

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

MAY 15, 2007

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

7:00 p.m. - REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

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

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

Also present were: City Attorney Randy Grove, Planner Lisa Bachman, City Clerk Lynda Burgess. Public Works Director Jim Taylor, City Treasurer Robin McKean and Justin Walker and Larry Rupp, Keller Associates.

2. INVOCATION: The Invocation was given by Pastor Chris Bent, Kuna Calvary Chapel.

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

Moved by C/Lang, seconded by C/Stroebel to add Old Business Item 9.F. to the agenda for a presentation by Tim Gordon Re Butler Park as alternative site for Boys & Girls Club. Motion carried 3-0.

5. CONSENT AGENDA:

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

A. APPROVED MINUTES:

1. SPECIAL MEETING OF APRIL 24, 2007
2. REGULAR MEETING OF MAY 1, 2007.

B. APPROVED ACCOUNTS PAYABLE DATED MAY 10, 2007 IN THE AMOUNT OF \$192,488.92.

C. APPROVED BONDING FOR IMPROVEMENTS FOR SILVERTIP SUBDIVISION NO. 1.

D. APPROVED PAYMENT OF \$5,000 AND INITIATION OF A SERVICE REQUEST TO IDAHO POWER FOR ENGINEERING FOR THE WASTEWATER

TREATMENT PLANT.

- E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW – 07-01-S/PRELIMINARY PLAT – KAMIE PLACE SUBDIVISION.
- F. APPROVED NOTICE OF COMPLETION AND FINAL PAY REQUEST IN THE AMOUNT OF \$2,865 FOR DON YOUNG CONSTRUCTION FOR THE BERNIE FISHER PARK BATHROOM FACILITY.

6. FIRE DISTRICT REPORT

Chief Rosin reported that there were 73 calls in the month of April with 45 inside the City limits. 47 of the calls were EMS related while the rest were fire and basic rescue.

7. KUNA CITY POLICE MONTHLY CRIME REPORT

Sgt. Aldrich reported his staff was working extra hard to reduce some of the crime that has been experienced lately. Experienced a 15% increase in violent crime and 15% increase in property crime; however comparing numbers from April to March some of staff's efforts seem to be working. Much of the crime seems to be centered in the downtown area with some activity from the local bars. He stated that he is working with the bar owners to add security lighting and security cameras in the alleyways behind their establishments in an effort to reduce the crime in those areas. There were 858 total calls for service in April.

8. ADA COUNTY HIGHWAY DISTRICT REPORT

Errol Morgan reported regarding the ACHD property on Shortline and stated that the Commissioners are still looking into making the trade with Kuna and are currently obtaining appraisals.

9. OLD BUSINESS:

- A. NOMINATION FOR CITY COUNCIL VACANCY BY MAYOR DOWDY. Mayor Dowdy suggested appointment of Brian Critchfield. C/Cardoza moved to table the matter until the Council could review other resumes. Motion died for lack of a second.

Following discussion, it was moved by C/Cardoza, seconded by C/Stroebel to table the matter until C/Cardoza could review qualifications of other applicants. Motion carried 2-1 (C/Lang voted no.)

- B. CONSIDER PROPOSED CHANGES TO THE PERSONNEL POLICY MANUAL REGARDING VACATION LEAVE.

C/Cardoza recommended changing the proposed negative balance from 40 hours to 20 hours. Motion died for lack of a second.

Moved by C/Lang, seconded by C/Stroebel to approve the changes to Section C of the Personnel Policy Manual regarding vacation accrual and eliminate all proposed sections relating to allowing employees to take vacation beyond what is accrued. Motion carried 2-1 (C/Cardoza voted no).

C. DISCUSSION REGARDING SEPTIC TANKS ON PROPERTIES INSIDE CITY LIMITS – SCHEDULE WORKSHOP.

City Attorney Grove reported that, at the last Council meeting, C/Cardoza asked that research be conducted on the policies adopted by neighboring cities to provide added information about how septics are treated in other cities and extending water and sewer service beyond municipal boundaries. That information is not yet available but will be in time for a workshop.

Workshop to be held at pre-Council meeting, 6 p.m., June 5th.

D. DISCUSS PROVISION OF SEWER, WATER AND PRESSURIZED IRRIGATION TO PROPERTIES OUTSIDE CITY LIMITS – SCHEDULE WORKSHOP.

Workshop to be held at pre-Council meeting, 6 p.m., June 5th.

E. APPOINT COMMITTEE TO DISCUSS REIMBURSEMENT POLICIES.

Moved by C/Cardoza to appoint the committee as recommended by Jim Keller: C/Stroebel (alternate C/Lang); Jim Keller and Justin Walker, Keller Associates; Randy Whistler, Professional Property Services; Todd Massey or Joe Hassell, Osprey Ridge; Greg Johnson, Powder River Development; Gordon Law, Public Works Director, City of Caldwell and Randy Grove, City Attorney as long as there are no reimbursements for costs to be made to any of the volunteers. Seconded by C/Stroebel. Motion carried 3-0.

F. PRESENTATION BY TIM GORDON RE ALTERNATIVE SITE FOR THE BOYS & GIRLS CLUB, BUTLER PARK.

Tim Gordon, 1206 Blackcat, representing the Boys & Girls Club Steering Committee, reported that due to storm water runoff issues with ACHD on the Deer Flat and Linder property, the committee has considered a secondary site in the area of Butler Park. He suggested that a lot line adjustment could be made to a 2.2 acre parcel adjacent to Butler Park and annexed into the City to become part of the Butler Subdivision. He further stated that the property owner, Ralph Mellin, would be willing to donate the 2.2 acres for addition to the Park.

Mayor Dowdy pointed out that the property is a 33-acre County parcel and the only way the City could annex any portion would be for the property to be subdivided through the County or annexed into the City with a plat since there is no lot line currently on the property. He agreed to meet with Mr. Mellin to discuss the matter.

C/Cardoza expressed concern about traffic through the subdivisions to access the Club's site near Butler Park.

10. CITIZEN'S REPORTS OR REQUESTS:

11. LICENSES AND PERMITS:

- A. APPROVE BUSINESS LICENSE FOR BILL SKINNER, "CHESTER'S SAWDUST FACTORY," 480 E. WILD JASMINE CT.

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

- B. APPROVE BUSINESS LICENSE FOR TROY CATE, "TEXTURE PRO, INC.," 287 W. SHORTLINE.

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

- C. APPROVE BUSINESS LICENSE FOR CHRIS KURKO, "MATRIX WEBART," 728 W. WILLOW DALE WAY

Moved by C/Stroebel, seconded by C/Cardoza to table the Business License to June 5, 2007. Motion carried 3-0.

- D. APPROVE NON-COMMERCIAL KENNEL LICENSE APPLICATION – DANIEL EMERSON, 2146 2. CASTRO.

Moved by C/Stroebel, seconded by C/Cardoza to table the Non-Commercial Kennel License to June 5, 2007. Motion carried 3-0.

12. NEW BUSINESS:

- A. APPROVE NOTICE OF AWARD FOR PHASE 1, KUNA NORTH WASTEWATER TREATMENT PLANT EARTHWORK.

Moved by C/Cardoza, seconded by C/Lang to accept the bids on the condition that letters are obtained from the two highest bidders agreeing not to protest by Monday, May 22, 2007 at 5 p.m. in the office of Keller Associates. If the letters are not received, all bids will be rejected and Keller will proceed to re-bid the project. Motion carried 3-0.

- B. CONSIDER REIMBURSEMENT REQUEST SUBMITTED FOR THE KELLEHER SUBDIVISION.

Moved by C/Lang, seconded by C/Stroebel to approve the Reimbursement Request for Kelleher Subdivision in the amount of \$16,146 for on-site over sizing of the pressurized

irrigation. Motion carried 3-0.

RECESS: Moved by C/Lang, seconded by C/Cardoza to recess the meeting at 9:03 p.m. Motion carried 3-0.

RECONVENE: Mayor Dowdy reconvened the meeting at 9:15 p.m.

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

PUBLIC HEARING –06-14-S/06-10-DA/06-12/ZC/ SERA SOL SUBDIVISION, 429 SWAN FALLS RD.

Mayor Dowdy opened the Public Hearing.

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

Moved by C/Lang, seconded by to C/Stroebel to approve 06-14-S/06-10-DA/06-12/ZC preliminary plat and rezone for Sera Sol Subdivision with a re-zone from Agricultural to R-6 and approve amendment of P & Z Commission recommendation for 18” overhang to standard 16” overhang with 12” gables. Motion carried 3-0.

14. REPORTS:

P & Z DIRECTOR – No report

CODE ENFORCEMENT REPORT – Planner Lisa Bachman reported that there are no major issues at this time; however, a lot of complaints have been received regarding weeds and trash. Planner Tech Tracey Rushlow has done very well with Code Enforcement and has been very proactive. Staff has also received a lot of dust complaints around construction sites and the contractors have been reminded that water trucks need to be on site.

Regarding property on Linder, Mayor Dowdy acknowledged that a lot of prior complaints had been received relating to old equipment, etc. on the property—what is the status?

Ms. Bachman responded that staff is still working on this situation. The process often takes quite a while to get resolved especially when the property owner is resistant to do what has been requested. It is hoped that when the subdivision is constructed to the south of that property, the owner will be more motivated to clean up his property.

CITY ENGINEER / KELLER ASSOCIATES – Justin Walker – work on Ten Mile lot line project should begin within next week. Avalon Street Force Main project should begin on the first of June. Sadie Creek Pump Station irrigation pond has been stalled somewhat due to a lateral which runs directly through the pump station. The owner of that property is in the process of obtaining a license agreement to relocate that pipe.

Mayor Dowdy announced that a license agreement had been received from the Bureau of Reclamation for a project south of town for a sewer line to run underneath the Kuna Mora

Canal. He wondered if it would be appropriate for him to sign the agreement or should Council approve the agreement.

City Attorney Grove advised that the matter should be approved by the City Council.

CITY ATTORNEY / RANDY GROVE – He announced that there are two items to discuss in Executive Session.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – No report.

15. ORDINANCES:

DISPENSE WITH FULL READING AND 3 CONSECUTIVE READINGS ORDINANCE NO. 2007-21: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING “ZONING REGULATIONS” OF TITLE 5 BY AMENDING CHAPTER 4, DESIGN REVIEW OVERLAY DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to amend Sections 5-4-6 C.2.f., 5-4-6 C.7. and 5-4-6 D.2.4 and dispense with full reading and three consecutive readings of Ordinance 2007-21. Motion carried 3-0

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-21: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING “ZONING REGULATIONS” OF TITLE 5 BY AMENDING CHAPTER 4, DESIGN REVIEW OVERLAY DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

Motion carried by the following Roll Call vote:

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

16. MAYOR / COUNCIL DISCUSSION:

Mayor Dowdy reported that, at the last City Council meeting, C/Cardoza had requested that an audit of the City’s books be conducted in follow-up to the resignation of Mayor Obray. In response to that audit request, the City’s auditor, Wilson Harris & Co. sent the City a letter stating that since Mayors don’t have a lot of contact with actual City funds, an audit would not be necessary.

17. ANNOUNCEMENTS:

► Mayor’s State of the City Address –June 7, 2007, 4-5:30 p.m., Kuna High School Commons

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session to discuss litigation and personnel matters, IC Section 672345 b and f at 10:15 p.m. Motion carried by the following Roll Call vote:

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

18. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Stroebel to adjourn Executive Session at 11:00 p.m. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to approve a severance package for former Planning Director Diana Sanders including one month's salary and health insurance through June 30, 2007. Motion carried 3-0.

19. ADJOURNMENT: There being no further business to conduct, moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 11:08 p.m. Motion carried 3-0.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JUNE 5, 2007