

KUNA CITY COUNCIL MEETING MINUTES MAY 20, 2008

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

5:00 p.m. - ANNUAL BUDGET WORKSHOP – CANCELLED DUE TO LACK OF A QUORUM

- A. PRESENTATION BY THE ADA COUNTY ASSESSOR'S OFFICE, BOB McQUADE.
- B. BUDGET WORKSHOP.

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

M/Dowdy called the meeting to order at 7:00 p.m.

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

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

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

ADD TO AGENDA UNDER OLD BUSINESS :

8C-CONTINUED DISCUSSION TO ESTABLISH A DATE FOR A PUBLIC HEARING FOR THE DESIGN REVIEW COMMITTEE.

8D-CONSIDER FUNDING FOR A JUVENILE RESOURCE OFFICER FOR THE SUMMER MONTHS OF JUNE, JULY AND AUGUST. (removed from the Agenda by the Mayor)

Moved by Council President Lang, seconded by Council Member Stroebel to add item 8C under Old Business, move Consent Agenda item 4E to Old Business 8B, consolidate agenda items 4G and 4I and remove proposed Agenda Item 8D, funding for a Juvenile Resource Officer. Motion carried 3-0-1 (C/Cardoza absent).

4. CONSENT AGENDA:

Moved by C/Lang, seconded by C/Bachman to approve the Consent Agenda with the exception of Item 4E and consolidate Items 4G and 4I. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Stroebel

NOES: None

ABSENT: Cardoza

- A. APPROVED ACCOUNTS PAYABLE DATED MAY 15, 2008 IN THE AMOUNT OF \$179,234.40.
- B. APPROVED BUSINESS LICENSE FOR BECKY LYNN WRIGHT, "SCRIBBLES," 1081 S. BOBBY AVE.
- C. APPROVED BUSINESS LICENSE FOR FREDDA ROSE, "PIE FACE," 346 W. 4TH ST. COMBINED LOCATION WITH GOLD N CRAFT.
- D. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR 08-02-TB (TEMPORARY BUSINESS) SHERRY HOLGATE.
- E. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR MELLIN PROPERTIES 08-01-AN (ANNEXATION), 08-01 (DA, DEVELOPMENT AGREEMENT) 08-01-ZC (ZONE CHANGE).
- F. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR 08-03-ZOA – LOT SPLIT ORDINANCE AMENDMENT.
- G, I. ADOPTED RESOLUTION R11-2008: ESTABLISHING WELL MITIGATION FUND; ESTABLISHING FEES OF CONNECTION TO PRESSURE IRRIGATION, WASTEWATER AND WATER SYSTEMS WITHIN THE CITY OF KUNA; DIRECTING DISBURSEMENT OF COLLECTED FUNDS; REPEALING RESOLUTION R12-2007.
- H. ADOPTED RESOLUTION R12-2008 APPROVING CHANGE ORDER NO. 1 WITH H2 EXCAVATION FOR THE TEN MILE UTILITY IMPROVEMENT PROJECT INCREASING THE CONTRACT AMOUNT BY \$19,091.90.
- J. ADOPTED RESOLUTION R13-2008 APPROVING AN AMENDMENT TO THE AGREEMENT WITH HYDRO LOGIC FOR WELL #4 ARSENIC INVESTIGATION.

5. FIRE DISTRICT MONTHLY REPORT:

Chief Rosin updated the Council on April's activity. There were 96 fire and EMS calls; 67 in city limits and 29 in the district. 68 were EMS related and 28 were fire related.

6. ADA COUNTY HIGHWAY DISTRICT REPORT:

Errol Morgan didn't have a report and stood for questions. C/Lang asked for a street sign to be refreshed.

7. CITIZEN'S REPORTS OR REQUESTS:

PRESENTATIONS OF KUNA CLEAN-UP PRIZE AWARDS BY J & M SANITATION.

Awards were given to Teed Elementary, Cub Scout Pack 106, Girl Scout Troop 168, 4H group Off Broadway Bunch, Kuna Middle School Honor Society, Denali Heights HOA and Ryan's Meadow HOA.

The Mayor thanked all the participants and J & M for keeping the city clean with this program each year.

8. OLD BUSINESS:

A. 08-02-ZOA – PLANNED UNIT DEVELOPMENT ORDINANCE AMENDMENT – CONTINUED FROM MAY 6, 2008.

P & Z Director Hasson explained that the Ordinance amendment provided special emphasis on the Central Business District as well as modifications based on Council's suggestions.

C/Bachman asked about language for open space and suggested a definition.

C/Stroebel asked about driveway graphics.

Council instructed staff to publish the Ordinance Amendment for Public Hearing on June 17, 2008.

B. 08-01-DA – AMENDED DEVELOPMENT AGREEMENT FOR THE MELLIN PROPERTIES.

Council instructed staff to amend the report and move to the next meeting.

C/Lang would like the agreement to be separated from the report.

P & Z Director Hasson handed out a new Development Agreement for Council's review and outlined the proposed changes.

M/Dowdy made recommendations for clean up language to eliminate contradictions in the agreement.

C/Stroebel asked about the amount of landscaping.

C/ Bachman recommended wording changes to the landscaping requirements and reverting to Agricultural zoning for the commercial piece.

Ralph Mellin agreed to the recommended changes. He appreciated working with Director Hasson and the Mayor.

Moved by C/Lang, seconded by C/Stroebel to approve the amended Development Agreement. Motion carried by the following Roll Call Vote:

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

Moved by C/Bachman, seconded by C/Lang to table item number 4E for the Mellin Annexation to the next Council Meeting. Motion carried 3-0-1 (C/Cardoza absent).

C. CONTINUED DISCUSSION TO ESTABLISH A DATE FOR A PUBLIC HEARING FOR THE DESIGN REVIEW ORDINANCE.

P & Z Director Hasson gave a review of previous and current changes. Council instructed staff to notice the Design Review Ordinance for a Public Hearing on June 17, 2008.

9. NEW BUSINESS:

A. CONSIDER COMMERCIAL KENNEL LICENSE APPLICATION – GUADALUPE AND JOSE BALLESTEROS, 1278 W. CURTNER ST.

Moved by C/Bachman, seconded by C/Lang recess the meeting for a review of the City Code. Motion carried 3-0-1 (C/Cardoza absent).

RECESS: M/Dowdy recessed the meeting.

RECONVENE: M/Dowdy reconvened the meeting.

Moved by C/Lang, seconded by C/Stroebel to table the matter until the next meeting so that the applicant can be present. Council instructed P & Z staff to review the application and bring it back at the June 3, 2008 Council Meeting. Motion carried 3-0-1 (C/Cardoza absent).

B. INFORMATIONAL MEMO FROM CITY ENGINEER LAW: CHANGE ORDER NOTIFICATION MEMBRANE BASIN AIR.

CA/Grove stated that the matter was not eligible for an Executive Session. CE/Law gave a description of the changes in the memo.

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

MARTY PERONI – SCHOOLHOUSE PARK #2 SUBDIVISION DEVELOPMENT AGREEMENT AMENDMENT – AMENDING SQUARE-FOOTAGE OF HOMES ALLOWED.

P & Z Director Hasson described the request from Marty Peroni and stated that staff does not support the request for a reduction in square footage.

C/Stroebel asked about adjoining subdivision home sizes.

Mr. Peroni explained the challenge of home sizes and the current economy. He explained the specs for the subdivision.

M/Dowdy opened the Public Hearing.

SUPPORT

Tim Gordon, 1206 Blackcat, felt that the change is needed and that the City should be flexible.

NEUTRAL

None

OPPOSED

Todd ?, Schoolhouse Park #2 Subdivision home owner expressed concern that the reduction in house sizes will throw the appearance of the subdivision off. As a home owner, he wanted the quality of subdivision maintained.

Mr. Peroni indicated that he turned down an offer from Hubble Homes last July to maintain the quality of the subdivision. He wanted to protect the subdivision residents.

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

C/Bachman asked what the price difference would be between the sizes.

Moved by C/Bachman, seconded by C/Lang to deny the request to reduce the square footage of future homes in the Schoolhouse Park #2 Subdivision. Motion carried 3-0-1.

11. REPORTS:

CODE ENFORCEMENT REPORT / STEVE HASSON - There are normal complaints on weeds and debris. The City Attorney has sent a letter to Anytime Fitness regarding a signage issue. Troy Todd, Indian Creek Sports is working with a landscaper to comply with the City's enforcement request. The vacant house at School and Boise is a concern and staff will meet with law enforcement to seek a resolution.

P & Z DIRECTOR / STEVE HASSON - Willow Glen #3 plat is expired. Staff has asked the developer to re-apply in accordance with code. He stated that the Mayor will request the applicant to appear before Council. Building permits continue to be robust.

CITY ENGINEER / GORDON LAW - Well #4 test is being completed today. Well #7 doesn't exist but staff is looking for a location. He requested permission to hire an additional staff member to share mapping responsibilities between Engineering and Planning and Zoning.

CITY ATTORNEY / RANDY GROVE - Reviewed proposed Ordinance 2008-10 dealing with licenses for solicitors and temporary vendors.

CITY TREASURER / ROBIN McKEAN - none

CITY CLERK / LYNDA BURGESS - absent.

12. ORDINANCES:

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-07: AN ORDINANCE OF THE CITY OF KUNA, IDAHO REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO, NOW KNOWN AS CEMENT FALLS SUBDIVISION, PARCEL NUMBERS R1342250040 AND R1342250050, 693 AND 757 E. WYTHE CREEK CT., FROM "R-4" LOW DENSITY RESIDENTIAL DISTRICT TO "C-3" SERVICE AREA DISTRICT/COMMERCIAL; 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. Motion carried 3-0-1 (C/Cardoza absent).

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2008-07. Motion carried by the following Roll Call vote:

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

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-08: 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/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings. Motion carried 3-0-1 (C/Cardoza absent).

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2008-08. Motion carried by the following Roll Call vote:

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

- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - AN ORDINANCE OF CITY OF KUNA, IDAHO, DELETING TITLE 5 CHAPTER 16 SECTION 3, "ZONING REGULATIONS" IN ITS ENTIRETY AND ADOPTING A NEW TITLE 5 CHAPTER 16 SECTION 3, "ZONING REGULATIONS" TO

ESTABLISH A NEW "LOT SPLIT" PROCEDURE, FOUND THEREIN; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings. Motion carried 3-0-1 (C/Cardoza absent).

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2008-09. Motion carried by the following Roll Call vote:

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

- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-10: AN ORDINANCE OF THE CITY OF KUNA, IDAHO DEFINING SOLICITORS AND TEMPORARY VENDORS, REQUIRING LICENSES FOR SOLICITORS AND TEMPORARY VENDORS TO OPERATE WITHIN THE CITY.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings. Motion carried 3-0-1 (C/Cardoza absent).

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2008-10. Motion carried by the following Roll Call vote:

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

13. MAYOR /COUNCIL DISCUSSION:

- 14. ANNOUNCEMENTS:** C/M Lang reported that he had information about Valley Ride if any Council Members are interested.

15. EXECUTIVE SESSION:

- 16. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 9:40 p.m. Motion carried 3-0-1 (C/Cardoza absent).

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JUNE 3, 2008