

**KUNA CITY COUNCIL MEETING
MINUTES
FEBRUARY 3, 2009
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

7:00 p.m. – REGULAR COUNCIL MEETING

M/Dowdy called the meeting to order at 7:00 p.m.

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

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

2. INVOCATION: The Invocation was given by Morrie Lewis, Bible Missionary Church

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

4. CONSENT AGENDA:

Moved by C/Lang, seconded by C/Bachman to continue Items C1 through C3 to the February 17, 2009 meeting. Motion carried 4-0.

Moved by C/Lang, seconded by C/Bachman to approve the remainder of the Consent Agenda. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Cardoza, Stroebel

NOES: None

ABSENT: None

A. APPROVED MINUTES – REGULAR MEETING OF JANUARY 9, 2009.

B. APPROVED ACCOUNTS PAYABLE DATED JANUARY 29, 2009 IN THE AMOUNT OF \$140,150.64.

C. APPROVE FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. 08-08-ZOA – KCC 5-1-7-2: MEANINGS OF TERMS OR WORDS “PUBLIC FACILITIES.” (Continued to February 17, 2009)

2. 08-09-ZOA – KCC 3-4-7: GENERAL LICENSE PROVISIONS “NONTRANSFERABLE LICENSE.” (Continued to February 17, 2009)

3. 08-10-ZOA- KCC 6-2-3 & 4: SUBDIVISION APPROVAL PROCEDURE – “PRELIMINARY AND FINAL PLAT PROCESS.” (Continued to February 17, 2009)

D. ADOPTED RESOLUTION R01-2009 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE TASK ORDER NO. 7, AGREEMENT FOR MISCELLANEOUS ENGINEERING SERVICES – WATER SYSTEM PIPELINE IMPROVEMENTS PROJECT WITH KELLER ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$28,500.

E. ADOPTED RESOLUTION R02-2009 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CHANGE ORDER NO. 1 WITH TREASURE VALLEY DRILLING AND PUMP, INC. FOR THE PRODUCTION WELL 4B PROJECT IN AN AMOUNT NOT TO EXCEED \$87,415.

F. APPROVED BUSINESS LICENSE FOR RICK MAY AND SAM MAGAW, “MORTGAGE WEST,” 371 W. MAIN ST., SUITE B.

5. CITIZEN’S REPORTS OR REQUESTS:

1. REQUEST FOR PERMISSION TO UTILIZE BERNIE FISHER PARK FOR VACATION BIBLE SCHOOL, JUNE 7-11, 2009 AND WAIVER OF FEES, NEW BEGINNINGS CHRISTIAN CHURCH – SMALL GROUPS DIRECTOR, MARCUS OMDAHL.

Moved by C/Bachman, seconded by C/Lang to approve the fee waiver for the Vacation Bible School June 7-11, 2009. Motion carried 4-0.

2. WALT DOUGLAS, KUNA BASEBALL PARK REDEVELOPMENT COMMITTEE TO DISCUSS FIELD LENGTH AT THE CITY’S PARK.

Walt Douglas reported that since Council approval on September 18, 2008, his committee has spent \$4,048 on administrative costs including the required insurance, fees for reviews by the different districts in the county. They have raised over \$65,000 toward the project and have initiated negotiations to release the right of way parcel to the city through ACHD. There are several large organizations involved in the project including LEI, ACHD and architects from Architectural Design Plus. He understood there were questions on field dimensions.

M/Dowdy stated that, for Council information, he recently became aware that the proposed dimensions of the outfield would only accommodate 9 and 10 year old level play. He had asked CE/Law to get in contact with Walt to determine if that was the case and what was the maximum distance would be. The city’s desire is to have these fields accommodate all different ages for utilization since it is public property.

Mr. Douglas responded that the age of use is 9 to 12 years old and there are some 8 year olds that make it into play as well, which covers a 4 year span of youth use. He indicated

that they have talked to the softball people and are working on different ways and thinks it will please their sponsors also. There are two \$5,000 sponsors that have a reason for wanting the little league exposure. He asked to negotiate a start time for the redevelopment and to have an arbitrator who could sit in with the three affected parties to possibly be the person who makes the final decision because, in the past, the negotiations have not gotten anywhere. June 1st would be the best day to start for committee volunteers and the sponsors are expecting that. ACHD also knows that the committee wants to start on June 1st. They would like to stick to that but at the same time they want to work with all the organizations involved. Would it be possible to get an arbitrator on that?

M/Dowdy was not sure that an arbitrator would be needed. The bottom line is that the land belongs to the city and obviously, we want people to be able to use the field but Council has already approved this project to go forward with certain stipulations and the committee has been following through with that. He felt the city could be the arbitrator with the KYSBA.

In response to C/Stroebel's question about the field length, Mr. Douglas indicated currently it is 250' but when the rehabilitation is complete, it will be 200'.

M/Dowdy asked if the field can be 225.'

Mr. Douglas agreed that it can be.

C/Bachman asked about the status of funding for the project.

Mr. Douglas explained that the total cost at first presentation was \$150,000. The concession stand has been upgraded but he didn't have cost estimates for that as yet. He hoped to reduce the cost by donations and materials and has talked to several people about that.

Mr. Douglas pointed out that the field will be closed during Kuna Days for safety.

C/Stroebel felt that the field should be a minimum of 225.'

C/Lang supported the start date of June 1st, as long as the minimum field size is 225.'

Moved by C/Lang, seconded by C/Stroebel to allow the Kuna Baseball Park Redevelopment Committee to begin installing fields on June 1, 2009 with a minimum field size of 225.' Motion carried 4-0.

6. OLD BUSINESS:

7. NEW BUSINESS:

- A. PRESSURE IRRIGATION TO OLD TOWN – RECEIVE STAFF REPORT AND DIRECT STAFF AS APPROPRIATE.

CE/Law reported that a connection fee is charged to everyone receiving pressurized irrigation.

C/Lang suggested holding a Town Hall meeting with residents in Old Town to discuss the issue.

CE/Law – That is the next step down the road, finding out who is interested. The current issue needs resolved first. He suggested that the city consider loaning the connection fee to residents interested in receiving pressurized irrigation and charging 2-4% interest over 10 years. The money is set aside for the extension project. "Old Town" is any area that doesn't have pressurized if and when the City can put the money together for trunk lines. If an LID process is chosen, all parcels benefiting from the project would need to participate.

C/Bachman agreed with a 60%+1 majority.

B. CONFIRM MAYOR'S APPOINTMENT OF CURT JAMES AND STAN SANDERS TO FILL PLANNING AND ZONING COMMISSION VACANCIES.

Stan Sanders stated that he has been a Kuna resident for 25 years and is retired. He felt that he had the time and the interest to give back into the community.

Curt James explained that he's been a Kuna resident for 6 years and that his wife taught at KHS for a couple of years.

Moved by C/Cardoza, seconded by C/Stroebel to confirm the appointments of Curt James and Stan Sanders to the Planning and Zoning Commission effective immediately.
Motion carried 4-0.

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

**A. PUBLIC HEARING: 08-06-ZOA – KCC 5-4-6/5-4-7-1-3/5-4-9, DESIGN REVIEW.
(Continued from January 20, 2009)**

P&Z Director/Hasson reported that a Design Review Ordinance was adopted last year. Several sections didn't get updated and this is to update those sections. In response to a question posed by C/Cardoza regarding Section 5-4-7-3, that section was reviewed and determined to be archaic as written. It has, therefore, been revised.

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/Bachman, seconded by C/Cardoza to approve 08-06-ZOA – KCC 5-4-6/5-4-7-1-3/5-4-9, Design Review. Motion carried 4-0.

B. PUBLIC HEARING: 08-01-V (VARIANCE) – KUNA LIFE CHURCH.

PT/Rushlow reported that the Kuna Life Church requested a variance of the sign ordinance. No matter where the sign is placed, a variance will be needed. There are 4 considerations that need to be met. Staff believes the applicant meets the criteria for a variance.

Stan Johnson, Applicant explained the need to obtain a variance for the church sign and requested that the city waive the \$600 application fee.

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/Bachman, seconded by C/Lang to approve 08-01-V (VARIANCE) – Kuna Life Church. Motion carried 4-0.

C. PUBLIC HEARING: PROPOSED IRRIGATION ASSESSMENTS

ADOPT RESOLUTION NO. R03-2009 SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE MUNICIPAL IRRIGATION SYSTEM FOR SAID CITY; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2009

IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2009 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2009 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2009 IRRIGATION SEASON; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; AND SETTING AN EFFECTIVE DATE.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

C/Bachman moved, seconded by C/Lang to adopt Resolution No. R03-2009. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Cardoza, Stroebel

NOES: None

ABSENT: None

D. PUBLIC HEARING: PROPOSED STREET LIGHT FEE CHANGES.

1. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-08: AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF KUNA, A MUNICIPAL CORPORATION, STATE OF IDAHO, BY ADDING NEW CHAPTER 8 TO TITLE 7 REGARDING ESTABLISHMENT OF FEES FOR THE CITY STREET LIGHT SYSTEM, SETTING AN EFFECTIVE DATE, PROVIDING FOR SEVERABILITY, AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT THEREWITH.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Tim Gordon, 1206 N. Blackcat, owner of J & M Sanitation stated that he as worked with CE/Law on this project. He saw that the police department had contributed to helping resolve the budget deficit and wanted to help as out as well. He will continue to maintain the same level of service.

M/Dowdy- Thanked Mr. Gordon for assisting the city with their budget shortfall by reducing the amount of his franchise fees.

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2009-08. Motion carried 3-1 (C/Cardoza voted no).

Moved by C/Lang, seconded by C/Bachman to adopt Ordinance No. 2009-08 with the discussed changes. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Stroebel

NOES: Cardoza

ABSENT: None

2. ADOPT RESOLUTION NO. R04-2009 SETTING FORTH AUTHORITY FOR ADOPTING STREET LIGHTING FEES; ESTABLISHING MONTHLY FEES FOR STREET LIGHTING BASED ON BENEFIT RECEIVED; ESTABLISHING CRITERIA FOR CONSTRUCTION OF STREET LIGHTS; REPEALING FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Bachman to adopt Resolution No. R04-2009. Motion carried 3-1 (C/Cardoza voted no).

3. ADOPT RESOLUTION R05-2009 AMENDING RESOLUTION R23-2008 ADOPTING FEES FOR SOLID WASTE COLLECTION SERVICES AND AMENDING THE FRANCHISE FEE RATE.

Moved by C/Lang, seconded by C/Bachman to adopt Resolution No. R05-2009. Motion carried 3-1 (C/Cardoza voted no).

9. ORDINANCES:

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance Nos. 717A, 2007-22A and 2009-09. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance Nos. 717A, 2007-22A and 2009-09. Motion carried by the following Roll Call vote:

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

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –
ORDINANCE NO. 717A: AN ORDINANCE AMENDING ORDINANCE NO. 717 ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS THE MINERAL SPRINGS SUBDIVISION NO. 2, AKA GEM STATE SUBDIVISION, 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.
- B. 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. (Continued to February 17, 2009)
- C. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS –
ORDINANCE NO. 2007-22A: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING ORDINANCE 2007-22 ANNEXING A PORTION FROM BOISE KUNA 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.
- D. 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. (Continued to February 17, 2009)
- E. 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. (Continued to February 17, 2009)

- F. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS – ORDINANCE NO. 2009-09: AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS S1312212400, R7135690180 AND S1312417410, 750 W. HUBBARD, 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.

10. MAYOR /COUNCIL DISCUSSION:

M/Dowdy pointed out that the Ordinance establishing the Design Review Committee called for 7 members; however, the committee had actually been operating effectively with only 6 members. The Committee has asked that the Ordinance be amended to require only 6 members. With a consensus of the Council, the Ordinance can be amended.

M/Dowdy further stated out that the current reimbursement rate for employee mileage is at the federal rate of \$.585 per mile. He pointed out that the City is not obligated to pay at the federal rate and asked that the Treasurer look into an appropriate reimbursement rate.

C/Stroebel asked if the Mayor planned to give a State of the City address. The Mayor indicated he would.

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION:

- 13. ADJOURNMENT:** There being no further business to discuss, moved by C/Lang, seconded by C/Bachman at 8:54 p.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: MARCH 3, 2009