

**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 4, 2007**

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

**6:00 p.m. – PRE-COUNCIL MEETING**

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

M/Dowdy called the meeting to order at 7:07 p.m.

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

ALSO PRESENT: City Attorney Randy Grove, P&Z Director Steven Hasson.

**2. ADJOURN TO EXECUTIVE SESSION**

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session pursuant to IC Section 67-2345(a) for discussion of personnel.

**3. ADJOURN EXECUTIVE SESSION**

Moved by C/Lang, seconded by C/Bachman to adjourn Executive Session at 7:10 p.m. Motion carried 4-0.

**4. ADJOURN PRE-COUNCIL MEETING**

Moved by C/Lang, seconded by C/Cardoza to adjourn the Pre-Council Meeting at 7:10 p.m. Motion carried 4-0.

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

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

Council President Lang called the meeting to order at 7:22 p.m.

PRESENT: Council President Lang, Councilwoman Stroebel, Councilwoman Bachman and Councilmember Cardoza. Mayor Dowdy 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 Peter Olsen, Keller Associates.

**2. INVOCATION:** Pastor Dale Foote, Cool Springs Community Church

**3. PLEDGE OF ALLEGIANCE:** Council President Lang

**4. CONSENT AGENDA:**

Moved by C/Bachman, seconded by C/Stroebel to remove Agenda Item 4.C. from the Consent Agenda and place the item before the Fire District Report. Motion carried 4-0.

Moved by C/Stroebel, seconded by C/Cardoza to approve the Consent Agenda. Motion carried 4-0.

**A. APPROVED MINUTES:**

- 1) OCTOBER 16, 2007 REGULAR MEETING
- 2) OCTOBER 23, 2007 SPECIAL MEETING

**B. APPROVED ACCOUNTS PAYABLE DATED NOVEMBER 29, 2007 IN THE AMOUNT OF \$292,796.97.**

**D. APPROVED AGREEMENT FOR THE NORTH WASTEWATER TREATMENT PLANT RIGHT-OF-WAY DEDICATION TO THE ADA COUNTY HIGHWAY DISTRICT.**

**E. APPROVED DEVELOPMENT AGREEMENT 07-12-DA WITH DENNIS DURRANT FOR A STORAGE UNIT FACILITY, SWAN FALLS STORAGE.**

**ITEM REMOVED FROM CONSENT AGENDA:**

**C. APPROVE FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR PAWNEE CREEK SUBDIVISION, 07-11-ZC (REZONE)/07-12-S (PRELIMINARY PLAT)/07-13-DA (DEVELOPMENT AGREEMENT).**

Moved by C/Bachman, seconded by C/Stroebel to approve the Finding of Facts and Conclusions of Law as amended by adding to Page 22, bullet #3 "Meet all Planning & Zoning Commission recommendations." Motion carried 4-0.

**5. FIRE DISTRICT REPORT**

Chief Rosin reported that, during the month of October, the District received 81 Fire and EMS calls, 63 of which were within City limits and 18 within the District. 57 calls were EMS-related while 24 were fire-related. Further, he stated that there are 3 paramedics on

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paid staff with 7 paramedics on the paid/call roster and that there are 36 paid and volunteer staff able to respond.

**6. ADA COUNTY HIGHWAY DISTRICT REPORT**

**7. LICENSES AND PERMITS:**

APPROVE BUSINESS LICENSE FOR WILLIAM THOMAS, "THOMAS AND THOMAS FINE HOME DESIGN," 1936 N. THISTLE DR.

Moved by C/Stroebel, seconded by C/Cardoza to approve the Business License for William Thomas. Motion carried 4-0.

**8. CITIZEN'S REPORTS OR REQUESTS:**

REQUEST BY RICHARD HEATON FOR DISCUSSION OF WATER BILL INCURRED DURING CONSTRUCTION OF A HOME AT 1645 HEMISPHERE.

Mr. Heaton explained that on June 29, 2006, City staff completed forms requesting water meter installation on two residential parcels being constructed by him. He stated that he was not aware that the meters were requested until he received a utility bill from the City in August. As the result of non-payment of the utility bills, the City finally turned the water off in June 2007. He felt that City staff purposely left the water on because he had called to complain about being billed for water and sewer that he did not use. He was aware that City policy requires water to be shut off water when bills are unpaid for two months and wondered why the staff did not automatically shut him off.

City Clerk Burgess explained that staff had been in contact with Mr. Heaton early in 2007 regarding his delinquent account. At that time, Mr. Heaton indicated that he would stop by City Hall in the near future to discuss the situation; however, Mr. Heaton never called or visited City Hall as promised. Further, she stated that when accounts become delinquent, staff tries to work with the customer to craft a payment plan so that water does not have to be shut off. She pointed out that three water meter requests had been processed by staff on the same date in June 2006—two for properties on W. Hemisphere and one on Calypso. Mr. Heaton apparently had no problem with the water meter set for the Calypso property, yet he denied knowledge of the Hemisphere property meters.

Following discussion, moved by C/Cardoza to require that Mr. Heaton pay the City the full price of \$540.50 each for outstanding utility bills for 1645 and 1675 W. Hemisphere. Motion died for lack of a second.

Moved by C/Bachman, seconded by C/Stroebel to reduce the total amount owed by Mr. Heaton for water and sewer usage for 1645 and 1675 W. Hemisphere to \$498 and continue to bill Mr. Heaton for sewer usage for 1675 W. Hemisphere until property is sold. Motion carried 3-1 (C/Cardoza voted no).

**9. OLD BUSINESS:**

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 (continued from November 8, 2007).

Moved by C/Cardoza, seconded by C/Stroebel to continue the matter until January 15, 2008 to allow the City Attorney to meet with members of the LID to discuss the policy. Motion carried 4-0.

**10. NEW BUSINESS:**

**A. APPROVE AGREEMENT FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH THE DANSKIN/SADDLERIDGE WATER SYSTEM.**

Moved by C/Bachman, seconded by C/Stroebel to approve the agreement with Stetson Properties, Ltd. For the Danskin/Saddleridge Water System. Motion carried by the following Roll Call vote:

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

**B. ACCEPT CUSTOMER QUOTE FROM IDAHO POWER AND APPROVE EXECUTION OF THE QUOTE TO EXTEND POWER TO THE NORTH WASTEWATER TREATMENT PLANT SITE IN THE AMOUNT OF \$456,313.**

Moved by C/Stroebel, seconded by C/Bachman to extend power for the Wastewater Treatment Plant Expansion in the amount of \$456,313. Motion carried by the following Roll Call vote:

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

**C. CONSIDER ADDITIONAL ONE-YEAR TIME EXTENSION TO DECEMBER 27, 2008 FOR THE FOSSIL CREEK SUBDIVISION PRELIMINARY PLAT AS REQUESTED BY DYVER DEVELOPMENT, LLC AND LANDPRO DEVELOPMENT, LLC**

Moved by C/Stroebel, seconded by C/Cardoza to approve the one-year extension to expire December 27, 2008. Motion carried 4-0.

D. DISCUSS ISSUANCE OF A QLPE (WILL-SERVE) LETTER FOR THE ARROYO INDIO SUBDIVISION.

Moved by C/Cardoza, seconded by C/Stroebel to approve issuance of a QLPE letter for the Arroyo Indio Subdivision. Motion carried 4-0.

**RECESS:** Moved by C/Bachman, seconded by C/Stroebel to recess the meeting at 9:58 p.m. Motion carried 4-0.

**RECONVENE:** C/Lang reconvened the meeting at 10:13 p.m.

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

A. PUBLIC HEARING – 07-06-ZC (REZONE)/07-10-S (PRELIMINARY PLAT)/07-08-DA (DEVELOPMENT AGREEMENT)/07-01-PUD (PLANNED UNIT DEVELOPMENT, SEASONS CREEK ESTATES SUBDIVISION. (Continued from November 20, 2007 at the request of the developer)

C/Lang opened the Public Hearing.

OPPOSE

None.

NEUTRAL

Gene Plummer, 804 N. Black Cat Rd., concerned about requirement that “direct access to Black Cat Road is prohibited,” for the future of his irrigation pipeline and drainage ditch on the east side of his property (opposed to tiling it over since it is often visited by birds. He stated that he would like to leave that area in a natural state and wanted to know what the survey shows so that he knows where his boundary is.

Sam Johnston, 392 Black Cat Rd., explained that the drainage ditch through his property from King Rd. is full of sediment. He expressed concern with the plat since there is a park in Crimson Point. He also thought there would be a bike route connecting this property.

SUPPORT

Tim Gordon, 1206 N. Black Cat Rd.

Gene Plummer asked, with development taking place up to 15 years, how will the neighbors be assured that the quality of the development will continue?

Sam Johnston asked how the LID sewer hookups would be handled over the 15-year period.

There being no further testimony offered, C/Lang closed the Public Hearing.

Moved by C/Bachman, seconded by C/Stroebel to approve File No. 07-06-ZC (Rezone)/07-10-S (Preliminary Plat)/07-08-DA (Development Agreement)/07-01-PUD (Planned Unit Development), Seasons Creek Subdivision with the following conditions: comply with all Planning & Zoning Commission and Agency recommendations; remove cell tower usage; remove 3.1.6 from development agreement regarding an LID Ordinance; applicant to install an 8' wide paved bike path along eastern property line of the park; remove condition #30 from staff report; remove #27 from the staff report regarding 10% deviation from the phasing plan; change condition #26 requiring that the private portion of the park and half of the northern portion be constructed in phase 6; that item 3.1.1, page 8 require that the ditch located on the eastern portion of the Plummer property be left open and improvements coordinated with the Plummer's prior to construction; require a 12" overhang on all structures; change staff recommendation on square footage and require that no more than 25% will be 1200 sq. ft., 25% will be 1500 sq. ft, 50% or more will be 1800 sq. ft. and that Plummer's will have access from Black until they develop.

CA/Grove recommended that the motion include that the minimum size of the houses be 1200 sq. ft.

C/Bachman amended her motion to include "at least 25% of the development must contain a minimum of 1200 sq. ft., 25% contain a minimum of 1500 sq. ft. and 50% must contain a minimum of 1800 sq. ft. C/Stroebel seconded the amended motion. Motion carried 4-0.

**B. PUBLIC HEARING – PROPOSED RESOLUTION R12-2007/PROPOSED UTILITY CONNECTION FEES.**

C/Lang opened the Public Hearing.

OPPOSE

None

NEUTRAL

None

SUPPORT

None

There being no testimony offered, C/Lang closed the Public Hearing.

Moved by C/Cardoza, seconded by C/Stroebel to accept the City Engineer Calculated Fees. Motion carried 4-0.

**REPORTS:**

P & Z DIRECTOR / STEVE HASSON – Report continued to 12/18/07.  
CODE ENFORCEMENT REPORT / STEVE HASSON  
CITY ENGINEER / KELLER ASSOCIATES – No report  
CITY ATTORNEY / RANDY GROVE – No report  
CITY TREASURER / ROBIN McKEAN – No report  
CITY CLERK / LYNDA BURGESS – No report

**12. ORDINANCES:**

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS -  
ORDINANCE NO. 2007-38: AN ORDINANCE OF THE CITY OF KUNA, IDAHO,  
REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO,  
NOW KNOWN AS PAWNEE CREEK SUBDIVISION, PARCEL NUMBER  
S1322212500, 4400 DEER FLAT RD. TO R-6, MEDIUM-LOW DENSITY  
RESIDENTIAL DISTRICT; AMENDING THE ZONING MAP OF THE CITY OF  
KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Stroebel, seconded by C/Bachman to dispense with full reading and three  
consecutive readings. Motion carried 4-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance No. 2007-38.  
Motion carried by the following Roll Call vote.

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

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS -  
ORDINANCE NO. 2007-39: 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/Stroebel, seconded by C/Bachman to dispense with full reading and three  
consecutive readings. Motion carried 4-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance No. 2007-39.  
Motion carried by the following Roll Call vote:

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

**13. MAYOR / COUNCIL DISCUSSION:**

**14. ANNOUNCEMENTS:**

M/Dowdy announced that a force main break occurred on Shortline Rd. over the past weekend. Further, he reported that 7 members had been appointed to the Design Review Committee and meetings would be scheduled in the new year.

- 15. ADJOURNMENT:** There being no further business to discuss, it was moved by C/Stroebel, seconded by C/Bachman to adjourn the meeting at 12:24 a.m. Motion carried 4-0.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: JANUARY 7, 2008