

**KUNA CITY COUNCIL MEETING  
MINUTES  
OCTOBER 7, 2008  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**7:00 p.m. – REGULAR COUNCIL MEETING**

**1. CALL TO ORDER AND ROLL CALL**

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

**PRESENT:** Mayor Dowdy, Council President Lang, Council Members Bachman and Stroebel. Council Member Cardoza was excused.

**ALSO PRESENT:** City Attorney Randy Grove, City Engineer Gordon Law, P&Z Director Steven Hasson, City Clerk Lynda Burgess, Planner II Troy Behunin and Planning Technician Tracy Rushlow.

ADD TO AGENDA OLD BUSINESS, 06-06-DA DEVELOPMENT AGREEMENT, ARROYO INDIO SUBDIVISION PRELIMINARY PLAT.

Moved by C/Lang, seconded by C/Stroebel to approve addition to the agenda of old business item re time extension requested for Arroyo Indio Subdivision. Motion carried 3-0 (C/Cardoza absent.)

C/Cardoza arrived at 7:07 p.m.

**2. INVOCATION:** Pastor Chris Bent, Calvary Chapel-Kuna

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

**4. CONSENT AGENDA:**

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

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

A. APPROVED MINUTES OF REGULAR MEETING OF SEPTEMBER 16, 2008.

B. APPROVED ACCOUNTS PAYABLE DATED OCTOBER 1, 2008 IN THE AMOUNT OF \$1,208,695.69.

C. APPROVED CATERING LICENSE FOR “CREEKSIDE KUNA, INC”, FOR A KUNA CHAMBER OF COMMERCE EVENT AT THE BANK OF THE CASCADES.

D. APPROVED 06-08-AN/08-03-ZC/08-07-DA – M7 DEVELOPMENTS – 7370 S. MERIDIAN RD., LOCATED BETWEEN LAKE HAZEL AND COLUMBIA RDS.

E. APPROVED FACTS AND FINDINGS CONCLUSIONS OF LAW 08-06-TE, ZATICA #2 SUBDIVISION.

F. ADOPTED RESOLUTION R24-2008 AWARD OF BID AND AUTHORIZATION TO SIGN CONTRACT DOCUMENTS FOR NORTH WWTP OUTFALL.

G. APPROVED FACTS AND FINDINGS CONCLUSIONS OF LAW FOR THE COMPREHENSIVE PLAN FUTURE LAND USE MAP RECONSIDERATION.

**5. KUNA FIRE DEPARTMENT MONTHLY REPORT**

Chief Rosin gave the September monthly report. 87 fire and medical calls were received, of which 72 were inside city limits, 15 in the district. 58 of the calls were medically related, 29 were fire related.

**6. CITIZEN'S REPORTS OR REQUESTS:**

PRESENTATION BY WESTON AYARZA, REQUESTING A WAIVER FROM BERNIE FISHER PARK AND VENDOR PERMIT FEES IN ORDER TO RAISE FUNDS FOR HIS ATTENDANCE AS IDAHO'S REPRESENTATIVE TO THE NATIONAL YOUTH LEADERSHIP FORUM ON NATIONAL SECURITY.

Weston Ayarza, 482 Wild Lilac Ct., a student at Kuna High school, was selected to participate in a national Youth Leadership Forum based on his ISAT scores and his leadership ability from last year's teachers. He was picked to go to Washington for a week in February and needs to raise the funds which currently are around \$2,000. He asked that the fees be waived for use of the city park for his fundraiser.

C/Lang asked what type of fundraiser was planned.

Mr. Ayarza indicated it would mostly be food items that were donated among other donated items and stated that the date would be October 18, 2008.

Moved by C/Bachman, seconded by C/Lang to approve waiver of park fees and vendor permits for Weston Ayarza for a fundraiser to be held in Bernie Fisher Park on October 18, 2008. Motion carried 4-0.

**7. OLD BUSINESS:**

CONTINUED FROM CLOSED PUBLIC HEARING FROM SEPTEMBER 16, 2008 COUNCIL MEETING, 06-06-DA DEVELOPMENT AGREEMENT – ARROYO INDIO SUBDIVISION PRELIMINARY PLAT - CLARIFICATION OF THE EXTENSION DATE BY THE CITY ATTORNEY.

C/A Randy Grove recommended that Arroyo Indio be allowed to have a date extension.

Moved by C/Lang, seconded by C/Bachman to approve a one-year time extension for the Arroyo Indio Subdivision Preliminary Plat. Motion carried 4-0

**8. NEW BUSINESS:**

**A. ADOPT RESOLUTION #R28-2008 FOR AWARD OF BID FOR IRRIGATION INTERTIES AND AUTHORIZATION TO SIGN CONTRACT DOCUMENTS.**

CE/Law recommended that all bids be rejected for the project. He explained the process of the bids received and reported that the one viable bid exceeded the amount allotted for the project. He indicated that he would be investigating the possibility of reducing the amount of the project.

Jim Russell, 781 S. School St., Jim Russell Excavation, indicated the depths of the cross lines and the limited work days because of ACHD limits. He reported that there could be savings but it is still unknown at this point.

Moved by C/Bachman, seconded by C/Stroebel to adopt Resolution #R28-2008 rejecting the bid for the irrigation straight crossings project and authorizing modification of the project or considering other means to complete the project within the scope of budgeted funds or as in the best interest of the city. Motion carried 4-0

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

**A. PUBLIC HEARING: 08-12-AN/ 08-14-DA/ 08-04-LLA – ANNEXATION, ZONING UPON ANNEXATION, DEVELOPMENT AGREEMENT AND LOT LINE ADJUSTMENT, LDS CHURCH/DURRANT PROPERTY.**

Planner Tech Tracy Rushlow reported that the Durrant's annexed into Kuna as agricultural to accommodate construction of the City's sewer treatment plant. There is a conflict with Ada County zoning because of the original lot split and this would resolve the conflict.

M/Dowdy opened the Public Hearing.

Jo Larsen, GJZ Architects, 400 S. Main St., Payette, stated that she represented the applicant and concurred with the staff report.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

C/Bachman clarified that the sidewalk on Ten Mile would be 8 feet.

Moved by C/Stroebel, seconded by C/Bachman to approve 08-12-AN/ 08-14-DA/ 08-04-LLA – Annexation, Zoning upon Annexation, Development Agreement and Lot Line Adjustment for the LDS Church/Durrant Property and direct applicant to follow all staff and Planning & Zoning Commission recommendations. Motion carried 4-0.

C. PUBLIC HEARING: PROPOSED RESOLUTION R23-2008, SOLID WASTE COLLECTION SERVICE FEE INCREASE.

Tim Gordon, 1206 N. Blackcat, owner of J & M Sanitation, reviewed the changes to the original proposal. The increase is needed because of increases in fuel costs, Ada County Landfill dumping charges and the costs of carts and maintenance.

M/Dowdy asked about what appears to be uneven rates of increase in the requested rates.

Mr. Gordon agreed to a 10% increase in the rates for residential services including senior citizens.

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/ Bachman to adopt Resolution R23-2008 with residential rates and senior rates to be increased by 10% as reflected on Exhibit A of the resolution. Motion carried 4-0.

D. PUBLIC HEARING: PROPOSED RESOLUTIONS R25-2008 ADOPTING SEWER FEES, R26-2008, ADOPTING WATER SYSTEM FEES AND POLICIES AND R27-

2008, ADOPTING ENGINEERING AND INSPECTION FEES.

CE/Law reported that the engineering fees in R27-2008 are to recoup costs associated to the services. In regard to sewer and water fees, he explained what services will need a fee increase based on the history, proper allocation and replacement costs. He recommended a 5% adjustment in user fees and a 3% treatment connection fee that in part protects the recovery and costs for LID participants.

C/Cardoza asked follow up questions about the connection fees, the treatment facility costs and the transmission costs.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

Moved by C/Bachman, seconded by C/Lang to adopt Resolutions R25-2008 adopting sewer fees, R26-2008 adopting water system fees and policies and R27-2008 adopting engineering and inspection fees. Motion carried 4-0.

**10. REPORTS:**

CODE ENFORCEMENT REPORT / STEVE HASSON – An environmental inspection conducted by Rick Wells, Spectrum Environmental, regarding the residence at 820 Boise St. discussed some possible standards. He talked to IDEQ and Central District Health—both agencies elected not to be involved in assessing the property or overseeing cleanup. Mr. Wells provided a letter containing instructions for sanitizing the odor abatement. There has been a letter of complaint from the neighbors about odor.

CA/Grove indicated that the current owner of the property will be required to disclose the potential health hazards when placing the property for sale.

P & Z DIRECTOR / STEVE HASSON – Reported that the deadline for appeal of the City Council's decision on the Best Bath issue had passed but no appeals had been filed. He recommended that Best Bath can pursue their permits and expansion. He will make a binder available for the public to review of Best Bath permits. There have been 2 odor complaints in the last month. The first complaint was of an odor and the second complaint was more of a stench. Mr. Hasson will continue to work with Best Bath on odors. He indicated that he has

styrene vapor monitors that can be placed in a citizen's home for 8 hours and then sent to a lab for analysis.

Building permits rose to 18 in the past month. This year has exceeded the number of permits in comparison to last year.

Mr. Hasson stated that are issues related to property addressing and reviewed those issues.

M/Dowdy stated that addressing issues create problems with emergency service response and recommended that renumbering be explored with input by the public.

CITY ENGINEER / GORDON LAW – Reported that an acceptable bid was received for an outfall line at less than the estimated amount. He complimented Linda Egnal and Lynda Burgess for their hard work on the business of the Treasurers office. He thanked Council for reviewing necessary fees and discussed the background information on the previous resolutions.

CITY ATTORNEY / RANDY GROVE - Reported that the Supreme Court had not yet rendered a decision on the Black Labrador lawsuit and it could take another few months. He indicated that he and the City Engineer are still working on the irrigation line on 4<sup>th</sup> St.

CITY TREASURER / VACANT

CITY CLERK / LYNDA BURGESS – Thanked Gordon Law for his leadership and direction which has enabled staff to fulfill some of the responsibilities of the Treasurer's office.

## **11. ORDINANCES:**

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –  
ORDINANCE NO. 2006-11B: AMENDING ORDINANCE NO. 2006-11A  
ANNEXING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO,  
NOW KNOWN PARCEL NUMBER S1310314800, 4400 W. HUBBARD ROAD,  
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.
  
- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –  
ORDINANCE NO. 2008-11B: AMENDING ORDINANCE NO. 2008-11 ANNEXING  
CERTAIN PROPERTY, LOCATED AT 1500 N. LINDER, PARCEL NO.  
R8048220010, 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/Bachman to dispense with full reading and three consecutive readings of Ordinance Nos. 2006-11B and 2008-11B. Motion carried 4-0.

Moved by C/Lang, seconded by C/Bachman to adopt Ordinances 2006-11B and 2008-11B. Motion carried by the following Roll Call vote:

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

**12. MAYOR /COUNCIL DISCUSSION:**

M/Dowdy announced that the Water Summit would start on October 8<sup>th</sup> at 8:30 a.m.

C/Bachman indicated to Errol Morgan that the stop sign east Avalon isn't viewable because of another sign blocking it. She asked about an upcoming meeting for TLIP.

**13. ANNOUNCEMENTS:**

Chief Kody Aldrich announced that Sgt. John Harris will be transferring to Eagle tomorrow and Kuna will be getting Sgt. Steve Russell back.

**14. EXECUTIVE SESSION:**

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session at 9:30 p.m. pursuant to Idaho Code 67-2345(a) and (b). Motion carried by the following Roll Call vote:

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

ADJOURNED EXECUTIVE SESSION: at 10:10 p.m. Motion carried 4-1.

Moved by C/Lang, seconded by C/Stroebel to rescind offer a severance package of one month pay and benefits through October 31, 2008 to Robin McKean. Motion tied 2-2. M/Dowdy broke the tie by voting to rescind the offer and the motion carried.

**15. ADJOURNMENT:** There being no further business to conduct, the meeting was adjourned at 10:16 p.m.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: 10/21/08