

**CITY COUNCIL MEETING
MINUTES
OCTOBER 6, 2009
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Council President Lang called the meeting to order at 7:03 p.m.

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

ALSO PRESENT: City Engineer Gordon Law, Planning & Zoning Director Steven Hasson, City Clerk Lynda Burgess, Planner II Troy Behunin and Planner Maranda Obray.

2. INVOCATION: The Invocation was given by Pastor Chris Bent, Kuna Calvary Chapel.

3. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Council President Lang.

AMEND AGENDA –REMOVE 7.A. 09-04-LS, LOT SPLIT REQUESTED BY JERRY FREDERICK (REMOVAL REQUESTED BY APPLICANT); CONTINUE .8.A. 09-03-ZOA – OVERLAY DISTRICT TEXT AMENDMENT to October 20, 2009.

Moved by C/Stroebel, seconded by C/Bachman to amend the agenda as requested. Motion carried 3-0.

4. CONSENT AGENDA:

Moved by C/Stroebel, seconded by C/Cardoza to approve the Consent Agenda. Motion carried 3-0.

A. APPROVED MINUTES

1. REGULAR MEETING OF SEPTEMBER 1, 2009
2. REGULAR MEETING OF SEPTEMBER 15, 2009

B. APPROVED ACCOUNTS PAYABLE DATED OCTOBER 2, 2009 IN THE AMOUNT OF \$763,239.41.

C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-04-ZOA/LOT LINE ADJUSTMENT TEXT AMENDMENT.

- D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-02-CPA/COMPREHENSIVE PLAN AMENDMENT.
- E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-12-AN, 09-06-DA, 09-01-LS, ADKINS
- F. ADOPTED RESOLUTION NO. R26-2009 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PAYMENT AGREEMENT WITH GOLDGREEK DEVELOPERS, LLC AND JLJ ENTERPRISES, INC. FOR COST RECOVERY FOR CONSTRUCTION OF PRESSURE IRRIGATION FACILITIES WITHIN THE CRIMSON POINT-PHASE I SUBDIVISION.

5. CITIZEN'S REPORTS OR REQUESTS:

6. OLD BUSINESS:

09-09-TE – TIMBERMIST SUBDIVISION PRELIMINARY PLAT TIME EXTENSION
(Continued from Sept. 15, 2009).

PII/Behunin reported that staff was unaware that ACHD had received an application from the applicant and approved it. Staff has removed recommendations to add curb and gutter to Linder Rd and Hubbard Rd.

In response to C/Stroebel, he explained the ordinance that allows time extensions.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-09-TE for Timbermist Subdivision Preliminary Plat time extension as revised. Motion carried 3-0.

7. NEW BUSINESS

~~A. APPROVE 09-04-LS, LOT SPLIT REQUESTED BY JERRY FREDERICK.~~

B. APPROVE 09-01-FP, FINAL PLAT, CRIMSON NORTH 1 SUBDIVISION.

PII/Behunin stated that there are a total of 44 lots and the developer is ready to move forward but would like to take a phased approach. There would be 17 lots that will be developed with the initial phase with at least one more additional phase.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-01-FP, Crimson North 1 Subdivision. Motion carried 3-0.

C. APPROVE 09-05-LS – LES SCHWAB TIRE CENTER, 300 FT. SOUTH OF S. KAY AVE. AND E. KUNA RD. INTERSECTION, EAST OF S. KAY AVE.

Planner/Obray gave a description of the property with C-1 zoning. The Design Review Committee and P&Z Commission have approved with conditions. Staff recommends approval as outlined in the proposed Findings and Facts.

Mike Oxman, representing Les Schwab Tire Center reported that they are looking forward to being in Kuna.

In response to C/Bachman, Mr. Oxman stated that there will be cross access from staff requirement. They have comments from ACHD and will be working with them to completely understand.

Moved by C/Stroebel, seconded by C/Bachman to approve 09-05-LS, Les Schwab Tire Center. Motion carried 3-0.

D. APPROVE 09-06-LS – DORIS BEAUDREAU, 1150 W. KING RD., EAST OF S. ASH AVE., NORTH OF KING RD.

Planner/Obray explained that the Beaudreau's are part of the annexation to be heard later tonight. They are doing a lot split on the western half of their lot. Staff concluded that the request complied with the city code and the comprehensive plan and recommended approval.

Doris Beaudreau stated that she has lived on property for 20 years. It will allow for her son to have his land while retaining her own.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-06-LS, Doris Beaudreau contingent upon approval of the property annexation. Motion carried 3-0.

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

~~A. 09-03-ZOA – OVERLAY DISTRICT TEXT AMENDMENT (Continued from Sept. 15, 2009).~~

B. MULTIPLE ANNEXATIONS:

P&Z D/Hasson reported that this is the result of planning boundaries within the comprehensive plan. He explained the map that includes these properties and about the class A treated water and the needs for it. This resulted in the property that can be used for treated water and park acreage. He outlined the concerns from Meridian.

In response to C/Bachman, P&Z D/Hasson explained that the impact boundaries are still pending with Ada County.

In response to C/Cardoza, P & Z D/Hasson stated that staff could respond to Meridian and its concerns.

1. 09-01-AN/09-03-ZC/09-02-DA – CITY OF KUNA, NORTH OF W. LAKE HAZEL RD., BETWEEN S. TEN MILE AND S. LINDER RDS. (RR).

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

Moved by C/Bachman, seconded by C/Stroebel to approve 09-01-AN/09-03-ZC/09-02-DA, the City of Kuna property on W. Lake Hazel Rd. between Ten Mile Rd. and Linder with a public zoning designation. Motion carried 3-0.

2. 09-02-AN/09-04-ZC/09-03-DA – RICHARD SR. AND MARY JARVIS, 5875 S. LINDER RD. (RR).

Planner/Obray reported that the applicant requested annexation of a total of 58.62 acres. They wish to be zoned as agricultural for two large parcels and an R-4 for their home. A conceptual site planned was provided by the applicant for development of the larger parcels. They also contributed ideas for the park at the park meeting and have pathways which would join the park paths and their land. The plan complies with city code and Idaho Statute and staff recommended approval.

In response to C/Lang, P/Obray stated that the parcel with their home is 1.75 acres.

Becky McKay, Engineering Solutions stated she had been retained by the applicants. The previous owners of the park were her clients and there was conceptual planning being done and annexation into the city of Kuna. They opted not to go with Meridian because of their land use plan. Mr. Jarvis was very agreeable to annexation into Kuna. She described the future desires of the property owner.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

C/Cardoza questioned the timing to keep annexing property when the city has to absorb the cost for emergency services. He was concerned about budget costs.

C/Bachman understood concept plans were for developable zones but she did not see the point for agricultural unless it shows the mid-miles.

Becky McKay explained that she could remove the concept plan from the application packet.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-02-AN/09-04-ZC/09-03-DA with Agricultural and R-2 zones and eliminate the conceptual plan. Motion carried 2-1 (C/Cardoza voted no).

3. 09-03-AN/09-05-ZC/09-04-DA – RICHARD J. AND REBECCA JARVIS, 5975 S. LINDER RD. (RR).

Planner/Obray stated that this parcel is 2.25 acres and the owners are requesting an annexation with a rezone of R-4 which is where the home resides. No development is being planned for the site. Mr. Jarvis is also interested in a pathway from his home into the park. His land complies with city code, the comprehensive plan and Idaho Statute and staff recommended approval.

Becky McKay, Engineering Solutions, representing the applicants, asked that her comments from the immediately previous report be added to this one. She requested R-2 zoning.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

C/Cardoza wanted to remind council that it takes 60 home sites at \$1,500 to pay for one police officer. He broke down the cost for justification of a police officer.

P & Z D/Hasson explained that commercial business is coming into the city because of all the residences and yes, there is a cost for services. But they interest is created from businesses.

C/Bachman stated that the school district gave a summary of what the cost would be for services upon development.

C/Stroebel confirmed with staff that they are watching school services but believes this is in the Meridian School District.

Council discussed school impacts from development.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-03-AN/09-05-ZC/09-04-DA with a zoning of R-2. Motion carried 2-1 (C/Cardoza voted no.)

4. 09-04-AN/09-06-ZC/09-05-DA – DAVID AND HELEN TIDWELL, 5700 S. LINDER RD. (RR).

Planner/Obray reported that the applicants are requesting annexation of 40 acres with agricultural zoning and proposed development in the future as a mixed use development. The land complies with city code, the comprehensive plan and Idaho Statute and staff recommended approval.

David Tidwell, 5711 S. Linder Rd., stated that he was impressed with the planning taking place in Kuna and the new sewer plant. A previous sale fell through and wants to maintain an agricultural zoning. He felt the Kuna planning and zoning staff is very competent and easy to work with and has always kept him informed.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

Moved by C/Stroebel, seconded by C/Bachman to annex 09-04-AN/09-06-ZC/09-05-DA to Agriculture zoning. Motion carried 2-1 (C/Cardoza voted no.)

5. 09-05-AN/09-07-ZC/09-07-DA – REED AND LEAH JARVIS, 5565 S. LINDER RD. (RR).

Planner/Obray reported that the applicants are requesting annexation of 3 parcels totaling 15.56 acres with a combined R-4 and agricultural zoning for the different parcels; but R-2 may be more appropriate. The land complies with city code, the comprehensive plan and Idaho Statutes and staff recommended approval.

Becky McKay, Engineering Solutions explained that the applicants submitted the application but asked her to represent them this evening because they couldn't attend. She discussed the Meridian school sites for the district. Originally this was a 110 acre farm owned by their parents and each of the children inherited a piece. He would like to keep 15.5 acres in the city of Kuna.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

C/Bachman stated that the 1.3 acres is too small for an agricultural zone but she was concerned that an R-2 would entitle it to a building permit. There isn't anything to prevent an agricultural zoning along with the 13 acres.

P & Z D/Hasson agreed that could be done.

In response to C/Cardoza, P&Z D/Hasson explained that the comp plan goes up to Amity.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-05-AN/09-07-ZC/09-07-DA with an agricultural zoning designation for the 13.21 acre parcel and the 1.53 acre parcel and an R-2 designation for the 1 acre parcel with a residence. Motion carried 2-1 (C/Cardoza voted no.)

6. 09-06-AN/09-08-ZC/09-08-DA – GARY HERRIOTT, 5550 S. LINDER RD. (RR).

Planner/Obray stated that the applicant has 4 parcels at 13.39 acres combined with a zoning of agricultural and plans to combine all properties in the future. There is a canal easement that goes through the property. The applicant is working with the Department of Lands to purchase the land. The land complies with city code, the comprehensive plan and Idaho Statutes and staff recommended approval.

Gary Herriott, 5550 S. Linder Rd., explained that the area around the easement was surveyed in 1890 and they missed the canal. Unknown to him, he built his dairy barn on the easement. Once it's purchased, it will all be one piece of ground. It's important that his land stays joined to Dave Tidwell and the drain makes it natural to look toward Kuna and with the new interchange on Ten Mile, it will get busy.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

In response to C/Bachman, P&Z Dir/Hasson indicated that the water rights for every one of these properties have been secured by Development Agreement.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-06-AN/09-08-ZC/09-08-DA with an agricultural zoning designation. Motion carried 2-1 (C/Cardoza voted no.)

7. 09-07-AN/09-09-ZC/09-09-DA – DORIS BEAUDREAU, 1150 W. KING RD. (RUT).

Planner/Obray reported that the applicants are requesting annexation of 2 parcels of land at 9.46 acres with an R-4 zone, but an R-2 zone would be appropriate. The land complies with city code, the comprehensive plan and Idaho Statute and staff recommended approval.

In response to C/Bachman, P/Obray indicated that the applicant originally couldn't do agricultural but if the acreage is combined, they can.

Doris Beaudreau stated that she would like to annex into the city to do the split that was previously approved and agreed to an R-2 zoning.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

Moved by C/Bachman, seconded by C/Stroebel to approve 09-07-AN/09-09-ZC/09-09-DA with an R-2 zoning designation. Motion carried 2-1 (C/Cardoza voted no.)

8. 09-08-AN/09-10-ZC/09-10-DA – LELAND AND KIM RICE, 353 E. MASON CREEK RD. /8830 S. MERIDIAN RD. (RR).

Planner/Obray – The applicants would like to annex the property under an R-2 and an agricultural zoning. The agricultural zone will be the 16.86 acres on which their seasonal roadside stand resides and is compliant with the zoning. An R-2 was requested for the 2.824 acres where their home resides that would allow for use of the agricultural buildings that reside there. County information shows everything is up to code prior to this annexation.

Lee Rice, 353 E. Mason Creek Rd., stated that it's been apparent they would need to be in the City of Kuna because of building. With the sewer plant being built, he believed it was prudent to annex into the city. He also has had issues with county code verbiage that prevents the produce stand. Kuna's code is much better and defined.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing

C/Bachman asked about the temporary dwelling resided in by Lee's father.

Planner/Obray explained that it is temporary and will be grandfathered in with the annexation but wouldn't be built up again. Any redevelopment would remove the grandfather right.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-08-AN/09-10-ZC/09-10-DA to an agricultural and R-2 zoning designation. Motion carried 2-1 (C/Cardoza voted no.)

C/Cardoza asked P & Z D/Hasson to follow up on exhibits 18 and 19 and coordination with the Meridian School district and the letter from John Tilman.

9. ORDINANCES:

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2006-69A: AN ORDINANCE AMENDING ORDINANCE NO. 2006-69 TO CORRECT THE LEGAL DESCRIPTIONS TO ANNEX CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBERS S1301212400, S1301346660, S1301325459, S1301233900, SITUATED COLUMBIA ROAD BETWEEN LINDER AND MERIDIAN ROADS, 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/Stroebel, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2006-69A. Motion carried 3-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance No. 2006-69A. 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. 2007-12A: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING ORDINANCE 2007-12 TO CORRECT THE LEGAL DESCRIPTIONS FOR REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY,

IDAHO, KNOWN AS SPRINGHILL SUBDIVISION PARCEL NUMBERS S1301212400, S1301233900, S1301305459, S1301347050 AND S1301346660, SITUATED ON COLUMBIA ROAD BETWEEN LINDER AND MERIDIAN ROADS, FROM AGRICULTURAL TO R-6 MEDIUM DENSITY RESIDENTIAL DISTRICT AND R-20, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT; AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Stroebel, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2007-12A. Motion carried 3-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance No. 2007-12A. Motion carried by the following Roll Call vote:

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

- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-21: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S1301347050; COLUMBIA ROAD BETWEEN LINDER AND MERIDIAN ROADS, 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/Stroebel, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2009-21. Motion carried 3-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance No. 200-21. Motion carried by the following Roll Call vote:

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

- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-22: AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, “ZONING REGULATIONS” OF CHAPTER 16, “SPECIAL DEVELOPMENTS”, AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Stroebel, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2007-22. Motion carried 3-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance No. 2007-22. Motion carried by the following Roll Call vote:

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

- E. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-23: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL NUMBER S13322110050, 1233 N. TEN MILE 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.

Moved by C/Stroebel, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2009-23. Motion carried 3-0.

Moved by C/Stroebel, seconded by C/Bachman to adopt Ordinance No. 2009-23. Motion carried by the following Roll Call vote:

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

10. MAYOR /COUNCIL DISCUSSION:

LID PROTEST HEARINGS will be held November 9 and 10th and possibly 11th

C/Stroebel recommended consideration of an ordinance governing length of time trash cans can be left out.

Tim Gordon, J & M Sanitation explained that he did not have any concerns with an ordinance but most CC&R's cover that. Some people don't like to be told what to do at that level.

11. ANNOUNCEMENTS:

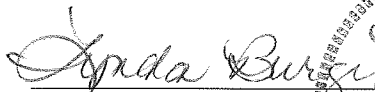
12. EXECUTIVE SESSION:

- 13. ADJOURNMENT:** There being no further business to discuss, it was moved by C/Stroebel, seconded by C/Cardoza to adjourn at 9:37 p.m. Motion carried 3-0.



Jeff Lang, Council President

ATTEST:



Lynda Burgess, City Clerk



DATE APPROVED: December 1, 2009