

**KUNA CITY COUNCIL MEETING  
MINUTES  
APRIL 7, 2009  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**7:00 p.m. – REGULAR COUNCIL MEETING**

**1. CALL TO ORDER AND ROLL CALL**

M/Dowdy called the meeting to order at 7:04 p.m.

PRESENT: Mayor Dowdy, Council President Lang and Council Members Bachman, Cardoza and Stroebel.

ALSO PRESENT: City Attorney Randy Grove, City Engineer Gordon Law, P&Z Director Steven Hasson, City Clerk Lynda Burgess, City Treasurer John Marsh, and Planner Tech Maranda Obay.

**2. INVOCATION:** The Invocation was given by Gabe Haws, Church of Jesus Christ of Latter Day Saints.

**3. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Dowdy. He welcomed the Scout Troop present for the meeting.

**AMEND AGENDA: CONTINUE AGENDA ITEM NO. 7.B. WATER'S EDGE/LAKETOWN SUBDIVISION - -09-03 TE (PRELIMINARY PLAT TIME EXTENSION) TO APRIL 21, 2009.**

Moved by C/Lang, seconded by C/Stroebel amend the Agenda by removing Item 7.B. and amending Consent Agenda 4.D. by changing the amount from \$7,402 to \$17,402. Motion carried 4-0.

**4. CONSENT AGENDA:**

Moved by C/Lang, seconded by C/Bachman to approve the Consent Agenda with the exception of Items 4F and 4H. Motion carried by the following Roll Call vote:

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

**A. APPROVED MINUTES:**

1. REGULAR MEETING OF MARCH 17, 2009.
2. SPECIAL MEETING OF MARCH 20, 2009.
3. SPECIAL MEETING OF APRIL 1, 2009.

- B. APPROVED ACCOUNTS PAYABLE DATED APRIL 2, 2009 IN THE AMOUNT OF \$1,510,637.34.
- C. ADOPTED RESOLUTION NO. R7-2009: AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SALE AND PURCHASE AGREEMENT WITH ACHD FOR PUBLIC RIGHT-OF-WAY ON THE FRONTAGE OF THE KUNA NORTH WASTEWATER TREATMENT PLANT.
- D. APPROVED REQUEST TO REDUCE THE LETTER OF CREDIT BOND AMOUNT FOR THE GALIANO ESTATES SUBDIVISION FROM \$701,882.76 TO \$17,402.
- E. APPROVED LICENSE FOR SALE OF OFF PREMISE BEER AND WINE – KUNA CHEVRON, 150 W. DEER FLAT RD.
- G. APPROVED LICENSE FOR SALE OF OFF PREMISE BEER AND WINE – PAUL’S MARKET, 700 E. AVALON.
- I. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK– EL GALLO GIRO, 482 W MAIN.

**ITEMS REMOVED FROM CONSENT AGENDA:**

- F. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK– CREEKSIDE KUNA, INC., 751 W. 4<sup>TH</sup> ST.
- H. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK – 4 E’S BAR, LLC, 379 W. MAIN.

Moved by C/Lang, seconded by C/Bachman to approve Liquor License renewals for the Creekside and 4 E’s Bar under the current building footprints and refer approval of expansion of the footprints to the Planning and Zoning Commission. Motion carried 4-0.

**5. CITIZEN’S REPORTS OR REQUESTS:**

REQUEST BY J & M SANITATION FOR MATCH OF DONATION FOR ANNUAL CLEAN-UP PROGRAM.

Chad Gordon, J & M Sanitation, explained J & M’s annual “Clean Up Day” program and stated that it has been held for 23 years with a drop site at the City park for trash and hazardous waste. He requested a matching donation from the City of \$300 for this year’s event to be held on April 25, 2009. ’

Council agreed the City would be unable to match the donation this year.

Tim Gordon, J & M Sanitation, suggested that Council members may wish to participate in the Clean-up Day Program on April 25<sup>th</sup>.

**6. OLD BUSINESS:**

**7. NEW BUSINESS:**

- A. PROFILE RIDGE SUBDIVISION – 09-02-TE (PRELIMINARY PLAT TIME EXTENSION) AND PRELIMINARY PLAT RE-PHASING REQUEST.

P & Z D/Hasson reported that a one year time extension had been requested for the Profile Ridge preliminary plat. The developer is planning on going back to the P & Z Commission and then to Council with a re-phasing plan and possibly some rezoning of the property.

Moved by C/Bachman, seconded by C/Stroebel to approve the one-year time extension requested by Profile Ridge Subdivision, case no. 09-02-TE and Preliminary Plat re-phasing request. Motion carried 4-0.

- 8. PUBLIC HEARINGS:** 7 p.m. or as soon thereafter as matters may be heard.

**9. ORDINANCES:**

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE NO. 2008-14A: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING ORDINANCE 2008-14 TO AMEND TITLE 2, “BOARDS AND COMMISSIONS” OF CHAPTER 3, “DESIGN REVIEW COMMITTEE”, AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance 2008-14A. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2008-14A. Motion carried by the following Roll Call vote:

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

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE NO. 2009-12: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO, NOW KNOWN AS PROFILE RIDGE SUBDIVISION, DEER FLAT AND MERIDIAN ROAD FROM A, AGRICULTURAL AND C-1, NEIGHBORHOOD BUSINESS DISTRICT TO C-1 NEIGHBORHOOD BUSINESS DISTRICT AND R-6, MEDIUM-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 2009-12. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2009-12. Motion carried by the following Roll Call vote:

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

#### **10. MAYOR /COUNCIL DISCUSSION:**

M/Dowdy announced that a meeting had been scheduled with Idaho Power on April 8<sup>th</sup> regarding the proposal to construct 500 KV transmission lines coming through the southern portion of the city. The meeting isn't open to the public at this time but he indicated that depending on the outcome, there will be public involvement at some point.

M/Dowdy further announced that he met with Duane Yamamoto and Lavar Thornton from the Boys and Girls Club regarding lease of the property for the Club's building and discussed with them the city's issues regarding the terms and conditions of the property donation proposed by Ralph Mellin. In response to correspondence from the City regarding the issues, Mr. Mellin's attorney responded by letter which is being reviewed by the City Attorney.

M/Dowdy gave an update of the auction fundraiser and summer program for Boys and Girls Club. He encouraged everyone to attend the auction.

Belinda Gordon reported that there is an online auction this year. She further updated the Council on the summer program at Reed Elementary and stated that the school district has been very helpful. The program will be for kids entering First through Sixth in the fall and the cost is \$10 per child for nine weeks.

C/Cardoza asked about Change Order 3 mentioned in the current status report on the WWTP prepared by Keller Associates. He said it looked like asphalt and landscaping was being deleted at a cost of \$57,000.

CE/Law confirmed they were to reduce the costs.

C/Cardoza asked if the city will have to pick up the cost later. He also asked if the basins would be a safety issue.

CE/Law explained that the city would not necessarily have to pick up the cost of landscaping and that the basins did not present a safety issue.

C/Cardoza asked if the city should spend the extra money for epoxy on the floor rather than just adding a sealer hardener. The wear and tear of epoxy floors is 20 to 1 over a sealer hardener floor.

CE/Law reported that he spoke with the engineers who did not feel the wear on the floor would be an issue if they just used sealer hardener. They recommended the reduction of the floor surface.

C/Cardoza asked, in n reference to page 6, log 45, what is the return of utility allowance?

CE/Law responded that there are several allowances, if the allowance isn't fully utilized by the equipment or items provided, then it needs to be returned to the LID and not paid in the contract.

C/Cardoza observed that the city paid for Idaho Power to bring in power in a three phase process, if the allowance is part of the monies paid to Idaho Power, it should come back to the city.

CE/Law noted that the change for the utility allowance is currently pending.

C/Stroebel stated that if businesses in the community are required to have landscaping and asphalt, the city should stay to the same standard.

CE/Law responded that the majority of the landscaping would be torn out if there were any expansions on the back side of the plant. He will check into it and get back to the Council.

#### **11. ANNOUNCEMENTS:**

CA/Grove reported that the City received a decision from the Supreme Court on the Black Labrador lawsuit and that the Justices found in favor of the City. The case has been remanded to the district Judge to finish the case. He then asked for a brief Executive Session.

#### **12. EXECUTIVE SESSION:**

Moved by C/Lang, seconded by C/Bachman to adjourn to Executive Session pursuant to IC67-2345(c) at 7:41 p.m.

AYES: Lang, Bachman, Cardoza, Stroebel

NOES: None

ABSENT: None

ADJOURNED EXECUTIVE SESSION: Executive Session adjourned at 8:00 p.m.

Council discussed the issues regarding Ralph Mellin's property and the proposed land donation to the City for the Boys and Girls Club.

C/Grove reported that the proposed lease agreement requires the Club to be in operation in 5 years on that property. Mr. Mellin has been asked to change that requirement in the deed.

**13. ADJOURNMENT:** There being no further business to conduct, moved by C/Stroebel, seconded by C/Lang to adjourn the meeting at 8:07 p.m. Motion carried 4-0.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: APRIL 21, 2009