

**CITY COUNCIL MEETING  
MINUTES  
DECEMBER 1, 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 meeting to order at 7:02 p.m.

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

**ALSO PRESENT:** City Attorney Richard Johnson; City Clerk Lynda Burgess; City Treasurer John Marsh; Planner II Troy Behunin, Planner Tracy Rushlow and Planner Maranda Obray.

**2. INVOCATION:** The Invocation was given by Marcus Omdahl, New Beginnings Christian Church

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

**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:**

1. REGULAR MEETING OF OCTOBER 6, 2009
2. LID PROTEST HEARING OF NOVEMBER 9, 2009
3. LID PROTEST HEARING OF NOVEMBER 10, 2009
4. LID PROTEST HEARING OF NOVEMBER 11, 2009
5. REGULAR MEETING OF NOVEMBER 17, 2009

**B. APPROVED ACCOUNTS PAYABLE DATED NOVEMBER 25, 2009, IN THE AMOUNT OF \$212,207.57.**

**C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CRIMSON POINT NORTH SUBDIVISION – 08-03-S.**

- D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR DIAGONAL CHURCH SUBDIVISION – 09-01-CPF.
- E. APPROVED LEASE AGREEMENT WITH SILVER BUTTE HOLSTEINS, INC. FOR THE 2010 CROP YEAR FOR THE LAGOON FARM.
- F. APPROVED LEASE AGREEMENT WITH PROVOST FARMS, LLC. FOR THE 2010 CROP YEAR FOR THE LAKE HAZEL LAGOON FARM.

**5. CITIZEN’S REPORTS OR REQUESTS:**

**6. OLD BUSINESS:**

- A. APPROVE FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR 09-03-ZOA – OVERLAY DISTRICT TEXT AMENDMENT (Continued from 11/17/09).

P&Z D/Hasson reported that the modification discussed at the last council meeting had been made.

C/Bachman asked if standards had been adopted for private streets.

P & Z D/Hasson explained that that is in the PUD ordinance. The council determined two years ago that it would only endorse private streets except occasionally on a case by case basis.

Moved by C/Bachman, seconded by C/Lang to approve the Findings of Facts and Conclusions of Law for 09-03-ZOA – Overlay District Text Amendment. Motion carried 4-0.

- B. APPROVE FINAL PLAT, 09-02-FP, CRIMSON POINT #5 (Continued from 11/17/09).

P & Z D/Hasson stated that this application is a final plat approval and he and CE/Law were concerned that not all the conditions of final plat approval had been satisfied because the developer was only going to initiate a portion of the development. CE/Law added language that assures, before anything is finalized, that it would be reviewed by him. The code currently reads that a preliminary and final plat read one in the same. Mr. Hasson suggested preparation of a text amendment that says certain things have to be performed before the final plat comes before Council. He recommended approval of the final plat.

In response to C/Bachman, P&Z D/Hasson explained that there are some concerns but as the code stands now, a person can come before Council for approval and bond for sewer and water.

Moved by C/Bachman, seconded by C/Lang to approve the Final Plat for 09-02-FP, Crimson Point #5. Motion carried 4-0.

**7. NEW BUSINESS**

**A. 09-04-LLA – LOT LINE ADJUSTMENT, PATTERSON FAMILY TRUST**

Planner/Rushlow reported that the applicant is applying for a lot line adjustment approved by Council in 2007. They didn't follow the conditions of approval in the time frame allotted for compliance hence the applicant is reapplying with the promise to comply in a timely fashion.

Moved by C/Lang, seconded by C/Stroebel to approve 09-04-LLA, Lot Line Adjustment for the Patterson Family Trust. Motion carried 4-0.

**B. 09-07-LS – LOT SPLIT, DON AND MARY JOHNSON**

Planner Rushlow explained that the applicant owns 78 acres near Lake Hazel and Ten Mile. They were voluntarily included in the LID at the time of their annexation in 2006 and now would like to divide the land in a lot split process and have lot splits available as its original parcels. The intention is to create 2 separate parcels, a homestead of a little over 5 acres, and they don't intend to develop the parcels nor is development considered in this application.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-07-LS for Don and Mary Johnson. Motion carried 4-0.

**8. PUBLIC HEARINGS: 7 p.m. or as soon thereafter as matters may be heard.****PUBLIC HEARING: 09-01-S (PRELIMINARY PLAT): SADIE CREEK SUBDIVISION NO. 2, 1101 S. MERIDIAN RD.**

Planner Obray stated that, in April 2006, Council approved the Findings and Facts associated with the 2 phase subdivision known as Sadie Creek. Phase 1 was presented in year 1 and the developer acted in the prescribed time frames and currently receiving building permits. The initial developer granted Council approval was Redcliff Development. The property has been foreclosed on leaving Alpha lending responsible for phase 2. The new owners never initiated construction approval, final plat or used any time extensions to complete the development. Therefore the 2<sup>nd</sup> phase had expired. The applicant's representative, Bob Unger is requesting approval for reactivating the 2<sup>nd</sup> phase of the preliminary plat. Should Council decide to grant approval, the preliminary plat will be valid for 2 years to allow the developer to prepare for the final plat and the developer's infrastructure to the extent it exists will need city engineer approval. The 26 acres is currently zoned R-6. The applicant is proposing 83 buildable lots with a minimum square footage of 1,600 sq. ft. homes and there are 8 common lots. She stated that staff founds the application in compliance with city code and the comprehensive plan and recommended approval. The P&Z Commission voted 3-0 recommending approval as present with the condition to meet all staff and agency conditions and recommendations.

Bob Unger, ULC Management, 6104 N. Gary Ln. Boise, representing Alpha Lending, concurred with staff's recommendations and asked for approval.

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/Stroebel to approve 09-01-S Preliminary Plat for the Sadie Creek Subdivision No. 2, 1101 S. Meridian Rd. 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 (Continued from 11/17/09).

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance 2009-32. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance 2009-32. Motion carried by the following Roll Call vote:

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

**10. MAYOR /COUNCIL DISCUSSION:**

CT/Marsh advised that he received an electronic invoice from former city attorney Randy Grove for his contract work for the November 9, 10, and 11 LID protest hearings. It lists 1.5 hours for November 9 and 1 hour of preparation at \$90 an hour for a total of \$225.

CT/Marsh wanted to make sure Council didn't have any questions or concerns.

CC/Burgess discussed the results of the Recount of the ballots from the November 3, 2009 election and stated that the amended results would be on the agenda on December 15, 2009 for Council acceptance.

Council agreed to meet in Executive Session at 6 p.m. on Monday, December 7, 2009 for discussion of the LID Protests.

Mayor Dowdy – The City Christmas party is scheduled for December 18<sup>th</sup> and reminded everyone to RSVP by December 4.

C/Bachman, regarding the special meeting to be held December 7<sup>th</sup>, asked if any determinations would be made after the executive session on the LID protests in a public setting.

M/Dowdy responded that the determinations would definitely be made public but not until December 15<sup>th</sup>.

**11. ANNOUNCEMENTS:**

**12. EXECUTIVE SESSION:**

**13. ADJOURNMENT:** There being no further business to discuss, it was moved by C/Lang, seconded by C/Stroebel and carried 4-0 to adjourn the meeting at 7:27 p.m.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: DECEMBER 15, 2009