

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 2, 2007

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

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

Mayor Dowdy called the meeting to order at 5:15 p.m.

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

ALSO PRESENT WERE: City Attorney Randy Grove, P&Z Director Steve Hasson, Planner Tech Tracy Rushlow and City Clerk Lynda Burgess.

DISCUSSION REGARDING DESIGN REVIEW

P&Z/Director Hasson: As of right now when applicants for Design Review come in, they submit the paperwork, and the staff reviews it. It then goes to Commission and gets debated, sometimes with changes. What we would like to do is have a Design Review Committee with a capacity to review the submittal, make changes if called for and when deemed complete, submit to the P&Z Commission. We have gone through the design review code and tailored a checklist and application to reflect the new requirements so the applicant knows what they need to submit and eliminates guesswork and the constant requiring of more documents or examples. We also have put together a Design Review booklet that will help the applicant see what we would like to have in Kuna. Tracy put together the booklet and the application. That's why I want to give you and several other people these point-and-shoot cameras. Just look for those little things in the community that you like and take a picture of them. It can be things you like and even things you don't like so we can incorporate them into the booklet so it is exclusive to Kuna.

C/Lang: We did this several years ago before I was on Council. We had seniors, business people and several others take pictures of what they liked, disliked of things in the community and other communities as well. We turned them in but I don't ever know what happened to it. We did a collage for a task force and did a presentation with a couple of other cities and it was great because it gave the developers an idea of what the citizens wanted. It was the people telling us what they wanted to see in their community.

P&Z Director Hasson: Like the old saying "You have one chance to make a good impression" and the same holds true for a community. What I'd like you to do is go and take some pictures so we can substitute the bread and butter thing we put out to something more specific to the community and capture characteristic and details unique to Kuna.

C/Lang: It could have helped us last year when a certain subdivision went to put in playground equipment and we did not have any real standards. They made their own playground equipment out of old pipes they had left over. With the booklet, developers would know what is acceptable and what is not.

PT/Rushlow: Agreed to add playground equipment to the booklet along with some of the other amenities that are often found in Design Review.

P&Z/Director Hasson: With the booklet and standards, it will help steer away from things not desirable or wanted in the community.

C/Lang: Exactly. It gives everyone ownership in the community and they know we are listening.

PT/Rushlow: We are also working on a sign ordinance, as well as light, tree and cell tower ordinances as they are way outdated and needed to be updated to reflect the changes made in the community.

Councilwoman Stroebel: Will the ordinance address the billboard problem.

PT/Tracy Rushlow: Yes, that is addressed, it will be only allowed on the Highway 69 overlay District with the requirement that it go through special use and design review processes.

P&Z/Director Hasson: We need some direction for the city.

In response to C/Stroebel, P&Z/Director Hasson stated that the dark sky ordinance would require that lights be shielded so that the light is forced down and only in certain areas. So there is not any light pollution. We have some examples in the light ordinance we are writing. And we need this for subdivisions and commercial areas and provide for exceptions for like safety issues, agricultural practices or emergency services.

C/Lang: One problem is those decorative lights we have downtown; Idaho power won't service them so we had to pay someone else. That might be something else to consider or look into or at least be aware of.

P&Z/Director Hasson: We are going to show more illustrations for the lighting. Regarding the tree ordinance, the booklet shows the different levels of trees, for example type one is trees approved to be planted under power lines by Idaho Power, and it provides how to care for them, who is responsible. We want to be able to preserve trees in development too, because it actually benefits not only in the looks of mature trees but it has been shown that businesses actually do better with mature trees. It gives the illusion of being there for a while and being successful. On formation of the Design Review committee, we have had several good people respond to our inquiry--we ran an ad in the Kuna Melba news and online on the City website. We will interview them and see if we can get a committee together. These are my thoughts.

M/Dowdy: I want to follow up on the letters that Margo Whale sent on September 13; basically the September 11 letter that she wrote C/Cardoza. Outlining or saying that she was not interested in being involved in the Design Review Committee and why and then in her next letter

she wanted to be considered for the committee. Her expectation is to have a moratorium on all building in Kuna until there is something in place that satisfies her. Obviously, building moratoriums require some sort of health and safety issue in order for that to be implemented, a city's design is not a legal reason for a moratorium. The City already has taken a number of steps on some the issues that she has outlined. We are trying to build a long-term vision group, but we can't stop building for that. She wants more greenways, pedestrian and biking paths, we are looking into that. A number of large-scale developments are coming in and those are some of the amenities that are being provided.

C/Lang: I know that most of the subdivisions have that and they are being tied in when possible.

M/Dowdy: Ms. Whale wants a greater variety of lot sizes and connectivity, setbacks, I don't know where she has been but there has been a huge difference in the last 4 years in the plans that are currently brought in to P&Z compared to what was brought in. A majority of the things she wants are things that we are encouraging and getting.

C/Stroebel: And where she complained that no one contacted her we told her at that meeting that we were setting things up and when we got it to the planning stage we may contact her but until then we were waiting until Steve came on and for other things to get in to place.

M/Dowdy: I think people need to be better educated on what is going on. Like the cost of the new public facility, what do they think the LID is? A lot of people are on the fringe; don't live in the city, are on 5 acre parcels and don't like that they are getting encroached upon. People need to understand that. I think that there are some good individuals out there who would be very helpful on this committee and help shape the future of our city. We need to let people know that we are doing these things and trying to make Kuna a better city.

C/Lang: A lot of the subdivisions going in now were planned years ago, before we even came into office and now they are being built, people need to understand that these things take years, from the planning stage to complete and they just don't understand that.

P&Z/Director Hasson: Stated that the Comp Plan RFQ was sent to approximately to 33 local companies and posted on the American Planning Association website. We received calls from Spokane and Salt Lake and just 1 day after we posted it. One of the features is a capital improvement plan, a precursor to impact fees. Impact fees can be used for police, fire and parks and recreation. For parks and such you need land. The impact fee would not be existing dollars but new dollars, impact fees for these improvements. Another element is to identify, based on growth, where we plan to develop. Where we need parks, sheriff substations, fire stations, public support facilities and where they need to go and the land that needs to be purchased to support them.

C/Stroebel moved, seconded by C/Lang to adjourn at 5:57 p.m. Motion carried 3-0.

7:05 p.m. - REGULAR COUNCIL MEETING

1. Mayor Dowdy called the meeting to order at 7:01 p.m.

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

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

2. INVOCATION: The Invocation was given by Pastor Bruce Wheeler, New Beginnings Christian Church.

3. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Dowdy

4. CONSENT AGENDA:

Moved by C/Cardoza, seconded by C/Stroebel to move Item 4.B. to 7.C. and Item 4.H. for discussion following approval of the Consent Agenda. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to approve the Consent Agenda as amended. Motion carried by the following Roll Call vote:

AYES: Lang, Stroebel, Cardoza

NOES: None

ABSENT: None

A. APPROVED ACCOUNTS PAYABLE DATED SEPTEMBER 27, 2007 IN THE AMOUNT OF \$183,346.91.

C. APPROVED CHANGE ORDER NO. 3 FOR CUSTOM ELECTRIC, INC. FOR THE SYSTEM-WIDE SCADA PROJECT TO EXTEND THE CONTRACT PERIOD TO OCTOBER 30, 2007.

D. APPROVED ADVERTISING FOR A CONTRACTOR TO CONSTRUCT THE SADIE CREEK IRRIGATION PUMP STATION AND POND PROJECT.

E. APPROVED FINAL PLAT 06-03-S FOR APPLEWOOD SUBDIVISION PHASE 1.

F. APPROVED BOND REQUIRED BY THE PLANNING & ZONING DEPARTMENT FOR GALIANO ESTATES SUBDIVISION IN THE AMOUNT OF \$701,882.76.

G. APPROVED AGREEMENT WITH BILLING DOCUMENT SPECIALISTS FOR ESTABLISHMENT OF CREDIT CARD SYSTEM FOR COLLECTION OF UTILITY PAYMENTS.

I. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-06-AN ANNEXATION, JOEL & MICHELLE VAN LITH.

- J. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-09-ZC REZONE/07-13-S PRELIMINARY PLAT/07-11-DA DEVELOPMENT AGREEMENT, MALASPINA RANCH SUBDIVISION.
- K. APPROVED AGREEMENT WITH THE NETWORK GROUP FOR SERVER SUPPORT SERVICES AND AS-NEEDED SUPPORT FOR FY 2007-08.
- L. APPROVED SERVICE AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE IDAHO HUMANE SOCIETY.

REMOVED FROM CONSENT AGENDA:

- H. APPROVED AGREEMENT WITH IMAGETEK, INC. FOR STORAGE AND RETRIEVAL OF ELECTRONIC RECORDS IN THE AMOUNT OF \$2,500 FOR SOFTWARE, INSTALLATION, TRAINING, ETC. PLUS A \$300 MONTHLY STORAGE FEE.

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

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

5. FIRE DISTRICT REPORT

Chief Rosin report that there were 91 fire and EMS calls during the month of September and that 58 responses were within the City and 33 were within the District. 64 calls were EMS related with 27 fire related. There are 3 paramedics on the paid staff with 7 paramedics on paid/call. 36 paid and volunteer staff is able to respond.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Erroll Morgan reported that another open house will be held on November 8 at the Kuna High School for the Kuna-Mora Corridor Study to establish a planning document for right-of-way preservation. He distributed a map of proposed school safety measures including two school zone flashers and crosswalks on Deer Flat Rd. and one school zone flasher and crosswalk on Porter.

7. OLD BUSINESS:

- 7.A. APPROVE A "LAND RENTAL AGREEMENT" WITH RICHARD DURRANT FOR THE WASTEWATER TREATMENT PLANT PROJECT.

Moved by C/Lang, seconded by C/Stroebel to continue the matter to the October 16, 2007 meeting. Motion carried 3-0.

7.B. CONSIDER AGREEMENT WITH OSPREY RIDGE PARTNERS, LLP FOR FUNDING OF THE WASTEWATER TREATMENT PLANT EXPANSION.

Moved by C/Lang, seconded by C/Stroebel to continue discussion to the Special Council Meeting on Tuesday, October 9, 2007 at 9 a.m. Motion carried 3-0.

7.C. APPROVED PAY REQUEST NO. 1 FOR SIEMENS WATER TECHNOLOGIES IN THE AMOUNT OF \$896,499.20 FOR THE NORTH WASTEWATER TREATMENT PLANT PHASE 1 MEMBRANE EQUIPMENT PRE-PURCHASE.

Moved by C/Cardoza, seconded by C/Stroebel to approve Pay Request No. 1, all of which is to be applied toward the LID amount of \$4,165,177. Motion carried by the following Roll Call vote:

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

8. CITIZEN'S REPORTS OR REQUESTS:

REPORT BY ANDREA FOGELMAN, BDPA, INC. PRESENTING EXECUTIVE SUMMARY OF THE CITY'S CLASSIFICATION AND COMPENSATION STUDY.

Moved by C/Lang, seconded by C/Stroebel to adopt the proposed Wage and Salary Rates for 2007-08 and direct the City Attorney to prepare a Resolution for adoption on October 16, 2007. Motion carried 3-0.

9. LICENSES AND PERMITS:

APPROVED BUSINESS LICENSE FOR DARYL GROVE AND SHAWNA AKE "DG WELDING," 1891 W. OAKLEY WAY.

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

10. NEW BUSINESS:

DISCUSS 2008-09 PRIORITY LIST SUBMITTED BY THE TRANSPORTATION TASK FORCE.

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

RECESS: Mayor Dowdy recessed the meeting at 9:05 p.m.

RECONVENE: Mayor Dowdy reconvened the meeting at 9:23 p.m.

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

- A. CONTINUED PUBLIC HEARING - 07-01-ZC (REZONE)/07-02-S (PRELIMINARY PLAT)/07-02-DA (DEVELOPMENT AGREEMENT) – SCORIA SUBDIVISION, 1600 E. MEADOWVIEW RD. (Continued from August 21, 2007).

Developer requested that this matter be remanded to the Planning & Zoning Commission.

- B. PUBLIC HEARING – 07-01-Z0A/COMMON DRIVEWAYS AND PRIVATE STREETS/ZONING CODE AMENDMENT.

P&Z/Director Steve Hasson stated that an application had been received to amend the City's zoning ordinance for private streets. Idaho Code clearly indicates that any zoning language has to be in accordance with policy set forth when developing the Comprehensive Plan. He further indicated that he recommended denial of the application to the P&Z Commission based on its incompatibility with the Comp Plan.

Kent Brown, 1472 E. Iron Eagle, Eagle, ID, Applicant, reported that members of the P&Z Commission said they liked the subdivision from a design standpoint. He displayed photos of various subdivisions already developed in the Treasure Valley with common driveways. The City of Boise has been approving these types of developments for approximately 12 years and the City of Meridian has been doing so for 3-4 years. This opens up the street for a lot more parking. Many times, when a lot of traffic is anticipated, the homeowners would be set back from the street and can easily pull out of their parking areas and children can play in that portion without being in the middle of a busy street. Kuna Fire Dept. would measure the street from the centerline and would be willing to eliminate a turn-around area if the street is only 150' long. The sample ordinance given to staff is from the City of Meridian which provides for a 20' wide private street with park space in the middle. Initially, the developments went through as PUD's and then Meridian adopted an ordinance providing for the private streets with a shared park space.

Greg Johnson, 2037 E. Terza, Meridian, also displayed photos of various subdivisions with private streets/common driveways. The streets are designed and built to ACHD standards and if they ever change their policy, ACHD would maintain these streets. Extra parking for visitors would be provided by the developer by skipping a lot and not building on it.

Errol Morgan, ACHD stated that having streets with no parking would be a maintenance dream. (Further comments were unclear).

M/Dowdy opened the Public Hearing.

SUPPORT

Kent Brown

Greg Johnson

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang, seconded by C/Stroebel to continue the matter to the October 16, 2007 meeting. Motion carried 3-0.

12. REPORTS:

P & Z DIRECTOR / STEVE HASSON – Reported that applications were received for 7 new residential permits, 1 new commercial permit, 20 building permits and 5 demolition permits. RFQ's for update to the Comp Plan, preparation of a future acquisition map, and a Capital Improvement Plan, were issued on September 27 and the inquiries received to date have been encouraging.

CODE ENFORCEMENT REPORT / STEVE HASSON – No new activity to report.

CITY ENGINEER / KELLER ASSOCIATES /JUSTIN WALKER – Reported that DEQ has notified staff that maximum contaminant levels were too high in Well #4 and that DEQ will now require quarterly testing.

CITY ATTORNEY / RANDY GROVE – Reported that he, Justin Walker, Kent Brown and Greg Johnson met with the Board of Directors of the New York Irrigation District earlier in the day to try to resolve differences over the production of irrigation water in Kuna. He suggested that a workshop be scheduled to discuss options.

CITY TREASURER / ROBIN McKEAN - None

CITY CLERK / LYNDA BURGESS – Thanked Council for approving new salary and classification levels and thanked staff for their cooperation during preparation of the study.

13. ORDINANCES:

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinances described in agenda items 13A through 13D. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinances described in agenda items 13A through 13D. Motion carried by the following Roll Call vote:

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

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- A. ORDINANCE NO. 2007-27A: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S1301449250, 7775 S. MERIDIAN RD., SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- B. ORDINANCE NO. 2007-33: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELL NUMBER S1302120600, 2045 WEST LAKE HAZEL RD., SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFRICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- C. ORDINANCE 2007-06: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S13252337600, SOUTH SWAN FALLS RD., SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- D. ORDINANCE 2007-26A: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBERS R1342250040 AND R1342250050, KAY STREET AND WYTHE CREEK, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

14. MAYOR / COUNCIL DISCUSSION:

M/Dowdy announced that the City received a letter from DEQ relating to its 2007 Inspection of the wastewater treatment and land application facilities (pond) and interview with the Wastewater Supervisor, Leola (Butch) Vega. The letter pointed out that the facility is well-operated, the system is in excellent repair and condition and the City is completely in conformance with the conditions of the permit that DEQ has issued to Kuna in the past.

15. ANNOUNCEMENTS:

16. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session per IC 67-2345(f) at 10:55 p.m. Motion carried by the following Roll Call vote:

AYES: Lang, Stroebel, Cardoza

NOES: None

ABSENT: None

Adjourned Executive Session at 11:01 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 11:01 p.m. Motion carried 3-0.

J. Scott Dowdy, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: NOVEMBER 20, 2007