

**CITY OF KUNA
CITY COUNCIL MEETING
MINUTES
MARCH 6, 2007**

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

**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.**

7:00 p.m. - REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Obray called the regular meeting to order at 7:05 p.m.

Present: Mayor Dean Obray, Council President Jeffery Lang, Councilman Scott Dowdy and Councilman Richard Cardoza. Councilwoman Trina Stroebel was excused.

Also present were: Planning & Zoning Director Diana Sanders, City Clerk Lynda Burgess, City Attorney Randy Grove, City Treasurer Robin McKean, Public Works Director Jim Taylor and Jim Keller and Peter Olsen, Keller Associates.

2. INVOCATION: The Invocation was given by Brian Lowery, Church of Jesus Christ of Latter Day Saints.

3. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was lead by Mayor Obray.

Mayor Obray requested that the following changes be made to the agenda: Add Item 7.C. – Pressure Irrigation Easement for Dennis Durrant and 7.D. Silvertip Construction Plan Approval.

Moved by Council President Lang, seconded by Councilman Dowdy to approve the changes to the Agenda. Motion carried 3-0-1 (Councilwoman Stroebel absent).

4. CONSENT AGENDA:

Moved by Council President Lang, seconded by Councilman Dowdy to approve the Consent Agenda. Motion carried 3-0-1 (Councilwoman Stroebel absent).

A. APPROVED ACCOUNTS PAYABLE DATED MARCH 5, 2007 IN THE AMOUNT OF \$285,072.43.

B. APPROVED ADDENDUM NO. 1 TO TASK ORDER NO. 3 FOR MISCELLANEOUS ENGINEERING SERVICES – CITY SCADA DESIGN AND CONSTRUCTION MANAGEMENT – KELLER ASSOCIATES, INC. IN AN AMOUNT NOT TO

EXCEED \$13,000, BRINGING THE TOTAL DESIGN AND CONSTRUCTION MANAGEMENT COSTS TO \$40,500.

5. **FIRE DISTRICT REPORT** – Fire Chief Rosin reported that there were 64 fire and EMS calls for February with 39 responses within the City and 25 within the District. 50 calls were EMS-related and 14 were fire-related. He further stated that, with the recent certification of one of his firefighters, Kuna now has three full time firefighter/ paramedics as well as several volunteer medics. Regarding the lawsuit with Ada County regarding paramedic services, a trial date has been set for August 3rd and the District may need information from the City about the start-up of ambulance services.
6. **ADA COUNTY HIGHWAY DISTRICT REPORT** – No report given.
7. **OLD BUSINESS:**

- A. APPROVE AGREEMENT FOR PURCHASE AND SALE WITH UNITED WATER IDAHO, INC. FOR THE DANSKIN WELL (Continued from February 6, 2007).

- B. APPROVE WATER PROTEST RESOLUTION AGREEMENT.

Following discussion, it was agreed that Items A and B would be removed from future agendas until negotiations are complete.

- C. PRESSURE IRRIGATION EASEMENT FOR DENNIS DURRANT

Planning Director Sanders explained that the City is attempting to obtain a pressurized irrigation from Sadie Creek Subdivision to Ryan Meadows Subdivision to be located on the north side of the proposed mid-mile collector. The City currently has an easement on the north side of the developer's property for sewer. The developer with property on Swan Falls Rd. is willing to give an easement to the south of his property if the collector road is not required to be constructed. This would allow for pressurized irrigation to be placed in a straight line instead of curving along the existing easement to the north. Staff met with the developer's representative, proposing that the developer work with the property to the south for access to his property, aligning the collector (Sunbeam) to the west. If the road is not required, it may create problems for access on Swan Falls Rd. The City currently owns the property to the east. This would connect Sunbeam to Luker Rd. when the City constructs the road. Funds have not been available in the past for construction of the road, but it was recommended that the City budget an amount for future construction of the City's portion of Sunbeam Rd.

Council directed staff to utilize the current easement on the north side of the property.

- D. SILVERTIP CONSTRUCTION PLAN APPROVAL.

Mr. Keller reported that a request had been received from the developer of the Silvertip Subdivision to allow construction to proceed even though there are currently capacity issues with the Ten Mile Lift Station. Even though approximately 400 homes were

recently removed, monitoring must take place before approval can be obtained from DEQ to add other properties. The City Engineer has the authority to approve the sewer plans once additional capacity has been approved by DEQ. If the monitoring does not reveal additional capacity, only DEQ can approve sewer plans. The City Engineer could authorize construction for pressurized irrigation, storm drain piping and it may be possible to get DEQ approval for construction of water lines. Plans for the Ten Mile Lift Station upgrade to the 14" line have been submitted to DEQ for approval. He suggested that the Council consider authorizing Keller Associates to approve the plans for pressurized, storm drains and water construction (depending on approval from DEQ) without sewer approval. Sanitary restrictions would remain on the lots until DEQ lifts those restrictions.

Matt Schultz, representing Silvertip, requested that they be allowed to construct dry lines for the sewers until the Lift Station is approved for additional capacity.

Moved by Councilman Dowdy, seconded by Council President Lang to approve Silvertip Subdivision's request for construction plan approval for pressurized irrigation and domestic water contingent upon a recommendation by the City Attorney and approval by DEQ. In addition, the City Engineer will work with DEQ to attempt to get an answer regarding approval of the sewer lines. Motion carried 3-0-1 (Councilwoman Stroebel absent).

8. CITIZEN'S REPORTS OR REQUESTS:

9. LICENSES AND PERMITS:

10. NEW BUSINESS:

- A. POLICE CHIEF KODY ALDRICH WILL PRESENT FIGURES ON CURRENT OFFICE RENTAL COSTS FOR HIS DEPARTMENT AND DISCUSS USE OF ADDITIONAL OFFICE SPACE IN THE AVALON SUITES.

Chief Aldrich reported that the current contract for police services provides that the City pay \$1049 per month (or 60% of the total rental fee) to lease office space for the substation. The current office space is 1,400 sq. ft. and no longer accommodates the needs of the staff. He indicated that 3,800 sq. ft. is available for rent in the building which houses City Hall.

Following discussion, it was agreed to continue discussion of this matter until March 20th to allow staff an opportunity to determine whether funding is available to provide for tenant improvements.

- B. DISCUSS POLICY REGARDING USE OF CITY COUNCIL CHAMBER BY OUTSIDE ORGANIZATIONS, PRIVATE PARTIES, ETC. AND DIRECT STAFF AS APPROPRIATE.

Council agreed not to make the Council Chamber available for use by outside organizations or private parties at the current time.

- C. CONSIDER REQUEST BY MARTY PIERONI TO EXTEND PAYMENT OF PRE-PAID SEWER FEES FOR THE SCHOOLHOUSE PARK SUBDIVISION FOR FOUR MONTHS. (Council previously approved a 6-month extension on November 8, 2006).

Moved by Council President Lang, seconded by Councilmember Dowdy to approve a four-month extension for payment of pre-paid sewer fees for the Schoolhouse Park Subdivision. Motion carried 3-0-1 (Councilwoman Stroebel absent).

- D. CONFIRM APPOINTMENT OF STEPHANIE WIERSCHEM TO THE PLANNING AND ZONING COMMISSION.

Moved by Councilman Dowdy, seconded by Council President Lang to confirm the appointment of Stephanie Wierschem to the Planning & Zoning Commission. Motion carried 3-0-1 (Councilwoman Stroebel absent).

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

A. PUBLIC HEARING / 06-17-AN / MILLER / 1805 W. COLUMBIA

Planning & Zoning Director Sanders reported that this is an annexation request for two parcels comprising 10 acres at the corner of Columbia and Linder Roads. One parcel is nine acres, the other is one acre and neither is part of the LID. The applicant is aware that the current septic is acceptable but that he will not be given permission to install another septic system. She believed that that water line runs down Columbia to Linder to the church being constructed on Linder. The one acre parcel will be rezoned to R-2, with the nine acres zoned agricultural.

In response to Mayor Obray regarding annexing the nine acres as agricultural, Ms. Sanders stated that the property is currently zoned RR by the County which requires a minimum of 10 acres, making the one acre parcel illegal in the County.

Jim Jewett, 1560 Carol St., Meridian, stated that when he purchased the property from Mrs. Miller, she retained ownership of these parcels. As part of the agreement, he agreed to take care of the paperwork to handle the annexation and zoning. He stated that the property is non-conforming and it was her desire to sell that off and retain the nine acres until development reaches her.

Mayor Obray opened the Public Hearing.

Speakers in Support

None

Speakers Opposed

None

Neutral Speakers

None

There being no testimony offered, Mayor Obray closed the Public Hearing.

Moved by Councilman Dowdy, seconded by Council President Lang to approve the annexation for 06-17-AN, 1805 W. Columbia Rd., with a zoning designation of R-2 for the one-acre parcel and agricultural for the nine-acre parcel. Motion carried 3-0-1 (Councilwoman Stroebel absent).

B. PUBLIC HEARING / 06-14-ZC / 06-13-DA / 06-16-S / IRON GATE SUB / 1093 S. SCHOOL ST.

Planning & Zoning Director Sanders reported that this application was for re-zone to R-6 of 9.58 acres on S. School St. in the LID previously annexed as agricultural. Proposed is a parkway and pathway along the drainage area on the west side of the property with 31 lots and 6 common lots. The Planning & Zoning Commission recommended approval of the re-zone and a development agreement with the following conditions:

- Meet all staff and agency conditions
- Work with City Engineer for a street stub location
- The developer to construct a wrought-iron fence along School St. with a 20' landscape buffer.

Joe Canning, 5505 W. Franklin, Boise, stated that he had no objections to the conditions outlined in the staff report. The property is actually two areas—the area closest to School St. is designated under the Comp Plan as high density. The concept behind the project is that the area closest to School St. will have smaller lots with patio-type homes.

Mayor Obray opened the Public Hearing.

Speakers in Support

None

Speakers Opposed

None

Neutral Speakers

None

There being no testimony offered, Mayor Obray closed the Public Hearing.

Moved by Councilman Dowdy, seconded by Council President Lang to approve the Iron Gate Subdivision Preliminary Plat 06-16-S, Development Agreement 06-13-DA

and Re-zone 06-14-ZC with a zoning designation of R-6, not to exceed a density of 3.24 units per acre, requiring the developer to comply with all recommendations made by the Planning & Zoning staff and all other agencies. Motion carried 3-0-1 (Councilwoman Stroebel absent).

C. **PUBLIC HEARING** / 06-15-ZC / 06-14-DA / RE-ZONE & DEVELOPMENT AGREEMENT / 310 W. 4th St.

Planning & Zoning Director Sanders reported that this was for re-zone of a property on 4th St. previously owned by the Baptist Church for construction of a parking lot. Current zoning is R-6 which does not comply with City Code so the applicant is requesting a zone change to CBD, Central Business District. The Comp Plan calls for that area to be zoned CBD. During Design Review, the number of parking spaces allowed will be determined. Regarding height of the fence, Ms. Sanders stated that the Code requires a buffer of a fence or landscaping when a commercial development abuts residential property. The Planning & Zoning Commission recommended installation of vinyl fencing.

Cheryl Kerbs, 272 E. Snowy Owl, stated that conversion of the property to a parking lot would provide for staff parking for the proposed childcare center across the street in the Baptist Church.

Mayor Obray opened the Public Hearing.

Speakers in Support

Sheri Russell, 781 S. School St., explained that she owned the property at 267 4th and had no objection because the lot had been used for parking for many years already. The existing fence drops down closer to the street so that those exiting the lot can see clearly.

Speakers Opposed

None

Neutral Speakers

Gary O'Dell, 415 N. Black Cat, expressed concern that number of parking spots will meet City Code. He stated that he owned the property at 343 W. 4th St. and he felt that parking along 4th is a challenge and a problem for commercial usage.

There being no further testimony offered, Mayor Obray closed the Public Hearing.

Moved by Council President Lang, seconded by Councilman Dowdy to approve Re-Zone 06-15-ZC, Development Agreement 06-14-DA for 310 W. 4th St. from R-6 to CBD with fencing to conform to existing fencing (6' graduated to 3'). Motion carried 3-0-1 (Councilwoman Stroebel absent).

12. REPORTS:

P & Z DIRECTOR / DIANA SANDERS – Reported that she attended a meeting with ACHD and COMPASS regarding the proposed Swan Falls Development. COMPASS is looking at making the south corridor an expressway which includes a right-of-way between 140' and 200' through the south part of Kuna and connecting to Canyon County.

CODE ENFORCEMENT REPORT / DIANA SANDERS – None.

CITY ENGINEER / KELLER ASSOCIATES – Jim Keller reported that a meeting had been scheduled with DEQ for March 8th at 10 a.m., Kuna City Hall, for discussion of discharge opportunities from the wastewater treatment plant.

Mr. Keller requested authorization to advertise for bids on March 14th or 15th with closing at the end of March for the Ten Mile Pump Station pressure line project. Plans are currently being reviewed by DEQ.

Council agreed to support the request by Mr. Keller to advertise for bids for the Ten Mile Pump Station project.

CITY ATTORNEY / RANDY GROVE – Reported that he was working on language to be added to the City's Personnel Rules regarding usage of vacation time. Current policy provides for accrual of vacation time but restricts usage before one full year of employment. He recommended that vacation time be allowed to be used after four months of employment with permission of the supervisor.

Mayor Obray pointed out that employees who are terminated prior to a year are paid for the amount of vacation time accrued to that point.

CITY TREASURER / ROBIN McKEAN – Mayor Obray gave an update on the current status of the software used by staff for accounting and utility billing purposes and stated that the City has outgrown the system. Staff is experiencing a number of problems including difficulty of use, inability to expand the accounting module for line-item budgeting, the need to contact tech support on a daily basis, constant update patches provided by the vendor requiring staff time to update the systems on everyone's computers, new software modules that don't work, etc. He stated that staff is researching the purchase of new software which could cost the City between \$50,000 and \$75,000 and indicated that he would be looking at the current budget to try to fund a new system in this fiscal year.

CITY CLERK / LYNDA BURGESS – Reported that the meeting tentatively scheduled with the Meridian City Council regarding City boundaries for March 7th had been cancelled due to schedule conflicts experienced by Meridian. Staff will notify the City Council when another date has been selected.

13. ORDINANCES:

DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –

ORDINANCE NO. 2007-03: AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 2, CHAPTER 2 “URBAN FORESTRY DEPARTMENT,” ESTABLISHING THE DEPARTMENT RESPONSIBLE FOR URBAN FORESTRY AND PROVIDING AN EFFECTIVE DATE.

Moved by Council President Lang, seconded by Councilman Dowdy to dispense with full reading and 3 consecutive readings of Ordinance No. 2007-03. Motion carried 3-0-1 (Councilwoman Stroebel absent).

Moved by Council President Lang, seconded by Councilman Dowdy to adopt Ordinance No. 2007-03. Motion carried by the following Roll Call vote:

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

14. MAYOR / COUNCIL DISCUSSION:

15. ANNOUNCEMENTS:

- ▶ Mayor’s State of the City Address – Postponed to June 2007.

16. EXECUTIVE SESSION:

Moved by Councilman Dowdy, seconded by Council President Lang to adjourn to Executive Session at 10:02 p.m. Motion carried 3-0-1 (Councilwoman Stroebel absent).

Moved by Councilman Dowdy, seconded by Council President Lang to adjourn Executive Session at 10:16 p.m.

17. ADJOURNMENT: There being no further business to conduct, the meeting was adjourned at 10:16 p.m.

O. Dean Obray, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: APRIL 3, 2007