

**KUNA CITY COUNCIL MEETING  
MINUTES  
JANUARY 20, 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 7:01 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 II Troy Behunin.

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

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

AMEND AGENDA TO REMOVE 5.A., CHAD KADEL, BOY SCOUT PROJECT RE: LANDSCAPING OF FLOWER BEDS IN FRONT OF THE SENIOR CENTER.

Moved by C/Lang, seconded by C/Bachman to amend the agenda as requested. Motion carried 4-0.

**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, Cardoza, Stroebel  
**NOES:** None  
**ABSENT:** None

**A. APPROVED MINUTES – CORRECTION TO PAGE 2 OF AMENDED SPECIAL MEETING MINUTES OF DECEMBER 9, 2008.**

**B. APPROVED ACCOUNTS PAYABLE DATED JANUARY 15, 2009 IN THE AMOUNT OF \$234,238.74.**

**C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR BLACKS CREEK/WALGREENS 08-01-APPEAL/RECONSIDERATION OF 08-08-ZC/08-18-DA/REZONE AND DEVELOPMENT AGREEMENT RE ACCESS ON KUNA RD.**

- D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 08-01-PUD/08-06-ZC/08-13-AN/08-02-S/08-11-SUP/08-15-DA – NAPA VINEYARDS SUBDIVISION PLANNED UNIT DEVELOPMENT
- E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 08-05-ZOA – DEVELOPMENT AGREEMENTS / CONCEPTUAL SITE PLANS – Kuna City Code 5-14-3: “FORMS” – DENIAL

**5. CITIZEN’S REPORTS OR REQUESTS:**

- A. ~~CHAD KADEL, BOY SCOUTS OF AMERICA #181 RE LANDSCAPING OF FLOWER BEDS IN FRONT OF THE SENIOR CENTER.~~ CHAD KADEL WILL RESCHEDULE AT A LATER DATE.
- B. CHERYL McCORD, REPRESENTING THE KUNA FARMER’S MARKET, EXPRESSING APPRECIATION FOR SUPPORT.

Ms. McCord reported that she and her husband manage the Farmers Market. They are considering designating a “City Day” at the Market but no date has yet been proposed.

C/Stroebel complimented Ms. McCord for the great job she does on the market.

**6. OLD BUSINESS:**

- A. REQUEST BY WILLOW GLENN HOMEOWNER’S ASSOCIATION TO RE-OPEN PUBLIC HEARING 08-01-S (PRELIMINARY PLAT)/08-15-DA (DEVELOPMENT AGREEMENT/AMENDMENT) – WILLOW GLENN SUBDIVISION PHASES 3 AND 4 - PRELIMINARY PLAT RESUBMISSION AND DEVELOPMENT AGREEMENT AMENDMENT HELD NOVEMBER 4, 2008 (Continued from November 18, 2008).

Planner/Behunin reported that the HOA and the developer mutually agreed on a resolution to the matter.

Mike Rampelberg, 795 W. Tallulah, President, Willow Glenn HOA reported that he met with Circle Z Development last week and discussed the issues. They received a letter addressed to the City of Kuna addressing the concerns. He read a statement into the record (see letter dated January 20, 2009 from Circle Z Development Group, LLC attached as Exhibit A). With the commitments in the letter, Mr. Rampelberg stated that the HOA would like to withdraw their request to re-open the Public Hearing.

M/Dowdy clarified that in paragraph one, item number one, it should read, “We have agreed to put cobble rock along the pathway abutting L20B3 and L7B4 of phase one.” He wanted to be sure that the developer considers this to be a binding agreement.

Lance Warnick, 2422 12<sup>th</sup> Ave., Nampa, indicated that Circle Z intends to comply with the conditions as stated in the letter.

C/Cardoza asked that the legal definition be verified.

**B. DISCUSS 2008-09 FISCAL YEAR BUDGET**

CA/Grove reported that Chap. 10, Title 50 of the Idaho Code indicates that Council is responsible for adopting the budget and the Appropriation Ordinance and that Council is responsible for increasing appropriations throughout the year. However, the Code does not indicate who is responsible for decreasing appropriations in the budget. The Mayor has the authority to administer the budget and has executive authority to reduce budgeted expenditures without Council approval.

M/Dowdy stated that he wants to move forward cautiously and thinks it's appropriate that he has asked for the Council's input. He will be working in close association with CT/Marsh and the other department heads regarding necessary budget cuts. He will also have a discussion with entities requesting money from the city. Before any final decisions are made, Council will be updated. He stated that he was open to input from the Council. The street light fee will still require approval of the City Council.

**7. NEW BUSINESS:**

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

**A. PUBLIC HEARING:** 08-06-ZOA – KCC 5-4-6/5-4-7-1-3/5-4-9, DESIGN REVIEW.  
(Continued from January 9, 2009)

P&Z Dir/Hasson reported that in 2006, Council approved the Design Review Overlay and approx. a year ago, that was updated with some new language. The proposed amendment cleans up several areas that were not addressed appropriately in the past, i.e., changing design review responsibility from the P&Z Commission and assigning it to the Design Review Committee.

Following questions by C/Cardoza regarding parking lot standards, 5-4-8-3C2d and the meaning of partial spaces, P & Z Dir/Hasson suggested that the matter be continued to the next meeting to allow him to do further research.

C/Bachman suggested including Ten Mile as an Arterial Roadway into the City.

P & Z Dir/Hasson responded that parking wasn't contemplated for change but it can be changed with a text amendment. Further, in another text amendment, Kuna Mora would become an overlay district as a presentation street to the city especially in light of the new Ten Mile Overpass on I84. He indicated that the same change should be made for McDermott.

M/Dowdy pointed out that Section 5-4 regarding parking lots is not a code section included in the public hearing publication. If that portion of the discussion were to be continued, it would need to be noticed for public hearing. He asked for clarification of the specific numbered code changes.

Moved by C/Lang, seconded by C/Bachman to continue 08-06-ZOA – KCC 5-4-6/5-4-7-1-3/5-4-9, Design Review to February 3, 2009. Motion carried 4-0.

B. PUBLIC HEARING: 08-08-ZOA – KCC 5-1-7-2: MEANINGS OF TERMS OR WORDS “PUBLIC FACILITIES.” (Continued from January 9, 2009)

P & Z Dir/Hasson reported that this amendment is to remove the words “privately owned and” relating to public service facilities such as power plants, substations, water treatment plants, pumping stations, sewage facilities. Most are public but some are private such as those owned by Idaho Power or Intermountain Gas. The buildings are subject to special use permits; however, our definition excludes these buildings.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

In regard to a letter received from Idaho Power, P & Z Dir/Hasson explained that the letter deals with the Hwy 69 overlay which now includes Kuna Mora. Since Hwy 69 and Kuna Mora will be presentation corridors, an assessment should be conducted to determine location of power poles.

Moved by C/Bachman, seconded by C/Lang to approve 08-08-ZOA – KCC 5-1-7-2: Meanings of Terms Or Words “Public Facilities.” Motion carried 4-0.

C. PUBLIC HEARING: 08-09-ZOA – KCC 3-4-7: GENERAL LICENSE PROVISIONS “NONTRANSFERABLE LICENSE.” (Continued from January 9, 2009)

P & Z Dir/Hasson stated that this text amendment relates to nontransferable city business licenses. Under the current code, businesses can set up in one location with the proper zoning but move to another location that does not have the proper zoning. The business owner defends his right to continue to operate because he has a business license. The business owner would need to amend his business license and allow the City to look at the zoning.

M/Dowdy stated that the current cost of \$2.50 for a business license doesn't cover staff costs or the cost of the paper. Council may consider only licensing certain businesses as other cities do.

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 approve KCC 3-4-7: General License Provisions "Nontransferable License." Motion carried 4-0.

D. PUBLIC HEARING: 08-10-ZOA- KCC 6-2-3 & 4: SUBDIVISION APPROVAL PROCEDURE – "PRELIMINARY AND FINAL PLAT PROCESS." (Continued from January 9, 2009)

P & Z Dir/Hasson explained that this text amendment cleans up the language for Preliminary and Final Plat processes. It extends a Preliminary Plat from one year to two with two extensions. Extensions would be subject to any new conditions that may have been passed into an ordinance. This would extend the Final Plat process to two years. Language would also be included to address reactivating a Preliminary and Final Plat that may have failed. How the developer would receive credit for things done already and how the new rules would be applied.

C/Bachman asked about PUDs that have phases that expire. What would happen to the previously zoned property of the Preliminary Plat.?

P & Z Dir/Hasson responded that if a phase expired, it wouldn't take the zoning down with it.

M/Dowdy observed that on Page 4, Subsection J.1. says "failure to obtain the Final Plat in two years after City Council approves the Preliminary Plat's findings of fact" while the second sentence from the bottom says "The Preliminary Plat time extension shall be good for one year from the time the Council approves it based on the initial one year." It should say "time period established at the signing of findings of fact." That seems to be a contradiction.

P & Z Dir/Hasson- That will be corrected.

C/Bachman asked, for the two years, would the subdivision have to be completely constructed and the mylar signed within the two years or would applicant be required to submit their construction plans and Final Plat application.

P & Z Dir/Hasson responded that it would be the same as it is now but extended to two years. The time extensions would go directly before Council, not the P & Z Commission.

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 approve KCC 6-2-3 & 4: Subdivision Approval Procedure – “Preliminary and Final Plat Process” with text changes to Section J.1. Motion carried 4-0.

**9. ORDINANCES:**

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinances 2009-01 through 2009-04. Motion carried 4-0.

Moved by C/Lang, seconded by C/Bachman to adopt Ordinances 2009-01 through 2009-04. Motion carried by the following Roll Call vote:

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

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –  
ORDINANCE NO. 2009-01: AN ORDINANCE OF THE CITY OF KUNA, IDAHO,  
ANNEXING PLACERVILLE SUBDIVISION INTO THE MUNICIPAL IRRIGATION  
SYSTEM AND CHANGING THE BOUNDARIES THEREOF; DIRECTING THAT  
COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND  
PROVIDING AN EFFECTIVE DATE.

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-02: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING THE SPICEWOOD NO. 1, SPICEWOOD NO. 2 AND SPICEWOOD NO. 3 SUBDIVISIONS FROM BOISE KUNA IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM AND CHANGING THE BOUNDARIES THEREOF; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-03: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING APPLEWOOD SUBDIVISION NO. 1 INTO THE MUNICIPAL IRRIGATION SYSTEM AND CHANGING THE BOUNDARIES THEREOF; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-04: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING MINERAL SPRINGS SUBDIVISION NO. 1 INTO THE MUNICIPAL IRRIGATION SYSTEM AND CHANGING THE BOUNDARIES THEREOF; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- E. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-07: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1406325625, 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/Bachman to dispense with full reading and three consecutive readings of Ordinances 2009-07. Motion carried 4-0.

Moved by C/Bachman, seconded by C/Lang to adopt Ordinance 2009-07. Motion carried by the following Roll Call vote:

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

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

A request from CE/Law in reference to the pressurized irrigation fees depending on lot size was given to Council for review. The Public Hearing is scheduled for February 3, 2009.

CE/Law stated that the request has statutory limits based on State code. Council questions prior to the hearing would be better to prevent a delay and not meeting the statutory time limits because of time extensions. Council should have received documents about street light fees and budget item adjustments.

REPORT FROM CITY ATTORNEY RE: DRAFT LEASE AGREEMENT, GRANT DEED AND LOT LINE ADJUSTMENT FOR THE BOYS & GIRLS CLUB PROPERTY.

CA/Grove- *Unintelligible*.

M/Dowdy stated that it seems the circumstance was because the Boys & Girls Club would be using the adjoining City Park. The City requested that property be donated to the City and the two parcels be joined into one with the lease from the City to the Boys & Girls Club rather than half to each party. That was the intent to begin with.

Joe Luppens, 2260 N. Buteo Pl., reported that the Boys & Girls Club will be ready to begin construction within 5 years; however, they will try to get programs started this next summer with cooperation from the School District even if the facility is not ready to be constructed as yet.

Tim Gordon, 1206 N. Blackcat stated that it was the Club's intention to bring in the access from Mendi to that point.

M/Dowdy proposed that the matter be scheduled for the agenda of February 17, 2009.

**11. ANNOUNCEMENTS:**

P & Z Dir/Hasson invited everyone to tomorrow night's Comprehensive Plan update meeting.

M/Dowdy asked that persons interested in filling two vacancies on the P & Z Commission contact him.

**12. EXECUTIVE SESSION:**

**13. ADJOURNMENT:** There being no further business to conduct, moved by C/Lang, seconded by C/Bachman to adjourn at 8:40 p.m.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: MARCH 3, 2009