

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

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

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

M/Dowdy called the meeting to order at 7:01 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 and City Treasurer John Marsh.

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

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

**4. CONSENT AGENDA:**

Moved by C/Lang, seconded by C/Bachman 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 OF SPECIAL AND REGULAR MEETING OF MARCH 3, 2009**

**B. APPROVED ACCOUNTS PAYABLE DATED MARCH 12, 2009 IN THE AMOUNT OF \$217,128.97.**

**C. APPROVED BUSINESS LICENSE FOR LISA EDWARDS, "PAINT A ROOM BY LISA E," 1534 W. CASTRO DR.**

**D. APPROVED BUSINESS LICENSE FOR RICK AND VICKI INGRAHAM, "ON THE GO MOTO MOBIL DIRT BIKE SERVICE," 302 W. TROY.**

**E. APPROVED BUSINESS LICENSE FOR MIKE RUSSELL, "TRUGREEN LAWN CARE," 2393 E COMMERCIAL ST., MERIDIAN.**

- F. APPROVED ADDENDUM TO JOINT POWERS AGREEMENT WITH THE ADA COUNTY SHERIFF'S OFFICE AND THE ADA COUNTY PROSECUTING ATTORNEY'S OFFICE TO REFLECT THE REDUCED CONTRACT AMOUNT OF \$1,279,304.23.

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

REQUEST BY WALT DOUGLAS FOR PERMISSION TO CONSTRUCT A SIGN ILLUSTRATING THE BALLPARK PROJECT FOR PUBLIC INFORMATION AND WAIVER OF FEES FOR THE PERMIT ON THE HANDICAPPED RAMP TO BE INSTALLED IN THE PARK.

Walt Douglas requested to place a sign near the backstops and requested a waiver of fees for the permit on the handicap ramp to be installed.

Moved by C/Lang, seconded by C/Bachman to approve waiver of the fees and allow construction of the sign and handicapped ramp. Motion carried 4-0.

**6. OLD BUSINESS:**

RECEIVE AND FILE STAFF REPORT PREPARED BY THE CITY ENGINEER SUMMARIZING RESULTS OF THE TOWN HALL MEETING HELD ON MARCH 12, 2009 REGARDING PRESSUE IRRIGATION TO OLD TOWN.

CE/Law reported that he had heard from approx. 40 respondents by end of the meeting and now have between 45-50. There were 23 opposed and 20 in favor. He wanted to have at least 50% of the parcel owners to determine which direction to move forward.

M/Dowdy stated that some of the people responding were not aware of the financing option. He asked if CE/Law would send a follow-up letter providing the details of the financing.

CE/Law further reported that one person approached him regarding campaigning the property owners in favor of the project and suggesting everyone talk to their neighbors. CE/Law will reassess after the campaign is conducted.

**7. NEW BUSINESS:**

- A. CONSIDER REQUEST BY PHIL AND SUE OKUYAMA FOR A NON-COMMERCIAL KENNEL LICENSE, 1404 N. CABRILLO.

Phil Okuyama 1404 N. Cabrillo provided information from neighbors that he didn't have any odor issues from his dogs.

M/Dowdy read a statement by Rebecca Bagness, 1382 Cabrillo Ave., which stated that she had not noticed any type of foul smells coming from the property at 1404 N. Cabrillo.

C/Bachman thought it would be difficult to tell where an odor was coming from.

Mr. Okuyama indicated that the complainant allows his dogs to leave feces in neighbors' yards. Further, Mr. Okuyama had support from neighbors to allow him to keep his dogs.

M/Dowdy asked if there were any barking or noise issues.

Mr. Okuyama responded that there were no barking or noise issues. He asked Council if there was anything that could be done about Mark Hellickson's dogs.

Christopher Brodecker, 1382 Cabrillo indicated that Phil Okuyama lives right next door and doesn't have any problems with his dogs. The complainant walks his dogs and lets them leave their droppings in other yards. Okuyama's dogs are good, friendly and loving. He encouraged Council to approve the license.

M/Dowdy explained that the issue with Mark Hellickson and his dogs leaving droppings is a civil matter and one to be addressed with the subdivision HOA. The City can only deal with the non-commercial kennel license.

Merlin Slyter expressed similar concerns over the complainant's behavior. He delivered copies of statements made by other neighbors supporting the Okuyamas.

Moved by C/Bachman, seconded by C/Stroebel to approve the Non-Commercial Kennel License. Motion carried 3-1 (C/Cardoza voted no).

**B. CONSIDER REQUEST BY SOLANA FERGUSON FOR A NON-COMMERCIAL KENNEL LICENSE, 1079 W. AVALON.**

Solana Ferguson indicated she was home most of the time and that her dogs are kept inside.

Moved by C/Lang, seconded by C/Stroebel to approve the Non-Commercial Kennel License. Motion carried 4-0.

**C. REVIEW STAFF REPORT PREPARED BY THE CITY ENGINEER REGARDING "BOARD OF CORRECTION POLICIES, BOARD OF CORRECTION MEETING, PRESSURE IRRIGATION ASSESSMENT AND FEES AND GRAVITY IRRIGATION ASSESSMENT AND FEES" AND DIRECT STAFF AS APPROPRIATE.**

CE/Law announced that there will be a Board of Corrections Meeting on Friday, March 20, 4-5 p.m. for pressurized irrigation assessments. Included in the memorandum are examples of the type of questions staff has received in setting assessments. They fall into 6 basic categories and he gave the details of each category. Council will be able to review each request and make a conclusion at the Board of Corrections. Staff will be directed by motion of Council to adjust the assessment roll according to adopted directions. The purpose of Board is not to redo the roll setting the assessments but to see if the roll has been evaluated by staff.

C/Cardoza asked if there will be an agenda for Friday meeting.

CC/Burgess – Confirmed there would be an agenda.

**D. REVIEW STAFF REPORT PREPARED BY THE CITY ENGINEER REGARDING STREET LIGHT FEE CHARGED TO UPTOWN CAR WASH.**

CE/Law explained how staff will resolve questions about street light fee assessments. The fee is based on equivalent dwelling units generally from the sewer system, multiplied by the street light fee which is \$.75. Uptown Carwash has been assessed 24 EDUs for a total of \$18.00 a month and has filed an appeal. CE/Law felt that \$18.00 is out of line for the establishment and it was reasonable that sewer flow for this facility doesn't represent the number of people who benefit from the facility. In this instance, the fee could be reduced to a total of \$2.25 per month.

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

**9. ORDINANCES:**

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS  
ORDINANCE NO. 2009-09A: AN ORDINANCE AMENDING ORDINANCE 2009-09 ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS S1312212400, R135690180 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.

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

Moved by C/Stroebel, seconded by C/Lang to adopt Ordinance 2000-09A. Motion carried by the following Roll Call vote:

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

**10. MAYOR /COUNCIL DISCUSSION:**

M/Dowdy announced that City property removed from Sadie Creek Pond has been returned. In a separate incident, the pond and liner were damaged by vandals shortly after the property was returned to the City. It is estimated that the replacement cost of the liner is approx. \$50,000-\$75,000 or it could be replaced by a less expensive clay liner.

M/Dowdy reported that one of the conditions of approval for the Applewood Subdivision was that no two story homes would be constructed on lots adjacent to Ten Mile Rd. Corey

Barton Homes bought the subdivision and is building a two-story home in that location and P&Z has sent them a letter reminding them of the conditions of approval.

M/Dowdy next reported that Hoss Grigg has asked that the City consider amending its catering ordinance to allow businesses to sell away from their premises. The Mayor asked Mr. Grigg about concerns from the Police Chief, if the request is just for Kuna Days or on other occasions or permanently. The Mayor requested that the City Attorney look further into the request.

Hoss Grigg, President, Kuna Days, proposed that establishments be allowed to have special events in their parking lots or allow establishments to be fenced into the entire area of the street dance so that patrons can carry their drinks away from the establishment.

In response to C/Cardoza, Mr. Grigg stated that he would like to establishments to have the right to expand the footprint of their building for special events at any time throughout the year and that the waiting period before approaching Council for approval (28 days) is longer than any other City waiting period in Ada County.

C/Lang asked what would be done about patron parking if establishments expanded their footprint into their parking lots.

CA/Grove explained that when a permit is for an event in a building, it's easy to define the footprint but for outside the premises, the Ordinance would be *(remaining comments unintelligible.)*

C/Lang reiterated that parking should be addressed.

C/Stroebel asked the City Attorney to look into other cities ordinances to help Council with a decision.

M/Dowdy suggested bringing the matter back discussion on April 21<sup>st</sup>

C/Cardoza asked the City Attorney if they should require that City be named as additional insured on the establishment's policy.

C/Cardoza stated, in reference to the pond liner damage, didn't the City have a quote for fencing some time ago?

CE/Law reported that the City is approaching the end of the contracts for the WWTP. One of the contractors appears to be in financial difficulties so he has asked the City Attorney to assist in negotiating final change orders for completion.

M/Dowdy then announced that a rash of vandalism and graffiti has appeared in Kuna lately. Cleanup is being handled by Sheriff under a justice grant. In addition, the city does not receive a franchise fee from Idaho Power. The last time the contract was negotiated between Idaho Power and the City was 1965. Idaho Power says the contract is for zero percent. There

are 6 more years on the contract but it has been decided to try and renegotiate before the expiration of the contract.

**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 at 8:15 p.m. Motion carried 4-0.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: APRIL 7, 2009