

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

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

M/Dowdy called the meeting to order at 7:01 p.m.

**PRESENT:** Mayor Dowdy, Council President Lang and Council Members Cardoza and Stroebel. Council Member Bachman was excused.

**ALSO PRESENT:** City Attorney Randy Grove, City Engineer Gordon Law, P&Z Director Steven Hasson, City Clerk Lynda Burgess, City Treasurer John Marsh and Planner II Troy Behunin.

- 2. INVOCATION:** The Invocation was given Randy Maxwell, 7<sup>th</sup> Day Adventist 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, Cardoza, Stroebel  
**NOES:** None  
**ABSENT:** Bachman

**A. APPROVED ACCOUNTS PAYABLE DATED FEBRUARY 12, 2009 IN THE AMOUNT OF \$1,145,324.33.**

**B. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. 08-08-ZOA – KCC 5-1-7-2: MEANINGS OF TERMS OR WORDS “PUBLIC FACILITIES.” (Continued from February 3, 2009)
2. 08-09-ZOA – KCC 3-4-7: GENERAL LICENSE PROVISIONS “NONTRANSFERABLE LICENSE.” (Continued from February 3, 2009)
3. 08-10-ZOA- KCC 6-2-3 & 4: SUBDIVISION APPROVAL PROCEDURE – “PRELIMINARY AND FINAL PLAT PROCESS.” (Continued from February 3, 2009)
4. 08-06-ZOA – KCC 5-4-6/5-4-7-1-3/5-4-9, DESIGN REVIEW.

5. 08-01-V (VARIANCE) – KUNA LIFE CHURCH.

6. 08-01-S/08-15-DA: WILLOW GLENN SUBDIVISION PHASES 3 AND 4.

**5. CITIZEN’S REPORTS OR REQUESTS:**

**6. OLD BUSINESS:**

**7. NEW BUSINESS:**

PRESENTED CERTIFICATE OF APPRECIATION TO OUTGOING PLANNING AND ZONING COMMISSION CHAIRMAN JUSTIN TOUCHSTONE.

M/Dowdy thanked Mr. Touchstone for his contributions to the Planning & Zoning Commission and to the community.

The Mayor acknowledged and welcomed the scout troop present who was working on a Communication merit badge.

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

**9. ORDINANCES:**

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Items 9.A. through 9.F. Motion carried 3-0-1 (C/Bachman absent).

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinances identified as 9.A. through 9.5. Motion carried by the following Roll Call vote:

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

A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2006-101A: AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING ORDINANCE 2006-101 AMENDING TITLE 5, “ZONING REGULATIONS” OF CHAPTER 1, “GENERAL ZONING PROVISIONS,” SECTION 6-2, “MEANINGS OF TERMS AND WORDS” AND PROVIDING AN EFFECTIVE DATE.

B. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2007-21A: AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING ORDINANCE 2007-21 SO AS TO AMEND TITLE 5, “ZONING REGULATIONS” OF CHAPTER 4, “DESIGN REVIEW OVERLAY DISTRICT,” AND PROVIDING AN EFFECTIVE DATE.

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- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-05: AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 3, “BUSINESS REGULATIONS” OF CHAPTER 4, “GENERAL LICENSE PROVISIONS”, OF SECTION 7, “LICENSE NONTRANSFERABLE”, AND PROVIDING AN EFFECTIVE DATE.
- D. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-06: AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 6, “SUBDIVISION REGULATIONS” OF CHAPTER 2, “SUBDIVISION APPROVAL PROCEDURE”, AND PROVIDING AN EFFECTIVE DATE.
- E. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-10: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING 272 S. YANKEE ROCK ROAD FROM NEW YORK IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM AND CHANGING THE BOUNDARIES THEREOF; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.
- F. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-11: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING 300 S. YANKEE ROCK ROAD FROM NEW YORK IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION SYSTEM AND CHANGING THE BOUNDARIES THEREOF; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

CA/Grove updated the Council on the Boys & Girls Club site lease agreement and indicated that the city may wish to revise some of the language. He reviewed the restriction in the deed and the reversionary interest clause which would mean that the City doesn't have fee simple title in actuality and the lease agreement requires the city to have that. Also, it is an actual interest in land whether the holders acquire the property or not. They could potentially sue the City or the Boys & Girls Club for wasting the asset. For example, if the Club builds a facility on the property, it then becomes part of the estate. If for some reason, the building became worn down, the YMCA which holds the reversionary interest, could sue the City and the Club for failing to maintain the property. The YMCA wants to move the City's property line to include the Mellon property. It becomes a concern since the City has a well on that park property.

In regard to parking of semi trucks, M/Dowdy stated that, in past years, there has been a problem with semi's parking in the lot by the park and then on other City properties. He wanted to pursue an option to provide long-haul truck parking in Kuna. There is land available on the existing sewer site facility behind a locked gate. The area could probably park 10 or more rigs. He indicated that the City Attorney was asked if a fee could be charged for parking these trucks on a regular basis. The Mayor would like to pursue such an option and charge approx. \$100/mo. per truck and asked Council if they would support the idea.

C/Lang felt that this would be a great idea. He would also like to see parking available on a short-term, temporary basis as well as for weekend parking.

M/Dowdy will pursue the matter with the City Attorney and bring it back at a future meeting.

C/Stroebel asked if the Mayor had a list of the cutbacks to the budget he planned to make. He indicated he would get it to C/Stroebel.

C/Cardoza asked the City Engineer if there is a completion date for the wastewater treatment plant. It seems to be running behind schedule.

CE/Law responded that the official completion date should be April 5<sup>th</sup> or 9<sup>th</sup> and should actually be complete around the middle of June. He indicated that large projects can often take a larger range of time for completion.

**11. ANNOUNCEMENTS:**

**12. EXECUTIVE SESSION:**

**13. ADJOURNMENT:** There being no further business to discuss, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 7:24 p.m. Motion carried 3-0-1 (C/Bachman absent).

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: MARCH 3, 2009