

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
JUNE 17, 2008
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

5:00 p.m. - ANNUAL BUDGET WORKSHOP – cancelled due to lack of a quorum.

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

M/Dowdy called the meeting to order at 7:01 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, City Clerk Lynda Burgess and Planner Tech Tracy Rushlow.

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

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

M/Dowdy requested that the following matter be added to the agenda: 9.b. APPOINT COMPREHENSIVE PLAN STEERING COMMITTEE.

Moved by C/Lang, seconded by C/Stroebel to add the matter to the agenda. Motion carried 3-0-1 (C/Cardoza absent).

4. CONSENT AGENDA:

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

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

C/Cardoza arrived at 7:05 p.m.

A. APPROVED MINUTES

1. SPECIAL MEETING OF MAY 28, 2008.
2. REGULAR MEETING OF JUNE 3, 2008.

B. APPROVED ACCOUNTS PAYABLE DATED JUNE 12, 2008 IN THE AMOUNT OF \$381,307.58.

C. APPROVED BUSINESS LICENSE FOR DIANNA & STEVEN MAGSTADT, "KUNA MOBILE SERVICES," 578 E. BLACK HAWK CT.

D. APPROVED BUSINESS LICENSE FOR LAURA ANNE SCALL, "HEARTFELT EXPRESSION (!) BY LAURA," 2270 N. RUBINE LN.

E. APPROVED BUSINESS LICENSE FOR BRAD SCHNEIDER, "J.A.M.S. TILE AND MORE," 341 W. STEPH ST.

F. APPROVED BUSINESS LICENSE FOR LEANN B. MCCLURE, "CLEANEST ENDEAVORS HOUSEKEEPING," 692 W AVALON ST.

G. APPROVED CLEANING CONTRACT WITH K & T MAINTENANCE LLC IN THE AMOUNT OF \$265.65 WEEKLY.

H. APPROVED FACTS AND FINDINGS AND CONCLUSIONS OF LAW FOR HEINRICH, 08-04-AN (ANNEXATION), 08-05-DA (DEVELOPMENT AGREEMENT).

I. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR MELLIN PROPERTIES 08-01-AN (ANNEXATION), 08-01-ZC (REZONE).

J. APPROVED FACTS AND FINDINGS AND CONCLUSIONS OF LAW FOR ABBOTT, 08-03-AN (ANNEXATION) 08-01-DA (DEVELOPMENT AGREEMENT).

K. ADOPTED RESOLUTION NO. R15-2008 RE-ALLOCATING THE WATER FUND CAPITAL BUDGET AND AUTHORIZING THE MAYOR AND CITY ENGINEER TO EXPEDITE CONSTRUCTION OF WELL 4B.

5. KUNA POLICE DEPARTMENT MONTHLY REPORT:

Chief Aldrich gave the May monthly report. He reviewed the statistics for the aggressive driver and seat belt grants and reported that crimes are down. He gave an update on up coming grants.

6. ADA COUNTY HIGHWAY DISTRICT REPORT:

Errol Morgan announced that a rotomill job would begin soon on Avalon and Linder.

The Mayor relayed information he received in a letter from Teresa Taylor requesting pedestrian painted cross walks and signs.

Mr. Morgan will update the Council as to a possible time line.

7. CITIZEN'S REPORTS OR REQUESTS:

REQUEST FROM KARRI RYAN, BLUE CRUISE COMMITTEE, TO WAIVE THE FEE FOR BERNIE FISHER PARK FOR THE "2008 BLUE CRUISE WHEELS FOR WELLNESS" CYCLING AUGUST 10, 2008.

Moved by C/Stroebel, seconded by C/Lang to continue the matter to the next meeting so that the requestor can be present. Motion carried 4-0.

8. OLD BUSINESS:

9. NEW BUSINESS:

A. AUTHORIZE THE MAYOR TO EXECUTE THE STIPULATION AGREEMENT WITH THE IDAHO DEPARTMENT OF WATER RESOURCES IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-31741.

Moved by C/Bachman, seconded by C/Lang to authorize the Mayor to execute the Stipulation Agreement. Motion carried 4-0.

B. APPOINT COMPREHENSIVE PLAN STEERING COMMITTEE.

M/Dowdy suggested the following individuals for appointment to the Comprehensive Plan Steering Committee:

Lisa Bachman
Richard Cardoza
Stephanie Wierschem
Steven Ricks
Scott Stanfield
Ginny Gregor
Rocco D'orazio
Terry Shannon
Kody Aldrich
Doug Rosin
John La Manna
Zella Johnson
Sara Brosier

C/Lang moved, seconded by C/Stroebel to approve and appoint the individuals recommended by the Mayor to the Comp Plan Steering Committee. Motion carried 4-0.

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

A. PUBLIC HEARING – 08-05-AN (ANNEXATION), 08-06-DA (DEVELOPMENT AGREEMENT, BROTHERS PROPERTY (Continued from June 3, 2008).

P & Z Staff provided a summary of the staff report.

Applicant, Andrew Brothers, 155 E. Deerflat Rd. agreed with the staff report.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSED

None

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

C/Lang moved, seconded by C/Bachman to approve 08-05-AN (Annexation), 08-06-DA (Development Agreement) Brothers Property, changing zoning designation to C-1, meet all staff and P & Z recommendations and contingent on approval of the Comprehensive Plan Amendment which would match the Findings of Facts and Conclusions of Law Under Agenda Item 4F. Motion carried 4-0.

B. PUBLIC HEARING – CONSIDERATION OF CREATION OF A NEW CHAPTER FOR A DESIGN REVIEW COMMITTEE AND ASSOCIATED AMENDMENTS IN THE EXISTING DESIGN REVIEW OVERLAY DISTRICT CHAPTER TO GIVE THE DESIGN REVIEW COMMITTEE AUTHORITY TO REVIEW DESIGN REVIEW APPLICATIONS AND ACT ON BEHALF OF THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL AS WELL AS DELETING THE “OTCBD” CENTRAL BUSINESS DISTRICT – OLD TOWN OVERLAY AS THERE IS NO APPLICABLE ZONING DESIGNATION CURRENTLY IN THE KUNA CITY CODE.

P & Z staff reviewed the staff report.

SUPPORT

None

NEUTRAL

Ray Schild, 10820 Ustick Rd., Boise explained his understanding of the proposal and view of the Design Review Committee. He expressed concern about possible challenges.

OPPOSE

None

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

C/Bachman – Suggested that a certain section be stricken and reworded in reference to appeals. She gave a suggestion of possible rewording for the sections that were of concern.

Moved by C/Bachman, seconded by C/Lang to approve creation of a new chapter for a Design Review Committee with changes as discussed and place the final Ordinance on the City Council Agenda for 7/1/08. Motion carried 4-0.

C. PUBLIC HEARING – 08-02-ZOA: PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE AMENDMENT.

P & Z Director Hasson reviewed the staff report.

SUPPORT

None

NEUTRAL

Ray Schild, 10820 Ustick Rd., Boise expressed concern about the clauses dealing with dedicated land applying to open space and the limits. He made suggestions that could be of benefit to the City.

Todd Massey, Osprey Ridge, 10820 Ustick Rd., Boise recommended a commercial density bonus formulas and stated that he would like to see flexibility in the document. In addition, he expressed concern about dedicated open space.

OPPOSE

None

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

C/Bachman and C/Stroebel had suggestions about open space and limits with rewording the clauses pertaining to the issues.

C/Bachman questioned the commercial density bonus formulas.

P & Z Director Hasson explained how commercial density affected commercial zones.

Moved by C/Bachman, seconded by C/Lang to approve 08-02-ZOA: Planned Unit Development (PUD) Ordinance Amendment with revisions discussed and directed staff to bring back an Ordinance for the City Council Agenda for 7/1/08. Motion carried 4-0.

RECESS: M/Dowdy recessed the meeting at 8:45 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 9:04 p.m.

11. REPORTS:

CODE ENFORCEMENT REPORT / STEVE HASSON – currently dealing with weed abatement and posting of improper signs.

P & Z DIRECTOR / STEVE HASSON

CITY ENGINEER / GORDON LAW – City Engineer must certify sewer and water capacities to DEQ. Subdivisions with preliminary plat approval, etc. receive “will-serve” letters from the City. 16 subdivisions (with 8 more awaiting approval), 100 lots are currently guaranteed service; however, a number of the subdivisions are not currently being constructed. He suggested that conditions be included in future will-serve letters. He further stated that the City is in active discussion with our bonding agent on the LID. They are suggesting procedures that will be shared with Council at a later date. He announced that the City may need to condemn a parcel for the sewer treatment plant. Regarding the Danskin Well purchase, he stated that matters are being finalized for connection possibly next week.

CITY ATTORNEY / RANDY GROVE – No report.

M/Dowdy – talked w/property owner next door to the condemned home on Boise St. and he revealed that Lloyd Stubbs had been showing the property for sale. With the warmer weather, the odors emanating from the home are becoming obnoxious to the neighbors.

CITY TREASURER / ROBIN McKEAN – No report.

CITY CLERK / LYNDA BURGESS – reported that the Home Depot in Meridian has contacted the City about possible Grant opportunities. Grant awards are usually given in the form of a Home Depot Gift Card and can range up to several thousand dollars. Grants are awarded to projects that provide a community benefit, serve a diverse segment of the City’s population, i.e., children, senior citizens, handicap, ethnic and that multiple groups or volunteer groups are involved in the project. Deputy City Clerk Chris Engels assisted Parks Department staff and volunteers with the Kuna Youth Softball Association and the Kuna Lions Club in submitting grant applications. In regard to the City’s new solicitor and temporary vendor ordinance, she explained that a long-standing, unwritten policy direction to City Clerk staff allowed the sale of temporary vendor permits for events such as Kuna Days, the Harvest Festival, Down

Home Country Christmas, and Birds of Prey Festival for \$5. She requested Council direction as to whether to continue the tradition or follow the procedures outlined in the new ordinance.

Following discussion, the Council directed the City Clerk to begin charging \$15 for special vendor permits rather than \$5.

12. ORDINANCES:

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-11: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING CERTAIN REAL PROPERTY LOCATED AT 1500 N. LINDER, PARCEL NO. R8048220010, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-12: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING CERTAIN REAL PROPERTY LOCATED AT LINDER AND DEER FLAT, PARCEL NO. R8048220006, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING 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/Bachman, seconded by C/Stroebel to table Ordinances 2008-11 and 2008-12 to July 1, 2008. Motion carried 4-0.

- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS - ORDINANCE NO. 2008-13: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING 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. 2008-13. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2008-13. Motion carried by the following Roll Call vote:

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

- D. DISCUSS PROPOSED ORDINANCE: AN ORDINANCE OF THE CITY OF KUNA, IDAHO PROHIBITING THE TRANSPORTATION OF UNCOVERED LOADS IN ADA COUNTY IN THE CITY OF KUNA, ADA COUNTY, IDAHO, ADA COUNTY CODE, TITLE 8 CHAPTER 6; AND PROVIDING AN EFFECTIVE DATE.

Council consensus to schedule a Public Hearing on July 15, 2008.

13. MAYOR /COUNCIL DISCUSSION:

14. ANNOUNCEMENTS:

15. EXECUTIVE SESSION:

- 16. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Bachman, seconded by C/Stroebel to adjourn the meeting at 9:47 p.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: