

**KUNA CITY COUNCIL MEETING  
MINUTES  
DECEMBER 16, 2008  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**5:30 p.m. – PRE-COUNCIL MEETING:**

Mayor Dowdy called the Pre-Council meeting to order at 5:40 p.m.

PRESENT: Mayor Dowdy, Council President Lang, Council Members Bachman, Stroebel and Cardoza.

ALSO PRESENT: City Attorney Randy Grove, City Engineer Gordon Law, City Clerk Lynda Burgess and City Treasurer John Marsh.

**INTERIM FINANCING AGREEMENT**

1. REVIEW AND TAKE ACTION ON BEHALF OF THE LID ON AN INTERIM FINANCING AGREEMENT WITH THE BANK OF THE CASCADES AND KEY BANK FOR THE WASTEWATER TREATMENT PLANT.
2. ADOPT RESOLUTION NO. R37-2008 PROVIDING FOR ISSUANCE AND SALE OF A 2008 INTERIM WARRANT PURSUANT TO SECTION 50-1722, IDAHO CODE, IN ANTICIPATION OF THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS FOR LOCAL IMPROVEMENT DISTRICT NO. 2006-1, FOR THE PURPOSE OF PAYING THE COSTS OF THE IMPROVEMENT DISTRICT; PROVIDING FOR THE MANNER OF ISSUANCE AND THE FORM OF THE 2008 WARRANT; PROVIDING FOR THE REGISTRATION AND PAYMENT OF THE PRINCIPAL THEREOF AND THE INTEREST ON THE WARRANT; PROVIDING FOR THE SALE OF THE WARRANT TO KEYBANK NATIONAL ASSOCIATION; PROVIDING COVENANTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Bachman to adopt Resolution R-37-2008 with the following limits on the Mayor's authority to sign:

1. Amend Section 5.2 to limit the City's liability in reimbursing the bank for attorney fees to \$20,000 unless a higher fee is deemed appropriate by the Mayor and City Attorney.
2. Amend Section 8.5, Grant of Security Interest, to ensure that no City funds are pledged as collateral.

Motion carried 4-0.

ADJOURN PRE-COUNCIL MEETING: There being no further business to conduct, the meeting was adjourned at 6:40 p.m.

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

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

Council President Lang called the meeting to order at 7:06 p.m.

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

**ALSO PRESENT:** City Attorney Randy Grove, City Engineer Gordon Law, P&Z Director Steven Hasson, City Clerk Lynda Burgess, City Treasurer John Marsh and Planning Tech Maranda Schindel.

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

**3. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council President Lang.

CORRECT CONSENT AGENDA ITEM 4.B. ACCOUNTS PAYABLE TOTAL SHOULD BE \$90,946.35 (SEE MEMO FROM ASSISTANT TREASURER LINDA EGNAL).

Moved by C/Stroebel, seconded by C/Bachman to amend the Accounts Payable total in the Consent Agenda. Motion carried 4-0.

**4. CONSENT AGENDA:**

Moved by C/Stroebel, 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**

1. SPECIAL EXECUTIVE SESSION OF NOVEMBER 10, 2008
2. REGULAR MEETING OF NOVEMBER 18, 2008
3. REGULAR MEETING OF DECEMBER 2, 2008

**B. APPROVED ACCOUNTS PAYABLE DATED DECEMBER 12, 2008 IN THE AMOUNT OF ~~\$674,190.13~~ \$90,946.35.**

**C. APPROVED BUSINESS LICENSE FOR MIKE EGNER "MIKE EGNER TILE & STONE," 541 DAWN CT.**

**D. APPROVED BUSINESS LICENSE FOR KRISANNE ENDSLEY, "4ENDSLEY," 350 W. PLAYGROUND ST.**

- E. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK, "LEFFLER'S UPTOWN COFFEE, INC."
- F. APPROVED PROCLAMATION COMMITTING TO PARTNERING WITH THE U.S. CENSUS BUREAU TO HELP ENSURE A FULL AND ACCURATE COUNT IN 2010.
- G. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW 08-09-DA – DEVELOPMENT AGREEMENT AMENDMENT FOR WHITNEY PROPERTY.

**5. ~~KUNA POLICE DEPARTMENT MONTHLY REPORT:~~**

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

**7. OLD BUSINESS:**

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 (Continued from November 18, 2008).

Moved by C/Bachman, seconded by C/Stroebel to re-open the Public Hearing on January 20, 2009. Motion carried 4-0.

**8. NEW BUSINESS:**

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

**A. 08-03-S – CRIMSON POINT NORTH SUBDIVISION RESUBMITTAL**

PT/Schindel reported that on December 20, 2005, the Council approved findings and facts for the Crimson Point North Subdivision.

PD/Hasson commented that one of the conditions of approval was for a certain size sq. footage. At the Planning Commission, the developer requested 1200 sq. ft. homes which were approved by the Commission for 25% of the development. Mr. Hasson felt this approval was unacceptable. Over the last 8 months, 140 single family building permits were issued at an average size sq. footage of 1900 sq. ft. Staff has not observed the need for smaller houses of this size in the recent trends. He recommended that the average size should be 1800 sq. ft. or more. Kuna has the lowest property tax rate in Ada County and smaller houses bring in lower taxes which result in less revenue for City operations.

Trent Nieffenegger, 660 E Franklin Blvd., Ste 240, Meridian asked for the option to put in 1200 sq. ft homes to create a certain price point. He indicated that the original report on page 6 said that they could have a minimum of 1550 sq ft and wasn't sure why that was changing.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing.

C/Bachman asked staff what the minimum sq footage was in the original agreement.

C/Stroebel stated that she would like to see the minimum sq. footage at 1550 with only 5 lots at 1200.

Mr. Nieffenegger, in response to C/Cardoza, stated that building costs of the houses without the lot is approximately \$85/sq. ft.

Moved by C/Stroebel, seconded by C/Bachman to approve 08-03-S – Crimson Point North Subdivision resubmittal with the following changes: developer shall provide 5 houses at 1200 sq. ft., the remaining 39 lots shall be built with a minimum of 1550 sq. ft. or larger. The developer was further directed to meet all staff and government agency recommendations and requirements. Motion carried 3-1 (C/Cardoza voted no)

B. 08-01-PUD/08-06-ZC/08-13-AN/08-02-S/08-11-SUP/08-15-DA – NAPA VINYARDS SUBDIVISION PLANNED UNIT DEVELOPMENT (Continue to January 6, 2009)

Moved by C/Stroebel, seconded by C/Bachman to continue the matter to January 6, 2009. Motion carried 4-0.

C. 08-05-ZOA – DEVELOPMENT AGREEMENTS/CONCEPTUAL SITE PLANS, KUNA CODE 5-14-3: “FORMS”

Planning Director/Hasson reported that the proposed City Code text amendment would clarify when a conceptual site plan is needed. Depending on the scope and complexity of a development, a conceptual site plan may be needed. In a circumstance where a development agreement is required, a conceptual site plan shall also be required if the applicant’s individual or combined land area is greater than five acres and should include rights of way, land to be zoned or designated commercial, industrial or planned unit development, located at an intersection where one of the roads is classified as commercial

or arterial, situated in the Highway 69/Kuna Meridian or Kuna Mora overlay districts, lands that are partially in the overlay zone, adjoining a public facility or water body, located in the central business district or determined by the City Council, Planning & Zoning Commission or the director due to unique circumstances prompting that action.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

Sam Johnston, 392 N. Black Cat stated that he recently spoke to the developer of Karcher Mall and discussed what he would need to do with his own commercial property. He expressed concern about several issues within the ordinance, i.e., developers could break property into 5 acres each and avoid a conceptual plan altogether. A seller doesn't necessarily know who the buyer will be.

OPPOSE

None

There being no further testimony offered, C/Lang closed the Public Hearing.

Moved by C/Cardoza, seconded by C/Stroebel to continue the matter to the January 6, 2009 meeting. Motion carried 4-0.

**10. REPORTS:**

CODE ENFORCEMENT REPORT / STEVE HASSON- No report

P & Z DIRECTOR / STEVE HASSON – No report

CITY ENGINEER / GORDON LAW – The Danskin Well Project conversion to Kuna's system was completed in November. New well drilling at the Well 4 site to use the tank and another well on site. There was a need to transfer water rights, had a protest which has been withdrawn but the process took two months to complete.

CE/Law further reported that the Mayor asked him to review the financial status of General Fund with revenues and expenditures. The General Fund is financed by four revenue sources: property tax, liquor tax, sales tax and fees collected from building and development. Property tax is stable, liquor and sales tax are somewhat stable and building fees are volatile. The Mayor will be talking to each Councilmember in the next week or so.

CE/Law then asked Errol Morgan to report on three projects requested by the City this year.

Errol Morgan, ACHD, reported that no project schedule changes have occurred and nothing has been deferred. The Board is reconsidering all projects at this time since revenue is down at ACHD. Staff is working the issues. Regarding the Deer Flat Rd. project, he explained that ACHD has not yet made a decision. Mr. Morgan indicated that would bring back further updates in January as per the Council's request.

CITY ATTORNEY / RANDY GROVE – Announced that no opinion has yet been received from the court on the Black Labrador case.

CITY TREASURER / JOHN MARSH – His goal is to provide up to date, accurate financial information to the Council.

CITY CLERK / LYNDA BURGESS – No report.

**11. ORDINANCES:**

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2008-32: 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 EFFECTIVE DATE.

Moved by C/Stroebel seconded by C/Cardoza to dispense with full reading and three consecutive readings of Ordinance 2008-32. Motion carried 4-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance 2008-32. Motion carried by the following Roll Call vote:

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

**12. MAYOR /COUNCIL DISCUSSION:**

**13. ANNOUNCEMENTS:**

**14. EXECUTIVE SESSION:**

**15. ADJOURNMENT:** There being no further business to discuss, it was moved by C/Bachman, seconded by C/Stroebel to adjourn the meeting at 8:52 p.m. Motion carried 4-0

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: JANUARY 6, 2008