

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

APRIL 3, 2007

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

7:00 p.m. - REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Obray called the regular meeting to order at 7:00 p.m.

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

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

2. INVOCATION - The Invocation was given by Pastor Dale Foote, Cool Springs Community Church.

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

4. CONSENT AGENDA:

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to remove Items B, G and H from the Consent Calendar. Motion carried 4-0.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the Consent Calendar. Motion carried 4-0/

A. APPROVED MINUTES –

1. REGULAR MEETING OF MARCH 6, 2007.
2. REGULAR MEETING OF MARCH 20, 2007.

C. APPROVED CHANGE ORDER NO. 1 TO CONTRACT WITH SIEMENS WATER TECHNOLOGIES CORPORATION TO EXPAND THE WASTEWATER TREATMENT PLANT FROM SERVICE FOR 10,000 TO 13,000 IN THE AMOUNT OF \$317,319.

- D. ADOPTED RESOLUTION NO. R5-2007 DECLARING CERTAIN PERSONAL PROPERTY OF THE CITY TO BE SURPLUS; AUTHORIZING AND DIRECTING THE DISPOSAL OF THE SURPLUS PROPERTY AND PROVIDING AN EFFECTIVE DATE.
- E. ADOPTED RESOLUTION NO. R6-2007 AMENDING RESOLUTION R8-2006 REVISING THE PERSONNEL POLICY MANUAL REGARDING EMPLOYEE CLASSIFICATION, COMPENSATION AND BENEFITS AND PROVIDING AN EFFECTIVE DATE.
- F. APPROVED FINAL PLAT FOR THE GREYHAWK SUBDIVISION.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

B. ACCOUNTS PAYABLE

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve Accounts Payable dated March 29, 2007 in the amount of \$202,599.34.

- G. APPROVED NOTICE OF AWARD FOR THE TEN MILE LIFT STATION 16-INCH FORCE MAIN PROJECT TO TITAN TECHNOLOGIES IN THE AMOUNT OF \$706,705.50.

- H. APPROVED NOTICE OF AWARD FOR THE TEN MILE WATER LINE PROJECT TO TERRA-WEST, INC. IN THE AMOUNT OF \$226,242.

Moved by Councilman Dowdy, seconded by Council President Lang to approve Notices of Award to Titan Technologies for the Ten Mile Life Station 16-Inch Force Main Project and to Terra West for the Ten Mile Water Line Project. Motion carried 4-0.

5. FIRE DISTRICT REPORT:

Chief Rosin reported that the month of March was the second busiest month on record with 109 calls for fire and EMS with 68 calls in the City and 41 in the District. 66 calls were medically-related and 43 fire-related. He further reported that the District is looking for a site south of the railroad tracks to be located another fire station. It is hoped that the City or the ACHD can help provide the land. In addition, the District is seeking assistance from ACHD in locating a site in the area of Five Mile from Kuna to Kuna Mora.

6. ADA COUNTY HIGHWAY DISTRICT REPORT:

REPORT GIVEN BY BRYAN HUEY REGARDING TASK FORCE DEALING WITH "WORK IN THE RIGHT-OF-WAY."

7. OLD BUSINESS:

8. CITIZEN'S REPORTS OR REQUESTS:

Keven Shreeve, 2655 E. Meadowview, requested that the City consider allowing installation of septic systems in the agricultural zone on minimum 5-acre lots which would allow a number of parcels to be developed that do not have access to the City's sewer and water systems.

It was agreed that Mr. Shreeve would meet with Councilwoman Stroebel, the Planning and Zoning Director and the City Attorney to draft a policy for Council review at a future City Council meeting.

9. LICENSES AND PERMITS:

- A. APPROVED BUSINESS LICENSE FOR NPC INTERNATIONAL, INC., "PIZZA HUT #2163," 271 N. AVENUE D.

Moved by Councilman Dowdy, seconded by Council President Lang to approve the Business License for NPC International, Inc., "Pizza Hut #2163," 271 N. Avenue D. Motion carried 4-0.

- B. APPROVED BUSINESS LICENSE FOR WELDON AND BETTY HILL, "AMSOIL SYNTHETIC LUBRICANT AUTHORIZED DISTRIBUTOR," 1188 W. EMMY CT.

Moved by Council President Lang, seconded by Councilman Dowdy to approve the Business License for Weldon and Betty Hill, "Amsoil Synthetic Lubricant," 1188 W. Emmy Ct. Motion carried 4-0.

- C. APPROVED BUSINESS LICENSE FOR SYLVIA LEAL-MALONE/MARIA E. LEAL, "MARY'S DOWNTOWN LAUNDRY," 397 W. MAIN ST.

Moved by Councilman Dowdy, seconded by Councilwoman Stroebel to approve the Business License for Sylvia Leal-Malone/Maria E. Leal, "Mary's Downtown Laundry," 397 W. Main St. Motion carried 3-0-1 (Councilman Cardoza abstained).

- D. APPROVED BUSINESS LICENSE FOR MIKE AND CHERYL KERBS/ANN HANSON, "LASTING IMPRESSIONS CHILDCARE CENTER," 321 W. 4TH ST.

Moved by Councilwoman Stroebel, seconded by Council President Lang to approve the Business License for Mike & Cheryl Kerbs/Ann Hanson, "Lasting Impressions Childcare Center," 321 W. 4th St. Motion carried 4-0.

- E. APPROVED BUSINESS LICENSE FOR JACQUELINE HUMPHREYS, "QUIZNO'S," 763 E. WYTHE CREEK CT., SUITE 101.

Moved by Council President Lang, seconded by Councilman Dowdy to approve the Business License for Jacqueline Humphreys, "Quizno's," 763 E. Wythe Creek St., Suite 101. Motion carried 4-0.

- F. APPROVED LICENSE FOR SALE OF LIQUOR BY THE DRINK – CONPAZ, INC, DBA EL GALLO GIRO, 482 W. MAIN ST.
- G. APPROVED LICENSE FOR OFF-PREMISE SALE OF BEER AND WINE – KUNA CHEVRON, 150 W. DEER FLAT RD.
- H. APPROVED LICENSE FOR OFF-PREMISE SALE OF BEER – KUNA LIQUOR AND SMOKESHOP, 371 MAIN ST.
- I. APPROVED LICENSE FOR OFF-PREMISE SALE OF BEER AND WINE – PAUL’S MARKET, 700 E. AVALON.

Moved by Councilman Dowdy, seconded by Council President Lang to approve Liquor Licenses listed in Items 9.F, G., H. and I. Motion carried 4-0.

10. NEW BUSINESS:

- A. 07-01-LS LOT SPLIT/1146 W. OWYHEE AVE./ERIC SCHLUETER.

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve 07-01-LS Lot Split for Eric Schlueter at 1146 W. Owyhee. Motion carried 4-0.

- B. DISCUSS POTENTIAL FORMATION OF A SECOND LOCAL IMPROVEMENT DISTRICT.

Moved by Council President Lang, seconded by Councilman Dowdy to proceed with formation of a second Local Improvement District for all interested parties. Motion carried 3-0-1 (Councilman Cardoza voted no).

- C. DISCUSS PROVISION OF WATER/SEWER/PRESSURE IRRIGATION TO PROPERTIES OUTSIDE CITY LIMITS.

Staff was directed to research the City Code to determine requirements for provision of services outside City limits.

- D. APPROVE PRESSURE IRRIGATION CONNECTION REQUESTED BY DAN AND BRENDA ROBERTS, 290 E. LITTLE HAWK (OUTSIDE CITY LIMITS).

Moved by Council President Lang, seconded by Councilman Dowdy to continue this item until such time as staff has researched the City Code for requirements for provision of services outside City limits.

- E. DISCUSS PROPOSAL TO ISSUE AN EXCAVATION CONTRACT FOR THE WASTEWATER TREATMENT PLANT.

It was agreed that Keller Associates should proceed with preparation of a contract for excavation for the Wastewater Treatment Plant.

RECESS: Mayor Obray recessed the meeting at 8:40 p.m.

RECONVENE: Mayor Obray reconvened the meeting at 8:55 p.m.

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

- A. **CONTINUED PUBLIC HEARING** – ORDINANCE NO. 2007-04: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING CHAPTER 5 OF TITLE 7 TO ADD A NEW PROVISION FOR REIMBURSEMENT OF OVERSIZING OR OFF-SITE EXTENSION OF PRESSURE IRRIGATION LINES. (Continued from March 20, 2007)
- B. ADOPT RESOLUTION NO. R2-2007: PRESSURE IRRIGATION CONSTRUCTION REIMBURSEMENT POLICY.
- C. **CONTINUED PUBLIC HEARING** – ORDINANCE NO. 2007-05: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING CHAPTER 6 OF TITLE 7 TO ADD A NEW PROVISION FOR REIMBURSEMENT OF OVERSIZING OR OFF-SITE EXTENSION OF SEWER LINES. (Continued from March 20, 2007)
- D. ADOPT RESOLUTION NO. R3-2007: SEWER CONSTRUCTION REIMBURSEMENT POLICY.
- E. **CONTINUED PUBLIC HEARING** – ORDINANCE NO. 2007-06: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING CHAPTER 5 OF TITLE 7 TO ADD A NEW PROVISION FOR REIMBURSEMENT OF OVERSIZING OR OFF-SITE EXTENSION OF WATER LINES. (Continued from March 20, 2007)
- F. ADOPT RESOLUTION NO. R4-2007: WATER CONSTRUCTION REIMBURSEMENT POLICY.

Mayor Obray opened the Continued Public Hearings.

SUPPORT

None.

OPPOSE

None.

NEUTRAL

Jim Jewett, 1560 Carol St., Meridian, asked that the Minutes for the Meeting with developers held March 23, 2007 be entered into the record and expressed concern regarding the proposed changes to the City's policies.

Tim Gordon, 206 N. Blackcat, also expressed concern regarding the proposed policy changes.

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

Moved by Council President Lang, seconded by Councilman Dowdy to continue the matter to the May 15, 2007 City Council meeting and directed staff to schedule another meeting with developers and concerned property owners prior to May 15th. Motion carried 4-0.

G. PUBLIC HEARING – 06-12-DA/06-15-S/06-13-ZC/FALCO CATENA/SWAN FALLS RD.

Mayor Obray opened the Public Hearing.

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

Moved by Councilman Dowdy, seconded by Council President Lang to approve 06-12-DA/06-15-S/06-13-ZC, rezoning the property from Agricultural to R-4 with a maximum of 440 single family lots, no more than 2.76 dwelling units per acre, that the applicant be required to follow all recommendations from staff and other entities and that the applicant finalize a contract regarding the irrigation well and water rights and provide that to the City prior to City Council approval of the final plat. Motion carried 4-0.

12. REPORTS:

P & Z DIRECTOR / DIANA SANDERS – Reported that the City of Meridian would be holding their first hearing with their Planning and Zoning Commission on their Comprehensive Plan on April 5th and that she would be in attendance. Further, she announced that staff is in the process of preparing the RFP for Kuna's Comprehensive Plan. Regarding business licenses, she stated that she is working with the City Clerk on preparing a form to give to applicants for home occupations since the regulations differ from those of businesses established in commercial or retail locations. Staff is currently working with an individual who has agreed to annex his property giving the City a path to the Baptist College across Highway 69.

CODE ENFORCEMENT REPORT / DIANA SANDERS – No report.

CITY ENGINEER / KELLER ASSOCIATES – No report.

CITY ATTORNEY / RANDY GROVE – Reported that the first meeting held with developers concerning reimbursement policies revealed that the issue of transferability of EDU connections from properties within the LID to other properties within the LID or from properties within the LID to properties outside the LID still needs to be resolved. He stated that he would prepare a draft policy resolution on this matter for consideration at the May 1st Council meeting.

Mr. Grove further indicated that he would be preparing a draft resolution outlining the City's expectations for benefits/amenities from any potential developer of the sewer farm.

Mr. Grove reported that he met with Shelly Davis, attorney for Boise-Kuna Irrigation District, who stated that the District is looking to update its contract with Kuna. The current contract indicates that, in exchange for the ability to transfer water rights or use water within the irrigation district into our municipal irrigation system, the City would create a Municipal Irrigation District. No documentation has yet been found indicating that the Municipal District had been created. Boise-Kuna further indicated that they have to account for the water supplied and requested that the City provide numbers on the water supplied to each of the parcels in the City.

Justin Walker stated that the City meters the water from the pump stations.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – No report.

13. ORDINANCES:

DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS –
ORDINANCE NO. 2007-17: AN ORDINANCE OF THE CITY OF KUNA, IDAHO,
ANNEXING A PORTION FROM NEW YORK 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 Council President Lang, seconded by Councilman Dowdy to dispense with full reading and three consecutive readings of Ordinance No. 2007-17. Motion carried 4-0.

Moved by Council President Lang, seconded by Councilman Dowdy to adopt Ordinance No. 2007-17. Motion carried by the following Roll Call vote:

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

14. MAYOR / COUNCIL DISCUSSION:

15. ANNOUNCEMENTS:

► Mayor's State of the City Address – Postponed to June 2007.

16. EXECUTIVE SESSION:

17. ADJOURNMENT: There being no further business to conduct, the meeting was adjourned at 10:37 p.m.

O. Dean Obray, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: APRIL 17, 2007