 2006-96. Motion carried by the following Roll Call vote:

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

- C. DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE 2006-97, PROVIDING FOR A GENERAL OBLIGATION BOND
ELECTION ON NOVEMBER 7, 2006.

Council chose to table Item 13C Ordinance 2006-97 to the October 3, 2006 City Council meeting.

14. MAYOR / COUNCIL DISCUSSION:

Mayor Obray reminded everyone to attend the ACHD meeting on Pedestrian Improvements along Fourth Street at the Library at 5:30 p.m. on September 21, 2006.

Councilwoman Stroebel requested that water rates be added to the October 3, 2006 agenda.

15. ANNOUNCEMENTS:

16. EXECUTIVE SESSION:

Moved by Councilman Dowdy, seconded by Councilman Lang to adjourn to Executive Session per Idaho Code 67-2345-B & C regarding personnel and pending litigation. Motion carried 4-0. Adjourned to Executive Session at 10:31 p.m.

Reconvened Regular Council Meeting at 11:55 p.m.

Moved by Councilman Dowdy, seconded by Councilman Lang to adjourn to Executive Session again. Motion carried 4-0. Adjourned to Executive Session at 11:56 p.m.

Reconvened Regular Council Meeting at 12:01 a.m.

Moved by Councilman Dowdy, seconded by Councilman Cardoza to direct the City Attorney to send a letter to Keven Shreeve, City Engineer, cancelling the contract in 30 days. The letter is to be reviewed by the City Council prior to submittal to Mr. Shreeve.

17. ADJOURNMENT

There being no further business to conduct, Councilman Dowdy moved, seconded by Councilwoman Stroebel to adjourn the meeting at 12:03 a.m. Motion carried 4-0.

O. Dean Obray, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: OCTOBER 3, 2006