

**KUNA CITY COUNCIL SPECIAL MEETING
BEST BATH APPEAL
MINUTES
AUGUST 18, 2008**

**7:00 p.m. in the
Kuna City Hall Council Chamber
763 W. Avalon
Kuna, ID 83634**

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, Councilwoman Stroebel and Councilmember Cardoza.

ALSO PRESENT: City Attorney Randy Grove, P&Z Director Steven Hasson, Planner Troy Behunin and Deputy City Clerk Chris Engels.

2. PLEDGE OF ALLEGIANCE:

3. APPEAL HEARING REGARDING THE SPECIAL USE PERMIT APPROVED FOR BEST BATH.

M/Dowdy explained that the hearing was being redone because the previous hearing did not have a complete recording. The Appellants will testify in the same order as the previous hearing and there would be an opportunity for rebuttal.

Testimony:

Donnette Ellis, 510 E. Huckleberry Ct., stated that Best Bath is located behind her home and that she and her children are 4th generation Kunans. The odors coming from the Best Bath site affect her health by causing headaches and dizziness and endanger her children's welfare. She was concerned that no one would want to buy her home because of the Best Bath facility and the odors. Ms. Ellis referred to the Kuna mission statement and asked the City to maintain good air and keep Kuna as a gateway to the Birds of Prey. She asked the City to focus on preserving the future.

Mic Ashby, 1472 Belinda Lane, asked that the record show that each speaker had been treated as having filed their own separate appeal with a separate fee of \$350. He felt that they should have been notified by the City of the appeal. He wanted to be sure that a check and balance on the system would be performed. He said that there have been 8 complaints with half of those being referred to DEQ. He would like the City to take an active role in complaints. He stated that he couldn't locate an engineer for Best Bath. He explained that he was not against Best Bath but felt there is a need for more than just a permit.

Tim Gordon, 1206 N Blackcat, testified that the appeal is about odor and inhalation of hazardous waste. He listed his concerns and indicated that Best Bath has not demonstrated odor control. City staff did not indicate odor as a primary reason for the special use permit, and staff exerted influence in the hearing by stating that Best Bath has enough conditions because there are 115 conditions. He read excerpts from letters to DEQ about odor complaints about Best Bath. He felt that Best Bath misled the P & Z Commission about odor complaints and regulations and felt that the application is incomplete without the DEQ permit. The adopted conditions are insufficient to protect existing and future neighboring uses. He referred to an email from Steve Hasson about odor complaints to Best Bath. A list of engineers was provided as per a request from Steve Hasson.

Rosetta Olson, 375 N. Orchard Ave., stated that she has been a resident for 26 years and was speaking to represent the area of north Avalon. She has noticed odors at times but doesn't report it. Boise wouldn't allow a big manufacturing plant in the middle of town, why is Kuna allowing it. The City needs to educate the people. She likes the clean air in Kuna and would like to keep it that way. She would like the City to do the right thing.

C/Cardoza asked if she could describe the smell.

Ms. Olson said the smell was heavy and dirty.

M/Dowdy explained that Mr. Schultz would defer his time to Steve Bradbury if he needed it or chose to use it.

Steve Bradbury, 1015 W. Hays, Boise, representing the South Kuna Neighborhood Association and Matt Shultz from Silvertip Communities, submitted reasons for not allowing Best Bath previously. He wanted a better end result by focusing on a solution. The code of 5-6-9 power to uphold, conditions to uphold and overturn. He would like the Council to uphold with the following conditions:

1. City review and approval of a professionally prepared odor control system using best available control technology.
2. City review and approval of a professionally prepared odor management and monitoring plan prior to starting operations at the plant with an inspection by an engineer.
3. Stronger wording in the existing conditions of V-1, V-7, V-8 and V-12.
4. Future owners to be held to the conditions that will be imposed for Best Bath.

Gary Multanen, owner, Best Bath Systems, read a statement indicating that he didn't need a special use permit to operate Best Bath Systems but has agreed to apply to try to give the City and the neighbors more comfort about the operation. The City requested water for the well which was to be used for commercial business but then the City used it to allow a residential subdivision to go in. He indicated that he keeps up on his industry's standards.

REBUTTAL:

Donnette Ellis, 510 E. Huckleberry Ct., lives next to the plant and it smells now. She didn't know what it could be doing to her health.

Mic Ashby thought the well donation was a condition and all developers are required to donate a piece of land for a park. The conditions were the same as all other developers.

Tim Gordon, 1206 Blackcat, felt that Best Bath needs a Special Use Permit. He asked if Walgreen's would be concerned if there are odor issues. Natural Gas is burned by the homes in Kuna and there is no odor. There is odor treatment.

Steve Bradbury added that the DEQ permits haven't been submitted to the City and they are not telling the applicant what to use. The City needs to set the standard.

C/Stroebel asked what systems are in place to monitor odors.

P & Z Director/Hasson discussed possible options but would need to do more research.

C/Cardoza asked how the City will enforce future complaints.

Moved by C/Bachman, seconded by C/Lang to conditionally uphold the Planning and Zoning Commission decision with the following conditions:

1. Page 10, item B-1, strike "time of application" and replace with "at all times"
2. Page 11, condition #7 change to read "the consultant and the City of Kuna shall evaluate and enforce"
3. Page 11, condition #8 "comply with odor management plan approved by IDEQ" and insert "the City of Kuna"
4. Page 11, condition #12 change to read "address and, as soon as practicable, but in no event more than 3 working days"

Motion carried 3-1 (M/Cardoza voted no)

CA/Grove will provide a written conclusion for the Council by the September 2, 2008 meeting.

4. **ADJOURNMENT:** Moved by C/Lang, seconded by C/Bachman to adjourn the Special City Council meeting at 8:34 p.m. Motion carried 4-0

J. SCOTT DOWDY, MAYOR

ATTEST:

CHRISTINA ENGELS, DEPUTY CITY CLERK

DATE APPROVED: SEPTEMBER 2, 2008