

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
FEBRUARY 5, 2008
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

1. CALL TO ORDER AND ROLL CALL

M/Dowdy called the meeting to order at 7:10 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 Clerk Lynda Burgess, City Treasurer Robin McKean, Planner II Stacey Yarrington, Deputy City Clerk Chris Engels and Justin Walker, Keller Associates.

2. INVOCATION: The Invocation was given by Pastor Randy Maxwell, 7th Day Adventist Church

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

4. CONSENT AGENDA: Moved by C/Cardoza, seconded by C/Stroebel to remove 4.H. from the Agenda. Motion carried 4-0.

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

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

A. APPROVED MINUTES – Regular Meeting of January 15, 2008.

B. APPROVED ACCOUNTS PAYABLE DATED JANUARY 31, 2008 IN THE AMOUNT OF \$336,577.80.

C. APPROVED PAY REQUEST NO. 2 FOR JC CONSTRUCTORS, INC. IN THE AMOUNT OF \$237,500 FOR THE KUNA NORTH WWTP PHASE 1 PROJECT.

D. APPROVED PAY REQUEST NO. 2 FOR H2 EXCAVATION IN THE AMOUNT OF \$141,250 FOR THE SADIE CREEK IRRIGATION PUMP STATION AND POND PROJECT.

- E. APPROVED REDUCTION OF LETTER OF CREDIT FOR THE GREYHAWK SUBDIVISION (HUBBLE HOMES) FROM \$222,898.50 TO \$1,129,828.46.
- F. APPROVED CONTRACT CHANGE ORDER FOR SIEMENS WATER TECHNOLOGIES, REVISING THE MEMBRANE SCOPE TO 336 INITIAL MODULES FOR THE KUNA NORTH WWTP PROJECT, DECREASING THE CONTRACT AMOUNT BY \$467,043.
- G. APPROVED PAY REQUEST NO. 3 FOR CUSTOM ELECTRIC, INC. IN THE AMOUNT OF \$109,295.50 FOR THE SYSTEM-WIDE SCADA PROJECT.

WITHDRAWN FROM CONSENT AGENDA:

- H. APPROVE PAY REQUEST NO. 5 FOR TITAN TECHNOLOGIES, INC. IN THE AMOUNT OF \$29,846.07 FOR THE TEN MILE LIFT STATION 16" FORCE MAIN PROJECT.

Justin Walker explained that funds withheld from Titan's contract for mitigation of the sewer spillage.

Moved by C/Cardoza, seconded by C/Lang to approve Pay Request No. 5. Motion carried by the following Roll Call vote:

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

5. KUNA FIRE DISTRICT MONTHLY REPORT:

Chief Rosin gave a copy of the monthly report. They received 90 fire and EMS calls for the month of January. Of those calls, 70 were in the city and 20 in the district. 63 were EMS related and 27 were fire.

C/Cardoza complimented and thanked the department on their work.

6. ADA COUNTY HIGHWAY DISTRICT REPORT:

Errol Morgan gave a run down on the winter expenses for the District. Costs this year are higher than previous years. Some equipment purchases may have to be deferred because of the higher costs from the snow. He indicated that crews have been out sweeping up sand.

C/Stroebel mentioned a trench on 4th St. that has compacted. Mr. Morgan stated that he will look into it.

7. CITIZEN'S REPORTS OR REQUESTS:

8. LICENSES AND PERMITS:

- A. APPROVE BUSINESS LICENSE FOR ZACH HAWS, "SWAN FALLS FAMILY DENTISTRY, PLLC," 1621 N. LINDER AVE.

Moved by C/Cardoza, seconded by C/Stroebel to approve. Motion carried 4-0.

- B. APPROVE BUSINESS LICENSE FOR JD GRANT, "AVALON DENTISTRY," 672 E. WYTHE CREEK CT., STE. 101.

Moved by C/Cardoza, seconded by C/Stroebel to approve. Motion carried 4-0.

- C. APPROVE BUSINESS LICENSE FOR JAMES McCLURE AND KATHY NELSON, "KUNA TACK, LLC," 239 W. 4TH ST.

Moved by C/Cardoza, seconded by C/Lang to approve. Motion carried 4-0.

- D. APPROVE BUSINESS LICENSE FOR MELONEY R. FISKE, "BeDAZZLED YOUR WAY," 150 E. SNOWY OWL ST.

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

9. OLD BUSINESS:

10. NEW BUSINESS:

APPROVE LOT SPLIT 07-02-LS FOR JOSH MANWARING, PARK AVE.

Tracy Rushlow, P & Z-unintelligible.

Dave Crawford from B & A Engineers, representing applicant. Applicant agrees with all the conditions in staff report.

C/Cardoza re: letter dated 11/3/07, on the second pg., 2nd & 3rd paragraphs asks for the removal of the requirement for the installation of curb and gutter. To allow the installation of sidewalk while maintaining the existing storm drainage for the area.

Mr. Crawford explained the storm drainage plan and why it was chosen.

Moved by C/Bachman, seconded by C/Lang to approve and direct applicant to follow all Planning and Zoning Commission and agency requirements. Motion carried 3-1 (C/Cardoza voted no).

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

PUBLIC HEARING – 07-01-AN/07-03-ZC/07-04-S/07-03-DA – PROFILE RIDGE SUBDIVISION, REDCLIFF DEVELOPMENT.

P & Z Director/Hasson stated that the P & Z Commission recommended denial of the application based upon the following concerns:

1. Retail building layout on the corner of Highway 69 and Deerflat does not meet entrance standards.
2. Parking layout along Deerflat does not meet City entrance standards.
3. Traffic corridor improvements from ACHD along Deerflat needs to be improved prior to development.
4. Sidewalk accessibility along Deerflat road from Highway 69 to Kay St. needs to be addressed prior to development.
5. The project does not meet the expected standards of the City for major corner development and entrance to the City.

Director/Hasson further stated that staff believed the P & Z Commission did not apply appropriate standards in the land use application in that the conditions are not applicable as a land use consideration; they are conditions that are to be considered at development review. Three reasons for denial related to inadequate design or presentation, specifically inadequate entrance standards, parking layout and inadequate corner development. These conditions are not applicable as a land use application until design review, which is a process that occurs at the time of the building permit; 2) Deerflat Rd. has not been improved from Highway 69 to Linder Rd and this development would add considerable traffic loading on that stretch of roadway. The Commission said the road should be improved prior to approval. Deerflat will be improved by ACHD as part of its improvement program slated for improvement in 2010; 3) the need for sidewalk improvements from Highway 69 to Kay St. along Deerflat. Staff agrees that sidewalks are needed along Deerflat as it is developed but to require the developer to install sidewalks beyond its property requires a review of a U.S. Supreme Court Litmus standard that is known as "route proportionality." It says when you propose a condition of approval on a development, there has to be a proportional relationship between the impact and the cure. If you exceed the condition of requirement, then you expose the agency to a challenge of property takings.

Director/Hasson asked Council to set aside the recommendation of the P & Z.

Rob Haggett, representing Redcliff Development, 2060 S Eagle Rd, Meridian, ID, requested approval of the Plat and zoning change.

M/Dowdy opened the Public Hearing.

SUPPORT

Susan Mittleider, 1253 Crane Ln., stated that this could be a great opportunity for Kuna. If the City didn't want growth, Council would not have approved all the subdivisions in the past. This project would expose small downtown shops to more customers and provide work for Kuna youth. There may be some added traffic but many Kuna residents travel the same way to get to other communities for their shopping needs.

NEUTRAL

Susan Palmer, 9075 S Meridian Rd., indicated that she would like to see a large shopping center come into Kuna. She stated that she was tired of going to Meridian for shopping.

OPPOSE

Stan Sanders, 250 W. 4th St., said he sees downtown Kuna deteriorating. He stated that there were over 50 commercial retail businesses outside of the Central Business District. Further, he was concerned about approval of such a development without completion of the Comprehensive Plan and supported only the residential portion of the proposed project.

Ralph Johnston, 1028 W. Nugget, expressed concern only about the commercial part of project and indicated that he is willing to drive for services. He felt the commercial part of the project would interfere with personal serenity.

Margo Whale, 3333 W. Ambrosia Ln., felt that approval of the project would change the small town atmosphere and suggested that the matter be put to a citizen vote. Further, the City should require a net benefit analysis.

Kim Barton, 6788 Lola Ln., Nampa, owner of the Wild Ivy Gift Shop, felt that she would lose customers who shop at her store for convenience. Local shops provide a convenience to Kuna residents now but a big box store would probably take business away from downtown shops because the new store would be just as convenient and probably less expensive. Would like the Council to limit the size of stores to encourage more small businesses to start up. She further felts that big box store would monopolize the shopping dollars of the community.

Cheryl McCord, 3543 W. Ambrosia Ln., stated that she had mixed feelings about big box but that she was impressed with staff's work with the developer. She would like to see the City's ordinances upheld in reference to the right-in, right-out access on Highway 69 to be preserved.

Sherry Russell, 781 S. School St., spoke as a downtown property owner. She asked that the City not forget the downtown which provides the community feeling. Also, the City should require lots of landscaping with lots of berms and tall trees so that the big box look is not so visible. Try to have buildings with beauty and not just square boxes.

Rob Haggett responded to the public testimony by saying that, statistically, downtown would not be affected by the new development as they would be far enough away from each other. Even if the plat were approved tonight, a minimum of 2 years would pass before any store opens. He also stated that Redcliff is asking for the additional access as a right-in, right-out from ITD.

In response to C/Bachman, Mr. Haggett stated that no signal would be required at Meadowview and Highway 69 because most of the traffic would be on Deer Flat.

Director/Hasson reported that staff has worked on the right-in negotiations w/ITD and ACHD and the request to have a right-in/right-out on Highway 69 should come through staff first.

CA/Grove reiterated that any decision to deny the application must be based on the Comp Plan and/or stipulations in the City's ordinances. The P & Z Commission's recommendation of denial is based on design review issues.

M/Dowdy – Over last year and a half, especially during the last election campaign, hundreds of people expressed an interest in the addition of a big box store. City's budget doesn't bring in enough tax base from primarily residential development so there are not funds for the overpass, recreational facilities and other improvements. The residential and commercial developments are currently disproportional.

C/Cardoza expressed concern over anticipated traffic levels on Deer Flat and agreed with the letter from the ITD dated September 25, 2007. He was also concerned about the lack of sidewalks from the High School to the development.

Errol Morgan verified that the ACHD currently plans to widen Deer Flat to Linder Rd. to three lanes but that does not include sidewalks. The widening is tentatively planned for 2010.

C/Bachman reported that ITD has set aside \$300,000 for the Highway 69/Columbia intersection.

C/Stroebel stated that, in looking at the overlay district, no new approaches on Highway 69 are allowed. The right turn caused her concern.

Director/Hasson explained that, per ITD, the way it is being constructed the right-in is not considered a roadway.

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

In response to C/Bachman, Bob Unger, Redcliff, stated that the developer will also be putting right turn lanes at both intersections on Deerflat along with curb, gutter and sidewalk.

Mr. Haggett withdrew the request for Council approval for a right-in, right-out on Highway 69 and will work with staff on that request.

Moved by C/Stroebel, seconded by C/Cardoza to table the matter to February 19. Motion carried by the following Roll Call vote:

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

12. REPORTS:

P & Z DIRECTOR / STEVE HASSON – See January 2008 Building Permit Report.
CODE ENFORCEMENT REPORT / STEVE HASSON – Reported that, on Avalon, there is a truck and trailer with junk. Staff is looking at the situation. The owner of a semi truck on Ashwood Ct. has been sent a second notice and there has been no response yet. The owner of a tower for cable TV on Ten Mile has been sent a second notice and there has been no response yet. Regarding the property next to Dominos Pizza where a lot of trash had been stored has been resolved. Council asked about a fence on Owyhee and Steve will follow up on it.

CITY ENGINEER / GORDON LAW – Cautioned approval of development conditions allowing for off-site drainage. He reported that he will officially start work for Kuna on March 17th.

CITY ENGINEER/JUSTIN WALKER – The design for Sadie Creek includes no security fencing around the pond and is directly adjacent to the future park. Not sure what the City's liability will be and asked Council for direction on the possibility of adding fencing. Regarding reimbursement agreements for subdivisions approved prior to adoption of the new policies, he also asked for Council direction whether to include the earlier subdivisions under the new policies. Council asked Justin to look into the cost for providing a 6' chain link fence for the Sadie Creek pond.

CITY ATTORNEY / RANDY GROVE – No report.

CITY TREASURER / ROBIN McKEAN – No report

CITY CLERK / LYNDA BURGESS – Lynda introduced new Deputy City Clerk Chris Engels.

13. ORDINANCES:

14. MAYOR / COUNCIL DISCUSSION:

15. ANNOUNCEMENTS: M/Dowdy announced the invitation to the Governor's Prayer breakfast and reminded Council to contact the City Clerk if they want to attend.

16. EXECUTIVE SESSION: None.

17. ADJOURNMENT: There being no further business to conduct, moved by C/Stroebel, seconded by C/Lang to adjourn at 9:57 pm. Motion carried 4-0.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: FEBRUARY 19, 2008