

**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.**

**KUNA CITY COUNCIL MEETING  
MINUTES  
FEBRUARY 19, 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 7:04 p.m.

**PRESENT:** Mayor Dowdy, Council President Lang, Councilwoman Bachman, Councilmember Cardoza and Councilwoman Stroebel.

**ALSO PRESENT:** City Attorney Randy Grove, P&Z Director Steven Hasson, City Treasurer Robin McKean, Planner Stacy Yarrington, Public Works Director Jim Taylor, City Clerk Lynda Burgess, Deputy City Clerk Chris Engels and Justin Walker, Keller Associates.

**2. INVOCATION:** The Invocation was given by Pastor Stan Johnson, Kuna Life Church.

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

**ADD TO AGENDA: OLD BUSINESS 7.C.: ORDINANCE NO. 2007-41A: AN ORDINANCE AMENDING ORDINANCE NO. 2007-41 TO CORRECT THE LEGAL DESCRIPTION FOR THE EXCLUSION OF CERTAIN PROPERTY, NOW KNOWN AS PARCEL NUMBER R5070503580, 722 SOUTH TEN MILE ROAD, CURRENTLY SITUATED IN THE CITY OF KUNA, FROM THE CITY OF KUNA BACK INTO THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; REVERTING 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/Stroebel to approve addition of Agenda Item 7.C. Motion carried 4-0.

**4. CONSENT AGENDA:**

M/Dowdy announced that Business Licenses would now be on the Consent Agenda for expediency since there are rarely any questions for new business owners.

Moved by C/Lang, seconded by C/Stroebel to remove items 4.F. and 4.G. from the Consent Agenda. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel 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 MEETING OF JANUARY 28, 2008
2. REGULAR MEETING OF FEBRUARY 5, 2008

**B. APPROVED ACCOUNTS PAYABLE DATED FEBRUARY 14, 2008 IN THE AMOUNT OF \$138,503.87.**

**C. APPROVED BUSINESS LICENSE FOR KERRI AVERY, "KERRI AVERY AGENCY, INC.," 368 E. AVALON.**

**D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR LOT SPLIT 07-02-LS, JOSH MANWARING.**

**E. APPROVED PAY REQUEST NO. 1 FOR ATKINS GENERAL BUILDERS, INC., dba KEPHA CONSTRUCTION FOR THE KUNA NORTH WWTP PHASE 1 – SUPPORT BUILDINGS IN THE AMOUNT OF \$33,460.42.**

~~**F. APPROVE NOTICE OF AWARD TO H2 EXCAVATION FOR THE TEN MILE ROAD UTILITY IMPROVEMENTS PROJECT IN THE AMOUNT OF \$833,875.**~~

~~**G. APPROVE NOTICE OF PROCEED AND EXECUTION OF CONTRACT WITH H2 EXCAVATION FOR THE TEN MILE ROAD UTILITY IMPROVEMENT PROJECT CONTINGENT UPON RECEIPT OF REQUIRED BONDING, INSURANCE AND TAX DOCUMENTATION.**~~

**5. ADA COUNTY HIGHWAY DISTRICT REPORT:**

Errol Morgan reported that maintenance crews have been cleaning up sand used during the recent snow storms on the roads. Further, he reported on some cost savings that occurred from a recent project and provided budget information for 2008.

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

REQUEST FOR PERMISSION TO UTILIZE BERNIE FISHER PARK FOR VACATION BIBLE SCHOOL, JUNE 8-13, 2008 AND WAIVER OF FEES, NEW BEGINNINGS CHRISTIAN CHURCH – PASTOR BRUCE WHEELER.

Moved by C/Stroebel, seconded by C/Bachman to approve waiver of the fees. Motion carried 4-0.

**7. OLD BUSINESS:**

A. REVIEW AND CONSIDER RESOLUTION NO. R3-2008 ADOPTING A POLICY FOR TRANSFER OF EDU CONNECTIONS FOR MEMBERS OF LOCAL IMPROVEMENT DISTRICT 2006-1 AND OTHER HOLDERS OF EDU CONNECTIONS; CREATING A REGISTRY OF REQUESTS FOR TRANSFER; PROVIDING A MECHANISM FOR RECORDING TRANSFERS AND PAYMENTS TOWARD ASSESSMENTS OR OTHER OBLIGATIONS (continued from January 28, 2008).

CA/Grove updated Council on how Resolution No. R3-2008 related to state law.

M/Dowdy opened up the floor for public comment:

Attorney Steve Bradbury, representing Tim Gordon, felt that the resolution contained the items that they had come to a consensus on with the other EDU holder but expressed concern about the fee portion. He indicated that he would like it to be reviewed further but would like the resolution passed.

Jerry Fredrick, 8968 South Blackcat Rd., asked if the Council was going to look into helping the LID members financially.

Charolett Neddo, 943 Ash Ave., asked about the status of her participation in the LID. She stated that when they first signed up, they were assured that they would have first right for hook ups and builders would want to get the hook ups. Do LID holders still have 3 hookups per acre? She presented copies of a letter to the City Clerk for distribution to the Council.

M/Dowdy confirmed that 3 hookups per acre were still guaranteed to the LID members.

Jim Clark, 2965 Linder Rd, expressed concern about the assessments to be applied in 2009 and supported approval of the transfer policy.

Patricia Smart, 1600 Meadowview Rd., stated that she was concerned about the costs to the LID members.

Jim Buchanan, 1200 Blackcat, explained why he joined the LID. He asked for help from the Council in reference to the costs of the LID.

Helene Wolfram, 1901 W Hubbard, stated that she agreed with all the previous comments made.

C/Cardoza asked for some clarification from CA/Grove about the transfer policy. He would like to see further workshops with the LID holders.

Moved by C/Bachman, seconded by C/Cardoza to adopt Resolution R3-2008. Motion carried by the following Roll Call vote:

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

B. 07-01-AN/07-03-ZC/07-04-8/07-03-DA – PROFILE RIDGE SUBDIVISION, REDCLIFF DEVELOPMENT (continued from February 5, 2008).

Planner/Yarrington reported that following the Public Hearing, Redcliff Development offered to construct a 6' pathway from Highway 69 to Kay St. and ACHD confirmed that addition of the pathway in its right-of-way was approved. This could be included in the development agreement. P/Yarrington confirmed that the design review will occur and a right-in only is what was approved by ITD.

P & Z Director/Hasson suggested that the pathway be installed when the first development that would attract children is constructed. He speculated that the pathway should be replaced by a sidewalk.

Bob Unger, representing Redcliff Development, stated that since Redcliff must bring sewer and water down to Hwy. 69, they have agreed to provide the pathway which will be done during Phase 1.

Errol Morgan indicated that no sidewalk is currently being planned. He was not sure if adding the sidewalks would change the start date or funding for the Deerflat widening. As the design is now, it shows a 12' center turn lane, 2 12' travel lanes and a 5' wide paved shoulder. He explained about possible drainage issues from sidewalks because of the barrow ditch.

Bob Unger confirmed that the pathway would be adjacent to the existing pavement.

C/Stroebel would like a roundtable discussion about the design review of the project in the development agreement.

C/Bachman asked Justin Walker how many EDUs the commercial portion will require.

Justin's response did not record clearly.

Errol Morgan – statements not recorded clearly.

C/Bachman asked about a possible signal at Meadowview and Hwy. 69 and if the developer would be willing to participate in their fair share for the signal light.

Bob Unger agreed that they would participate and their portion would be 25%.

Moved by C/Lang, seconded by C/Bachman to approve 07-01-AN/07-03-ZC/07-04-8/07-03-DA, direct that the developer follow all staff recommendations, require that a design review discussion and workshop be in place at the time of design review, that the development agreement contain notations that the developer will pay its fair share of the signal light at Hwy. 69 & Meadowview and that a right-in only on Hwy 69 and a 6' paved pathway from Kay St. to Chappelle Ave. along Deerflat will be provided by the developer at the time the water and sewer lines are constructed. Motion carried by the following Roll Call vote:

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

- C. ORDINANCE NO. 2007-41A: AN ORDINANCE AMENDING ORDINANCE NO. 2007-41 TO CORRECT THE LEGAL DESCRIPTION FOR THE EXCLUSION OF CERTAIN PROPERTY, NOW KNOWN AS PARCEL NUMBER R5070503580, 722 SOUTH TEN MILE ROAD, CURRENTLY SITUATED IN THE CITY OF KUNA, FROM THE CITY OF KUNA BACK INTO THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; REVERT 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/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2007-41A. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-41A. Motion carried by the following Roll Call vote:

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

**8. NEW BUSINESS:**

- A. CONSIDER POTENTIAL CHANGE ORDER TO ADD 6' CHAIN LINK SECURITY FENCING AROUND NEW SADIE CREEK IRRIGATION POND FOR A COST NOT TO EXCEED \$20,578.80.

Justin Walker, Keller Associates, reported that the amount of \$20,578.80 is a quote from only one contractor but bids could be obtained from at least 3 different contractors, if the Council chose. The current quote includes slats; if slats were left out, the price would drop to around \$16,000. The City owns some fencing currently

used around the hole at the WWTP and that fencing could be reused. If that were done, the cost of the project would be a little over \$8,000. There would be some conditions that apply to that. Justin gave a description of the location and asked for direction from the Council.

Public Works Director/Taylor – not clearly recorded.

P & Z D/Hasson reviewed his discussion with Justin in reference to safety issues in relation to the neighborhood.

CA/Grove informed Council that since the City informs of the dangers and does not charge for the use of the facility, the City would not be held responsible for injuries to others.

Council further discussed the options and agreed to postpone a decision to add fencing since other irrigation ponds do not have fencing either.

- B. ADOPT RESOLUTION NO. R2-2008: A RESOLUTION OF THE CITY OF KUNA, ADA COUNTY, IDAHO, AUTHORIZING THE CITY CLERK TO REQUIRE, UNDER CERTAIN CIRCUMSTANCES, PAYMENT OF AMOUNTS DUE TO THE CITY OF KUNA IN THE FORM OF CASH, CREDIT CARD OR MONEY ORDER AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to adopt Resolution No. R2-2008.  
Motion carried 4-0.

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

None.

**10. REPORTS:**

KUNA CITY POLICE DEPARTMENT MONTHLY REPORT – Police Chief Aldrich let the Council know that the report format had been changed to make it easier to read and understand. He gave Council the January statistics.

CODE ENFORCEMENT REPORT / STEVE HASSON – No issues at this time.

P & Z DIRECTOR / STEVE HASSON – Announced that consultant candidates for the Comp Plan were interviewed and the committee was impressed with a firm identified as CRSA. He described the different components involved in the Comp Plan.

CITY ENGINEER / KELLER ASSOCIATES – No report.

CITY ATTORNEY / RANDY GROVE – There was a legislative alert forwarded by the Assn. of Idaho Cities about a proposed change to LIDs by changing issuance of warrants and requiring cities to hold an property-owner election within a district. He stated that he would be attending a legislative hearing on the issue tomorrow.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDIA BURGESS – No report.

**11. ORDINANCES:**

**12. MAYOR /COUNCIL DISCUSSION:**

M/Dowdy reported that Margo Whale had presented to the City a list of ordinances she is demanding that the P & Z Director for the City work with her to adopt and demanding to be added to the agenda for an audience with the Council.

CC/Burgess will send a copy of the letter to all Council members.

C/Bachman stated that Ms. Whale should apply to P&Z Commission to effect changes in the Code.

Council agreed that Ms. Whale will need to follow the established protocol and procedures for ordinance changes that apply to all Kuna citizens. CC/Burgess will send a response to Ms. Whale to let her know the fees and procedures that she will be responsible for.

**13. ANNOUNCEMENTS:**

**14. EXECUTIVE SESSION:**

Moved by C/Lang, seconded by C/StroebeI to adjourn to Executive Session per IC Section 67-2345(f) regarding potential litigation at 9:28 p.m.

Adjourned Executive Session at 9:50 p.m.

**15. ADJOURNMENT:** There being no further business to conduct, moved by C/StroebeI, seconded by C/Lang to adjourn the meeting at 9:50 p.m. Motion carried 4-0.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: MARCH 4, 2008