

**CITY COUNCIL MEETING  
MINUTES  
DECEMBER 15, 2009  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**5:00 p.m. – REGULAR COUNCIL MEETING**

Mayor Dowdy called the meeting to order at 5:03 p.m.

PRESENT: Mayor Dowdy, Council President Lang,  
Councilwoman Stroebel and Councilmember Cardoza.  
Councilwoman Bachman was absent.

ALSO PRESENT:

City Attorneys Richard Roats and Richard Johnson; City  
Engineer Gordon Law; City Clerk Lynda Burgess; Justin  
Walker, Keller Associates and Rick Skinner, Skinner  
Fawcett.

**EXECUTIVE SESSION**

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session pursuant to IC 67-2345(f) regarding Pending Litigation.

Motion carried by the following Roll Call vote:

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

C/Bachman arrived at 5:13 p.m.

**ADJOURNED EXECUTIVE SESSION AT 7:10 p.m.**

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

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

PRESENT: Mayor Dowdy, Council President Lang,  
Councilwoman Bachman, Councilwoman Stroebel and  
Councilmember Cardoza.

ALSO PRESENT:

City Attorneys Richard Roats and Richard Johnson; City  
Engineer Gordon Law; 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

**4. CONSENT AGENDA:**

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

- A. APPROVED MINUTES OF REGULAR MEETING OF DECEMBER 1, 2009.
- B. APPROVED ACCOUNTS PAYABLE DATED DECEMBER 11, 2009, IN THE AMOUNT OF \$134,827.62.
- C. APPROVED BUSINESS LICENSE FOR SARA KINGHORN "KUNA KUTZ AND COLOR," 708 E. WYTHE CREEK CT., SUITE 102A.
- D. APPROVED CATERING PERMIT FOR EL GALLO GIRO FOR A PRIVATE PARTY AT THE COMMUNITY HALL ON DECEMBER 29, 2009.
- E. APPROVED CATERING PERMIT FOR CK ENTERPRISES OF IDAHO, LLC FOR A CHRISTMAS PARTY AT THE COMMUNITY HALL ON DECEMBER 21, 2009.
- F. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR 09-01-S – SADIE CREEK SUBDIVISION PHASE 2.

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

**6. OLD BUSINESS:**

- A. DISCUSSION AND PRELIMINARY DECISION REGARDING LOCAL IMPROVEMENT DISTRICT 2006-01 PROTESTS.

CA/Roats – All the protest issues that have been raised have been discussed by the Mayor and Council. Many of those issues are not timely; the Council will decide the more substantive issues. One of the biggest issues to consider is the per EDU cost due to the financial impact to the LID members. Another issue is plant size relative to the LID. A reduction in the costs attributable to the LID members may bring down the per EDU cost.

C/Lang moved, seconded by C/Cardoza to table the discussion of the decision of the Local Improvement District to December 29, 2009 at 6 p.m. Motion carried 4-0.

- B. APPROVE PROFESSIONAL SERVICES CONTRACT WITH RICHARD T. ROATS AND RICHARD JOHNSON IN THE AMOUNT OF \$100,000 FOR FY 2009-10 (Continued from December 7, 2009).

CA/Roats stated that he heard from ICRMP that he and CA/Johnson will be covered for liability insurance.

Moved by C/ Bachman, seconded by C/Lang to table the contract approval for professional services for the attorney's to December 29, 2009. Motion carried 4-0.

**7. NEW BUSINESS**

DENY NON-COMMERCIAL KENNEL LICENSE APPLICATION FOR RICK AND STEPHANIE WHEATON, 490 N. SHADY GROVE SINCE SPICEWOOD SUBDIVISION CC&R'S ALLOW FOR A MAXIMUM OF 2 PETS.

M/Dowdy noted that the CC & R's only allow 2 pets and wondered if the letter from Rick and Sherry Farms represented the HOA.

Richard Wheaton, 409 N Shady Grove, introduced himself and agreed that he had 3 labs and 1 Brittany spaniel. He explained that the number of dogs recently increased when his daughter dropped one dog off on her way to college and one of his dogs had puppies. He has given away 2 of the puppies and is working on giving away other dogs. A kennel is being constructed at his job site so one of the dogs can be moved to that location permanently. Once that happens, he will have less than 3 dogs.

C/Bachman asked if violation of the CC&Rs is a civil issue.

M/Dowdy responded "potentially." He asked if Council thoughts they should grant a license in violation of the CC & R's or if they should even be considered. At this point, the city is not sure if Rick and Sherry Farms are involved with the HOA.

C/Bachman stated that it appears to be a general letter and not specific to issues they have had with this property.

CC/Burgess reported that the Humane Society indicated that no complaints had been received regarding these dogs.

M/Dowdy asked if Rick or Sherry Farms was present.

As the letter writers were not in attendance, M/Dowd indicated that the Council should consider the letter as it is.

In response to C/Cardoza, P/Behunin indicated that he would have to talk to the other staff in P & Z about whether the CC & R's have been checked as this isn't a matter with which they are usually involved. The policing duties of CC & R's are not the responsibility of the P & Z office.

In response to M/Dowdy, CC/Burgess reported that a private citizen had reported to the city that there were 5 dogs at this residence. Staff then contacted Mr. Wheaton to obtain a non-commercial license.

Deanna Hill, 515 N Katy Way indicated that she called the City about the number of dogs at the Wheaton's, which were constantly barking. She further stated that she cannot even go outside in the summer without smelling dog feces. She asked who to make a complaint about the dogs barking.

M/Dowdy informed Ms. Hill that she could call the sheriffs department or the humane society whenever she had concerns. He explained the restrictions of a non-commercial kennel license.

Moved by C/Lang, seconded by C/Bachman to table the non-commercial kennel license for Rick and Stephanie Wheaton to January 5, 2010 for evaluation of the number of dogs remaining on the property. Motion carried 4-0.

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

**9. ORDINANCES:**

**10. MAYOR /COUNCIL DISCUSSION:**

**11. ANNOUNCEMENTS:**

C/Bachman announced she will be out of town during the January 5, 2010 meeting.

There was a discussion of city hall employees and the city attorney's schedule's during the holidays.

The Mayor reminded Council that the city Christmas party is Friday, December 18, 2009.

In regard to the air quality conditions, the Mayor indicated Ada and Canyon counties will require vehicle emission testing. He has provided a letter to the DEQ at their request, indicating the understanding that the legislature put air quality control under the DEQ and the City will comply with any requirements imposed on it. In the past, Ada and Canyon counties have invited Kuna to join with them but the city will now follow whatever DEQ implements.

C/Lang further stated that DEQ will develop a policy for Kuna and Canyon County because neither has participated before.

**12. EXECUTIVE SESSION:**

**13. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Cardoza to adjourn at 7:42 p.m. Motion carried 4-0.

ATTEST:

  
LYNDA BURGESS, CITY CLERK

DATE APPROVED: January 5, 2010

  
J. SCOTT DOWDY, MAYOR