

**CITY COUNCIL MEETING  
MINUTES  
NOVEMBER 17, 2009  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

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

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

Mayor Dowdy called the regular 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 Richard Roats; City Engineer Gordon Law; Planning & Zoning Director Steven Hasson; Deputy City Clerk Chris Engels; City Treasurer John Marsh and Planner II Troy Behunin.

**2. INVOCATION:** The Invocation was given by Pastor Scott Piper, First Baptist Church

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

**4. CONSENT AGENDA:**

Moved by C/Bachman, seconded by C/Lang to remove 4F from the consent agenda until the next Council meeting on December 1, 2009. Motion carried 4-0.

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:**

1. REGULAR MEETING OF OCTOBER 20, 2009.
2. SPECIAL MEETING OF OCTOBER 26, 2009.
3. REGULAR MEETING OF NOVEMBER 4, 2009.

**B. APPROVED ACCOUNTS PAYABLE DATED NOVEMBER 13, 2009, IN THE AMOUNT OF \$248,841.16.**

**C. APPROVED BUSINESS LICENSE FOR NICHOLAS P. MEGIS, “ANYTIME PRECISION MACHINE AND REPAIR,” 279 E. 4<sup>TH</sup> ST.**

D. APPROVED CATERING PERMIT FOR CK ENTERPRISES OF IDAHO, FOR A BENEFIT AT THE COMMUNITY HALL ON NOVEMBER 21, 2009.

E. APPROVED CATERING PERMIT FOR LONGHORN LLC FOR A BIRTHDAY PARTY AT THE COMMUNITY HALL ON DECEMBER 12, 2009.

F. ~~APPROVE FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR 09-03-ZOA - OVERLAY DISTRICT TEXT AMENDMENT.~~

**5. CITIZEN'S REPORTS OR REQUESTS:**

**6. OLD BUSINESS:**

**7. NEW BUSINESS**

A. APPROVE FINAL PLAT, 09-02-FP, CRIMSON POINT #5

Moved by C/Lang, seconded by C/Stroebel to continue file number 09-02-FP, Crimson Point #5 until the December 1, 2009 Council meeting. Motion carried 4-0

B. APPROVE TIME EXTENSION 09-11-TE, SEASONS CREEK

PII/Behunin presented the report for Planner Rushlow. He explained that Seasons Creek is still having economic factors and the developer was seeking a time extension to retain the standing. Staff recommended approval.

Joe Canning, representing the applicant, agreed with approval. He requested clarification for some specific wording in the last sentence.

P & Z D/Hasson stated that he looked at the wording and the wording should indicate that an applicant could have another time extension and possibly one after that. This applicant would be eligible for another time extension.

Moved by C/Lang, seconded by C/Stroebel to approve file 09-11-TE, Season Creek for a 1 year time extension to expire in December 4, 2010 and to strike "Planned Unit Development" on page 2 in the staff analysis number 2 and replace with "Preliminary Plat." Motion carried 4-0

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

A. PUBLIC HEARING - PRELIMINARY PLAT/FINAL PLAT COMBINATION 09-01-CPF, DIAGONAL CHURCH SUBDIVISION.

PII/Behunin reported that this application is for a combined preliminary and final plat. The property applicant applied for several applications and received approvals approximately a year ago. The information relied on for the original lot split was incorrect. Upon meeting with the applicant, a solution was reached with the applicant for a one lot subdivision. The applicant has been forthcoming with information and helpful

suggestions and staff is appreciative. P&Z Commission approval has been granted; therefore, staff recommended Council approval.

Jo Larson, 400 S Main St, Payette, representing the applicant stated that they concur with staff comments and recommendations.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSED

None

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

In response to C/Cardoza, PII/Behunin explained that there are no changes to the development agreement and there does not need to be a 300' notice to property owners surrounding the property.

In response to C/Stroebel, PII/Behunin stated that everything is untouched, this compliments the previous agreement. Everything remains as previously approved.

Moved by C/Bachman, seconded by C/Stroebel to approve Preliminary Plat/ Final Plat combination 09-01 CPF, Diagonal Church subdivision with Planning & Zoning recommendations and staff requirements. Motion carried 4-0

**B. APPROVE MODIFICATION OF SUBDIVISION CONDITIONS OF APPROVAL FOR 08-03-S, CRIMSON POINT NORTH.**

PII/Behunin reported that this application is to reopen a specific condition for the subdivision. He reviewed the previous conditions and because of the downturn in the market, they have sought a reduction in the lots and the minimum of 1,200 sq. ft. Staff is supportive because of the economic factors; there is a need to respond. If the subdivision is sold, the size would revert to the original square footage. There is also a recommendation from staff that there are a set number of lots that are allowed at the smaller size.

C/Bachman, referencing page three of the development agreement, she asked staff about the time extension wording.

PII/Behunin explained that that is a summary. The applicant hasn't had a time extension and doesn't need to seek one. The rules have changed and they would have 2 years as an option.

C/Cardoza asked if a change could be added to scatter the smaller houses throughout the subdivision.

PII/Behunin stated that that could be added at Council's request.

C/Stroebel asked if a 1 year review could be requested.

Trent Nieffenegger 1710 S. Wells, Suite 110, Meridian, applicant, appreciated the opportunity for the reduction and stated that he would disperse the smaller houses. As suggested by C/Stroebel, they would be willing for a 1 year review. He requested that there be a range from 1,200 to 1,549 sq. ft. and an increase to 20 houses. He presented a sampling of the Silvertip subdivision with 20 houses ranging from 1,144 to 1,176 sq. ft. that have been sold. With a window, it gives more opportunity for sales. He agreed with staff's report.

M/Dowdy suggested that a range is not needed because 1,200 sq. ft. is considered the minimum. The request for 10 additional smaller homes is what needs to be considered.

C/Lang wanted to be sure that the smaller homes would be dispersed throughout the subdivision.

Mr. Nieffenegger showed a PowerPoint display of various smaller home designs.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSED

None

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

C/Bachman supported scattering the homes and the review in a year. She was unsure of increasing the number of homes.

C/Stroebel did not feel comfortable with increasing the number of homes.

P & Z D/Hasson stated that there isn't a design review for residential development but developers can be held accountable if they introduce the homes. He pointed out that Council can stipulate guidelines of style.

PII/Behunin stated that the development has come through as a phased plan and there isn't an application for phase two yet. There would be a future opportunity to modify as the other phases came in.

Council discussed how to grant the number of smaller homes based on the buildable lots in the various phases.

Mr. Nieffenegger suggested that if Council doesn't approve the 20 lots, a review could be conducted when phase two is ready instead of at a year.

C/Stroebel was supportive of 10 lots.

In response to C/Cardoza, Mr. Nieffenegger explained that the house costs would range from \$135,000 to \$175,000.

Moved by C/Bachman, seconded by C/Lang to approve file number 08-03-S with the Planning & Zoning recommendations and the following changes: strike bullet number 1 regarding design review and replaced with "elevations similar to presentation made by applicant and consistent with Crimson Point home styles;" change the 3<sup>rd</sup> main bullet down from 10 buildable lots in the subdivision to 5 buildable lots within phase 1 of this subdivision and 5 buildable lots in phase 2 at a minimum size of 1,200 sq. ft. and requiring that smaller homes shall be dispersed. Motion carried 4-0

## **9. ORDINANCES:**

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –  
ORDINANCE NO. 2009-32: AN ORDINANCE OF THE CITY OF KUNA, IDAHO,  
AMENDING TITLE 5, "ZONING REGULATIONS" OF CHAPTER 2A, "OVERLAY  
DISTRICT," AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Stroebel to table Ordinance No. 2009-32 until the December 1, 2009 Council meeting. Motion carried 4-0.

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

M/Dowdy – The City Clerk indicated today that the Attorney General's office staff will be here on November 24, 2009 at 2:00 p.m to recount the ballots from the election as requested by candidate Trautman.

CE/Law provided each council member and the mayor a couple of proposed plans for extending sidewalks along 4<sup>th</sup> St. from Linder to the east and requested their feedback.

In response to C/Bachman, between the edge of the pavement and sidewalk, it appears to be asphalt. CE/Law discussed the pros and cons of both projects.

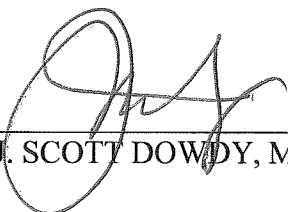
In response to Mayor Dowdy, CE/Law stated that ACHD indicated they would contact the homeowners but if they didn't, CE/Law indicated he would mail information.

C/Cardoza believed that parking won't be an issue.

**11. ANNOUNCEMENTS:**

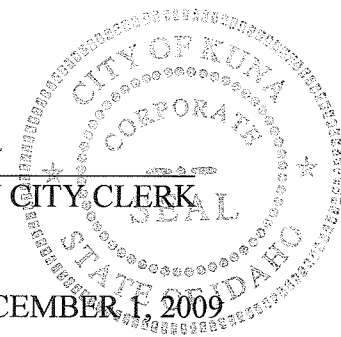
**12. EXECUTIVE SESSION:**

**13. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 8:03 p.m. Motion carried 4-0.

  
\_\_\_\_\_  
J. SCOTT DOWDY, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHRIS ENGELS, DEPUTY CITY CLERK



DATE APPROVED: DECEMBER 1, 2009