

**KUNA CITY COUNCIL MEETING
MINUTES
SEPTEMBER 16, 2008
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Scott Dowdy called the meeting to order at 7:07 p.m.

PRESENT: Mayor Dowdy, Council President Lang,
Council Member Stroebel and Council Member
Cardoza. Council Member Bachman was excused.

ALSO PRESENT: City Attorney Randy Grove, City Engineer Gordon
Law, P&Z Director Steven Hasson, Deputy City
Clerk Chris Engels, Planner II Troy Behunin and
Chief of Police Aldrich.

2. INVOCATION: Pastor Stan Johnson, Kuna Life Church

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

AMEND AGENDA ITEM 4.B. ACCOUNTS PAYABLE TOTAL TO \$208,193.41.

ADD TO AGENDA ITEM 4.E. APPROVE JOINT POWERS AGREEMENT BETWEEN THE
ADA COUNTY SHERIFF'S OFFICE, THE ADA COUNTY PROSECUTING ATTORNEY'S
OFFICE AND THE CITY OF KUNA RELATING TO LAW ENFORCEMENT SERVICES
AND PROSECUTION SERVICES FOR FISCAL YEAR 2008-09; AND AGENDA ITEM 8.B.
APPROVE LICENSE AGREEMENT WITH THE NAMPAL HIGHWAY DISTRICT NO. 1
FOR INSTALLING AND MAINTAINING A 24" WASTEWATER PIPELINE.

Moved by C/Lang, seconded by C/Stroebel to amend agenda item 4.B and add items 4.E. and
8.B. Motion carried 3-0-1 (C/Bachman absent):

4. CONSENT AGENDA:

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

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

A. APPROVED MINUTES OF REGULAR MEETING OF SEPTEMBER 2, 2008.

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- B. APPROVED ACCOUNTS PAYABLE DATED SEPTEMBER 15, 2008 IN THE AMOUNT OF \$208,193.41.
 - C. APPROVED BUSINESS LICENSE FOR RANDY & SHERRIE FEIST, "LINDER FARMS, LLC," 7165 S. LINDER RD.
 - D. APPROVED AGREEMENT WITH BAILEY & CO., CPAs FOR AUDITING SERVICES FOR THE YEAR ENDED SEPTEMBER 30, 2008 IN AN AMOUNT NOT TO EXCEED \$6,450.
 - E. APPROVED JOINT POWERS AGREEMENT BETWEEN THE ADA COUNTY SHERIFF'S OFFICE, THE ADA COUNTY PROSECUTING ATTORNEY'S OFFICE AND THE CITY OF KUNA RELATING TO LAW ENFORCEMENT SERVICES AND PROSECUTION SERVICES FOR FISCAL YEAR 2008-09

5. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT

Chief Aldrich reviewed last month's statistics and reported that the department received grants for six months last year in the amount \$27,000 for enforcement and education.

6. CITIZEN'S REPORTS OR REQUESTS:

- A. PRESENTATION BY JANICE YERBY REPRESENTING THE SEGO PRAIRIE HOMEOWNERS ASSOCIATION FOR DONATION TO THE CITY OF TWO PICNIC TABLES TO BE PLACED IN NICHOLSON PARK.

Ms. Yerby introduced Wayne Kreimeyer, President of the Sego Prairie Homeowners Association. Mr. Kreimeyer presented a check to the City in the amount of \$778 for donation of two picnic tables for Nicholson Park and requested that the City consider adding playground equipment, restrooms and shade as well as paving the parking lot to make the park nicer. He thanked the parks department for installing the picnic tables. M/Dowdy thanked the Sego Prairie Homeowners Association for the donation.

- B. PRESENTATION BY WALT DOUGLAS, KUNA BASEBALL PARK REDEVELOPMENT COMMITTEE RE LIABILITY COVERAGE AND WORKERS COMPENSATION FOR VOLUNTEERS ASSISTING WITH UPGRADES/ IMPROVEMENTS TO THE BASEBALL PARK (Continued from September 2, 2008)

Mr. Douglas reviewed the changes in phase one and explained that more donations have come in. He reviewed the labor donations along with the cash donations budget. He explained the handicap access route on Second St. and stated that a handicap access ramp could be installed in October with funds donated by Home Depot. He requested the council approve phase one and the handicap access.

M/Dowdy expressed appreciation for the work of the Kuna Baseball Park Redevelopment Committee.

C/Cardoza cautioned that the project should not start until insurance is in place.

Mayor suggested approving the project contingent on proof of insurance.

C/Cardoza asked about the change in the pitcher's mound.

Mr. Douglas explained the how the mounds pertained to softball and baseball.

Moved by C/Lang, seconded by C/Stroebel to approve phase one contingent on proof of insurance. Motion carried 3-0-1 (C/Bachman absent)

Lisa Slotsky, representing Home Depot, presented the grant for \$5,000 to the KBPRC.

C. PRESENTATION BY ALAN GAMEL, REPRESENTING THE KUNA DAYS COMMITTEE, REPORTING ON THIS YEAR'S EVENT.

Mr. Gamel reviewed the Kuna Day's events and thanked the City for the donation toward the fireworks. He recognized the addition of the Friday night Lions Club BBQ. He told the Council that it was the best year for vendors. He covered the attendance and entertainment opportunities. The pie and taco eating contests were very popular.

7. OLD BUSINESS:

8. NEW BUSINESS:

A. REQUEST FOR TIME EXTENSION, 08-06-TE, ZATICA #2 SUBDIVISION, IN ORDER TO FINALIZE ON-SITE CONSTRUCTION ENGINEERING PLANS.

Planner Troy Behunin reviewed the time extension request and recommended approval for a one-year time extension.

Moved by C/Lang, seconded by C/Stroebel to approve a time extension for 08-06-TE, Zatica #2 Subdivision to expire September 19, 2009. Motion carried 3-0-1 (C/Bachman absent)

B. APPROVE LICENSE AGREEMENT WITH THE NAMPA HIGHWAY DISTRICT NO. 1 FOR INSTALLING AND MAINTAINING A 24" WASTEWATER PIPELINE.

CA/Grove indicated that time was of the essence for the City to get this completed. He reviewed the agreement and necessary changes and asked that the Mayor be authorized to sign the agreement.

Moved by C/Lang, seconded by C/Stroebel to approve the license agreement with the Nampa Highway District #1 for installation and maintenance of a 24" wastewater pipeline, as amended. Motion carried by the following Roll Call vote:

AYES: Lang, Cardoza, Stroebel

NOES: None

ABSENT: Bachman

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

P & Z DIRECTOR/HASSON asked for reconsideration of the comprehensive future land use map amendment. He reviewed the area in the land use plan and gave a background of the population along with the proposed expansion area. He described the area that property owners live in and asked for reconsideration to place the boundary at Amity instead of Lake Hazel. He explained that property owners that are asking to be included in Kuna's boundaries have submitted letters copies of which were provided to the council in their meeting packets. The treatment plant for Kuna will be able to provide services to that area. He reviewed the concerns that Meridian expressed about Kuna's planning for this area that included the wastewater plant and presented a map from Keller Associates in reference to the plant. Further, he introduced a document from Ada County Development Services showing that Meridian is requesting to expand to Kuna, Eagle and Star encompassing 20 sq. miles. Kuna is requesting 5 sq. miles. He then read an article from the Idaho Statesman about Meridian annexing into Eagle's area of impact.

C/Cardoza asked that added information be provided in packets.

P & Z Director Hasson stated that some information only came into today.

The Mayor indicated that there is a 3 minute time limit on testimony and requested that duplicate testimony not be given.

A. PUBLIC HEARING: 08-01-CPA – RECONSIDERATION OF THE COMPREHENSIVE FUTURE LAND USE MAP AMENDMENT.

M/Dowdy opened the Public Hearing.

SUPPORT:

Paul Taylor, 5585 S. Meridian Rd., felt that Kuna offers the best use of his property. He expressed concerned that Meridian could impact his property value.

Craig Groves, 3920 E. Shady Glen Ct., has property inside the LID area. He wants Kuna and Meridian to sit down together. He is contiguous to Kuna on three points.

Rich Jarvis, 5875 S. Linder Rd., Meridian, felt that being in between both cities would give him more property rights. He wants to preserve his options.

Rich Jarvis, 5975 S Linder Rd, he gave a demonstration of what he saw the potential for Kuna expanding. He thinks the cities can work together. He is looking at what makes sense. He clarified that this meeting isn't to determine the addresses. It isn't to decide density.

Becky McKay, representing Craig Groves and Park Point Development, Inc. felt the Council should look at the process again. She asked Council to look at the big picture. She discussed services that may or may not be available and asked that both cities work together.

Steve Ricks, 1560 N. Crestmont, discussed the Idaho statute pertaining to Land Use. He felt that Kuna is doing what is required by the statute. He discussed property rights and how they applied to property owners.

Linda Lake supported Kuna's expansion and thanked the cities for making information available. She understood that she doesn't have to decide if she wants to be annexed.

NEUTRAL:

Jim Jewett was in support of both municipalities. He gave his background with Meridian and the planning sections for both cities.

OPPOSED:

Pete Friedman, representing the City of Meridian, said that he had the same concerns as on July 1, 2008. He asked Kuna to honor the South Meridian area plan. He brought dot maps for the Council's review. He said number of requesters is small compared to number of residents. He provided an update on a future public hearing for Meridian. He does not want the cities to overlap.

M/Dowdy confirmed that the residents asking to be included with Kuna represents 640 acres and wondered why that would be different from Meridian requesting to take approximately that same amount from Eagle.

Mr. Freidman answered that Meridian is working with Eagle and Star for a comprehensive plan and not to annex that property.

M/Dowdy asked for clarification of the area.

Mr. Freidman explained that the plans remained at Ada County for an extended time so the Meridian Council decided to move forward.

Anna Canning, City of Meridian, offered to answer questions about the area in question and reviewed resident requests. She requested that the City to leave its boundaries as is because the residents like it that way. She asked that Kuna include Meridian in the plan for that area.

M/Dowdy asked for clarification on Meridian's plan for the area.

Scott Steckline, Public Works Department, City of Meridian, reviewed a letter from July 1, 2008 from Tom Barry, the Public Works Director and Clint Dolsby, City Engineer. He reviewed the cost Meridian has spent on the services for the area.

M/Dowdy asked for the clarification on completion of the project.

C/Cardoza asked what has been completed.

Mr. Steckline explained when the bids will be going out.

Brian Pogue, 6755 Chochrane Dr, preferred Meridian since has been in Meridian for 20 years. He mentioned the article in the newspaper from the postal change.

M/Dowdy clarified the involvement of the City and the postal service.

Star Jordan, 447 W. Lake Hazel stated that she did not receive any information from Meridian or Kuna. She felt that the Council should work with Kuna and Meridian residents and expressed concern about the value of her property if she is in Kuna. She was worried about forced annexation.

M/Dowdy clarified that a persons personal property rights or annexation. She stated that she is concerned about forced annexation.

David Taysom, 175 Paint Horse, wanted the record to show hat he does not want to be part of the Kuna comp plan. He has lived in Kuna before and has family in Kuna. He didn't feel the plan makes sense and was unsure that Kuna can provide service to an area that large. He further expressed concern for the LID holders.

Bill Lewis, 195 W. Lake Hazel, stated that he has been attending Meridian planning meetings as he would prefer to be in Meridian. He thinks Kuna should work with Meridian for boundaries.

Robin Willeman, 230 E. Lake Hazel, opposed Kuna's comprehensive plan as she identified with Meridian. She thinks the lines should be divided by school districts and public services.

George Huttonhow, 447 W. Lake Hazel, felt that his concerns have been expressed by others but he was concerned about forced annexation and property values. He would like the City to work with the residents.

Ronald Galloway, 710 E. Lake Hazel, concurred with previous testimonies.

Doug Tangen, 1200 E. Mary Lane, concurred with the previous testimonies.

Andrea Pogue, 6755 Chochrane Dr., stated that she had been in the same location for 20 years and identifies with Meridian. She stated that she has been a part of the process. Meridian had all their documents on line for everyone to review.

Bill Clark, 3543 W. Ambrosia Ln., expressed his views on planning boundaries. A planned boundary is a defensible border. He didn't feel that the City is ready yet. He referred to comments by P & Z Director Steve Hasson about services.

Roman Burk, 6109 S. Tarrega Ln., viewed the expansion as an encroachment on his rights.

Dave and Pam Stucker, 65 W. Lake Hazel, didn't feel that they had been provided any information from Kuna. They stated that they do not want to be in the plan.

Steve and Candace Taysom, 6953 S. Meridian Rd., concurred with the previous testimonies.

Shane and Kris Ball, 472 E. Shafer View, do not want to be in the plan. They want to live in the county with wells and septic tanks. Mr. Ball stated that he had a signature page of neighbors who agreed with his testimony.

Louri Grover, 1815 W. Jarvis, concurred with the previous testimonies.

Amy Packer, 6643 Chochrane Dr., had a map from 1995 showing that Meridian has been planning.

Diane Wise, 1855 W. Jarvis Ct., concurred with the previous testimonies.

Mike Wise, 1855 W. Jarvis Ct., concurred with the previous testimonies.

Michelle Burk, 6109 S. Tarrega Ln., felt strongly that the City should recognize the addresses that have been used and school boundaries. She moved here a year ago and wants to stay in Meridian. She likes the school boundaries.

Dan Hollowell, 6255 S. Tarrega Ln., concurred with the previous testimonies.

Rhonda McCarnel, 4887 S. Nickel Cr., bought property in Meridian and wants to stay in the Meridian boundaries.

Jennifer Dunn, 6754 S. Chochrane, has 3 businesses in her home. She wants to stay in Meridian schools. She was worried about hidden agendas.

Jennifer and Aaron Hale, 7110 S. Angel Way, live in the Pear Blossom Subdivision. Would not want an address change to Kuna and wants to stay in Meridian School District.

M/Dowdy reviewed letters received from interested parties.

P& Z Director Hasson rebutted various comments of property right concerns. He addressed concerns about LID owners and thanked the citizens for participating.

There being no further testimony offered, M/Dowdy closed the Public Hearing at 9:27 p.m.

C/Cardoza believed in land owner's rights. He would like to see more community meetings. He had a concern about Police and Fire services. He addressed concerns about forced annexation.

C/Stroebel pointed out that Meridian didn't have their meetings until years after they made their plans. Kuna needs to make a plan. The boundary needs to be decided.

C/Lang indicated that it helps the City to plan for the future for water, fire, police and schools. He reconfirmed that there is no intent in forcing annexations.

C/Stroebel asked the City Attorney about boundaries and a need for a rehearing.

P & Z Director indicated that there have been numerous meetings including CRSA meetings twice a month that is open to the public.

Moved by C/Lang, seconded by C/Stroebel to expand Kuna's proposed planning area from McDermott Rd. East on Amity Rd to a point that is one-half mile past Meridian Rd., South to Lake Hazel Rd., West to McDermott Rd. and North to the corner of McDermott Rd. and Amity Rd. for an area of approximately 4.5 miles. Motion carried 2-1-1, (C/Cardoza voted no, C/Bachman absent)

B. PUBLIC HEARING: 06-08-ZC ZONE CHANGE/ 06-09-S SUBDIVISION/ 06-06-DA DEVELOPMENT AGREEMENT – ARROYO INDIO SUBDIVISION PRELIMINARY PLAT.

P & Z Director Hasson reported that the applicant did not submit the preliminary plat within the required time frame. He recommended that the plat be found in default and require the applicant to start over with their application. He gave a description of the property line.

SUPPORT:

Richard Evans 9560 Nobble Brook, indicated that he disagreed with the dates and requested a date adjustment. He expressed concern about roadway requirements and proximity to the railroad tracks. He indicated that Arroyo will lose money.

Mike Bandurraga, 2012 5th St South concurred with the previous testimony.

NEUTRAL: No testimony.

OPPOSED:

Debbie Wiscombe, 4387 W. Hubbard, expressed concern about the traffic on Hubbard Rd. She hadn't heard about other issues that needed resolution.

CA/Grove had a concern about the date of the application.

P & Z Director Hasson clarified the dates.

There being no further testimony offered, M/Dowdy closed the Public Hearing at 10:10 p.m.

Moved by C/Stroebel, seconded by C/Lang to table the decision on the Arroyo Indio Preliminary Plat for clarification of the extension date from the City Attorney until next Council meeting. Motion carried 3-0-1 (C/Bachman absent)

10. REPORTS:

CODE ENFORCEMENT REPORT / STEVE HASSON

P & Z DIRECTOR / STEVE HASSON- The building permit activity is still up compared to last years permits.

CITY ENGINEER / GORDON LAW- Reported that, as requested by the Mayor, he is reviewing fees for his services to developments. Sewer and water fees are still being analyzed. He is looking into the 5% range.

CITY ATTORNEY / RANDY GROVE- Reviewed liability and workers comp act for the City's ball fields. The committee is taking care of the insurance. He explained the City's liability possibilities. He reviewed carry forwards from the budget process and explained appropriations and recommended to show current the current budget line items.

CITY TREASURER / ROBIN McKEAN – See memo dated September 3, 2008 attached.

DEPUTY CITY CLERK / CHRIS ENGELS-no report

11. ORDINANCES:

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –
ORDINANCE NO. 2007-08A: AMENDING ORDINANCE NO. 2007-08 REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO, NOW KNOWN AS TIMBERMIST SUBDIVISION, PARCEL NUMBERS S1312336000 AND ~~S1312346600~~ S1312346620, FROM AGRICULTURAL TO R-4 LOW DENSITY RESIDENTIAL 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. 2007-08A. Motion carried 3-0-1 (C/Bachman absent)

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2007-08A. Motion carried by the following Roll Call vote:

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

12. MAYOR /COUNCIL DISCUSSION:

M/Dowdy reported that he had attended the Treasure Valley Partnership conference where LID programs were discussed. The Mayor discussed concerns that the Partnership has regarding the Water User's Association.

13. ANNOUNCEMENTS:

14. EXECUTIVE SESSION: Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session at 10:40 p.m. per Idaho Code 67-2345(b). Motion carried by the following Roll Call vote:

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

ADJOURNED EXECUTIVE SESSION: Moved by C/Lang, seconded by C/Stroebel to adjourn Executive Session at 11:05 p.m. Motion carried 3-0-1 (C/Bachman absent)

Moved by C/Lang, seconded by C/Stroebel to offer a severance package of one month pay and benefits through October 31, 2008 to Robin McKean. Motion carried 3-0-1 (C/Bachman absent)

15. ADJOURNMENT: There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 11:17 p.m. Motion carried 3-0-1 (C/Bachman absent)

J. SCOTT DOWDY, MAYOR

ATTEST:

CHRIS ENGELS, DEPUTY CITY CLERK

DATE APPROVED: OCTOBER 7, 2008