

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
NOVEMBER 20, 2007
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

7:00 p.m. - REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

M/Dowdy called the meeting to order at 7:02 p.m.

PRESENT: Mayor Dowdy, Council President Lang, Councilwoman Stroebel and Councilwoman Bachman. Councilmember Cardoza was absent.

ALSO PRESENT: City Attorney Randy Grove, P&Z Director Steven Hasson, Public Works Director Jim Taylor, City Clerk Lynda Burgess, Planner Tech Maranda Schindel and Justin Walker and Larry Rupp, Keller Associates.

2. INVOCATION The Invocation was given by Pastor Scott Piper, First Baptist Church

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

Moved by C/Lang, seconded by C/Stroebel and carried 3-0 to add the following to the Agenda:

5.A. – KUNA CITY POLICE DEPARTMENT MONTHLY REPORT.

4. CONSENT AGENDA:

Moved by C/Lang, seconded by C/Stroebel to remove Items 4.C. and 4.F. from the Consent Agenda. Motion carried 3-0/

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

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

A. APPROVED MINUTES:

- 1) OCTOBER 2, 2007 REGULAR MEETING
- 2) OCTOBER 9, 2007 SPECIAL MEETING

B. APPROVED ACCOUNTS PAYABLE DATED NOVEMBER 15, 2007 IN THE AMOUNT OF \$214,037.08.

D. APPROVED PAY REQUEST NO. 4 FOR LURRE CONSTRUCTION FOR THE NORTH WWTP PHASE I EARTHWORK IN THE AMOUNT OF \$53,719.41 AND PAY REQUEST NO. 5 IN THE AMOUNT OF \$30,851.27.

E. APPROVED NOTICE OF AWARD TO KEPHA CONSTRUCTION FOR THE OPERATIONS AND MAINTENANCE BUILDING FOR THE WWTP (OPERATIONS BUILDING BID \$645,766, MAINTENANCE BUILDING BID \$556,696 – IF BOTH ARE AWARDED, DEDUCT \$36,074 FOR A TOTAL AWARD OF \$1,166,388).

G. APPROVED PERMANENT EASEMENT AGREEMENT WITH CORTLAND WALKER FOR 10' PRESSURIZED IRRIGATION EASEMENT IN GREYHAWK SUBDIVISION.

H. APPROVED AGREEMENT WITH BAILEY & CO., CERTIFIED PUBLIC ACCOUNTANTS, FOR THE ANNUAL AUDIT FOR FISCAL YEAR 2006-07 IN AN AMOUNT NOT TO EXCEED \$6,200.

I. APPROVED FINAL PLAT 07-09-FP FOR THE GREYHAWK SUBDIVISION.

J. APPROVED FINAL PLAT 07-05-FP FOR THE TIMBERMIST SUBDIVISION.

MATTERS REMOVED FROM CONSENT AGENDA:

C. APPROVE NOTICE TO PROCEED TO H2 CONSTRUCTION, INC. FOR THE SADIE CREEK IRRIGATION PUMP STATION AND POND, CONTINGENT ON REVIEW AND APPROVAL OF NECESSARY BONDING AND INSURANCE DOCUMENTATION.

F. APPROVE NOTICE TO PROCEED TO JC CONSTRUCTORS FOR THE WWTP TREATMENT CONTRACT IN THE AMOUNT OF \$15,275,000 CONDITIONED UPON EXECUTION OF THE AGREEMENT AND PROVISION OF BONDS AND INSURANCE.

Moved by C/Lang, seconded by C/Stroebel approve Agenda Items 4.C. and 4.F. contingent upon submission of executed contracts, insurance and bonds. Motion carried by the following Roll Call vote:

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

5. FIRE DISTRICT REPORT

Chief Rosin reported that 81 fire and EMS calls were received during the month of October with 63 within the City and 18 within the District. 57 calls were EMS-related and 24 were fire-related. Further, he reported that 3 paramedics are on paid staff with 7 paramedics on paid/call roster. 36 paid staff and volunteers are able to respond.

5.A. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT.

Sgt. Aldrich reported that he had attached a copy of the County crime statistics for comparison purposes. He stated that he had been working on revising the emergency response plans for both the City and the School District. Please see the City of Kuna Police Monthly Crime Brief for October 2007 attached.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Errol Morgan reported that the Highway District was not meeting this week. A project to install lighting and safety striping for school crossings on Porter is in process in cooperation with the City.

M/Dowdy stated that C/Lang had brought back some information from the last joint meeting with the Highway District and had obtained an estimate for the street lighting for approximately \$9,300.

7. LICENSES AND PERMITS:

APPROVE BUSINESS LICENSE FOR MELANIE SCHROEDER, "STATE OF MIND MASSAGE," 333 AVENUE C, SUITE 1.

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

8. CITIZEN'S REPORTS OR REQUESTS:

A. PRESENTATION BY MATT STOLL, COMPASS, REGARDING PROPOSED 2008 TRANSPORTATION LEGISLATION.

Mr. Stoll stated that the Local Option Sales Tax Legislation was introduced by the Coalition for ... Transportation who used models employed in Colorado, Arizona, Nevada and Salt Lake City for a Local Option Sales Tax to fund both roadways and public transportation. Currently \$1.7 billion short of necessary funding of the transportation system by 2030. The proposed legislation is one method being explored to fund the short-fall. The legislation is designed to change the Regional Public

Transportation Authority Act to the Regional Transportation Authority Act and will effectively merge COMPASS and Valley Regional Transit. Membership will be comprised of the six cities in Ada County as well as the Highway District. The 8 cities in Canyon County will have a seat, 1 County Commissioner and 1 representative for the 4 highway districts. ITD will also appoint 1 representative. A 2/3 vote of citizens will be required to approve the tax which will have a 20 year sunset clause.

B. PRESENTATION BY MARGO WHALE RE RESULTS OF AN OCTOBER 30 COMMUNITY MEETING REGARDING THE FUTURE OF KUNA.

Written report attached as requested by Ms. Whale.

C. PRESENTATION GIVEN BY KENT TEW, PRE-PAID LEGAL SERVICES, INC. RE IDENTITY THEFT.

9. OLD BUSINESS:

PRESENT & REVIEW FY 2005-2006 ANNUAL AUDIT – Mark Mosher, Auditor
- APPROVE ANNUAL AUDIT FOR FY 2005-2006

10. NEW BUSINESS:

CONSIDER ADDITION OF STREET LIGHTS FOR CROSSWALKS ON DEER FLAT AND PORTER (cost estimate to be provided at the meeting).

P&Z Director/Steve Hasson reported that at the last joint meeting with ACHD, safety of the school children crossing Deer Flat and Linder took place. Placement of crosswalks across Deer Flat was suggested to be installed by the Highway District with placement of street lighting at the crosswalks to be provided by the City. ACHD staff provided an estimate of \$500 to \$1500 with a monthly operational cost to the City of approximately \$6-8 per month.

CC/Burgess stated that an estimate of approximately \$10,000 had been obtained from Keller Assoc. for lighting proposed crosswalks on Porter.

PWD/Taylor stated that the lighting had not been added to the budget for this fiscal year.

RECESS: M/Dowdy recessed the meeting at 8:15 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 8:35 p.m.

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

A. PUBLIC HEARING - 07-11-ZC (REZONE)/07-12-S (PRELIMINARY PLAT)/07-13-DA (DEVELOPMENT AGREEMENT – PAWNEE CREEK SUBDIVISION.

CA/Grove reported that new Councilmember Bachman, when working as a Planner for the City, had some minor involvement with review of this subdivision; however, she

has no personal property interest in the matter and would not be prohibited from making a decision.

PT/Maranda Schindel that the application requested a rezone and preliminary plat with a development agreement for an R6 zone, 53 family lots on approximately 15 acres. The property is within the LID.

Gavin King, 3921 S. Naples, Meridian, applicant, explained that his project is intended to provide affordable family housing and displayed slides to demonstrate the design.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang, seconded by C/Stroebel to approve 07-11-ZC (Rezone)/07-12-S (Preliminary Plat)/07-13-DA (Development Agreement), Pawnee Creek Subdivision, rezone to R-6, follow all staff and agency recommendations, require temporary access between lots 22 & 23 for emergency purposes until permanent access is completed to Fossil Creek Subdivision. Motion carried 3-0.

- B. PUBLIC HEARING – 07-060ZC (REZONE)/07-10-S (PRELIMINARY PLAT)/07-08-DA (DEVELOPMENT AGREEMENT)/07-01-PUD (PLANNED UNIT DEVELOPMENT). (Continue to December 4, 2007 as the request of the developer)

Moved by C/Lang, seconded by C/Stroebel to continue the Public Hearing to December 4, 2007. Motion carried 3-0.

REPORTS:

P & Z DIRECTOR / STEVE HASSON (October 2007 Building Permit Report attached)
CODE ENFORCEMENT REPORT / STEVE HASSON – Received approximately 6 Code Enforcement issues recently and staff began dealing with them upon receipt of the complaints: branches and leaves on 4th St. which has been cleaned up; major trash problems on a property but have not have much success in getting that taken care of yet; weeds between the 700 block of Ridgestone and 886 N. Ridgecrest which are currently in process

the of being removed; weeds and a junk car on Ash St. and a first notice was sent to the property owner; a third notice has been sent to Jerry's Tires regarding a 5th wheeler camper being used as a residence as well as a proliferation of tires.

CITY ENGINEER / KELLER ASSOCIATES – No report.

CITY ATTORNEY / RANDY GROVE – Reported on a recent conversation w/Steve Bradbury, representing Tim Gordon, re the proposed EDU transfer policy. He stated that he liked the idea of a pro rata distribution of transfers but if people buy EDU's one at a time, the system might not work very well. Worked out a possible scenario that if it the transfer is large enough to pro rate, we would probably go ahead but small purchases may be done on a first-come, first-served basis. Regarding issues with the New York Irrigation District, he stated that their attorney indicated that Kuna needs a "pooled water policy" which should be adopted before the next irrigation season. He further indicated that he would need an Executive Session regarding litigation and personnel.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – Construction on the new Council Chamber sound system and permanent desk area for Council Members and Commissioners will begin next Monday.

12. ORDINANCES:

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2007-36: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO, NOW KNOWN AS MALASPINA RANCH SUBDIVISION, PARCEL NUMBERS S1314223410, 2801 N. TEN MILE RD.; R378270040, N. TEN MILE RD. AND S1314233616, N. TEN MILE RD. FROM AGRICULTURAL TO R-4, MEDIUM DENSITY RESIDENTIAL DISTRICT; AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2007-36. Motion carried by the following Roll Call vote:

AYES: Lang, Stroebel, Bachman

NOES: None

ABSENT: Cardoza

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-37: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING A PORTION FROM BOISE KUNA IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM AND CHANGING THE BOUNDARIES THEREOF; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2007-37. Motion carried by the following Roll Call vote:

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

13. MAYOR / COUNCIL DISCUSSION:

14. ANNOUNCEMENTS:

M/Dowdy announced that a summit would be held by ACHD and the Treasure Valley Air Council on November 27 and that he would be unable to attend. He asked that Council Members consider attending in his place.

C/Stroebel announced that she would be out of town beginning November 21st through December 3rd.

15. EXECUTIVE SESSION: Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session for Litigation and Personnel, IC Section 67-2345(a) and (f).

Adjourned Executive Session at 9:40 p.m.

16. ADJOURNMENT: There being no further business to discuss, it was moved by C/Lang, seconded by T/S to adjourn at the meeting at 9:54 p.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JANUARY 7, 2008