

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

JULY 17, 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 7:00 p.m.

PRESENT: Mayor Dowdy, Council President Lang, Councilwoman Stroebel, Councilman Cardoza.

ALSO PRESENT WERE: City Attorney Randy Grove, Public Works Director Jim Taylor, City Clerk Lynda Burgess, City Treasurer Robin McKean, Tracy Rushlow and Maranda Schindel, Planner Techs and Justin Walker, Keller Associates.

2. INVOCATION None given.

3. PLEDGE OF ALLEGIANCE Mayor Dowdy led the Pledge of Allegiance.

ADD TO AGENDA – CONSENT AGENDA 4.B, ACCOUNTS PAYABLE – AMEND THE TOTAL TO \$114,115.62; MOVE NEW BUSINESS ITEM 11.B, TIME EXTENSION REQUEST BY ARROYO INDIO TO CONSENT AGENDA; TABLE REPORT FROM CHIEF ROSIN, AGENDA ITEM O. 5; ADD PUBLIC HEARINGS: 12.B. 07-07-AN/ANNEXATION/NEW BEGINNINGS CHRISTIAN CHURCH; 12.C. 07-05-ZC/REZONE, 1090 W. AVALON ST.

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

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

AYES: Lang, Stroebel, Cardoza

NOES: None

ABSENT: None

A. APPROVED MINUTES - REGULAR MEETING OF JULY 3, 2007.

B. APPROVED ACCOUNTS PAYABLE DATED JUNE 14, 2007 IN THE AMOUNT OF ~~\$142,444.60~~ \$144,115.62.

- C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR SAILOR SHORES MEADOWS, 07-03-02, SOUTH OF KUNA RD., WEST SIDE OF SOUTH SAILER PL.
- D. APPROVE PAY REQUEST NO. 1 FOR TITAN TECHNOLOGIES FOR THE TEN MILE 16-INCH FORCE MAIN PROJECT IN THE AMOUNT OF \$203,498.84.

5. FIRE DISTRICT REPORT – No report.

6. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT

7. ADA COUNTY HIGHWAY DISTRICT REPORT – No report.

8. OLD BUSINESS:

9. CITIZEN’S REPORTS OR REQUESTS:

MOVED BY C/LANG, SECONDED BY C/STROEBEL TO APPROVE RE-SCHEDULING THE BUDGET PUBLIC HEARING SET FOR AUGUST 7, 2007 CITY COUNCIL MEETING TO MONDAY, AUGUST 27, 2007.

10. LICENSES AND PERMITS:

- A. APPROVED BUSINESS LICENSE FOR HEATHER AND TOBY ROBSON, “DRAGONFLY MEDIA,” 1795 N. FIREBRICK DR. (Continued from July 3, 2007).

Moved by C/Lang, seconded by C/Stroebel to approve the Business License for Heather and Toby Robson. Motion carried 3-0.

- B. APPROVED BUSINESS LICENSE FOR AMY RICE, “MAKE BELIEVE MURALS,” 570 E. SABLE RIDGE DR.

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

- C. APPROVED BUSINESS LICENSE FOR JO AND CODY McKINNEY, “CJL BUSINESS CARDS, ETC.,” 102 2ND ST.

Moved by C/Stroebel, seconded by C/Lang to approve the Business License for Jo and Cody McKinney. Motion carried 3-0.

- D. APPROVED BUSINESS LICENSE FOR JO AND CODY McKINNEY, “K-TOWN TATZ,” 102 2ND ST.

Moved by C/Stroebel, seconded by C/Lang to approve the Business License for Jo and Cody McKinney. Motion carried 3-0.

- E. APPROVED BUSINESS LICENSE FOR GRACE ELHART FOR CLEANING SERVICES, 375 SAN MATEO AVE.

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

11. NEW BUSINESS:

- A. CONSIDER REQUEST FOR INSTALLATION OF PLUMBING AND ELECTRICAL FOR AN ICEMAKER AT THE SENIOR CITIZENS' CENTER – Continued from July 3, 2007.

Public Works Director Jim Taylor reported that the seniors had not yet obtained the icemaker and it was agreed to postpone the issue until such time as the seniors are ready to move forward.

- B. APPROVED REQUEST BY ARROYO INDIO, LLC AND EVANS CONSTRUCTION MANAGEMENT CO. FOR A ONE-YEAR TIME EXTENSION UNTIL JULY 25, 2008 FOR THE ARROYO INDIO SUBDIVISION.

Michael Crawford, Pinnacle Engineering, presented the request.

Moved by C/Cardoza, seconded by C/Stroebel to approve the extension to July 25, 2008 for Arroyo Indio Subdivision. Motion carried 3-0.

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

- A. PUBLIC HEARING – 07-02-ZC REZONE/07-11-2 PRELIMINARY PLAT/07-01-DA DEVELOPMENT AGREEMENT/SANCTUARY SUBDIVISION, 4400 HUBBARD ROAD.

Joe Canning, B & A Engineers, 5505 W. Franklin Rd., reported that the development is located on the north side of Hubbard, west of Ten Mile Rd, just north of the Arroyo Indio Subdivision. The present zone is A, included in the LID and annexed into the City. Requested zoning is R-4, with 81 acres, 247 home sites and a 5.7-acre City park. Providing sewer to the Arroyo Indio property was recently discussed and he referred to a letter prepared by Keven Shreeve dated July 17, 2007 regarding the Black Cat-Columbia Lift Station Service Area (see Exhibit A). The letter presents a solution agreeable to all parties.

Joann Butler, representing the landowner, stated that the letter from Shreeve & Associates provides for a solution for the Arroyo Indio Subdivision and the Sanctuary Subdivision since they are in a similar position. She referred to Page 19 of the staff report wherein the P&Z Commission recommended that information be added to the Development Agreement with the City involving the Wiscombe's to provide for access and the substreets. That information will be added to the Plat. A private agreement will be entered into with the Wiscombe's. She indicated that City Attorney Grove

stated earlier today that he felt that the Commission's concern was that they wanted to make sure that this was accomplished. She felt that adding this to the Development Agreement would not be appropriate but that the recorded agreement would be provided to the City prior to final plat.

Mr. Canning pointed out that on Page 3 of the letter from Shreeve & Associates includes 7 suggested conditions of approval to be added to the Development Agreement covering the sanitary sewer issues for the regional lift station.

M/Dowdy indicated that Justin Walker, Keller Associates, suggested a minor change to the 7 conditions.

Justin Walker stated that a clarification should be added that both Subdivisions would be allowed to construct temporary facilities and then contribute financially to the regional facility. Those temporary facilities would either be displaced in the future by the regional facility or expanded or modified to become the regional facility. He further stated that Item 4 states that the applicant would construct a force main line from the temporary lift station and he wanted to clarify the availability of reimbursement funds be made available and other applicants like Arroyo... If funds were available, the City would construct as many facilities as possible.

M/Dowdy opened the Public Hearing.

SUPPORT

Tim Gordon, 1206 N. Blackcat – Stated that his issue had previously been discussed.

NEUTRAL

Aldus Garsvo, 3610 W. Hubbard Rd., stated that there are a lot of farm machinery and animals using the road. He wanted to know if there would be another road other than Ten Mile to provide access to the subdivision. Without another access, a serious traffic problem will exist. He further expressed concern over issues with wastewater. (Statements unintelligible).

John Ewing, 1500 Eldorado, Boise, stated that he had nothing further to add.

Ken Wiscombe, 4387 W. Hubbard, stated that he had no problem with the subdivision but added that he had been working with the developer's attorney to deal with issues on the west side because of his agricultural property.

Michael Crawford, 3965 Star Valley, Boise stated that he had nothing further to add.

OPPOSED

Margo Whale, 3333 W. Ambrosia Ln., stated that she was not present to oppose the subdivision but wanted to remind Council of her offer to assist with a visioning

statement to create areas for transition between agriculture and development. She stated that she had collected approximately 80 signatures on a petition and read aloud the statement on the petition.

Mr. Canning summarized the changes suggested by Justin Walker. Regarding the agricultural uses in the area, he acknowledged that the subdivision was a transition but added that not all of the neighbor's concerns can be completely alleviated. Regarding the traffic, a traffic impact study was completed for the project, which was reviewed by ACHD who indicated that the capacity of the road is more than adequate to handle the additional traffic. Fencing will be provided to mitigate trespass issues.

There being no further testimony offered, M/Dowdy closed the Public Hearing.

Moved by C/Stroebel to approve Preliminary Plat 07-011-S and Rezone 07-02-ZC, conditioned upon the final approval of Development Agreement 07-01-DA, providing that the Development Agreement include the agreement for completion of the temporary and/or regional lift station between the Sanctuary Subdivision and Arroyo Indio Subdivision; that the final agreement between the Wiscombe's and the Sanctuary Subdivision regarding access be reached but not be part of the Development agreement but a separate agreement; that all conditions of the regional lift station that are outlined in the letter from Shreeve & Associates dated July 17, 2007 be met; that the references of existing agricultural uses be included in any CC&Rs for the subdivision; along with a notation on the final plat and a notation in the City's file; that the developer follow all staff recommendations, P & Z recommendations and the other agency recommendations. Motion carried 3-0.

RECESS: Moved by C/Lang, seconded by C/Stroebel to recess the meeting at 9:16 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 9:30 p.m.

B. PUBLIC HEARING – 07-07-AN ANNEXATION/NEW BEGINNINGS CHRISTIAN CHURCH, 1800 ARDELL ROAD.

Bruce Wheeler, applicant, New Beginnings Christian Church.

M/Dowdy opened the Public Hearing.

SUPPORT

No testimony offered.

OPPOSED

Margo Whale, 3333 W. Ambrosia Ln., reiterated her testimony during the previous public hearing.

NEUTRAL

No testimony offered.

C/Cardoza stated that he would abstain from voting on this issue due to a potential conflict of interest.

SUPPORT

No testimony offered.

There being no further testimony offered, M/Dowdy closed the Public Hearing.

Moved by C/Stroebel, seconded by C/Lang to approve annexation 07-07-AN. Motion carried 2-0-1 (C/Cardoza abstained).

C. PUBLIC HEARING – 07-05-ZC REZONE/MARK AND CLAIRE COX, 1090 W. AVALON STREET.

Mark Cox, 1090 W. Avalon proposed (unintelligible).

M/Dowdy opened the Public Hearing.

SUPPORT

Mark Cox, 1090 W. Avalon, no further testimony offered.

Troy Todd, 530 E. Dooley Ct., Nampa, Indian Creek Sports stated that he supports small businesses and appreciated the City's support as well.

NEUTRAL

No testimony offered.

OPPOSED

Margo Whale, 3333 W. Ambrosia Ln., reiterated her testimony during the public hearing on the Sanctuary Subdivision.

There being no further testimony offered, M/Dowdy closed the Public Hearing.

CA/Grove pointed out that a Development Agreement would be required at the time of development of the property.

Moved by C/Lang, seconded by C/Stroebel to approve rezone 07-05ZCZ, 1090 W. Avalon St. from R-6 to DBD with the condition that upon development of the property, a development agreement be executed. Motion carried 3-0.

13. REPORTS:

P & Z DIRECTOR - No report

CODE ENFORCEMENT REPORT – Tracy Rushlow, Planner Tech, reported that the City has received an increased number of complaints regarding RV parking on residential streets for more than 3 days. Regarding the dust issue on South Ten Mile, she reported that it was the result of work on the Placerville Subdivision. The developer has assured the City that a water truck will be on site during working hours.

CITY ENGINEER / KELLER ASSOCIATES – Justin Walker reported that a productive Reimbursement Policy meeting had been held the previous week and policy recommendations should be made within the next several weeks.

CITY ATTORNEY / RANDY GROVE – Mr. Grove reported that an issue regarding Farmers & Merchants Bank/Bank of Cascades temporary building will be surfacing in the near future. He explained that the bank was granted a 3-year time period allowed by a Zoning Certificate granting a Temporary Business Location which will expire in October 2007. No provision in the Code exists to extend the Temporary Business Location beyond 3 years. The bank has indicated that it will not be able to begin construction on a permanent building until spring.

CTY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – No report.

14. ORDINANCES:

- A. DISPENSE WITH FULL READING AND THREE 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 continue the matter to August 7, 2007. Motion carried 3-0.

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-02A: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING ORDINANCE 2007-02 BY ADDING 5-5-6-G3 TO TITLE 5, SECTION 5, REGULATIONS FOR FENCES, WALLS AND HEDGES AND ADDING TO TITLE 5, SECTION 5, WATER CONNECTION FEES AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to 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. 2007-02A. Motion carried by the following Roll Call vote:

AYES: Lang, Stroebel, Cardoza
NOES: None

ABSENT: None

15. MAYOR / COUNCIL DISCUSSION:

M/Dowdy - Kuna Days use of parking lot across from Senior Center. City asked by Kuna Day committee to clean up the tires and clear the semi trucks out.

CA/Grove suggested that he send the tire shop owner a letter indicating that he is trespassing on City property and needs to be cleaned up before Kuna Days.

M/Dowdy reported that there are ongoing issues with regional planning, Blueprint for Good Growth, ACHD and ULI report—doesn't seem to be communication and trust between the cities right now. Mayor Merrill from Eagle has scheduled a retreat for all 6 Mayors and members of the Ada County Commissioners - \$916.57 per City to participate. Asked Council to support his participation. Council agreed that M/Dowdy should be in attendance at the retreat and approved the expenditure.

16. ANNOUNCEMENTS:

17. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session pursuant to I.C. 672345(f) litigation and property acquisition (c) at 10:39 p.m. Motion carried by the following Roll Call vote:

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

Moved by C/Lang, seconded by C/Stroebel to adjourn Executive Session at 10:42 p.m. Motion carried 3-0.

18. ADJOURNMENT: There being no further business to discuss, it was moved by C/Stroebel, seconded by C/Lang, to adjourn the meeting at 10:42 p.m. Motion carried 3-0.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: AUGUST 21, 2007