

KUNA CITY COUNCIL MEETING MINUTES

APRIL 15, 2008

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

7:05 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

M/Dowdy called the meeting to order at 7:05 p.m.

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

ALSO PRESENT: P&Z Director Steven Hasson, City Engineer Gordon Law, City Treasurer Robin McKean, Planner Stacey Yarrington, Public Works Director Jim Taylor and Deputy City Clerk Chris Engels.

2. INVOCATION: None

3. PLEDGE OF ALLEGIANCE: Mayor Dowdy

Moved by C/Lang, seconded by C/Stroebel to amend the Agenda to MOVE ITEM 5, KUNA POLICE DEPARTMENT MONTHLY REPORT, TO END OF THE AGENDA ITEM 11, REPORTS; DELETE ITEM 4.S., APPROVE WAIVER OF ANNEXATION FEES FOR DENNIS VANDER STELT, 2777 S. SWAN FALLS. RD.; ADD AGENDA ITEM 4.V., APPROVE LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK – LONGHORN LLC, KUNA. Motion carried 4-0

4. CONSENT AGENDA:

Moved by C/Lang, seconded by C/Stroebel to approve the Consent Agenda with the exception of Item 4.S and the addition of 4.V. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Cardoza, Stroebel

NOES: None

ABSENT: None

A. APPROVED MINUTES – APRIL 1, 2008.

B. APPROVED ACCOUNTS PAYABLE DATED APRIL 11, 2008 IN THE AMOUNT OF \$153,449.26.

C. APPROVED TEMPORARY BUSINESS PERMIT 08-02-TB FOR SHERRY HOLGATE FOR A ROADSIDE STAND AT 190 TEN MILE.

- D. APPROVED BUSINESS LICENSE FOR WILLIAM TODD WELLS “INNOVATIVE DIGI ART,” 2690 E KUNA RD.
- E. APPROVED CONTRACT WITH ELITE TELECOM FOR HARDWARE, INSTALLATION, PROGRAMMING AND TRAINING TO UPGRADE THE CITY’S TELEPHONE SYSTEM IN THE AMOUNT OF \$4,271 AS BUDGETED IN ACCOUNT 01-6166, “OFFICE EQUIPMENT UPGRADES” FOR FY2007-08.
- F. APPROVED 3-YEAR CONTRACT WITH QWEST COMMUNICATIONS FOR “ONEFLEX INTEGRATED ACCESS” TELEPHONE, LONG DISTANCE AND INTERNET SERVICES IN THE AMOUNT OF \$647.20 PER MONTH.
- G. APPROVED PAY REQUEST NO. 4 FOR JC CONTRACTORS FOR THE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$402,800.
- H. APPROVED PAY REQUEST NO. 3 FOR KEPHA CONSTRUCTION FOR THE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$15,190.80.
- I. APPROVED PAY REQUEST NO. 4 TO H2 EXCAVATION FOR THE SADIE CREEK IRRIGATION PUMP/POND PROJECT IN THE AMOUNT OF \$188,724.
- J. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK– EL GALLO GIRO, 482 W MAIN.
- K. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND WINE – IDAHO PIZZA CO, 331 AVE E.
- L. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK – 4 E’S BAR, 379 MAIN.
- M. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK – COWGIRLS SALOON & TEQUILARIA, KUNA.
- N. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND WINE – SILVER TRAIL WINERY, 347 AVE E.
- O. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK – RED EYE BAR & GRILL.
- P. APPROVED 08-01-LLA (LOT LINE ADJUSTMENT): MINERAL SPRINGS HOMEOWNERS ASSOCIATION, LOT 7 & 8 BLOCK 1 – FINDINGS AND FACTS,
- Q. CONCLUSIONS OF LAW.
- R. APPROVED 07-09-DA (DEVELOPMENT AGREEMENT): DON YOUNG LAND CO. – CEMENT FALLS SUBDIVISION LOT 1 & 2 BLOCK 2

S. SET BUDGET HEARING FOR AUGUST 19, 2008.

~~S. APPROVE WAIVER OF ANNEXATION FEES FOR DENNIS VANDER STELT,
2777 S. SWAN FALLS RD.~~

T. APPROVED FINDINGS OF FACT & CONCLUSIONS OF LAW FOR FILE #08-02-ZC – O’LEARY’S OLD FIREHOUSE BAR/LOUNGE, 271 N AVENUE B, FINDINGS OF FACT/CONCLUSIONS OF LAW.

U. APPROVED FINDINGS OF FACT & CONCLUSIONS OF LAW AND AUTHORIZE THE SIGNING OF THE DEVELOPMENT AGREEMENT FOR FILE #07-10-AN/07-17-DA ANNEXATION AND DEVELOPMENT AGREEMENT FOR OSPREY RIDGE PARTNERS, ORIGIN PROPERTIES, LLC/KUNA 830, LLC FINDINGS OF FACT/CONCLUSIONS OF LAW.

V. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK – LONGHORN LLC, KUNA.

5. KUNA POLICE DEPARTMENT MONTHLY REPORT:

Sgt. Kody Aldrich provided his monthly report for March, 2008 and reported that crime was down 38% compared to last year but when the weather warms up and kids get out of school, crime goes up again. He felt that part of the reduction may also be because of the additional detective. The report is online for citizens to review. He reminded citizens to lock up their belongings. Further, he reported that his department received a grant from ITD to deter aggressive driving on Hwy. 69 and will also be receiving grant money for DUI enforcement saturation.

6. ADA COUNTY HIGHWAY DISTRICT REPORT:

Errol Morgan report that ACHD’s traffic engineer looked into the Post Office parking and has no problem with the parking providing there is not a safety issue.

C/Cardoza thanked ACHD for the high school signs. There is a pedestrian ramp that still needs to be installed at Porter St.

Mr. Morgan stated that the school is working with ACHD on the Porter St. project.

7. CITIZEN’S REPORTS OR REQUESTS:

8. OLD BUSINESS:

9. NEW BUSINESS:

~~APPROVE WAIVER OF ANNEXATION FEES FOR DENNIS VANDER STELT, 2777
S. SWAN FALLS RD.~~

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

A. PUBLIC HEARING: FILE #08-01-AN/08-01-DA ANNEXATION AND DEVELOPMENT AGREEMENT FOR MELLIN PROPERTIES.

P & Z Director/Steve Hasson gave a description of the property and its zoning. He explained what the applicant has requested for zoning and use and that the land is being donated for the Boys and Girls Club.

Van Eldge from the Land Group, 462 E. Shore #100, Eagle, representing the applicant, presented a power point presentation outlining the history of steps with staff for development rezone, the site itself with stub streets, access sites, open and park space. He explained the lot line adjustment along with the master plan layout.

M/Dowdy opened the Public hearing.

Support

Joe Luppens, 2263 N. Buteo Pl., supported the annexation for shops, businesses and donation of the property for the Boys and Girls Club.

Belinda Gordon, 1206 N. Blackcat, supported the entire project and commented on how nice the project is in Eagle by the same Development Company.

Tim Gordon, 1206 N. Blackcat, thanked the Mellins' for the project and land donation and gave support for the project as a whole.

Brenda Blitman, 8460 S. Locust Grove, Meridian stated that she is a Kuna business owner and supports the business space for Kuna business growth. She also supported the Boys and Girls Club.

Connie Roberts, 613 E. Sable Ridge, supported the project and thanked the Mellins and the Land Group.

Steven Ricks, representing the Kuna Chamber of Commerce reported that the Chamber supports the project because of the business space opportunities and the tax base it will provide.

Neutral

No testimony offered.

Opposed

No testimony offered.

Ralph Mellin, 4500 Tumbleweed Ln., Boise, talked about his plans and desire for a nice development and how he chose his planner. He hoped this development would be similar to Eagle's Boys and Girls Club.

There being no further testimony offered, M/Dowdy closed the public hearing at 7:40 p.m.

C/Lang disclosed that he is on the steering committee for the Boys and Girls Club but didn't feel it was a conflict of interest.

C/Cardoza and C/Bachman asked about the City's responsibility in reference to the donated land and the lateral.

P & Z Director/Hasson explained the agreement and what steps could be taken by the City to protect itself as well as possible changes to the agreement.

Tim Gordon responded that the Boys and Girls Club will incorporate tiling of the lateral. They have worked with the water board.

Moved by C/Bachman seconded by C/ Lang to approve File #08-01-AN/08-01-DA Annexation and Development Agreement for Mellin Properties of 30.93 acres zoned CBD as shown in exhibit C and 6.48 acres to be zoned R-6 as shown in exhibit D with modification to the development agreement on page 3, section 1.4.1 bullet 4 to include the language, "The City and/or Its Assigns." Motion carried 4-0.

- B. PUBLIC HEARING: FILE #08-01-ZOA (ZONING ORDINANCE ADDITION AND AMENDMENT) THIS APPLICATION IS TO CREATE A NEW ZONING ORDINANCE CHAPTER IN THE KUNA CITY CODE FOR A DESIGN REVIEW COMMITTEE AND ASSOCIATED AMENDMENTS TO THE EXISTING DESIGN REVIEW OVERLAY DISTRICT CHAPTER TO GIVE THE DESIGN REVIEW COMMITTEE AUTHORITY TO REVIEW DESIGN REVIEW APPLICATIONS. THE AMENDMENT ALSO DESIGNATES THE APPEALING BODIES.

M/Dowdy requested that this be tabled until next Council meeting so the City Attorney could be present to answer questions. This will be re-noticed and questions can be emailed to the City Attorney for response at the next Council meeting.

Moved by C/Cardoza, seconded by C/Lang to table the matter until the May 6, 2008 Council meeting and re-notice. Motion carried 4-0.

11. REPORTS:

CODE ENFORCEMENT REPORT / STEVE HASSON – No report.

C/Cardoza asked for an update on installation of sidewalk in front of the flower shop at the corner of 4th and Linder.

P&Z Director/Hasson reported that a letter had been sent to the property owners reminding them of the requirement for the sidewalk. M/Dowdy-asked staff to check with C/A Grove as to whether the City could put a lien on the property in case it doesn't get done.

M/Dowdy requested an update on the broken sidewalk at the corner of Main and Avenue C.

Jim Taylor's response was not able to be recorded.

P & Z DIRECTOR / STEVE HASSON – Reported that the number of building permits will be presented after the end of the month

CITY ENGINEER / GORDON LAW – Reported that Well No. 4 had been taken down, the pump pulled, the screen cleaned and inspected. The casing is pitted but sound. The contractor will try to restore production and check each producing formation to pull the test to see which one is producing the arsenic. A solution may be in place next week to solve the problem. Staff has not had to bring on Well 5 with the bubbly water. All other contracts are proceeding normally.

CITY ATTORNEY / RANDY GROVE – Not present

CITY TREASURER / ROBIN McKEAN – Not present

CITY CLERK / LYNDA BURGESS – Not present

12. ORDINANCES:

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS -
ORDINANCE NO. 2008-04: AN ORDINANCE OF THE CITY OF KUNA, IDAHO
REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO,
NOW KNOWN AS O'LEARY'S OLD FIREHOUSE, PARCEL NUMBER R5070000760,
271 N AVENUE B FROM "P" PUBLIC TO "CBD" CENTRAL BUSINESS DISTRICT;
AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH
CHANGE; 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. 2008-04. Motioned carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2008-04. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Cardoza, Stroebel

NOES: None

ABSENT: None

13. MAYOR /COUNCIL DISCUSSION:

M/Dowdy announced that he would be attending a leadership conference in Sun Valley April 27-29 and that Council President Lang will be in charge during that time.

Discussion ensued about the proposal for Council to informally meet on the 2nd Wednesday of each month and whether to continue. Council agreed to try it again in the month of May. CRSA Community meetings regarding the Comp Plan will be held in May.

C/Lang asked for an update on the house on Boise and School. Sgt. Aldrich indicated that Central District Health Department will allow the owner's parents to repair and renovate the house to sell.

14. ANNOUNCEMENTS:

15. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session for Personnel matters pursuant to IC 67 23 45(a) at 8:46 p.m. Motion carried by the following Roll Call Vote:

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

Council entered Executive Session at 8:46 p.m.

Adjourned Executive Session at 8:53 p.m.

RECONVENE: M/Dowdy reconvened the Regular meeting at 8:53 p.m.

M/Dowdy announced that Sgt. Aldrich would be requesting funding for 1 SRO for the summer months at ¼ of the salary so that SRO cases won't be left idle and can be worked. He requested that it be on a future agenda for Council decision.

Regarding use of the city pool car, M/Dowdy stated that the policy is for staff to use the vehicle whenever City business is being conducted. Staff will only be reimbursed for personal vehicle mileage if the pool car is unavailable. The City Clerk will create and maintain a reservation calendar through Microsoft Outlook documenting staff usage.

16. ADJOURNMENT: There being no further business to conduct, it was moved by C/Cardoza, seconded by C/Stroebel to adjourn at 9:02 p.m. Motion carried 4-0.

J. SCOTT DOWDY, MAYOR

ATTEST:

CHRISTINA ENGELS, DEPUTY CITY CLERK

DATE APPROVED: MAY 6, 2008