

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

DECEMBER 18, 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 7:03 p.m.

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

ALSO PRESENT: City Attorney Randy Grove, P&Z Director Steven Hasson, Public Works Director Jim Taylor, City Clerk Lynda Burgess and City Treasurer Robin McKean.

2. INVOCATION The Invocation was given by Pastor Jody Felton, Kuna United Methodist Church – Not present.

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

AMEND AGENDA ITEM NO. 12D: CHANGE TITLE OF ORDINANCE TO READ: DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-41: AN ORDINANCE EXCLUDING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER R5070503580, 722 SOUTH TEN MILE ROAD, CURRENTLY SITUATED IN THE CITY OF KUNA, FROM THE CITY OF KUNA BACK INTO THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; REVERTING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to amend the agenda. Motion carried 4-0.

4. CONSENT AGENDA:

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

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

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- A. APPROVED MINUTES OF NOVEMBER 8, 2007 SPECIAL MEETING.
 - B. APPROVED ACCOUNTS PAYABLE DATED DECEMBER 13, 2007 IN THE AMOUNT OF \$173,892.26.
 - C. APPROVED LICENSE AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR (BOISE PROJECT) FOR WATER AND SEWER PIPELINE CROSSINGS OF KUNA LATERAL.
 - D. APPROVED LICENSE AGREEMENT WITH THE DEPARTMENT OF THE INTERIOR (BOISE PROJECT) FOR PRESSURE AND GRAVITY IRRIGATION CROSSING OF SOUTH RAILROAD LATERAL.
 - E. APPROVED LICENSE AGREEMENT WITH THE NAMPA MERIDIAN IRRIGATION DISTRICT FOR SEWER PIPELINE CROSSINGS OF THE HIGHLINE CANAL, RIDENBAUGH CANAL AND THE NORTH NAMPA LATERAL.

5. KUNA POLICE DEPARTMENT MONTHLY REPORT

Sgt. Kody Aldrich reported that, as shown in the report for November 2007, law enforcement incidents are still on the rise with a 32.8% increase since November 2006. 69 juvenile (up 79%) and 37 adult (up 61% arrests were made last month. Traffic citations were down 33% from last year from 60 to 29. 17 drug-related crimes were handled last month as opposed to 0 last year. He explained that the number of drug-related crimes does not indicate that Kuna is overrun with drugs because a lot of the cases are officer-initiated. 3 rapes did take place last month with the successful resolution of 2 of the cases. The third case involved a victim unwilling to work with the department. Vehicle burglaries were up 14% but residential burglaries were down 14%. DUI's were up 110%.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

No report.

7. LICENSES AND PERMITS:

- A. APPROVE BUSINESS LICENSE FOR RANDY AND DELAINY MANKER "FREEDOM FITNESS CENTER," 672 E. WYTHE CREEK CT., STE. 102-104.

Moved by C/Stroebel, seconded by C/Lang to approve the Business License. Motion carried 4-0.

- B. APPROVE CATERING PERMIT FOR CK ENTERPRISES OF IDAHO, LLC FOR A WEDDING ON DECEMBER 29, 2007.

Moved by C/Lang, seconded by C/Stroebel to approve the Catering Permit. Motion carried 4-0.

- C. APPROVE BUSINESS LICENSE FOR REDGY JAMES CHRISTENSEN, "REDGY J. CHRISTENSEN INSURANCE AGENCY, INC.," 290 W. MAIN ST.

Moved by C/Stroebel, seconded by C/Lang to approve the Business License. Motion carried 4-0.

8. CITIZEN'S REPORTS OR REQUESTS:

- A. RON FERGUSON RE CHARGES FOR UNUSED WATER AT MULTI-FAMILY UNITS.

Ron Ferguson, 181 E. 4th St. stated that he owns an 8-unit mobile home park with only one meter and expressed concern about being billed for 10,000 gal. per unit per month since usage for all units together is far below the 10,000 gal. threshold. He asked Council to consider billing him for only the amount of water passing through the meter.

M/Dowdy pointed out that all households in the City are charged in this manner and that Council spent a considerable amount of time and held public hearings when setting the fees.

Moved by C/Cardoza, seconded by C/Stroebel to direct staff to discuss the matter with the City Engineer to determine how to allocate charges for multi-family units and bring the matter back on January 15, 2008. Motion carried 4-0.

- B. KENT BROWN RE IRRIGATION ISSUES RELATED TO SPRINGHILL SUBDIVISION.

Mr. Brown explained that the Subdivision is served by both the New York and Boise Kuna Irrigation Districts who have interested that they were not willing to turn the water over to the Kuna Municipal Irrigation District. Both Districts feel that the City's creation of its own irrigation district was not done properly; therefore, the City's district is illegal. Everything else is done for the subdivision but the irrigation. The City Engineer won't sign off on the irrigation design because New York and Boise Kuna will not issue letters because the City's policies are unacceptable.

CA/Grove stated that the City must adopt a "pooled water policy." Without one, the District's won't turn over the water to the City. The Districts have indicated that they could provide water to City residents at a lower rate.

Moved by C/Cardoza, seconded by C/Lang to continue discussion on this matter (with consideration of adoption of a "pooled water policy") to the January 15, 2008 Council meeting and direct the City Engineer to sign the irrigation design for Springhill Subdivision. Motion carried 4-0.

9. OLD BUSINESS:**A. REQUEST FOR RECONSIDERATION OF COUNCIL DECISIONS REGARDING THE SEASONS CREEK SUBDIVISION (07-06-ZC/07-10-S/07-08-DA/07-01-PUD) BY TIMOTHY GORDON.**

P&Z Director/Hasson reported that Council approved the Seasons Creek Subdivision with minimum house sizes for single-family homes include 25% at 1200 sq. ft., 25% at 1500 sq. ft. and 50% at 1800 sq. ft. Following the approval, Mr. Gordon indicated that he felt that the marketplace was changing and that the sizes required would harm his development. Through his attorney, Steve Bradbury, he proposed that 25% of the housing stock be 1200 sq. ft., 25% at 1500 sq. ft., 25% at 1600 sq. ft. and 25% at 1800 sq. ft. He pointed out that the average home built since the first of the year is 2143 sq. ft. Mr. Gordon's proposal would be 70-71% of the average house size built this year. He recommended that the decision made at the last meeting be upheld.

Joe Canning, B & A Engineers, 5505 W. Franklin Rd., Boise, representing Mr. Gordon, requested that the Council change the minimum house size requirements, consider addition of architectural control features outlined lined in Mr. Bradbury's letter and support creation of an architectural control committee for every home to review every home for location on the lot, a specific site plan and certain features such as varied roof lines, setbacks, etc. Specifically, it was requested that 25% of the homes be 1200 sq. ft., 25% be 1500 sq. ft., 25% be 1600 sq. ft and 25% be 1800 sq. ft.

C/Bachman stated that the letter indicated a 10 ½" eave width and wondered if they were requesting modification of the 12" eave requirement.

Mr. Canning indicated that the eave width was not proposed to be modified.

Tim Gordon, 1206 Blackcat, stated that 12" eaves, as requested by Council, would be fine.

C/Bachman stated that the architectural control standards sounds fine but she was concerned that there were not a lot of technical aspects outlined. Would the committee provide technical guidance?

Mr. Canning responded that these were just suggestions for general standards.

In response to C/Cardoza's concern regarding the sentence on Page 4 of the letter from Mr. Bradbury dated December 12, 2007 stating: "The number of homes with the shallow recess garage condition shall be limited to 25% of the total number of units in each builder's plan package and shall be setback a minimum of 18 ft. from property line," Mr. Gordon stated that the 18 ft. should be changed to 20 feet.

C/Lang moved, seconded by C/Cardoza to approve the request for reconsideration for the Seasons Creek Subdivision (07-06-ZC/07-10-S/07-08-DA/07-01-PUD) amending the requirement for minimum home sizes to provide 25% of the development at 1800

sq. ft., 25% with a minimum of 1600 sq. ft., 25% with a minimum of 1500 sq. ft. and 25% with a minimum of 1200 sq. ft., requiring eave widths at 12” and requiring the minimum setback for garages at 20 ft. to comply with the City Code. Motion carried by the following Roll Call vote:

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

B. APPROVE FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR THE SEASONS CREEK SUBDIVISION (07-06-ZC/07-10-S/07-08-DA/07-01-PUD).

C/Lang moved, seconded by C/Bachman to approve the Findings of Facts and Conclusions of law as amended in the reconsideration. Motion carried 4-0.

10. NEW BUSINESS:

NEXT SCHEDULED CITY COUNCIL MEETING – JANUARY 1, 2008 – DISCUSS ALTERNATIVE DATE.

M/Dowdy announced that Chamber would like to hold a reception to meet and greet the new Council after they are sworn in at the first meeting in January. The Chamber suggested that this take place on January 7th.

C/Lang moved, seconded by C/Stroebel to set the first Council meeting of the new year beginning at 6 p.m. on January 7, 2008. Motion carried 4-0.

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

None.

REPORTS:

P & Z DIRECTOR / STEVE HASSON – SEE MEMO DATED DECEMBER 6, 2007 RE ACHD FIVE-YEAR PROGRAM
CODE ENFORCEMENT REPORT / STEVE HASSON
CITY ENGINEER / KELLER ASSOCIATES – No report.
CITY ATTORNEY / RANDY GROVE – No report.
CITY TREASURER / ROBIN McKEAN – SEE MEMO DATED DECEMBER 13, 2007
CITY CLERK / LYNDA BURGESS – No report.

12. ORDINANCES:

A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2007-28A: AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION FOR ORDINANCE NO. 2007-28 ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBERS S11406336153, S1406336402

AND S1406336451, 7910 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.

Moved by C/Stroebel, seconded by C/Lang to dispense with full reading and three consecutive readings of Ordinance No. 2007-28A. Motion carried 4-0.

Moved by C/Stroebel, seconded by C/Lang to adopt Ordinance No. 2007-28A. Motion carried by the following Roll Call vote:

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

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 30A: AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION FOR ORDINANCE NO. 2007-30 ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBERS R5070500805 AND R5070501010, 1271 AND 1385 S. ASH AVE., 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.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2007-30A. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-30A. Motion carried by the following Roll Call vote:

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

- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-40: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO, NOW KNOWN AS SANCTUARY SUBDIVISION, PARCEL NUMBERS S1310314800, 4400 W. HUBBARD RD. AND S1310346805, W. HUBBARD RD. TO R-4, LOW DENSITY RESIDENTIAL DISTRICT; AMENDING THE ZONING MAP OF THE CITY TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Stroebel, seconded by C/Lang to dispense with full reading and three consecutive readings of Ordinance No. 2007-40. Motion carried 4-0.

Moved by C/Stroebel, seconded by C/Lang to adopt Ordinance No. 2007-40. Motion carried by the following Roll Call vote:

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

- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-41: AN ORDINANCE EXCLUDING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER R5070503580, 722 SOUTH TEN MILE ROAD, CURRENTLY SITUATED IN THE CITY OF KUNA, FROM THE CITY OF KUNA BACK INTO THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; REVERTING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED 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 of Ordinance No. 2007-41. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-41. Motion carried by the following Roll Call vote:

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

13. MAYOR / COUNCIL DISCUSSION:

Seniors requested a street light near parking area of the senior center. Jim Taylor to take care of.

14. ANNOUNCEMENTS:

15. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session at 672345 (f) for personnel. Motion carried by the following Roll Call vote:

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

Adjourned Executive Session at 9:53 p.m.

- 16. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 9:53 p.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JANUARY 7, 2008