

**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.**

**CITY OF KUNA  
CITY COUNCIL MEETING**

**MINUTES**

**OCTOBER 16, 2007**

**KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**5:00 p.m. – PRE-COUNCIL MEETING/JOINT MEETING WITH  
PLANNING & ZONING COMMISSION**

**SPECIAL GUESTS:** Doug Hardman, Ada City/County Emergency Management  
Darby Weston, Deputy Director, Ada County Paramedics  
Kody Aldrich, Chief, Kuna Police Department  
Doug Rosin, Chief, Kuna Fire Protection District  
Errol Morgan, ACHD

**PRESENT:** Mayor Dowdy, Council President Lang, Councilwoman Stroebel,  
Councilman Cardoza and P&Z Commissioners Wierschem and Case.

**ALSO PRESENT:** City Attorney Randy Grove, Planning & Zoning Director Steve Hasson.

**A. DISCUSSION REGARDING IMPACT FEES**

P&Z Director Hasson: Initially, the Ada County Highway District was the only program in Idaho that could impose impact fees. Sometime in the late 90's, the legislature reconsidered that jurisdictions could also impose impact fees roads, sewer, water, park and recreation, storm drainage, flood control and public safety. As part of a request for proposals currently being circulated with a closing date of October 26, the City is asking the successful proposer to provide four documents and one of those is a capital improvement plan. A capital improvement plan is needed for two reasons: 1) to plan for future growth by designating desired improvements and providing for the costs and 2) to establish an impact fee program.

CA/Grove: Under a capital improvements plan, the City can designate a certain amount of park space per 1,000 residents but the current park inventory doesn't quite get there. In setting the level higher than the current inventory, that means not only would new growth pay the impact fee portion of it, but the existing part of the city has to be brought up to that level of service as well so it also contemplates a tax on the existing residents to bring us up to that level.

P&Z Director Hasson: I think you have to identify an inventory, what represents the land now and you have to distinguish that from open space. And there's going to be calculations and calibrations. It's a process that can be comfortably practical. It's something that can be done in 90 to 120 days, something like that—it's not something that takes forever to establish. The legislature has set out a process that one has to follow in order to establish a criterion.

M/Dowdy: I know we've been talking about this since, you know, we got elected a couple of years ago and for whatever reason, we didn't always get that much cooperation. Obviously, I

think it's an important thing for us to look at. We have a lot of young families, young kids, need to create a park on land that's available. I'd like to know what steps we need to take to get the process started. Look at what we've got and what we need, you know, do an assessment and get that started as soon as possible.

## B. PUBLIC SAFETY EVALUATION AND RESPONSES TO LAND USE DEVELOPMENT

Doug Hardman, ACCEM: A few weeks back, we reviewed a development with Planning & Zoning. One of the concerns from the public was that these developments were getting so far away from the core of our downtown, how are the public services going to be affected or how can we plan for this future growth of the whole impact area and get the services to the places where the people live.

Chief Aldrich: My staff doesn't usually respond from a central location so the growth doesn't affect us as much—it only depends on how far apart the officers are when a call comes in.

Chief Rosin: We've been working on a process of developing a master plan for annexations, especially for planned communities. One of our priorities is siting a future station south of the railroad tracks which will also help us cover the area to the west and that's also in our next plan. We've talked to upcoming planned communities over the last six months and we're establishing different areas that we want to site the station or the possibility of a station so we're requiring them to provide us that land, in some instances, we've also established them providing us a station, equipment and manpower because my commissioners don't believe that the existing citizens within the district should pay from that growth—it should come from the growth—so we're requiring them to provide that. But you've got to realize, I've already seen it—we've got requests for annexations of 14,000 acres in Elmore County. We've got annexation requests all the way to Simco Road and then clear up to the foothills on the north side of the interstate in Elmore County. And I'm telling those people, you've got to stop and pack a lunch to respond out there because we're going to be gone for a day.

Chief Aldrich: Have they talked about getting the fire station up and running in Desert View?

Chief Rosin: I talked to Osprey Ridge. We've got Fire Station 2 in Desert View and so that's one of the ones we want to bring up and functioning since the annexation route goes by Cloverdale. I've asked ACHD when all that development goes out there if they would consider punching all the way through from Kuna Rd. to Kuna Mora because that would cut our response time going east tremendously—about 6 minutes worth. And ACHD has told me they've got plans for that, right now they're just a half mile short of connecting the dots. As far as impact fees, they were just granted this last legislative session to fire districts but they made it a little tougher for us because we have to piggy back on somebody that's already doing it. So, if you guys go impact fees, we'd have to piggy back off you to do that and the rest of the fire district outside of the city limits would have to piggy back on Ada County Commissioners.

M/Dowdy: Doug, would it be helpful for the fire district if they had this location right here off of ? – we talked about a land swap with ACHD or would you want something a little farther out than that? What size of space are you looking for?

Chief Rosin: An acre. We've got 355 homes coming up on Black Cat so we would like, ideally, we'd like be a little farther out than just 5 or 6 blocks separating the stations but the price of land is fantastic.

Errol Morgan: As far as I know, ACHD is still talking about swapping that property for right-of-way near the sewer farm.

Darby Weston: As far as our master siting plan, we have different areas laid out around the County. Mostly what we've been doing is working with the planned communities and requiring of them some land to locate a station as well as we're working on a system for them to participate in our membership program because our funding is very limited from the tax base. For emergency medical services with Ada County, less than 30% of our funding comes from the tax base. Membership fees would offset operating costs in a lower population. Out here, we have kind of a unique circumstance in that Kuna Fire provides your primary ambulance response as so the fee for service piece of that puzzle isn't available to us in this area to be able to staff at the same level as we do elsewhere in the County. A lot of what we will do long term will depend on how the legislative change is played out over time. As far as impact fees, we just went through that process in studying and I think we found that, for parks and rec, impact fees are a great thing, for EMS, they looked at it and said "I'm not sure that's a good place to go down." Part of the problem that we ran into there is that one of the recommendations of impact fees is, you have a set amount of time to get the project done. If you're on an upswing in growth, that's great, you've got a lot of impact fees coming in, but if it stops and the rest of that time expires, you still have to put the station on the spot.

Moved by C/Lang, seconded by C/Stroebel to adjourn the Pre-Council meeting at 5:52 p.m.  
Motion carried.

## **7:00 p.m. - REGULAR COUNCIL MEETING**

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

Mayor Dowdy called the meeting to order at 7:10 p.m.

PRESENT: Mayor Dowdy, Council President Lang, Councilwoman Stroebel, Councilman Cardoza.

ALSO PRESENT WERE: City Attorney Randy Grove, P & Z Director Steve Hasson, Public Works Director Jim Taylor, City Clerk Lynda Burgess, City Treasurer Robin McKean and Justin Walker, Keller Associates.

**2. INVOCATION** Youth Pastor Joe Hyatt, Kuna Life Church

**3. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was lead by Mayor Dowdy.

Moved by C/Lang, seconded by C/Stroebel to add to the agenda Consent Item 4.D. – Final Plat Approval for Galiano Estates Subdivision; remove Item 10.C. – Resolution No. R11-2007 and add Item 10.C. – Proclaiming November 8 as “Flo Hawkes Day in Kuna.” Motion carried 3-0.

**4. CONSENT AGENDA:**

Moved by C/Lang, seconded by C/Stroebel to approve the Consent Agenda. Motion carried 3-0.

**A. APPROVED MINUTES:**

- 1) SEPTEMBER 4, 2007 REGULAR MEETING
- 2) SEPTEMBER 18, 2007 REGULAR MEETING

**B. APPROVED ACCOUNTS PAYABLE DATED OCTOBER 11, 2007 IN THE AMOUNT OF \$219,292.57.**

**C. APPROVED BOND REQUIRED BY THE PLANNING & ZONING DEPARTMENT FOR GREYHAWK SUBDIVISION IN THE AMOUNT OF \$1,237,828.46.**

**5. KUNA POLICE DEPARTMENT MONTHLY REPORT**

**6. ADA COUNTY HIGHWAY DISTRICT REPORT**

**7. LICENSES AND PERMITS:**

**A. APPROVED BUSINESS LICENSE FOR AMY HAZEKAMP, “AH HA DESIGNS, LLC,” 1149 N. CATERPILLAR AVE.**

**B. APPROVED BUSINESS LICENSE FOR JEAN WATKINS, “KUNA SEWING,” 508 N. FLAUSON AVE.**

**C. CONTINUED BUSINESS LICENSE FOR RICK MAY, “MORTGAGE WEST, LLC,” 1519 N. MAIN ST. Moved by C/Lang, seconded by R/Cardoza to continue the matter to the November 8, 2007 special City Council meeting at 8:00 a.m. Applicant was directed to re-apply using the correct Kuna address. Motion carried 3-0.**

**D. APPROVED BUSINESS LICENSE FOR JOSHUA JACOB DUERKSEN, “REAL ENTERTAINMENT DISC JOCKEYS,” 110 KENTER ST.**

**8. CITIZEN’S REPORTS OR REQUESTS:**

**PRESENTATION BY BELINDA GORDON REGARDING THE BOYS AND GIRLS CLUB SITE LEASE FOR PROPERTY ON BOISE ST.**

Moved by C/Lang, seconded by C/Stroebel to direct the City Attorney to prepare a Resolution of Support for consideration by the Council at their Special Meeting on October 23, 2007. Motion carried 3-0.

**9. OLD BUSINESS:**

- A. APPROVE A "LAND RENTAL AGREEMENT" WITH RICHARD DURRANT FOR THE WASTEWATER TREATMENT PLANT PROJECT (Continued from October 2, 2007).

Moved by C/Lang, seconded by C/Stroebel to approve the Land Rental Agreement. Motion carried by the following Roll Call vote:

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

- B. ADOPT RESOLUTION NO. R9-2007 ADOPTING POLICIES AND RECOMMENDATIONS FROM THE RESULTS OF AN EMPLOYEE CLASSIFICATION AND COMPENSATION STUDY.

Moved by C/Lang, seconded by C/Stroebel to adopt Resolution R9-2007. Motion carried 3-0.

**10. NEW BUSINESS:**

- A. REVIEW RELEASE, SETTLEMENT AND INDEMNITY AGREEMENT WITH PEGGY JOHNSON SHAW AND THE COLBURN TRUST FOR TRANSFER OF THE TITLE FOR PROPERTY LOCATED AT 758 W. AVALON ST.

Moved by C/Lang, seconded by C/Stroebel to approve the agreement. Motion carried by the following Roll Call vote:

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

- B. REVIEW AND CONSIDER RESOLUTION NO. R10-2007 ADOPTING A POLICY FOR TRANSFER OF EDU CONNECTIONS FOR MEMBERS OF LOCAL IMPROVEMENT DISTRICT 2006-1 AND OTHER HOLDERS OF EDU CONNECTIONS; CREATING A REGISTRY OF REQUESTS FOR TRANSFER; PROVIDING A MECHANISM FOR RECORDING TRANSFERS AND PAYMENTS TOWARD ASSESSMENTS OR OTHER OBLIGATIONS.

Moved by C/Stroebel, seconded by C/Lang to continue the matter to the October 23, 2007 Special City Council Meeting. Motion carried 3-0.

C. PROCLAIMING NOVEMBER 8, 2007 AS FLORENCE A. "FLO" HAWKES DAY.

Moved by C/Lang, seconded by C/Stroebel to approve. Motion carried 3-0.

RECESS: M/Dowdy recessed the meeting at 8:10 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 8:25 p.m.

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

A. CONTINUED PUBLIC HEARING – 07-01-Z0A/COMMON DRIVEWAYS AND PRIVATE STREETS/ZONING CODE AMENDMENT (Continued from October 2, 2007).

C/Stroebel stated that she visited a few of the locations previously displayed by Mr. Kent Brown and supported the concept.

C/Lang also supported the concept.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

Kent Brown, 1472 E. Iron Eagle, Eagle, stated that he had displayed some 24' wide private streets that were built approximately 20 years ago. He suggested that the development currently under construction in Eagle is more in line with his current concept where the fronts of the houses face a park.

There being no further testimony offered, M/Dowdy closed the Public Hearing.

P&Z Director/Hasson stated that everything requested by Mr. Johnson and Mr. Brown can be accomplished through the PUD process. Even though both gentlemen construct quality projects, it doesn't mean that other developers would provide such high standards.

C/Cardoza visited several developments in the Eagle area but didn't see any houses on the streets—looked like a brand-new subdivision. Further, he was very disappointed in the development west of Broadway before Garfield School. The residents of the private street pretty much use it for parking; therefore, emergency vehicles would not get

through and would be prohibited from traversing the cul-de-sac with no turn-around available. Also, the parking area was not well maintained and unkempt.

Moved by C/Cardoza, seconded by C/Stroebel to deny 07-01-ZOA, Common Driveways and Private Streets Zoning Code Amendment. Motion carried 3-0.

**B. PUBLIC HEARING – AMENDING FINDINGS OF FACTS AND CONCLUSIONS OF LAW/DEVELOPMENT AGREEMENT – SILVERTIP SUBDIVISION.**

P & Z Director Steve Hasson reported that one of the conditions of approval for the Development Agreement was that the eave line be extended 16” out from the building. Developer has requested additional design considerations to the building and changing the 16” eave to 12.”

Matt Schultz, Grizzly Land Co., explained that approval of the 16” eaves was an oversight and was not meant to be approved in the Development Agreement. 12” eaves appears to be the standard and looks as good as the 16”

M/Dowdy opened the Public Hearing.

SUPPORT

None.

NEUTRAL

None.

OPPOSED

Mic Ashby, 1472 Belinda Ln., stated that his standard is 16” eaves in the front and back with 12” on the sides and it was his opinion that 16” is standard in the industry. He expressed concern about architectural standards in the community and suggested that a review committee be established.

Tim Gordon stated that he values the opinion of both Mr. Ashby and Mr. Schultz and that he would be satisfied with 12” eaves.

There being no further testimony offered, M/Dowdy closed the Public Hearing.

Moved by C/Cardoza, seconded by C/Stroebel to deny the requested amendment to the Findings of Facts and Conclusions of Law/Development Agreement for the Silvertip Subdivision and directing that the eaves on the homes remain at 16.” Motion carried 3-0.

C. PUBLIC HEARING – AMENDING FINDINGS OF FACTS AND CONCLUSIONS OF LAW – GALIANO ESTATES SUBDIVISION.

P&Z Director/Hasson explained that he did not support the request as developers should not make adjustments to their construction plans when the market is depressed.

Steven Schrader, 1883 N. Wildwood St., Boise, representing Mason Signature Homes, explained that only 20% of the lots, or 12 homes, would be reduced in size from 2200 sq. ft. to 1800 sq. ft. and that those smaller homes would be dispersed throughout the subdivision. These homes would be constructed on the smaller lots. Also looking at a two-story, 2000 sq. ft. plan mixed in throughout the development.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

Douglas Greer, 2602 N. Ten Mile, spoke also on behalf of the Cuttington's and complained that the visual distance to be viewed from the road is dangerously inadequate (remainder of his comments are unintelligible).

Mr. Schrader – challenged Mr. Greer's statements and pointed out that he had received full support of the Cuttington's prior to this meeting. The other issues brought up by Mr. Greer were addressed during the review and approval of the subdivision.

There being no further testimony offered, M/Dowdy closed the Public Hearing.

Moved by C/Cardoza, seconded by C/Stroebel to deny the request for amendment of the Findings of Facts and Conclusions of Law for the Galiano Estates Subdivision. Motion carried 3-0.

D. PUBLIC HEARING – RESOLUTION NO. R2-2007/PRESSURE IRRIGATION LINE FACILITIES REIMBURSEMENT POLICY.

PUBLIC HEARING – RESOLUTION NO. R3-2007/SEWER FACILITIES REIMBURSEMENT POLICY.

PUBLIC HEARING – RESOLUTION NO. R4-2007/POTABLE WATER FACILITIES REIMBURSEMENT POLICY.

Justin Walker reported that 6-8 months ago, Council requested that the current reimbursement policies be reviewed and modified. The modifications have been presented to and discussed by the Council on several previous occasions.

M/Dowdy opened the Public Hearings.

SUPPORT

Tim Gordon, 1206 Black Cat, supported the City's efforts to work with the development community on these policies.

NEUTRAL

None.

OPPOSED

None

There being no further testimony offered, M/Dowdy closed the Public Hearing.

Moved by C/Lang, seconded by C/Stroebel to adopt Resolution Nos. R2-2007, R3-2007 and R4-2007. Motion Carried 3-0.

**G. PUBLIC HEARING – RESOLUTION NO. R8-2007/AMENDING RESOLUTION NO. 231 ESTABLISHING FEES FOR SOLID WASTE COLLECTION SERVICES.**

Tim Gordon – Rate increase effective October 1 for the landfill at Hidden Hollow...

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSED

None

There being no testimony offered, M/Dowdy closed the Public Hearing.

Moved by C/Lang, seconded by C/Stroebel to adopt Resolution R8-2007. Motion carried 3-0.

**12. REPORTS:**

P & Z DIRECTOR / STEVE HASSON – Asked Council to take photographs of the community for use in the City’s design review process. He reported that a Sign Ordinance is currently being developed and should be available in a couple of weeks.

Two weeks after, a cell tower Ordinance should be available.

CODE ENFORCEMENT REPORT / STEVE HASSON – Reported that a Camper/5<sup>th</sup> Wheel Vehicle had been parked at Jerry’s Tires and used as a residence. Jerry has been requested, in writing to remove this from his business location.

CITY ENGINEER / KELLER ASSOCIATES – Justin reported that the project on Avalon and Shortline is complete and operational.

CITY ATTORNEY / RANDY GROVE – Needs Executive Session.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – No report.

**13. ORDINANCES:**

**14. MAYOR / COUNCIL DISCUSSION:**

M/Dowdy stated that he had received a request from the Chamber for assistance with replacement of the worn-out Christmas decorations. The Chamber further asked if the City’s Public Works staff could install the decorations.

PW/Director Jim Taylor reported that the City does not have a bucket truck to use for installation of the decorations.

Moved by C/Cardoza to donate \$2,000 for Christmas decorations to the Chamber of Commerce. Motion died for lack of a second.

Moved by C/Cardoza, seconded by C/Lang to donate \$3,000 to the Chamber of Commerce for Christmas decorations. Motion carried 3-0.

M/Dowdy summarized the agreement with Osprey Ridge approved by the Council October 9 and executed today which includes an Irrevocable Standby letter of credit in the amount of \$1,127,706 for expansion of the WWTP.

**15. ANNOUNCEMENTS:**

**16. EXECUTIVE SESSION:**

C/Lang moved, seconded by C/Stroebel to adjourn to Executive Session pursuant to I.C. Section 672345(f) for potential litigation. Motion carried by the following Roll Call vote:

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

Moved by C/Lang, seconded by C/Stroebel to adjourn Executive Session at 10:37 p.m.

- 17. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 10:37 p.m.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: November 4, 2007