

**KUNA CITY COUNCIL MEETING  
MINUTES  
NOVEMBER 18, 2008  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

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

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

M/Dowdy called the meeting to order at 7:05 p.m. and announced that a quorum was not available. C/Cardoza is ill but he indicated earlier that he would attend the meeting if needed for a quorum. M/Dowdy placed a call to C/Cardoza to request attendance.

C/Cardoza arrived at 7:15 p.m.

**PRESENT:** Mayor Dowdy, Council President Lang and Council Member Bachman. Council Member Stroebel was absent.

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

**ADD TO AGENDA: ITEM 3.A. REQUEST BY WILLOW GLENN HOMEOWNER'S ASSOCIATION TO RE-OPEN PUBLIC HEARING 08-01-S (PRELIMINARY PLAT)/08-15-DA (DEVELOPMENT AGREEMENT/AMENDMENT) – WILLOW GLENN SUBDIVISION PHASES 3 AND 4 - PRELIMINARY PLAT RESUBMISSION AND DEVELOPMENT AGREEMENT AMENDMENT HELD NOVEMBER 4, 2008.**

Moved by C/Lang, seconded by C/Bachman to add item 3.A. to the agenda. Motion carried 3-0-1 (C/Stroebel absent).

Moved by C/Lang, seconded by C/Bachman to continue the request by Willow Glenn Homeowners Association to December 2, 2008 to re-open Public Hearing 08-01-S/08-15-DA – Willow Glenn Subdivision Phases 3 and 4. Motion carried 3-0-1 (C/Stroebel absent).

**2. INVOCATION:** Chad Cole, Church of Jesus Christ of Latter Day Saints gave the Invocation.

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

**3. A. REQUEST BY WILLOW GLENN HOMEOWNER'S ASSOCIATION TO RE-OPEN PUBLIC HEARING 08-01-S (PRELIMINARY PLAT)/08-15-DA (DEVELOPMENT AGREEMENT/AMENDMENT) – WILLOW GLENN SUBDIVISION PHASES 3 AND 4 - PRELIMINARY PLAT RESUBMISSION AND DEVELOPMENT AGREEMENT AMENDMENT HELD NOVEMBER 4, 2008.**

**4. CONSENT AGENDA:**

Moved by C/Lang, seconded by C/Bachman to remove Item 4.F., Findings of Facts and Conclusions of Law for Willow Glenn Subdivision Phases 3 and 4. Motion carried 3-0-1 (C/Stroebel absent).

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

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

- A. APPROVED MINUTES OF REGULAR MEETING OF NOVEMBER 4, 2008.
- B. APPROVED ACCOUNTS PAYABLE DATED NOVEMBER 13, 2008 IN THE AMOUNT OF \$313,037.71.
- C. APPROVED BUSINESS LICENSE FOR JOHN WILLIAMS AND BRYAN WOLF, "CLEARVIEW," 1845 N. CORNFLOWER.
- D. APPROVED BUSINESS LICENSE FOR BRIAN KNOX, "LAW OFFICE OF BRIAN D. KNOX, ATTORNEY AT LAW PLLC," 2682 N. ROCK CLIFFS AVE.
- E. APPROVED BUSINESS LICENSE FOR BEVERLY DIANNE CROMWELL AND MARLENE CROMWELL, "2<sup>ND</sup> CHANCE BOOKS AND MORE," 371 W. MAIN ST.
- ~~F. APPROVE FINDINGS OF FACTS AND CONCLUSIONS OF LAW 08-01 S/ 08-15 DA/ WILLOW GLENN SUBDIVISION PHASES 3 AND 4.~~
- G. ADOPTED RESOLUTION NO. R33-2008 AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A PURCHASE AGREEMENT IN THE AMOUNT OF \$2,146, A TEMPORARY EASEMENT AND A PERMANENT EASEMENT WITH DARIUS T. BAILEY AND DONNA R. BAILEY LIVING TRUST FOR THE INDIAN CREEK PIPELINE PROJECT.
- H. ADOPTED RESOLUTION NO. R34-2008 AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A PURCHASE AGREEMENT IN THE AMOUNT OF \$1,520, A TEMPORARY EASEMENT AND A PERMANENT EASEMENT WITH JOHN AND PRISCILLA KOUDELKA FOR THE INDIAN CREEK PIPELINE PROJECT.
- I. ADOPTED RESOLUTION NO. R35-2008 AUTHORIZING THE MAYOR AND CITY ENGINEER TO EXECUTE CHANGE ORDER NO. 1 FOR THE INDIAN CREEK PIPELINE PROJECT WITH H2 EXCAVATION, INC. INCREASING THE CONTRACT AMOUNT BY \$26,099.32.

**5. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT**

Sgt. Kody Aldrich reviewed the monthly report for October 2008. He gave a couple of incident updates, a small arson fire at one of the schools occurred and the suspects are in custody and the home invasion robbery is still being investigated. Kuna's crime rate is down 33.7% this year even though property crime is still occurring. He encouraged citizens to lock vehicles and to keep lights on in their homes.

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

REQUEST BY WESTON AYARZA FOR WAIVER OF VENDOR PERMIT FEES FOR THE "DOWNHOME COUNTRY CHRISTMAS" HOLIDAY BAZAAR ON DECEMBER 6, 2008. THE WAIVER WILL ASSIST MR. AYARZA IN RAISING FUNDS FOR HIS ATTENDANCE AS IDAHO'S REPRESENTATIVE TO THE NATIONAL YOUTH LEADERSHIP FORUM ON NATIONAL SECURITY.

Moved by C/Bachman, seconded by C/Lang to waive the vendor permit fee for a holiday booth for Weston Ayarza at the "Downhome Country Christmas" Holiday Bazaar on December 6, 2008. Motion carried 3-0-1 (C/Stroebel absent).

**7. OLD BUSINESS:**

**8. NEW BUSINESS:**

A. REQUEST BY KUNA SCHOOL DISTRICT FOR PAYMENT FOR USE OF SCHOOL FACILITIES FOR PARK AND RECREATION PURPOSES AND OTHER PUBLIC RELATED EVENTS.

P&Z Director Hasson indicated that he was approached by the school district and agreed to write a request for review by the Council. He reviewed the shortage of permit fees this fiscal year and recommended against approving the district's request this year.

CE/Law added that the City's revenues are projecting downward and in anticipation of a difficult year, the City cannot continue to absorb shortages. He also recommended not approving the district's request.

Layne Saxton, Kuna School District reported that, in 2005-2006, the District requested City assistance in offsetting the cost of the areas the citizens use a lot such as fields and some buildings. Kuna youth are not charged for their use of school facilities.

B. REQUEST BY KUNA SCHOOL DISTRICT FOR BUILDING PERMIT FEE RELIEF.

Council agreed to discuss both school District requests at the next joint Council/School Board Trustees meeting.

C. APPROVE LOT SPLIT - WALGREENS/08-02-LS SUBMITTED BY HAWKINS COMPANIES.

P/Behunin reported that the property is currently zoned R-6. He stated that Tom Nicholson would like to move forward with the lot split. The site received approval for the rezone from the Planning & Zoning Commission and the Design Review Committee.

Jessica Aguilar, Hawkins Companies, 855 Broad St, Boise, applicant, complimented P/Behunin's presentation of the facts. She stood for questions.

Moved by C/Lang, seconded by C/Bachman to approve Lot Split 08-02-LS and follow all staff recommendations. Motion carried 3-0-1 (C/Stroebel absent).

**D. CONFIRM APPOINTMENT OF JOHN M. MARSH AS CITY TREASURER  
EFFECTIVE DECEMBER 8, 2008.**

Moved by C/Lang, seconded by C/Bachman to appoint John Marsh effective December 8, 2008. Motion carried 3-0-1 (C/Stroebel absent).

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

**A. TOM NICHOLSON/BLACKS CREEK DEVELOPMENT (WALGREENS) 08-08-ZC/08-18-DA/REZONE AND DEVELOPMENT AGREEMENT, 987 E. KUNA RD.**

PT/Rushlow presented the staff report for the rezone request to change from R-6 to C-1 and stated that there will be an access from Kay St. and Avalon.

Keven Shreeve, Shreeve & Associates, representing Tom Nicholson, reiterated that they are requesting a rezone from R-6 to C-1. The intent is to do the entire property at one time.

M/Dowdy opened the Public Hearing.

**SUPPORT**

None

**NEUTRAL**

None

**OPPOSE**

None

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

C/Bachman – Confirmed that the access from Highway 69 is limited to the existing entrance and the developer understands that no additional access points will be granted from Highway 69.

P & Z D/Hasson-ITD and ACHD will have input to the entrance and have advised the applicants that they would have to comply with the stricter of the guidelines. He also gave a clarification on the sidewalk setbacks.

Moved by C/Bachman, seconded by C/Lang to approve Tom Nicholson/Blacks Creek Development (Walgreens) 08-08-ZC/08-18-DA/Rezone and Development Agreement, 987 E. Kuna Rd. with the following conditions:

Meet all staff, agency and Planning & Zoning requirements; access on Kuna Road will be a right in/right-out; any modifications to the development must be brought before Council; access may be modified on Kuna Road from right-in/right-out to full access with future developments.

Motion carried 2-1-1 (C/Stroebel absent, C/Cardoza abstain).

**B. AMENDING FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE GALIANO ESTATES SUBDIVISION.**

P&Z Director Hasson reported that Ted Mason of Galiano Estates Subdivision requested a reduction in the minimum square footage of residential homes from 2200 sf to 1800 sf. This is a second request; the previous request to the Council was on October 16, 2007 and Council denied it.

Ted Mason, 1883 N. Wildwood St., Applicant indicated that the request was not because of the economy. At the grand opening at Galiano Estates, potential buyers asked for a single level home. The purpose of the smaller size is to accommodate down sizers and empty nesters. He asked that 25% of the homes be 1800 sf or greater.

M/ Dowdy opened the Public Hearing.

SUPPORT

Doug Johnston, Coldwell Banker Tomlinson Group, indicated that he has a client who would prefer a smaller home.

NEUTRAL

Karen Cunnington, 2600 N. Ten Mile Rd. expressed concern about the number of smaller homes which would be constructed along her property line since she and her neighbor have larger homes. Dangerous traffic from Galiano Estates onto Ten Mile is possible and she asked if a traffic engineer to look into the access and egress.

OPPOSE

Douglas Greer, 2602 N. Ten Mile Rd. stated that the request for smaller homes would have a serious negative impact on the properties already developed surrounding the subdivision. There is concern about access to Ten Mile.

Mr. Mason responded that the lot size and plat would not change even if the sq. footage of the home is reduced. He asked for a maximum of 25% of the smaller homes.

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

C/Cardoza stated that he would like to see smaller homes disbursed throughout the subdivision, not clustered.

Moved by C/Cardoza, seconded by C/Lang to allow Ted Mason, developer of the Galiano Estates Subdivision, to reduce 20% of his homes to 1,800 sq. ft. single story homes. Motion carried 3-0-1 (C/Stroebel absent).

## **10. REPORTS:**

CODE ENFORCEMENT REPORT / STEVE HASSON – reviewed the planning boundaries that were set by the Council. Meridian has asked Ada County to expand their boundaries to Hubbard including the approved area by the City of Kuna. He will testify at the December 17, 2008 hearing with Ada County Commissioners. A letter of the City’s testimony was given to Ada County.

P & Z DIRECTOR / STEVE HASSON

CITY ENGINEER / GORDON LAW - addressed an issue in the personnel manual relating to on-call time for the water and sewer and departments and overtime on holiday weeks. He recommended that holiday weeks should not prevent employees for being paid for on-call overtime.

CITY ATTORNEY / RANDY GROVE – reviewed the LID/WWTP financing and options as well as the recommendation for a “Community Infrastructure District.” He requested direction on how to deal with the bank in regard to City backed credit. The EDU transfer list numbers were given to Council. Council directed staff to pursue an extension on the Interim Financing.

CITY TREASURER / VACANT

CITY CLERK / LYNDA BURGESS - None

## **11. ORDINANCES:**

## **12. MAYOR /COUNCIL DISCUSSION:**

## **13. ANNOUNCEMENTS:**

## **14. EXECUTIVE SESSION:**

**15. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Cardoza to adjourn the meeting at 10:15 p.m.

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: 12/16/2008