

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
AUGUST 21, 2007
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

7:00 p.m. - REGULAR COUNCIL MEETING

1. 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, City Clerk Lynda Burgess, City Treasurer Robin McKean, Planner Techs Tracy Rushlow and Maranda Schindel, Sewer Supervisor Leola Vega and Peter Olson, Keller Associates.

2. **INVOCATION:** The Invocation was given by Pastor Jody Felton, Kuna United Methodist Church.

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

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 –

- 1) BUDGET WORKSHOP AND SPECIAL COUNCIL MEETING JULY 10, 2007
2) REGULAR MEETING OF JULY 17, 2007.

B. APPROVED ACCOUNTS PAYABLE DATED AUGUST 16, 2007 IN THE AMOUNT OF \$123,490.11.

C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-05-ZC, REZONE, MARK AND CLAIRE COX, 1090 W. AVALON ST. (Continued from August 7, 2007).

- D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-07-AN, ANNEXATION, NEW BEGINNINGS CHRISTIAN CHURCH, 1800 ARDELL RD. (Continued from August 7, 2007)
- E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-02-ZC, REZONE/07-11-S/PRELIMINARY PLAT/07-01-DA, DEVELOPMENT AGREEMENT – THE SANCTUARY SUBDIVISION, 4400 HUBBARD RD. (Continued from August 7, 2007)
- F. APPROVED CHANGE ORDER NO. 1 FOR TITAN TECHNOLOGIES FOR THE TEN MILE LIFT STATION 16-INCH FORCE MAIN PROJECT IN THE AMOUNT OF \$3,550 FOR A TOTAL CONTRACT AMOUNT OF \$710,255.50 (Continued from August 7, 2007).
- G. APPROVED PAY REQUEST NO. 2 FOR TITAN TECHNOLOGIES FOR THE TEN MILE LIFT STATION 16-INCH FORCE MAIN PROJECT IN THE AMOUNT OF \$160,726.22 (Continued from August 7, 2007).
- H. APPROVED BOND REQUIRED BY THE PLANNING & ZONING DEPARTMENT FOR PLACERVILLE/NICHOLSON SUBDIVISION IN THE AMOUNT OF \$77,346.50 (Continued from August 7, 2007).
- I. APPROVED CHANGE ORDER NO. 1 FOR CUSTOM ELECTRIC, INC. FOR THE SYSTEM-WIDE SCADA PROJECT TO INCREASE THE PROJECT COMPLETION DATE BY FORTY-THREE DAYS (Continued from August 7, 2007).
- J. APPROVED PAY REQUEST NO. 2 FOR LURRE CONSTRUCTION FOR THE NORTH WASTEWATER TREATMENT PHASE I EARTHWORK PROJECT IN THE AMOUNT OF \$173,828.39.
- K. APPROVED REQUEST BY RMR CONSULTING AND TIMBERMIST PARTNERS, LLC FOR A ONE-YEAR TIME EXTENSION UNTIL SEPTEMBER 29, 2008 FOR THE TIMBERMIST SUBDIVISION.

5. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT

Sgt. Kody Aldrich reported that, during July 2007, calls for service increased by 18.8% and officer-initiated calls increased as well. Residential burglaries were down 36.60% but violent crimes were still on the rise. Vehicle burglaries continue to be a problem with a number of those crimes resulting from unlocked vehicles. During Kuna Days, there were 105 total law enforcement contacts made on those two nights including 7 driving without privileges citations, 7 Sheriff citations, 6 smoking tickets to underage juveniles, 4 drug arrests, 2 underage drinking citations, 2 DUIs, 2 fights, 1 liquor violation and 1 domestic battery.

6. ADA COUNTY HIGHWAY DISTRICT REPORT – No report.

7. OLD BUSINESS:

8. CITIZEN'S REPORTS OR REQUESTS:

9. LICENSES AND PERMITS:

- A. APPROVED BUSINESS LICENSE FOR GRETA L. SMITH, "THE OCCASIONAL BASKET," 538 ANDREA ST. (Continued from August 7, 2007)

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

- B. APPROVED BUSINESS LICENSE FOR ROBERT SWITZER, "EASY MONEY XPRESS, LLC," 333 AVENUE C, SUITE 4. (Continued from August 7, 2007)

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

- C. APPROVED BUSINESS LICENSE FOR WAYNE, AMANDA & MARY DUNCAN, "EXCEL COLLISION RESTORATION CENTER," 120 W. MAIN ST.

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

10. NEW BUSINESS:

- A. CONSIDER REQUEST BY REDCLIFF DEVELOPMENT FOR THE CITY'S PARTICIPATION IN PIPING OF THE SOUTH LATERAL AROUND PROPOSED CITY PARK IN SADIE CREEK SUBDIVISION NO. 1 (Continued from August 7, 2007).

Peter Olson stated that this project would be of mutual benefit to the City and the developer. The funds are in the budget as part of the costs for the Sadie Creek Pump Station. Mr. Olson recommended approval of the request.

Moved by C/Lang, seconded by C/Stroebel to approve the request from Redcliff Development in an amount not to exceed \$14,300. Motion carried by the following Roll Call vote:

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

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

- A. PUBLIC HEARING – 07-08-ZC, REZONE/07-09-DA, DEVELOPMENT AGREEMENT/DON YOUNG LAND CO./CEMENT FALLS SUBDIVISION – WYTHE CREEK AND KAY ST. (Continued from August 7, 2007).

M/Dowdy opened the Public Hearing.

Mike Young, Boise, applicant, stated that this request was simply a continuation of the development already in place.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Moved by C/Stroebel, seconded by C/Lang to approve 07-08-ZC, rezone/07-09-DA Development Agreement and zoning change from R-4 to C-3. Motion carried 3-0.

B. PUBLIC HEARING – 07-08-AN/ANNEXATION, MELVON DAVIS, 7775 S. MERIDIAN RD.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang, seconded by C/Stroebel to approve 07-08 Annexation. Motion carried 3-0.

C. PUBLIC HEARING – 07-09-AN/ANNEXATION, IDAHO BAPTIST COLLEGE, 7910 S. MERIDIAN RD.

M/Dowdy opened the Public Hearing.

SUPPORT

Buzz Copple, 4551 W. Saddle Ridge, Nampa, applicant.
Barbara Brandon, 4381 Cochees Way, Boise (did not speak)
Dr. James Brandon, 4381 Cochees Way, Boise

OPPOSED

None.

NEUTRAL

None.

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

Moved by C/Stroebel, seconded by C/Lang to approve 07-09 Annexation. Motion carried 3-0.

D. PUBLIC HEARING – 07-08-ZC/REZONE/07-12-DA/DEVELOPMENT AGREEMENT, SWAN FALLS STORAGE.

M/Dowdy opened the Public Hearing.

SUPPORT

Tim Gordon, 1206 N. Black Cat stated that the parcel is located right next to his shop. He felt that the storage facility would be a good buffer between his sanitation office and residences in the area.

NEUTRAL

None.

OPPOSED

None.

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

Moved by C/Lang, seconded by C/Stroebel to approve 07-08-ZC and 07-12-DA, requiring that a Development Agreement be drafted stipulating an easement on the south boundary and changing zoning from R-4 to M-1. Motion carried 3-0.

E. PUBLIC HEARING – 07-01-ZC(REZONE)/07-02-S(PRELIMINARY PLAT)/07-02-DA(DEVELOPMENT AGREEMENT) – SCORIA SUBDIVISION, 1600 E. MEADOWVIEW RD.

PD/Hasson reported that the applicant requested that this matter be continued to the September 4, 2007 regular meeting.

Moved by C/Lang, seconded by C/Stroebel to continue the Public Hearing to September 4, 2007. Motion carried 3-0.

12. REPORTS:

P & Z DIRECTOR / STEVE HASSON - DISCUSSION RE AMENDMENT TO HIGHWAY 69 OVERLAY DISTRICT – PD/Hasson stated that generally, this matter relates to access management control. On State highways, cities need to be careful on allowing driveway or roadway placements because highways are intended for moving goods and services. When adding a driveway or roadway along a highway, traffic is slowed down and prospects for traffic accidents increase. Driveway accesses are currently allowed on Highway 69 at the mile and the half-mile markers. But, with a major development, it is sometimes prudent to have accesses at the quarter-mile mark under limited circumstances. A traffic study should be required to defend the City's decision to allow driveway access at the quarter-mile mark.

Bob Unger, Redcliff Development, 3451 E. Copper Dr., stated that during a meeting on his project, Profile Ridge, with City staff in July, it was realized that some sort of access on Highway 69 to accommodate a big-box development would be necessary. It was suggested that the City Council be requested to consider an amendment to the Code to provide for these special circumstances. He suggested that a right-in, right-out access be allowed through a Development Agreement process which he felt would be a much better planning tool than amending the Code.

CODE ENFORCEMENT REPORT / STEVE HASSON – PD/Hasson reported that staff has received calls re weed control and pigeon problems and letters have been written to the property owners accessing them to address these issues.

CITY ENGINEER / KELLER ASSOCIATES – No report.

CITY ATTORNEY / RANDY GROVE – No report.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – No report.

13. ORDINANCES:

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2007-21A: 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. (Continued from August 7, 2007)

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2007-21. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-21. Motion carried by the following Roll Call vote:

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

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-24: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER 1315141910, 1800 ARDELL RD. AND PARCEL NUMBER S1315142200, NORTHWEST CORNER OF TEN MILE RD. AND ARDELL RD. SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. (Continued from August 7, 2007).

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2007-24. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-24. Motion carried by the following Roll Call vote:

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

- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-25: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO, NOW KNOWN AS PARCEL NUMBER R5070002230, 1090 W. AVALON STREET, FROM R-6 MEDIUM DENSITY RESIDENTIAL DISTRICT TO CBD CENTRAL BUSINESS DISTRICT; AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE. (Continued from August 7, 2007).

Moved by C/Stroebel, seconded by C/Lang to dispense with full reading and three consecutive readings of Ordinance No. 2007-25. Motion carried 3-0.

Moved by C/Stroebel, seconded by C/Lang to adopt Ordinance No. 2007-25. Motion carried by the following Roll Call vote:

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

- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-26: 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. (Continued from August 7, 2007).

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2007-26. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-26. Motion carried by the following Roll Call vote:

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

- E. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-27: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S1301449250, 7775 S. MERIDIAN RD., SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2007-27. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-27. Motion carried by the following Roll Call vote:

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

- F. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-28: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBERS S11406336153, S1406336402 AND S1406336451, 7910 S. MERIDIAN RD., SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO

THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2007-24. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-24. Motion carried by the following Roll Call vote:

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

14. MAYOR / COUNCIL DISCUSSION:

M/Dowdy spoke regarding leakage of diesel storage tanks left by Jack Noble on the Sewer Farm. The City hired Tetra Tech to take soil samples. He announced that DEQ is requiring that the City install a monitoring well on the property to determine how deep and how far from the tanks the contamination has spread. Tetra Tech provided the City with two bids, one from Hiddleston Drilling in the amount of \$22,087.18 and one from Phipps Pump and Drill in the amount of \$12,975. He asked Keller Associates to review the bids for inclusion on a future Council agenda.

C/Stroebel suggested that a meeting be held with Best Bath so that everyone can discuss the current situation.

PD/Hasson reported that he had met with Mr. Multanen at Best Bath's facility in Boise and that he would again be meeting with Mr. Multanen in Kuna tomorrow to observe the conditions of both properties. He stated that he advised Mr. Multanen that he would have to go through a special use permit process as required by the M-1 zone. Mr. Multanen is fearful of applying for a special use permit and considers it a ploy on the part of the City.

M/Dowdy announced that he met with Dr. Jeff Rosenthal of the Humane Society who indicated that there is some room to negotiate in the contract. Dr. Rosenthal will make a presentation to the Council on September 4, 2007.

Ken Wiscombe wondered about the status of the agreement on the Sanctuary Development.

M/Dowdy explained that the part of the approval of the subdivision requires that agreement must be worked out between Mr. Wiscombe and the developer and the matter won't be coming back before Council until that agreement is settled.

15. ANNOUNCEMENTS:

City Council Reimbursement Policy Workshop – Wednesday, August 22, 2007, 2 p.m.

16. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session at 8:24 p.m. pursuant to IC 672345. Motion carried by the following Roll Call vote:

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

17. ADJOURNMENT: There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn at 8:43 p.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: SEPTEMBER 18, 2007