

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 4, 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 7:05 p.m.

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

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

2. **INVOCATION** - None given.

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. JUNE 16, 2007 SPECIAL MEETING.

2. JULY 24, 2007 SPECIAL MEETING.

B. **APPROVED ACCOUNTS PAYABLE DATED AUGUST 30, 2007 IN THE AMOUNT OF \$154,086.70.**

C. **APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-08-ZC, REZONE/07-09-DA, DEVELOPMENT AGREEMENT/DON YOUNG LAND CO./CEMENT FALLS SUBDIVISION**

D. **APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-08-AN/ANNEXATION, MELVON DAVIS, 7775 S. MERIDIAN RD.**

- E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-09-AN/ANNEXATION, IDAHO BAPTIST COLLEGE, 7910 S. MERIDIAN RD.
- F. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 07-08-ZC/REZONE/07-12-DA/DEVELOPMENT AGREEMENT, SWAN FALLS STORAGE.
- G. APPROVED CHANGE ORDER NO. 2 FOR CUSTOM ELECTRIC, INC. FOR THE SYSTEM-WIDE SCADA PROJECT TO INCREASE THE CONTRACT AMOUNT BY \$612.26 FOR A TOTAL CONTRACT PRICE OF \$385,012.38.
- H. APPROVED PAY REQUEST NO. 2 FOR CUSTOM ELECTRIC, INC. FOR THE SYSTEM-WIDE SCADA PROJECT IN THE AMOUNT OF \$79,540.30.
- I. APPROVED PAY REQUEST NO. 3 FOR LURRE CONSTRUCTION FOR THE WASTEWATER TREATMENT PLANT EARTHWORK IN THE AMOUNT OF \$186,819.16.
- J. APPROVED NOTICE OF FINAL COMPLETION FOR TERRA WEST FOR THE TEN MILE 12" WATERLINE CONSTRUCTION.
- K. APPROVED FINAL PAY REQUEST FOR TERRA WEST FOR THE TEN MILE 12" WATERLINE IN THE AMOUNT OF \$10,164.60.
- L. APPROVED REQUEST BY TREASURED COMMUNITIES FOR A ONE-YEAR TIME EXTENSION UNTIL SEPTEMBER 26, 2008 FOR THE SCHOOLHOUSE PARK SUBDIVISION.

5. FIRE DISTRICT REPORT

Chief Rosin reported that in August, there were 105 fire EMS calls, 64 in City Limits, 41 within the District, 74 of which were medically related with 31 were fire related. Crews have been assisting in fighting fires in Ketchum and when released, will help with the fire heading toward Council in Tamarac, which is the largest fire in the nation.

In response to M/Dowdy, Chief Rosin stated that the issues over the radio system have not yet been addressed which means that volunteers cannot be paged. A digital radio system is being looked at so that radios can be used while fighting a fire.

6. ADA COUNTY HIGHWAY DISTRICT REPORT

Erroll Morgan reported that the ACHD had completed 220 miles of chip sealing this year.

C/Cardoza asked that street sweeping begin again.

7. OLD BUSINESS:

8. CITIZEN'S REPORTS OR REQUESTS:

A. PRESENTATION BY JEFF ROSENTHAL, EXECUTIVE DIRECTOR, IDAHO HUMANE SOCIETY.

Dr. Rosenthal described the services provided by the Humane Society including after hours and weekends and holidays.

In response to C/Cardoza, Dr. Rosenthal explained that after hour emergency services are usually dedicated to animals in traffic or when injured. Call-out times are based on the type of situation such as when an animal may be a threat to others. Emergency service is usually focused on animals that are in traffic, a threat to someone, or when officers are told that an issue needs to be addressed immediately by the commanding officers. Depending on the circumstances, if it is an aggressive dog, the Humane Society will try to get there as soon as possible. The officers are very busy and there is only a limited amount of time to look for a stray animal. It will be based on the situation, the timing on response call.

CM/Stroebel asked if there will be a designated officer for Kuna.

Dr. Rosenthal responded that there will not be a specific officer being that the manpower does not provide that at the time. It is being looked at for the future, but not at this time.

M/Dowdy stated that the Council would be considering the Humane Society's proposal in the near future.

B. PRESENTATION BY ALLEN GAMEL REGARDING 2007 KUNA DAYS – not present.

9. LICENSES AND PERMITS:

10. NEW BUSINESS:

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

Randy Zollinger, Keller Associates reported that the agreement would provide a staging area for equipment to be used in construction of the wastewater treatment plant while still allowing the property owner to farm his land.

C/Cardoza requested that an expiration date be added to the agreement.

It was agreed that the agreement would be brought back for Council consideration once the agreement has been modified to include an expiration date.

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 SEPTEMBER 18, 2007.

Moved by C/Stroebel, seconded by C/Lang to continue the matter to the September 18, 2007 meeting. Motion carried 3-0.

- B. PUBLIC HEARING – 07-02-AN (ANNEXATION)/07-04-DA (DEVELOPMENT AGREEMENT)/07-06-S (PRELIMINARY PLAT) – MANUELE HEIGHTS SUBDIVISION, NE OF KING AND TEN MILE OFF OF S. ASH AVE.

Report given by Maranda Schindel stating that it is staff's recommendation to have the zoning be R6 rather than the recommendation made by the Commissioners for an R4.

P & Z Director Hasson recommended that the remaining property at the end of Flat Irons Ct. be extended the entire length of the property rather than stopping 955 s.f. short of the property line. The developer would have to find another location for the storm drain.

Charles Eldredge, Specialty Group, Inc. 2525 Stokesberry, Suite A., Meridian, stated that the R6 zoning meets the comprehensive plan and the development reflects the density. What we are trying to do with such a small development is try to provide a pathway along Ash Road to connect to Southrock Ranch Subdivision. Being that there is no requirement to have an open area, we are providing a slightly landscaped area at the entrance.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

Layne Saxton, 1185 S. Ash St., expressed concern that the density changed from R-1 to R-4 and R-6 and asked that the Council stay with the P & Z recommendation for R-3. He pointed out that the area does not have fire protection.

Brenda Saxton, 1185 S. Ash St., supported the comments made by Mr. Saxton and pointed out that a parcel identified as vacant was not vacant.

Charles Eldredge explained that the existing homeowners surrounding are currently trying sell their property and regardless, there is going to be growth coming in.

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

Moved by C/Stroebel, seconded by C/Lang to approve 07-02-AN (Annexation) /07-04-DA (Development Agreement) /07-06-S (Preliminary Plat) – Manuele Heights Subdivision; that E. Flat Irons Ct. be extended to the property line to the east, that the storm drain be converted to a seepage bed, that the road shall maintain its integrity to the east property line, that the development follow all recommendations by the P&Z Commission and other agencies and changing the zone from RUT to R-6 with a density of 4.5 u/d. Motion carried 2-1 (C/Cardoza voted no).

C. PUBLIC HEARING - 07-07-S (PRELIMINARY PLAT)/07-05-DA (DEVELOPMENT AGREEMENT)/07-03-AN (ANNEXATION) – SOUTHROCK RANCH, 1261 AND 1375 S. ASH AVE.

Tracy Rushlow gave staff report which staff recommended an R3 and R4 zoning, with an easement be finalized and accrued.

Charles Eldredge, Specialty Group – 2525 Stokesberry Suite A, Meridian.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

Layne Saxton, 1185 S. Ash stated that his objections were much the same as those for the Manuele Heights Subdivision. He felt that the subdivision didn't fit.

Brenda Saxton suggested zoning as R-3 rather than R-6. Within the subdivision there is a larger property for keeping animals. Does that really fit into a subdivision?

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

Charles Eldredge reported that lot 16 will be changed to a common lot per staff recommendations. We have chosen to vacate the ACHD easement, because it is our

understanding that they have no purpose for that easement. Basically we are requesting 20-feet to be vacated so they can add to their subdivision.

Regarding abandoning of the ACHD easement, P&Z Director/Hasson asked if that would interfere with preservation of the half mile as approved for the Manuele Heights Subdivision. He recommended that that section of roadway not be vacated but be preserved. Ten Mile and Ash Roads could be connected in the future.

C/Lang moved, seconded by C/Stroebel to approve the Southrock Ranch Subdivision, with zoning from RUT to R-3 and R-4, maintain the ACHD easement on the north and place conditions on the R-3 lot for future development, and follow all staff and agency recommendations. Motion carried 2-1 (C/Cardoza voted no).

12. REPORTS:

P & Z DIRECTOR / STEVE HASSON – Stated that the Kuna United Methodist Church is requesting demolition of the thrift store and creation of temporary parking area; however, the church is currently exploring their options and will approach the City at a later date.

CODE ENFORCEMENT REPORT / STEVE HASSON – Reported that three Code Enforcement letters were sent out recently: 1) 9368 W. Nugget St. was an electrical operation doing business a within residential district. The business owners responded that there was only a home office on the premises and a business license has been applied for; 2) 704 N. School, is a cabinet shop in a residential designation. Staff is working with the owner in locating a more suitable location; 3) 528 Boise St. is an auto repair shop within a residential designation – there has been no response from the owner as yet.

CITY ENGINEER / KELLER ASSOCIATES – Randy Zollinger, reported that four bids were received for the general contractors for the plant.

CITY ATTORNEY / RANDY GROVE – Requested that an Executive Session be held.

CITY TREASURER / ROBIN McKEAN – See written report dated August 30, 2007 re YTD balances

CITY CLERK / LYNDA BURGESS - None

13. ORDINANCES:

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS -
ORDINANCE NO. 2006-105A: AMENDING ORDINANCE 2006-105 ADOPTING THE
2006 VERSION OF THE INTERNATIONAL BUILDING CODE, THE
INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL ENERGY
CONSERVATION CODE, THE INTERNATIONAL MECHANICAL CODE AND THE
INTERNATIONAL FUEL GAS CODE; PROVIDING EXCEPTIONS AND
AMENDMENTS THERETO; PROVIDING FOR EXEMPTIONS; PROVIDING FOR

SEVERABILITY; REPEALING CONFLICTING ORDINANCES 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. 2007-105A. Motion carried 3-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-105A. Motion carried by the following Roll Call vote:

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

- 14. MAYOR / COUNCIL DISCUSSION:** M/Dowdy reported that he attended a joint meeting with the surrounding mayors, County Commissioner and ACHD in regard to the ULI report that came out last month. The ULI's were not as warmly accepted as ACHD had wished they would be. They have set a future date to get together and discuss the matter further. A recommendation was made creating an alliance that will help us determine where a project priority will lie in the future.

He further reported that there was an indication that County Commissioners are interested in sitting down with all of the mayors of the different cities and sort of dividing up the county by doing away with the future areas of impact and just having one final division of the county. This idea has surfaced some time ago and now the cities have decided to have it dealt with, rather than keep putting it off.

CM/Stroebel requested that the Council and P & Z Commissioners hold joint meetings for discuss of Design Review, the Comprehensive Plan Committee and Impact Fees.

15. ANNOUNCEMENTS:

Joint City Council/Kuna School District Board of Trustees Meeting, Wednesday, September 5, 2007, 7 p.m., KUSA Support Services Office, corner of Kay and Porter.

- 16. EXECUTIVE SESSION:** Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session at 9:40 p.m. per IC §67-2345(f). Motion carried by the following Roll Call vote:

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

Adjourned Executive Session at 10:12 p.m.

- 17. ADJOURNMENT:** There being no further business to discussion, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 10:12 p.m. Motion carried 3-0.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: OCTOBER 16, 2007