

**CITY COUNCIL MEETING
MINUTES
OCTOBER 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 7:00 p.m.

PRESENT: Mayor Dowdy, Council President Jeffery Lang, Council Members Lisa Bachman, Richard Cardoza and Trina Stroebel.

ALSO PRESENT: City Attorney Randy Grove; City Engineer Gordon Law; Planning & Zoning Director Steven Hasson; City Clerk Lynda Burgess; City Treasurer John Marsh and Planner II Troy Behunin.

2. INVOCATION: None Given

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

AMEND AGENDA (REQUESTED BY P&Z DIRECTOR HASSON) – REMOVE AGENDA ITEM 8. 09-03-ZOA – OVERLAY DISTRICT TEXT AMENDMENT

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

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

A. APPROVED MINUTES OF SPECIAL MEETING OF SEPTEMBER 29, 2009.

B. APPROVED ACCOUNTS PAYABLE DATED OCTOBER 16, 2009, IN THE AMOUNT OF \$338,464.93.

C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-01-AN/09-03-SC/09-02-DA, CITY OF KUNA, NORTH OF W. LAKE HAZEL RD., BETWEEN S. TEN MILE AND S. LINDER RDS. (RR)

- D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-02-AN/09-04-SC/09-03-DA, RICHARD SR. AND MARY JARVIS, 5875 S. LINDER RD. (RR)
- E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-03-AN/09-05-SC/09-04-DA, RICHARD J. AND REBECCA JARVIS, 5975 S. LINDER RD. (RR)
- F. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-04-AN/09-06-SC/09-05-DA, DAVID AND HELEN TIDWELL, 5700 S. LINDER RD. (RR)
- G. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-05-AN/09-07-SC/09-07-DA, REED AND LEAH JARVIS, 5565 S. LINDER RD. (RR)
- H. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-06-AN/09-08-SC/09-08-DA, GARY HERRIOTT, 5550 S. LINDER RD. (RR)
- I. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-07-AN/09-09-SC/09-09-DA, DORIS BEAUDREAU, 1150 W. KING RD. (RUT)
- J. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-08-AN/09-10-SC/09-10-DA, LELAND AND KIM RICE, 353 E. MASON CREEK RD./8830 S. MERIDIAN RD. (RR)
- K. APPROVED SERVICE AGREEMENT FOR FYE 2010 ANIMAL CONTROL SERVICES WITH THE IDAHO HUMANE SOCIETY.
- L. APPROVED JOINT POWERS AGREEMENT BETWEEN THE ADA COUNTY SHERIFF'S OFFICE, THE ADA COUNTY PROSECUTING ATTORNEY'S OFFICE AND THE CITY RELATING TO LAW ENFORCEMENT AND PROSECUTION SERVICES FOR FYE 2010.
- M. ADOPTED RESOLUTION NO. R27-2009 ACCEPTING A WARRANTY DEED FROM JLJ ENTERPRISES, INC. FOR LOT 14, BLOCK 10, PHASE I FOR THE CRIMSON POINT IRRIGATION PUMP STATION.
- N. ADOPTED RESOLUTION NO. R28-2009 ACCEPTING ASSESSMENT ROLL AND ENGINEER'S REPORT FOR LID 2006-1.
- O. APPROVED BUSINESS LICENSE FOR KAREN & WYLAND ATKINS, "FIREHOUSE RESTAURANT," 271 AVENUE B.
- P. APPROVED BUSINESS LICENSE FOR PERRY & SHIRLEY LEFFLER, "LEFFLER'S SALON & SPA," 323 AVENUE E.
- Q. APPROVED BUSINESS LICENSE FOR SHELLIE SCOTT, "FOREVER PHOTO," 1285 N. ANDREW DR.

R. APPROVED BUSINESS LICENSE FOR TERRY HOWARD, "OUR HANDS TO YOURS," 498 W. MAIN.

5. CITIZEN'S REPORTS OR REQUESTS:

CONSIDER REQUEST BY ARIE SPARKMAN, CHRISTIAN CHURCHES OF KUNA, TO WAIVE RENTAL FEES FOR THE SENIOR CENTER ON DECEMBER 12, 2009 FOR AN EVENT OFFERING FREE CHRISTMAS SHOPPING FOR RESIDENTS OF KUNA.

Arie Sparkman reported that this is the same group that provided free meals in the park last summer. They are going to provide Christmas shopping for the families of Kuna to receive gifts without any cost. There will be free gift wrapping.

Moved by C/Lang, seconded by C/Stroebel to approve waiver of fees for the Senior Center on December 12, 2009 between the hours of 8:00 a.m. to 3:00 p.m. Motion carried 4-0

6. OLD BUSINESS:

7. NEW BUSINESS

A. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR SHERRY M. JOHNSON, 158 W. 4TH ST.

Applicant not present.

Moved by C/Lang, seconded by C/Stroebel to continue the matter to the next City Council meeting on November 4, 2009. Motion carried 4-0.

B. CONSIDER PROPOSAL PROFFERED BY PLANNING & ZONING DIRECTOR HASSON FOR INFILL ANNEXATION DEVELOPMENT.

P & Z D/Hasson reported that he had provided Council with a copy of a letter to County Commission Chairman Tilman to start the formal negotiation process of approval of the City's impact area. He elaborated that since 2004, the city has grown seven-fold in size. The relation of the request and informal discussion is centered around the map that shows the city and boundaries as they currently exist. There is a lot of county property inside City boundaries. What precipitated the letter was at the last Council meeting, discussion took place regarding annexations north of Lake Hazel and a concern was expressed about moving north. He heard criticism that the City is not moving from the city core out. Some grief can be caused with county pockets, the county decides the land use issues but the City has sent the County letters that those decisions are not consistent with our land use philosophies. Also, because the properties are in the County, it is difficult to extend sewer and water with predictability. There is also an issue of fairness and equitability; there will be two properties side by side, one County, and one City. The person in the City will be paying for infrastructure and improvements and the county property will not. Right now, there aren't a lot of City funds and City staff needs to establish revenues.

There are 214 properties that could be annexed according to state statutes. Revenue could be increased by \$216,000 should these properties be annexed into the City. He wondered if Council would support staff pursuing some of the eligible annexations by statute.

C/Bachman stated that she was not a fan of this idea. She supported approaching property owners to see if they willing want to annex into the City.

C/Lang agreed with C/Bachman.

C/Stroebel agreed with C/Bachman and C/Lang.

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

~~09-03 ZOA OVERLAY DISTRICT TEXT AMENDMENT (Continued from Oct. 6, 2009).~~

9. ORDINANCES:

C/Bachman stated that the ordinance indicates R-4 zoning on page 1 but shows R-2 zoning on Page 2, which is correct. She felt that when there are 2 zoning designations, both should be reflected on the map.

PII/Behunin pointed out that the P&Z Commission recommended R-4 but City Council changed the designation to R-2. The ordinance needs to show what P&Z Commission actually approved and then it lists what Council approved.

C/Bachman asked if the map can show the different zonings.

PII/Behunin responded that Mapping Specialist Borzick has had several conversations with Ada County and the map is exactly what they would like to see.

C/Bachman asked about the strip of land on Mr. Herriot's land.

PII/Behunin stated that, after discussion with P & Z D/Hasson, that is an old easement and it acts just like a roadway. It doesn't separate. It can't be shaded on the map because it's still under the control of the Department of Lands and they will have to come in and annex that strip.

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –
ORDINANCE NO. 2009-24: AN ORDINANCE ANNEXING CERTAIN REAL
PROPERTY, NOW KNOWN AS PARCELS S1235346600, S1235438411,
S1235449215 & R8468870305; MERIDIAN, IDAHO, 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.

- B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-25: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS R6934730210, R6934730350 & R6934730320; 5875 S. LINDER RD., MERIDIAN, IDAHO, 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.
- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-26: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL R6934730330; 5975 S. LINDER RD., MERIDIAN, IDAHO, 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.
- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-27: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL S1236315400; 5700 S. LINDER RD., MERIDIAN, IDAHO, 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.
- E. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-28: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS R6934730050, R6934730020 & R6934730060; 5565 S. LINDER RD., MERIDIAN, IDAHO, 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.
- F. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-29: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS S1236233950, S1236233920, S1236233975 & S1236233900; 5550 S. LINDER RD., MERIDIAN, IDAHO, 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.

G. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-30: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS R5070500245 & R5070500215; 1150 W. KING RD., KUNA, IDAHO, 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.

H. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-31: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS R7439310015 & R7439310045; 353 E. MASON CREEK LN., MERIDIAN, IDAHO, 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 readings and three consecutive readings for Ordinances 9.A. through 9.H. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance Nos. 2009-24, 2009-30 and 2009-31. Motion carried by the following Roll Call vote:

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

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance Nos. 2009-25, 2009-26, 2009-27, 2009-28 and 2009-29. Motion carried by the following Roll Call vote:

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

10. MAYOR /COUNCIL DISCUSSION:

M/Dowdy announced that recruitment has begun for the city attorney position and interviews will be held next week. He isn't sure if he will try to find someone to handle all the City matters plus the LID or if it will be broken up and contract with a firm for the LID. He thinks outside counsel may be the better option.

C/Cardoza mentioned that Skinner has been used.

M/Dowdy responded that he wasn't sure if it would be appropriate to hire them for litigation for the LID. Mr. Skinner mentioned it was a possibility and his firm was expensive.

C/Stroebel indicated she was open to all options.

M/Dowdy further indicated that he asked the Treasurer for an indication of available funds for legal counsel. Randy Grove's last day will be November 6 but is willing to cover the protest hearings under a services contract.

P & Z D/Hasson announced that Ray's Doghouse provided a letter with a status update and identifies that he is working with the City to come into compliance. He described the situation of the menu changes and the needs required for the permit because of the cooking method changes. Ray's Doghouse has elected to be out of business instead of continuing as he was until all the requirements are met.

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION:

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session pursuant to IC 67-2345(f) at 8:05 p.m. Motion carried by the following Roll Call vote:

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

ADJOURNED EXECUTIVE SESSION AT 8:43 P.M.

13. ADJOURNMENT: There being no further business to conduct, moved by C/ Lang, seconded by C/Bachman to adjourn the meeting at 8:43 p.m.

J Scott Dowdy, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: November 17, 2009