

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

SEPTEMBER 18, 2007

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

**5:00 p.m. – PRE-COUNCIL MEETING/JOINT MEETING WITH
PLANNING & ZONING COMMISSION**

Mayor Dowdy called the meeting to order at 5:20 p.m.

PRESENT: Mayor Dowdy, Council President Lang, Councilwoman Stroebel, Councilman Cardoza and P & Z Commissioners Kerfoot and Case.

ALSO PRESENT WERE: City Attorney Randy Grove, P&Z Director Steve Hasson and City Clerk Lynda Burgess.

DISCUSSION REGARDING THE COMPREHENSIVE PLAN –

PZD/Hasson reported that the Comprehensive Plan was designed in 2003 as a work in progress. With the rapid growth in Kuna, it's important to continually look at updating that Plan so that it reflects the use and the values of the community. The Comprehensive Plan is the City's constitution. The State Legislature has said that when a community has a Comprehensive Plan, there are equal components to be looked at subjectively and addressed individually.

Development of a new plan can take up to a year and will involve many meetings, book sessions, and focus groups; the City will need to consider many perspectives. Once a general plan is developed, there will be a lot of nice views and values that the Council and Commission ought to be thinking about as Land Use applications are processed. He felt that the Plan should have three main component parts with 14 planning components including a Capital Improvement Plan integrated into the Comprehensive Plan giving more electives including sewer, water and irrigation studies. It should be decided whether the committee would like to see the community help fund future impacts by providing for recreational centers or regional parks, and building funds for fire or police stations. In addition, the City should identify how and where it is going to grow and how you to define it.

After reviewing a map of where Meridian, Eagle and Boise want to extend to, if Kuna doesn't come together and figure something out for its future, there won't be anything we think it should have. The City needs to look at all the other boundaries surrounding it and figure out what Kuna's boundaries should be.

7:05 p.m. - REGULAR COUNCIL MEETING

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

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

ALSO PRESENT WERE: City Attorney Randy Grove, City Clerk Lynda Burgess, P&Z Director Steve Hasson, City Treasurer Robin McKean, Public Works Director Jim Taylor, Building Inspector Jerry Coulter and Jim Keller, Justin Walker and Larry Rupp, Keller Associates.

Moved by C/Lang, seconded by C/Stroebel to amend the agenda as follows:

AMEND CONSENT AGENDA 4.B. ACCOUNTS PAYABLE BY CHANGING TOTAL TO \$763,485.84 (FOR PAYMENTS TO KELLER FOR WWTP WORK)

ADD TO AGENDA ITEM OLD BUSINESS ITEM 7.A. APPROVE A "LAND RENTAL AGREEMENT" WITH RICHARD DURRANT FOR THE WASTEWATER TREATMENT PLANT PROJECT AND 7.B. TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH THE HUMANE SOCIETY FOR ANIMAL CONTROL SERVICES IN THE AMOUNT OF \$45,000.

Motion carried 3-0.

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

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

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. AUGUST 9 AND 10, 2007 SPECIAL BUDGET MEETING
2. AUGUST 21, 2007 REGULAR MEETING
3. AUGUST 27, 2007 SPECIAL BUDGET PUBLIC HEARING

B. APPROVED ACCOUNTS PAYABLE DATED SEPTEMBER 13, 2007 IN THE AMOUNT OF \$763,485.84.

C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-02-

AN/07-04-DA, DEVELOPMENT AGREEMENT/07-06-S PRELIMINARY PLAT – MANUELE HEIGHTS SUBDIVISION.

- D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-07-S PRELIMINARY PLAT/07-05-DA DEVELOPMENT AGREEMENT/07-03-AN ANNEXATION, SOUTHROCK RANCH SUBDIVISION.
- E. APPROVED FINAL PLAT 05-04-S, ZATICA FAMILY LIMITED PARTNERSHIP/ ZATICA SUBDIVISION NO. 2
- F. APPROVED PAY REQUEST NO. 3 FOR TITAN TECHNOLOGIES FOR THE TEN MILE LIFT STATION 16-INCH FORCE MAIN PROJECT IN THE AMOUNT OF \$129,322.62.
- G. APPROVED JOINT POWERS AGREEMENT BETWEEN THE CITY AND ADA COUNTY SHERIFF'S OFFICE AND PROSECUTING ATTORNEY'S OFFICE RELATING TO LAW ENFORCEMENT SERVICES AND PROSECUTION SERVICES.
- H. APPROVED PRESSURE IRRIGATION EASEMENT AGREEMENT WITH DENNIS DURRANT FOR THE SADIE CREEK IRRIGATION PROJECT.
- I. APPROVED PRESSURE IRRIGATION EASEMENT AGREEMENT WITH BERTHA WHITE FOR THE SADIE CREEK IRRIGATION PROJECT.

5. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT

Sgt. Kody Aldrich reported that, during August 2007, calls for service increased to 315 compared to 236, causing a 15% increase. Officer-initiated calls increased as well. As for Arrests and Citations; there have been 15 adult arrests compared to 29 in 2006 and 16 juvenile compared to zero last year. A considerable drop in vandalism and violations will occur with school being back in. DUI's totaled 53 compared to 44 last year. Local residential burglaries continue and people need to be reminded to just lock their doors. A lot of the increase of crime has to do with the increase of population and increase in calls. He suggested consideration of a program for response to alarms similar to that used Ada County where residents have alarm cards. The majority of the calls are for false alarms, and the card tracks the number of service calls to one particular residence. After the third faulty alarm is called in, the resident starts having to pay a fee for each response. Still receiving a lot of animal calls which were for dog barking.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Errol Morgan reported that there will be a meeting on Thursday at CHM2Hill's offices from 9:30 – 11:30 a.m. for discussion of Kuna Mora Road. There was also a public information meeting about re-routing Eagle Road traffic to the west where it was suggested to construct an interchange on Cloverdale.

7. OLD BUSINESS:

- 7.A. APPROVE A "LAND RENTAL AGREEMENT" WITH RICHARD DURRANT FOR THE WASTEWATER TREATMENT PLANT PROJECT.

Moved by C/Lang, seconded by C/Stroebel to continue the matter to the October 2, 2007 meeting. Motion carried 3-0.

- 7.B. AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH THE HUMANE SOCIETY FOR ANIMAL CONTROL SERVICES IN THE AMOUNT OF \$45,000.

Moved by C/Cardoza, seconded by C/Lang to approve the agreement with the Humane Society for the ensuing year in an amount not to exceed \$45,000 with the addition of a 30-day cancellation clause. Motion carried by the following Roll Call vote:

AYES: Lang, Stroebel, Cardoza

NOES: None

ABSENT: None

8. CITIZEN'S REPORTS OR REQUESTS:

- A. PRESENTATION BY LAYNE DODSON REGARDING LOCAL IDAHO POWER PROJECTS.

Mr. Dodson explained that power capacity is currently very good at the City limits. As the City expands its City limits going north, Idaho Power has seen some strain on the upper structure of the area; however, there are plans for several substations to bring additional capacity to serve those loads. A substation will be constructed Amity and Eagle Road to be completed in 2008. Two additional substations have been permitted by Ada County--one on Columbia and Hwy 69 and another on Columbia and Cloverdale in around 2010 to 2012. Another substation will be added on Amity west of Ten Mile with transmittal coming from Nampa. A site has not been secured to the west but Idaho Power is considering Robinson Road as they are anticipating more density toward that area, especially with Kuna's growth in that direction. Regarding the southeast area, Idaho Power is anticipating a need but it will depend on the developer needs and wants in the planned community.

Mr. Dodson further stated that meter readers are being eliminated as everything will be read from the substations.

- B. PRESENTATION BY ALAN GAMEL REGARDING 2007 KUNA DAYS.

Mr. Gamel reported that Kuna Days did well this year by making \$1,320 and returning money back to those who donated and paying for expenses. Kuna Days has now been able to put \$2,200 in the bank. The fireworks cost \$300 and the committee has agreed

that this is the main event. It was a wonderful display by Lloyd Stubbs and he is looking into new ideas for next year. He felt that Kuna Days could be better with more vendors, belly dancers and more effective communications within Kuna Days organizations.

9. LICENSES AND PERMITS:

APPROVE BUSINESS LICENSE FOR ANGELA JAN McPHERSON, "PAPER HARVEST," 295 W. ANTLER CT.

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

10. NEW BUSINESS:

- A. APPROVE AGREEMENT WITH RINGERT CLARK, CHARTERED, TO PROVIDE REPRESENTATION FOR FORMER PLANNING & ZONING DIRECTOR DIANA SANDERS IN RESPONSE TO LITIGATION FILED BY BLACK LABRADOR INVESTING, LLC.

CA/Grove reported that he had made contact with another attorney at a rate of \$125/hr. If Ms. Sanders chooses not to hire that attorney, she is more than welcome to hire whomever and pay the difference. Mr. Grove explained that there would be a legal conflict if he were to represent Ms. Sanders, since he represents three parties already within the suit. ICRMP will provide service for the City and its employees in matters of negligence, but will not defend employees acting outside the scope of their duties or with malice. Although the City will pay for the defense, if it is found that she was acting in malice or outside the scope, the City will be requesting reimbursement for those fees.

Moved by C/Lang, seconded by C/Stroebel to authorize Diana Sanders to hire legal counsel in an amount not to exceed \$125 per hour. Motion carried by the following Roll Call vote:

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

- B. CONSIDER ADMINISTRATIVE APPEAL BY KUNA BUILDING INSPECTOR OF PLANNING & ZONING COMMISSION DECISION TO UPHOLD PROPERTY OWNERS' (MICHELLE JACKSON) RIGHT TO NOT MODIFY A HEADER ABOVE A BASEMENT STAIRWAY 07-02-AA.

CA/Grove explained that the Building Code requires appeals to be heard by an Appeals Board organized for that purpose and specifies that members of the Board be professionals and not employees of the jurisdiction seeking such an appeal. At this time, the City does not have an Appeals Board and does not have the process in place to activate a Board of this type. He suggested that perhaps either the City of Boise or

Meridian has such a Board and that Kuna may be able to work cooperatively with that Board. He stated that, at this point, it would appear as though the Council must vacate the decision of the Planning & Zoning Commission; therefore, the Building Inspector's decision would stand.

BI/Coulter reported on the process of permitting the particular property and stated that previously uninhabited space is being converted to habited space which does not meet Code and presents safety hazards.

Moved by C/Lang to vacate the decision of the Planning & Zoning Commission, continue the matter to the second meeting in October and issue a Temporary Occupancy Permit to the property owner until the issue can be resolved. Motion died for lack of a second.

Moved by C/Cardoza, seconded by C/Stroebel to continue the matter to October 16, 2007 for reconsideration of the issue regarding establishment of an Appeals Board and directing that a Temporary Occupancy Permit be issued to the property owner for a period of 90 days. Motion carried 3-0.

C. CONSIDER AGREEMENT WITH OSPREY RIDGE PARTNERS, LLP FOR FUNDING OF THE WASTEWATER TREATMENT PLANT EXPANSION.

Moved by C/Lang, seconded by C/Stroebel to continue the matter to the October 2, 2007 meeting. Motion carried 3-0.

RECESS: Mayor Dowdy recessed the meeting at 7:35 p.m.

RECONVENE: Mayor Dowdy reconvened the meeting at 8:50 p.m.

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

A. CONTINUED PUBLIC HEARING - 07-01-ZC (REZONE)/07-02-S (PRELIMINARY PLAT)/07-02-DA (DEVELOPMENT AGREEMENT) – SCORIA SUBDIVISION, 1600 E. MEADOWVIEW RD. (Continued from August 21, 2007). DEVELOPER HAS REQUESTED THAT THIS PUBLIC HEARING BE CONTINUED TO OCTOBER 2, 2007.

Moved by C/Lang, seconded by C/Stroebel to continue the Public Hearing to October 2, 2007. Motion carried 3-0.

B. PUBLIC HEARING – 07-07-AN ANNEXATION – JOEL & MICHELLE VAN LITH, 2045 W. LAKE HAZEL RD.

Staff report given by P&Z Director Steven Hasson.

Allen Christy, Treasure Valley Engineers, 1204 6th St North, Nampa, representing the applicant, spoke regarding his request for annexation. He stated that building will take place when utilities come available and upon development, enter into a Development Agreement.

Mayor Dowdy opened the Public Hearing.

SUPPORT

Allen Christy – already spoke.

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang, seconded by C/Stroebel to approve annexation request 07-07-AN requested by Joel & Michelle Van Lith with zoning as Agricultural. Motion carried 3-0.

C. PUBLIC HEARING – 07-09-ZC REZONE/07-13-S PRELIMINARY PLAT/07-11-DA DEVELOPMENT AGREEMENT, MALASPINA RANCH SUBDIVISION.

Staff report given by P&Z Director Steven Hasson.

Kent Brown, 1472 E. Iron Eagle Dr., Eagle, representing the Applicant, Ted Mason stated that the applicant is also the developer for Galiano Estates. The applicant wishes to provide a subdivision that will provide smaller lots with a lot of open space and pathways that will lead to a common area consisting of barbeques, tables, gazebo and fire pit.

M/Dowdy opened the Public Hearing.

SUPPORT

Kent Brown

NEUTRAL

None

OPPOSED

None

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

Moved by C/Stroebel, seconded by C/Cardoza to approve 07-09-ZC Rezone/07-13-S Preliminary Plat/07-11-DA Development Agreement with a rezone from Agricultural to R-4 and requiring the applicant to follow all staff recommendations.

D. PUBLIC HEARING – 07-01-Z0A/COMMON DRIVEWAYS AND PRIVATE STREETS/ZONING CODE AMENDMENT.

Moved by C/Lang, seconded by C/Stroebel to continue the Public Hearing to October 2, 2007. Motion carried 3-0.

12. REPORTS:

P & Z DIRECTOR / STEVE HASSON

CODE ENFORCEMENT REPORT / STEVE HASSON – Photography studio in residential zone.

CITY ENGINEER / KELLER ASSOCIATES – Regarding the 12” Water Line Project, Justin Walker reported that the project came in well under budget and should be completed this week.

CITY ATTORNEY / RANDY GROVE – nothing to report.

CITY TREASURER / ROBIN McKEAN – asked to be excused.

CITY CLERK / LYNDA BURGESS – Scheduled to attend a conference at the Double Tree Hotel in Garden City for the Annual City Clerk/Financial Treasurer Institute; with sessions on annexations, elections, subdivisions, alcohol licensing and recreation.

13. ORDINANCES:

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of the Ordinances described in agenda items 13A through 13G. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinances described in agenda items 1A through 13G. Motion carried by the following Roll Call vote:

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

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2007-04: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REPEALING CHAPTER 7-5-16 OF THE KUNA CITY CODE IN ITS ENTIRETY AND ADDING CHAPTER 7-5-16, SECTION 16-1 TO ADD A NEW PROVISION FOR REIMBURSEMENT FOR OVERSIZING OR OFF-SITE EXTENSION OF PRESSURE IRRIGATION SYSTEM AND ADDING CHAPTER 7-5-16, SECTION**

16-2 FOR CONNECTION PERMITS, INSPECTIONS, AND PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2007-05: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REPEALING CHAPTER 7-6-12 OF THE KUNA CITY CODE IN ITS ENTIRETY, ADDING A NEW CHAPTER 7-6-12 PROVIDING FOR OVERSIZING OR OFF-SITE EXTENSION OF SEWER COLLECTION SYSTEM AND ADDING CHAPTER 7-6-12-1 PROVIDING A SEWER CONSTRUCTION REIMBURSEMENT POLICY AND PROVIDING AN EFFECTIVE DATE.
- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE 2007-06: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REPEALING CHAPTER 7-5-15 OF THE KUNA CITY CODE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 7-5-15 PROVIDING FOR OVERSIZING OR OFF-SITE EXTENSION OF WATER SYSTEM AND ADDING CHAPTER 7-5-15-1 PROVIDING A WATER CONSTRUCTION REIMBURSEMENT POLICY AND PROVIDING AN EFFECTIVE DATE.
- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE 2007-26A: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING A PORTION FROM BOISE KUNA 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 EFFECTIVED DATE.
- E. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE 2007-30: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBERS R5070500805 AND R5070501010, 1271 AND 1385 S. ASH AVE., 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.
- F. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE 2007-31: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER R5070501370, NORTHEAST OF KING AND TEN MILE 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.

G. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE 2007-32: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ESTABLISHING THE BOUNDARIES OF THE ELECTION PRECINCTS WITHIN THE CITY OF KUNA; PARTICULARLY DESCRIBING SAID BOUNDARIES; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

14. MAYOR / COUNCIL DISCUSSION:

15. ANNOUNCEMENTS:

16. EXECUTIVE SESSION:

17. ADJOURNMENT: There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 9:18 p.m. Motion carried 3-0.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: OCTOBER 16, 2007