

**KUNA CITY COUNCIL MEETING
MINUTES
JANUARY 6, 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 7:02 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 Dale Foote, Cool Springs Community Church

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

AMEND AGENDA: 4.B. CORRECT TOTAL TO BE PAID TO \$1,880,198.18; ADD 5.A. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT; CHANGE 6.B. FROM “PRESENTATION” TO “UPDATE” BY JOE LUPPENS REGARDING THE CENSUS.

Moved by C/Lang, seconded by C/Bachman to approve the amendments to the Agenda. Motion carried 4-0.

4. CONSENT AGENDA:

C/Cardoza requested that page 2 of the December 9 minutes be corrected as follows: “C/Cardoza stated that Page 16, Article 3.5e provides that the City cannot exceed \$20,000...”

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

1. SPECIAL MEETING OF DECEMBER 9, 2008 AS AMENDED.
2. REGULAR MEETING OF DECEMBER 16, 2008

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- B. APPROVED ACCOUNTS PAYABLE DATED JANUARY 2, 2009 IN THE AMOUNT OF \$1,880,198.18.
 - C. APPROVED BUSINESS LICENSE FOR ADAM AND DENISE CORDERO "THE SWEET SPOT," 345 AVENUE E.
 - D. ADOPTED RESOLUTION R38-2008 APPROVING AWARD OF BID TO CUSTOM ELECTRIC, INC. IN THE AMOUNT OF \$7,985 FOR THE WELL 6 HARMONIC FILTER PROJECT.
 - E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 08-03-S CRIMSON POINT NORTH.

5. A. KUNA FIRE DEPARTMENT MONTHLY REPORT:

Chief Rosin gave the monthly report for December and indicated that there were 119 fire and EMS calls. 1,120 calls were received in 2008 which were 8% higher than the previous year. He added that two more positions will be added to the Department.

B. KUNA CITY POLICE DEPARTMENT MONTHLY REPORT:

Chief Aldrich reported that the clearance rate was 52.8% percent for last year; considerably higher than most cities. The City's crime rate was 36% lower than last year with lower response times. The number of citations issued also increased over last year.

6. CITIZEN'S REPORTS OR REQUESTS:

- A. PRESENTATION BY KELLI FAIRLESS, EXECUTIVE DIRECTOR, VALLEY REGIONAL TRANSIT, TO PROVIDE ANNUAL UPDATE.

Ms. Fairless gave the annual update and handed out the new brochure. Ridership was up this year with a large increase between Canyon and Ada County. Valley Ride will begin keeping a log showing locations of calls for service. She reviewed the vision for the 6 year plan and thanked Council President Lang for serving on their board.

- C. UPDATE BY JOE LUPPENS REGARDING 2010 CENSUS COMMITTEE MEMBERS, ETC.

After reviewing the Committee's progress, Mr. Luppens indicated that Council's final list of appointments would need to be received by the committee by February 3, 2009. Council President Lang offered to sit on the committee. The Mayor will give a list of names to Mr. Luppens and the Council by January 26th.

7. 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).~~

Moved by C/Stroebel, seconded by C/Lang to continue the matter to the January 20, 2009 Council meeting. Motion carried 4-0.

- B. 08-05-ZOA – DEVELOPMENT AGREEMENTS/ CONCEPTUAL SITE PLANS, KUNA CODE 5-14-3: “FORMS.” (Continued from December 16, 2008).

P & Z Director/Hasson gave a review of the text changes for exceptions made from the December 16, 2008 meeting.

C/Bachman asked about the exceptions and how they apply.

C/Bachman requested that it be sent back to P & Z Commission for re-vamping since there have been substantial changes.

C/Stroebel would like to see the residential portion removed.

8. NEW BUSINESS:

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

- A. PUBLIC HEARING: 08-01-PUD/08-06-ZC/08-13-AN/08-02-S/08-11-SUP/08-15-DA – NAPA VINYARDS SUBDIVISION PLANNED UNIT DEVELOPMENT (Continued from December 16, 2008).

Planner/Behunin reported that this is a large mixed use development to be constructed over a several year period exercising the PUD over approximately 241.17 acres. It will have natural soils and grasses consistent with farmlands. It is located adjacent to the Mason Creek Feeder and west of Hwy. 69 (Kuna Meridian Road) between Hubbard to the south and Columbia to the north. The City Council will evaluate its mixed use components which include: amenities, multiple housing types, a school site, two commercial sites and a fire station. Unique Design Elements include 11 flag lots with a 20' shared access, not 30' as required in traditional subs; minor local streets – 24' section, not 36' - released by ACHD; pathways and open spaces through out the development (40 lots & approx 12.5%); mixed use elements, C-1 and C-3, multi-Family community, 4 different single-family communities, senior and assisted living communities, 4 pools, several tot-lots, gazebos and sport courts. The school site is approx 11.89 acres and the fire station site is approx.75 acres.

Kent Brown, 1500 E. Iron Eagle, Eagle, Bailey Engineering stated that the comp plan for the area calls for a school site located where they are proposing to place it. He discussed the density of the development and the collectors and discussed the lot and housing options, park areas, sidewalks, parking, driveway and garage locations. A flood plain report covering the channels of the ditch will be filed with FEMA. He questioned the

City's clause about the development requirements for name change and would like it to be removed.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

Bill Clark, 3543 W. Ambrosia Ln., stated that he was impressed with project but was concerned that the comp plan process was not being adequately used. He referred to the PUD process and how it applied in this case. He requested the city attorney's opinion and recordation of that opinion in the conclusions of law.

OPPOSE

Bill Sieminski, 8291 S. Chugiak Pl., Poppy Field Subdivision. He opposed the project because of the lack of transition from multi-family housing to be located near his low density subdivision of 1 acre lots. The highest density would be right up again Poppy Field subdivision and would affect their way of life. He was also concerned about the narrow streets.

Terry Sieminski, 8291 S. Chugiak Pl. agreed with comments made by her husband and requested a strongly worded, recorded documentation of the berm being suggested behind her property by P & Z Commission. She make suggestions as to the berm size and landscaping on it. She also expressed concern that her quality of life would be negatively affected.

Ginger Yore, 8799 S. Rocky Mountain Ln. asked that her access be protected. She was disappointed that consideration of her legal access to her property was being considered open space by the developer.

Elie Pop, 81715 Chugiak Pl. expressed concern about the high density units next to his property. He would lose his privacy and property value if it isn't changed.

Kim Bunn, 8451 S. Chugiak Pl. reported on the traffic potential and stated that the area is rural which should require density transition.

Kelly Stevenson, 7751 S. McIntock, Meridian brought a petition signed by 84 residents in addition to those speakers. Current homeowners oppose high density housing. She feels this PUD would be better situated closer to Kuna. She indicated the Council already had a copy of the petition but there were an additional twenty signatures.

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

Greg Johnson, Applicant, addressed the traffic issue and indicated that the construction will not be permitted to begin until the control light is in place on Columbia and Hwy 69. The access road along Mason Creek needs to be built before the alternative access for Ginger Yore. Transition is always difficult. His firm has tried to accommodate a smoother transition by providing open space and the P & Z Commissioner felt that 6' berm was an adequate buffer.

In response to Bill Clark, C/A Grove stated that there is latitude by the courts that a comprehensive plan is a guide.

C/Bachman asked if the Applicant would be willing to contribute to the Hubbard signal since the ACHD study indicated that they would not be involved with that signal. Further, regarding the collector street, Kay Ave., she asked if would be constructed in segments and inquired about sideways and garage setbacks.

Mr. Johnson stated that he was unsure of ACHD's intent regarding the signal on Hubbard and that construction of Kay Ave. in a phased manner had been evaluated. *[Further comments were unintelligible]*. He described the location of the trunk line sewer and that is how the development will take place.

In response to C/Stroebel, P/Troy Behunin explained that the P&Z Commission did not impose height or width restrictions; but only specified that the berm contain trees. He indicated that the Design Review Committee was charged with the decision on the size of the berm at final plat stage.

C/Lang asked the Applicant to be sure and discuss the development with all of the surrounding neighbors.

In response to C/Cardoza regarding rezoning the development before the comp plan is completed, P & Z Dir./Hasson explained a PUD has enough discretion to allow commercial development within a residential development.

C/Cardoza stated that he was concerned about having a pre-existing subdivision east of this property whose homeowners have expressed concern about devaluing their property.

C/Stroebel recommended that the Design Review Committee require a minimum 6' berm.

Kent Brown explained that the berm has to stay outside the ditch easement and that commercial buildings don't want to be hidden by a berm.

C/Cardoza asked that Ben and Ginger Yore be added to 16.3 and 16.4 on Page 42 of the conditions.

RECESS: M/Dowdy recessed the meeting at 9:48 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 9:55 p.m.

C/Stroebel stated that the actual usable space for a berm would be 12' and that the Applicant should come to an agreement with the neighbors for a landscaped berm.

C/Bachman asked staff about the subdivision name approval condition requested by applicant for removal.

P/Troy Behunin explained that staff doesn't want the subdivision name to change at all during the entire subdivision/construction process. It is difficult for staff to keep up with all of the marketing changes.

P&Z Dir/Hasson stated that the City only wants to be informed if a subdivision name change is going to take place so that public safety agencies can also be aware of the change.

P/Troy Behunin pointed out that the final plat and projects are named one thing and then after final plat, the developers names it something different.

Kent Brown reported that the County Surveyor makes the final decision on subdivision names based on whether it crosses an arterial.

In response to C/Cardoza regarding reservation for purchase of a lot for a future well site, CE/Law clarified that the Applicant will make the lot available for the city's purchase.

P/Troy pointed out that Fire Chief Rosin understood that a lot would be donated for a fire station.

In regard to whether the city can proceed without changes to the Comp Plan, CA/Grove reported that State Code doesn't appear to require the changes and nothing in the annexation statutes requires that changes be completed in a Comp Plan. He referenced 65.67.11 and previous case history for explanation.

Moved by C/Bachman, seconded by C/Lang to approve 08-01-PUD/08-06-ZC/08-13-AN/08-02-S/08-11-SUP/08-15-DA – NAPA VINEYARDS SUBDIVISION PLANNED UNIT DEVELOPMENT with the following conditions: The 90' park side lot, zero setbacks in the common area and a minimum 20' setback of the garage, comply with P & Zoning Commission conditions, comply with staff and agency conditions w/the exception of not requiring sidewalks on the 20' streets, revise subdivision name approval conditions to state the marketing signs and materials be consistent with the approved subdivision plat name, comply with traffic impact study requirements or recommendations regarding intersection improvements and also work w/ACHD to fund the traffic signal at Hubbard and Hwy 69 and Columbia, Kay Ave. at the ½ mile be constructed to a minimum from Columbia to Mason Creek in the first four phases, and that Mason Creek Road be constructed the entire length from Kay Ave. to Hwy 69 by the fifth phase or by the time the first ½ mile northern portion of Kay Ave. is constructed, southern portion of Kay Ave, built from Mason Creek Rd. south to Hubbard Rd. within 5th to 6th phase, the berm behind park side lots and along the entire length of Mason Creek feeder at final plat application. The Applicant shall submit a landscape plan for the Design Review

Committee to review and come to an agreement and work with property owners to the east for sufficient landscaping. That the school lot provide a buffer on the east portion of the boundary and work with property owner on east. Revise condition 16.4 to include the property owner's name. Provide that condition 7.5 in the Development Agreement be amended to require that a lot will be reserved for the City to purchase as a well site. Motion carried 4-0.

Moved by C/Bachman, seconded by C/Lang to table Public Hearings 9.B, 9.C., 9.D. and 9.E until January 20, 2009. Motion carried 4-0.

B. PUBLIC HEARING: 08-06-ZOA – KCC 5-4-6/5-4-7-1-3/5-4-9, DESIGN REVIEW

C. PUBLIC HEARING: 08-08-ZOA – KCC 5-1-7-2: MEANINGS OF TERMS OR WORDS “PUBLIC FACILITIES.”

D. PUBLIC HEARING: 08-09-ZOA – KCC 3-4-7: GENERAL LICENSE PROVISIONS “NONTRANSFERABLE LICENSE.”

E. PUBLIC HEARING: 08-10-ZOA- KCC 6-2-3 & 4: SUBDIVISION APPROVAL PROCEDURE – “PRELIMINARY AND FINAL PLAT PROCESS.”

F. PUBLIC HEARING: 08-01 – APPEAL/RE-CONSIDERATION OF 08-08-ZC/08-18-DA/RE-ZONE AND DEVELOPMENT AGREEMENT- ACCESS ON KUNA RD.

P/Troy Behunin reported that the Applicant representative requested an appeal of the right-in, right-out condition approved by the Council. Applicant believed they were not given due process to address the additional conditions nor have they had the opportunity to discuss the necessity of the full access as it applies to development.

Cody Hawker, Hawkins Companies, 855 Broad St., Boise ID explained that the tenant, Walgreen's requires that they have full access to the site. They have had Kittelson & Associates prepare a traffic report. He reviewed several points of the traffic report regarding left-hand movement, the findings and facts about the report, the conclusions of the capacity and the vehicle cues. He requested a condition of approval and provided an alternative proposal involving right-in/right-out and moving full access to another area on the site.

Andy Daleiden, Kittelson & Associates, Senior Engineer, 101 S. Capital Blvd. stated that he prepared the traffic impact study and responded to C/Bachman's question about a traffic signal at the intersection. The intersection is about 5 years out for requiring a signal.

C/Bachman pointed out that when originally approved, the entire site had two accesses. This proposal exceeds what was approved.

A discussion ensued about Tim Nicholson's property's deeded access from the ACHD.

CE/Law provided comments not favorable to this appeal. The proposal may sound feasible but in the future, when it needs to be changed, it can become a large problem. The decided approach that ITD made doesn't matter, it matters what council decides. These type of approaches result in 75% of accidents, which is why the activity should occur in controlled intersections. He recommended using the previously proposed full access at the far eastern end of the property and negotiate access or move the store.

Mr. Hawker explained that they would be willing to escrow funds to put in a pork chop to restrict access to a right-in right-out. Without full access, there is no project. Part of the concern is the access to the east needs to be a full ACHD road through the entire length of the 9 acre property. He pointed out that Paul's has two full accesses. .

Mayor pointed out that moving Walgreen's to the other side would solve the issues of full access.

M/Dowdy opened the Public Hearing.

SUPPORT

Tom Nicholson, 10330 Stardust Dr, Boise stated that he is the general partner for this piece of land. Walgreen's approached him and thought they would be a good addition to the city of Kuna. ITD bought the right-of-way and was granted easement with a culvert.

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang to allow full access at eastern boundary as previously approved and that the width and the distance be determined by the applicant and the City Engineer with one entrance remaining as a right-in right-out. Motion died for lack of a second.

10. REPORTS:

CODE ENFORCEMENT REPORT / STEVE HASSON-All issues are under control and Council has been updated on an ongoing basis.

P & Z DIRECTOR / STEVE HASSON- Provided a building activity sheet with a comparison of 2007 and 2008. He felt that building permit activity was on track.

CITY ENGINEER / GORDON LAW- He is preparing an irrigation assessment roll, a statutory requirement to legally operate an irrigation system. Council will be receiving an estimate of irrigation expenses for the upcoming year and spreading the costs to all users.

CITY ATTORNEY / RANDY GROVE- In response to C/Cardoza about the fees to the bank for the LID, CA/Grove said that the amount quoted by the bank was \$26,250 for legal services.

CITY TREASURER / JOHN MARSH- He apprised the council of the financial rebirth. He focused on three areas, audit finances, budgetary concerns and W-2 and 1099's.

CITY CLERK / LYNDA BURGESS- No report.

11. ORDINANCES:

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –
ORDINANCE NO. 687B: AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION IN ORDINANCE 687 ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS SILVERDALE SUBDIVISION, 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. 687B. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 687B. 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 –
ORDINANCE NO. 2006-20B: AN ORDINANCE CORRECTING THE LEGAL DESCRIPTION IN ORDINANCE 2006-20 ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS CRIMSON POINT NORTH SUBDIVISION, 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.2006-20B. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2006-20B. Motion carried by the following Roll Call vote:

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

12. MAYOR /COUNCIL DISCUSSION:

Regarding the budget deficit and proposed cuts, M/Dowdy indicated that he had met with all Council members except C/Cardoza to discuss the budget status. There was a negative carry forward budget of \$325,000. There will be a shortage of anticipated revenue as well. He provided a list of potential savings and reviewed the details. If items are not cut back, then there will have to be cutbacks in personnel. He stated that his preference is to save peoples jobs and cut out non-necessary spending as much and soon as possible.

CT/Marsh – He is continuing to go through expenses that are not personnel related. Suggested adjustments will be forthcoming.

CE/Law explained that the longer the City waits, the less opportunities exist for spending-level adjustments. Since certain personnel and benefits in the General Fund are being provided to other funds, he recommended that several personnel be re-allocated to the enterprise funds because those funds benefit from the work being done. He requested direction to proceed with that immediately. Further, he recommended cutting spending in the following areas, the contingency fund, donations, the grant writer, training and schooling, uniforms, impact fee study, the park tree project and no expansion of trees. He discussed re-allotment of treasurer and treasurer assistant salaries to include other funds and a street light fee. He discussed fees for his services and salaries.

M/Dowdy continued that the new park temp will not be hired; the COLA reduction, the Senior Center, the Sheriff budget, the Humane Society contract and street lighting will need to be reviewed in detail at a later date. He requested the remaining items on the list be given serious consideration for action to be taken tonight or direction to staff to follow through with the recommendations.

C/Stroebel indicated that she wanted further consideration of the Donation funds.

M/Dowdy announced that a Special Meeting would be held w/Sheriff Raney and the Police Chief on Jan. 13, 2009 at 6 p.m.

Council agreed to reduce spending in the areas suggested by CE/Law, with the exception of Donations.

13. ANNOUNCEMENTS:

Errol Morgan, ACHD reported that the two sidewalk projects for Linder and 4th St. are firm and will go to bid in June. Deer Flat is still scheduled for construction in June but is under review. First quarter revenues for ACHD are down \$996,000 and winter maintenance costs are double over last year.

14. EXECUTIVE SESSION:

15. ADJOURNMENT: There being no further business to conduct, the meeting was adjourned at 12:05 a.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: FEBRUARY 3, 2009