

**KUNA CITY COUNCIL MEETING
MINUTES
MAY 6, 2008**

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

NOTE: DUE TO EQUIPMENT FAILURE, A RECORDING OF THIS MEETING IS NOT AVAILABLE.

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. Councilwoman Stroebel was excused.

ALSO PRESENT: P&Z Director Steven Hasson, City Engineer Gordon Law, City Treasurer Robin McKean, Planner Stacey Yarrington, Public Works Director Jim Taylor and City Clerk Lynda Burgess and Justin Walker, Keller Associates.

2. INVOCATION: None given.

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

ADD TO AGENDA:

OLD BUSINESS:

8.A. – CONSIDER DE-ANNEXATION OF SHREEVE PROPERTY AND, IF APPROPRIATE, DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-02: AN ORDINANCE EXCLUDING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NO. S1419417650, CURRENTLY SITUATED SOUTH OF MEADOW VIEW AND WEST OF LOCUST GROVE ROADS IN THE CITY OF KUNA, IDAHO; FROM THE CITY OF KUNA BACK INTO THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; REVERTING THE ZONING CLASSIFICATION OF SAID REAL PTOPERTY; DIRECTING THE COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

8.B. – CONSIDER OPTIONS PRESENTED BY THE CITY ENGINEER RELATING TO ARSENIC IN WELL #4 AND ADOPT RESOLUTION NO. R10-2008 AUTHORIZING EXPENDITURE OF UP TO \$100,000 FROM THE CONTINGENCY ACCOUNT OF THE FY2008 WATER FUND BUDGET, IF APPROPRIATE.

Moved by C/Lang, seconded by C/Bachman to amend the Consent Agenda. Motion carried 3-0-1 (C/Stroebel absent).

4. CONSENT AGENDA: Moved by C/Lang, seconded by C/Bachman to approve the Consent Agenda with the exception of Item 4.J. Motion carried by the following Roll Call vote:

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

- A. APPROVED MINUTES – REGULAR MEETING OF APRIL 15, 2008.
- B. APPROVED MINUTES – SPECIAL MEETING OF APRIL 29, 2008.
- C. APPROVED ACCOUNTS PAYABLE DATE MAY 1, 2008 IN THE AMOUNT OF \$591,448.22.
- D. APPROVED CHANGE ORDER NO. 2 WITH H2 EXCAVATION, INC FOR AN INCREASE TOTAL CONTRACT AMOUNT BY \$1,013.70 FOR A TOTAL CONTRACT OF \$643,986.70 FOR THE SADIE CREEK IRRIGATION PUMP STATION AND POND PROJECT.
- E. APPROVED PAY REQUEST NO. 5 FOR H2 EXCAVATION, INC FOR THE SADIE CREEK IRRIGATION PUMP STATION AND POND PROJECT IN THE AMOUNT OF \$109,309.
- F. APPROVED PAY REQUEST NO. 2 FOR H2 EXCAVATION, INC FOR THE TEN MILE ROAD UTILITY IMPROVEMENT PROJECT IN THE AMOUNT OF \$222,189.84.
- G. APPROVED PAY REQUEST NO. 4 FOR KEPHA CONSTRUCTION FOR THE KUNA NORTH WWTP PHASE 1 – SUPPORT BUILDING IN THE AMOUNT OF \$53,333.03.
- H. APPROVED PAY REQUEST NO. 5 FOR JC CONSTRUCTORS, INC FOR THE KUNA NORTH WWTP PHASE 1 IN THE AMOUNT OF \$1,010,800.
- I. APPROVED LOT LINE ADJUSTMENT, 08-02-LLA, LOTS 3 & 4, BLOCK 1, GALIANO ESTATES SUBDIVISION.
- J. ~~APPROVE LOT SPLIT, 08-01-LS, 700 N. MERIDIAN RD/HIGHWAY 69, KUNA LLC/MIKE ENGBRITSON.~~ Moved to 10.C.
- K. APPROVED BUSINESS LICENSE FOR SHARON THOMAS “COTTON BEACH,” 1936 N. THISTLE DR.
- L. APPROVED BUSINESS LICENSE FOR ROCHELLE MEREEN “TRADING STAGES,” 333 AVE C STE. 1.
- M. APPROVED BUSINESS LICENSE FOR CHARLET T. DECORTE “KEEP IT GREEN LAWN CARE & MAINTENANCE,” 1230 N. CABRILLO.

N. APPROVED BUSINESS LICENSE FOR STEPHANIE L. PEARSON "STEPHANIE'S DAYCARE," 1554 W. RYEGRASS CT.

O. ADOPTED RESOLUTION NO. R7-2008 AUTHORIZING A RECORDS RETENTION SCHEDULE ESTABLISHING MINIMUM RETENTION PERIODS FOR VARIOUS TYPES OF CITY RECORDS.

P. ADOPTED RESOLUTION NO. R8-2008 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE REIMBURSEMENT AGREEMENTS WITH HUBBLE HOMES FOR CONSTRUCTION OF POTABLE WATER FACILITIES, SEWER FACILITIES AND PRESSURE IRRIGATION FACILITIES IN GREYHAWK SUBDIVISION NO. 1.

Q. ADOPTED RESOLUTION NO. R9-2008 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ADDENDUM NO. 2 TO AGREEMENT FOR ENGINEERING SERVICES WITH KELLER ASSOCIATES RELATED TO DESIGN AND CONSTRUCTION OF THE NORTH SEWER TREATMENT FACILITY.

5. FIRE DISTRICT MONTHLY REPORT: Continued to May 20, 2008

6. ADA COUNTY HIGHWAY DISTRICT REPORT: No report given.

7. CITIZEN'S REPORTS OR REQUESTS:

REQUEST BY KYLE SHREEVE FOR WAIVER OF FEES TO INSTALL A FLAGPOLE AT THE ZONE FOR HIS EAGLE SCOUT PROJECT.

Moved by C/Lang, seconded by C/Bachman to approve waiver of the fees. Motion carried 3-0-1 (C/Stroebel absent).

8. OLD BUSINESS:

A. CONSIDER DE-ANNEXATION OF SHREEVE PROPERTY AND, IF APPROPRIATE, DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-06: AN ORDINANCE EXCLUDING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NO. S1419417650, CURRENTLY SITUATED SOUTH OF MEADOW VIEW AND WEST OF LOCUST GROVE ROADS IN THE CITY OF KUNA, IDAHO; FROM THE CITY OF KUNA BACK INTO THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; REVERTING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THE COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance 2008-06. Motion carried 3-0-1 (C/Stroebel absent).

Moved by C/Lang, seconded by C/Bachman to adopt Ordinance 2008-06. Motion carried by the following Roll Call vote:

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

- B. CONSIDER OPTIONS PRESENTED BY THE CITY ENGINEER RELATING TO ARSENIC IN WELL #4 AND ADOPT RESOLUTION NO. R10-2008 AUTHORIZING EXPENDITURE OF UP TO \$100,000 FROM THE CONTINGENCY ACCOUNT OF THE FY2008 WATER FUND BUDGET, IF APPROPRIATE.

Moved by C/Lang, seconded by C/Bachman to approve Option No. 1 as outlined in staff report from Gordon Law, City Engineer dated May 2, 2008 titled "Well #4 Arsenic Investigation Report/Next Steps: "There appears to be a sand formation at a depth 200' BGL to 250' BGL which the original driller skipped by without further investigation. The driller also skipped by the same zone in Well #5 and Well #6. An option would be to drill a test hole to check out the formation, and if viable, follow up with a production hole at a cost of \$70,000+". Motion carried 3-0-1 (C/Stroebel absent).

Moved by C/Lang, seconded by C/Bachman to adopt Resolution No. R10-2008. Motion carried 3-0-1 (C/Stroebel absent).

9. NEW BUSINESS:

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

- A. PUBLIC HEARING: FILE #06-15-S (PRELIMINARY PLAT)/06-12-DA (DEVELOPMENT AGREEMENT), FALCO CATENA SUBDIVISION – AMENDMENT OF CONDITIONS OF APPROVAL WITHIN STAFF REPORT AND DEVELOPMENT AGREEMENT.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Moved by C/Bachman, seconded by C/Lang to approve amendment to Section 3.3 of the Falco Catena Development Agreement as highlighted in italics below: “The Falco Catena Subdivision shall be constructed as shown on the plan attached hereto and incorporated herein as Exhibit “B”, *except as modified by a development condition amendment initiated by Gordon Law, Kun City Engineer. The amendment sets aside the developer’s obligation to construct a 24-inch line along the Swan Falls property frontage and substitutes a requirement to construct a 12-in main and a redundant 8-inch main along the same road frontage with an obligation to modify the approved engineering plans to be in accordance with the modification.* Failure to construct the development consistent with this agreement and the plans and conditions included as Exhibit “B” *as amended* or construction in accordance with this Agreement and the plan and conditions included as exhibits *as amended* without formal modification of the plan consistent with Kuna City Code, including the amendment of this Agreement, shall result in a default of this Agreement by the Developer.” In addition, section 3.4 shall be amended by addition of the following statement at the end of the paragraph: “*and subject to City Engineer Adjustment.*” Motion carried by the following Roll Call vote:

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

B. PUBLIC HEARING: FILE #08-02-ZOA (ZONING ORDINANCE AMENDMENT),
PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE.

M/Dowdy opened the Public Hearing.

SUPPORT

None.

NEUTRAL

None

OPPOSE

None

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

Moved by C/Bachman, seconded by C/Lang to continue File #08-02-ZOA (Zoning Ordinance Amendment), the Planned Unit Development (PUD) Ordinance to May 20, 2008 to allow staff an opportunity to make amendments discussed this evening. Motion carried 3-0-1 (C/Stroebel absent).

RECESS: M/Dowdy recessed the meeting at 9:11 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 9:20 p.m.

C. PUBLIC HEARING: FILE #08-03-ZOA (ZONING ORDINANCE AMENDMENT), LOT SPLIT (LS) ORDINANCE.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang, seconded by C/Bachman to continue discussion of the Lot Split Ordinance to May 20, 2008. Motion carried 3-0-1 (C/Stroebel absent).

C.1. APPROVE LOT SPLIT, 08-01-LS, 700 N. MERIDIAN RD/HIGHWAY 69, KUNA LLC/MIKE ENGBRITSON.

Moved by C/Bachman, seconded by C/Lang to approve Lot Split, 08-01-LS, 700 N. Meridian Rd/Highway 69, Kuna LLC/Mike Engebritson as proposed with staff recommendations. Motion carried 3-0-1 (C/Stroebel absent).

D. PUBLIC HEARING: FILE #07-12-ZC (REZONE)/07-15-DA (DEVELOPMENT AGREEMENT), TROY TODD, INDIAN CREEK SPORTS.

Moved by C/Lang, seconded by C/Bachman to continue the Public Hearing on File #07-12-ZC (Rezone)/07-15-DA (Development Agreement), Troy Todd, Indian Creek Sports to a future date when code enforcement actions have been satisfied. Motion carried 3-0-1 (C/Stroebel absent).

E. PUBLIC HEARING: ORDINANCE NO. 2008-04: 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 (Continued from April 15, 2008).

No action taken.

11. REPORTS:

KUNA CITY POLICE REPORT/KODY ALDRICH – add funding for resource officer to 5/20 agenda - \$17,800 – juvenile detective for 3 months.

CODE ENFORCEMENT REPORT / STEVE HASSON

P & Z DIRECTOR / STEVE HASSON – re Mellin Development Agreement for Boys & Girls Club site--add to Council agenda 5/20/08 for discussion under Old Business.

Mr. Hasson announced two upcoming public meetings regarding the Comprehensive Plan.

CITY ENGINEER / GORDON LAW

CITY ATTORNEY / RANDY GROVE – Stated that he would be revising the vendor permit ordinance.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – No report.

12. ORDINANCES:

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-05: AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING SECTION 1-6-8 OF THE KUNA CITY CODE MODIFYING THE PUBLIC HEARING RULES OF PROCEDURE TO ENSURE THEY APPLY TO PUBLIC HEARINGS CONDUCTED BY THE KUNA CITY COUNCIL AND ALL OTHER BODIES AUTHORIZED TO HOLD PUBLIC HEARINGS, AND PROVIDING AN EFFECTIVE DATE.

Moved by C/ Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2008-05. Motion carried 3-0-1 (C/Stroebel absent).

Moved by C/Lang, seconded by /C/Bachman to adopt Ordinance No. 2008-05. Motion carried by the following Roll Call vote:

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

13. MAYOR /COUNCIL DISCUSSION:

14. ANNOUNCEMENTS:

Joint meeting with ACHD, May 13, 2008, 12 noon at ACHD Headquarters. RSVP to City Clerk along with recommended discussion topics.

15. EXECUTIVE SESSION:

16. ADJOURNMENT: There being no further business to conduct, it was moved by C/Lang, seconded by C/Bachman to adjourn the meeting at 11:35 p.m. Motion carried 3-0-1 (C/Stroebel absent).

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JUNE 3, 2008