

**KUNA CITY COUNCIL MEETING  
MINUTES  
JUNE 2, 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 7:00 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 and Planner Troy Behunin.

**2. INVOCATION:** Morrie Lewis, Bible Missionary Church

**3. PLEDGE OF ALLEGIANCE:** Mayor Dowdy

**4. CONSENT AGENDA:**

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

**AYES:** Lang, Bachman, Cardoza, Stroebel

**NOES:** None

**ABSENT:** None

**A. APPROVED MINUTES OF REGULAR MEETING OF MAY 19, 2009.**

**B. APPROVED ACCOUNTS PAYABLE DATED MAY 29, 2009 IN THE AMOUNT OF \$821,373.42.**

**C. APPROVED FINDINGS OF FACTS AND CONCLUSIONS OF LAW FOR 09-01-RZ/09-01-DA, CITY OF KUNA.**

**D. APPROVED BUSINESS LICENSE FOR MARTIN DEL RIO, "DEL RIO 1 PROFESSIONAL SERVICES," 132 E. SNOWY OWL ST.**

**E. APPROVED BUSINESS LICENSE FOR MATTHEW AVERY, "KUNA LAWNCRAFTERS," 2197 W. CRENSHAW ST.**

**F. APPROVED BUSINESS LICENSE FOR JOHN MCGREW AND LEO ARTEAGA, "IDAHO TECH REPAIR, INC.," 1152 W. AVALON.**

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- G. APPROVED BUSINESS LICENSE FOR BRENT AND ANGELA HAYNES,  
“FREEDOM MAIDS,” 1035 S. RULER AVE.

**5. CITIZEN’S REPORTS OR REQUESTS:**

- A. PRESENTATION OF KUNA CLEAN-UP PRIZE AWARDS BY CHAD GORDON OF  
J & M SANITATION.

Chad Gordon presented awards to groups participating in the clean-up: \$100 to Real Life Girls Club; \$100 to Cub Scout Pack 106; \$100 to Girl Scout Troup 168; \$100 to Boy Scout Troup 256; and \$100 to Cub Scout Pack 813.

- B. PRESENTATION BY BOB McQUADE, ADA COUNTY ASSESSOR’S OFFICE.

Mr. McQuade reported that assessed values have decreased. He explained that he validates property values by multiple listing sales which are at an 11 ½% change from January 2008 to December 2008, the medium decrease. The tax medium decrease is 12% that indicates the valuation is reasonable. Last year the ratio was at 100% on approved residential property. Vacant land was a little bit of a problem last year, the ratio was 103% but they were still in compliance. 186,000 assessment notices were sent out on May 22, 2008; 6500 of which were to property owners in Kuna. The total market value of Kuna is about \$800,000,000 which is down about 13% over the previous year. That’s in line with the rest of the county. The taxable value less exemptions is \$534,000,000 which is off 15%. The homeowner’s exemption has gone up to \$104,500. Next year it will probably go down. There is a little over 6000 residential parcels which is up about 5%. The market value is \$722,000,000 and that’s off 15%. Residential market value is at 90% of the total value. That’s high. The rest of the county is around 60%. The medium change is off by 14%, which is one of the higher ones. The county as a whole is off around 11 ½ to 12 %. The commercial has 427 parcels, a little less than the year before. The commercial market is \$78,000,000, which is an 11% decrease. Commercial is 10% of the total value. The decrease is 8 ½%. New constructions can increase the budget. Last year’s levy times the new construction is the amount that the budget can be increased by. That is about \$24,000,000. That’s about half of last year. Residential is 229 parcels which is high. That’s a 20% increase. Commercial is 3 new parcels. In Kuna, 88% of property tax is paid by residential and commercial is 12%. County wide is 66% in residential and 34% commercial.

**6. OLD BUSINESS:**

**7. NEW BUSINESS:**

- A. APPROVE LICENSE FOR SALE OF LIQUOR BY THE DRINK AND ON PREMISE  
BEER – THE ARLENE, 459 W. MAIN ST.

In response to C/Bachman’s question regarding what has Planning and Zoning approved so far, P & Z D/Hasson explained that the Commission approved the Special Use for the

Arlene in March 2009 at which time the building footprint was displayed.

M/Dowdy pointed out that this property is within 300 feet of a school and that the school district has been asked for an opinion on this.

Mrs. O'Leary responded to C/Bachman by stated that food will be served, the clientele will be required to be over 21, classical music will be played and that the lounge will be smoke free.

P&Z Dir/Hasson distributed copies of the building footprint and spoke about the conditions of approval.

Vernon K. Smith, attorney representing the O'Leary's explained that, initially, they were at the Old Firehouse with a liquor license. The Alcohol Bureau noticed the business license had Sandra Whitehead's name on it as she was operating the sandwich shop for the O'Leary's. The liquor license was denied until everything had been resolved with respect to the business license. A second liquor license became available under Larry O'Leary's name as Freedom Contractors. The State let them withdraw one license and they chose to keep the one at the Arlene building. He gave a description of the facilities.

C/Bachman asked if the P&Z Commission discussed the patio, which was open to the alley, during their review of the Special Use Permit.

P & Z D/Hasson responded that the Commission did discuss the alley and had issues about wall height. The patio will be closed off to the alley with a gate.

Mr. Smith reiterated that the plan is to have a gate. Mr. O'Leary wanted the wall high enough to prevent kids from climbing over and to avoid dust and wind.

In response to C/Bachman, Planner Behunin stated that there was no public opposition to approving the Special Use Permit.

Moved by C/Bachman, seconded by C/Stroebel to approve the license for sale liquor by the drink and on premise beer at the Arlene 459 W. Main St. with the attached footprint received this evening. Motion carried 4-0.

**B. ADOPT RESOLUTION R16-2009 TO AWARD BID AND AUTHORIZE SIGNING OF CONTRACT DOCUMENTS FOR THE INDIAN CREEK PIPE LINE FINISH PROJECT.**

Moved by C/Bachman, seconded by C/Lang to adopt Resolution R16-2009 to award the bid and authorize signing of contract documents for the Indian Creek Pipe Line Finish Project to Schmidt Construction. Motion carried by the following Roll Call vote:

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

ABSENT: None

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

**PUBLIC HEARING – 09-01-ZOA: SEPTIC TANK/SEPTIC SYSTEM TEXT AMENDMENT**

P&Z D/Hasson reported that the purpose of the text amendment is to modify the septic tank ordinance in Kuna City Code 5-16-4 relating to special developments. Last year, 4 exceptions were established, more recently, a new circumstance has come about that can't be satisfied by any of those 4 exceptions. That pertains to Idaho Baptist College at the corner of Columbia and Highway 69. They are ready to construct but public sewer is more than a couple of miles away. The text amendment would allow public and quasi-public facilities located on vacant property where sewer is more than 300 feet away from the property line. Central District Health or another organization would provide for approval. He read into the record the text amendment.

M/Dowdy stated that the third paragraph says 'the property owner shall pay all public fees at the time of sewer connection.' He explained that 'public fees' needs to be defined.

CA/Grove reported that this section only pertains to sewer connection fees so it can specify the fees are for sewer connection.

C/Bachman asked the City Engineer to establish when the fees should be paid.

M/Dowdy opened the Public Hearing.

**SUPPORT**

Jim Coslett, Idaho Baptist College reported that they intend to have a 40,000 sq. ft. bldg, with maximum occupancy of 1,100. 2 drain fields of 1 acre each including a replacement field are required. They can add the sewer lateral from the building out to Columbia Rd. so when connection is available from the WWTP, they will be ready.

Glen Walker, architect for Idaho Baptist College explained that the college is in the early stages of design and the number of restrooms, sinks, etc. is not yet known. Paying up front should be two-way to assure that too much isn't paid until everything is in a final construction document. The College wants to hook up to the sewer system when it becomes available.

**NEUTRAL**

None

**OPPOSE**

None

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

P&Z Director Hasson – He agrees with the comments and the college could be a generator for more businesses. He clarified what the language would be in the development agreement pertaining to sewer connections.

Barbara Brandon, 4381 Cochise Way, Boise reported that if the city could provide service right now, they would hook up to the service.

Gen Walker stated that the College would agree to pay a fee to get the certificate of occupancy so the City would have a hold on the project.

Council directed staff to review the proposed text changes and bring the amendment back for further consideration.

CA/Grove explained that the public hearing should be re-noticed because the proposed text changes would be substantially different than what was originally proposed.

P & Z D/Hasson confirmed that the Public Hearing will be re-scheduled for July 7, 2009 and that the proposed changes will not be reviewed by the P&Z Commission.

**9. ORDINANCES:**

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS  
ORDINANCE NO. 2009-14: AN ORDINANCE OF THE CITY OF KUNA, IDAHO,  
REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO,  
NOW KNOWN AS 758 W. AVALON STREET FROM R-6, MEDIUM-LOW DENSITY  
RESIDENTIAL DISTRICT TO C-1 NEIGHBORHOOD BUSINESS DISTRICT;  
AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH  
CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Bachman to dispense with three consecutive readings of Ordinance 2009-14. Motion carried 4-0.

Moved by C/Lang, seconded by C/Bachman to adopt Ordinance 2009-14. Motion carried by the following Roll Call vote:

AYES: Lang, Bachman, Cardoza, Stroebel

NOES: None

ABSENT: None

**10. MAYOR /COUNCIL DISCUSSION:**

Mayor Dowdy relayed the bid results by ACHD for the sidewalk construction projects and reported that work will begin June 22, 2009 for the sidewalk project from Linder Rd to 2<sup>nd</sup> St. to Kuna Rd. and from 4<sup>th</sup> St. to Linder.

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CC/Burgess reported on amendments to State Code effective July 1, 2009 regarding agenda and meeting noticing requirements. Changes include a new requirement that a meeting notice needs to be posted 5 days before every meeting in addition to posting of an agenda 4 days before every meeting. The 5 day meeting notice requirement can be taken care of by posting a listing of all regular meetings for the City Council and/or P & Z Commission once each year. In addition, agenda items will no longer be allowed to be added to the agenda the day of the meeting; rather, a minimum 24-hour notice is required to be posted. The process will have to be changed somewhat. Agendas may only be amended after the start of a meeting with a motion indicating the reason for the amendment and the "good faith reason the agenda item was not included" on the original agenda.

CA/Grove announced:

1. A Desert Hawk Subdivision developer wants to transfer EDU connections to Silvertip (remaining comments were unintelligible).
2. There has been correspondence from Kuna School District challenging validity of the LID (remaining comments were unintelligible).

M/Dowdy reported that the latest road projections by Compass and ACHD, they indicated that Lake Hazel Rd. will be turned into a 7-lane road from Gowen Rd. to Canyon County to encourage as many people as possible to use Lake Hazel as an alternative route from the freeway to reduce congestion. He then asked CE/Law about the covers eliminated from construction of the WWTP. Mr. Durrant and neighbors were unaware the city was removing that requirement and would they like to have a discussion. He recommended setting a special meeting for June 30, 2009 and including the LID members.

C/Stroebel asked the Mayor to clarify his decision to not allow the owner, Ms. Barton of Wild Ivy to speak to the council.

Mayor Dowdy explained that he told Ms. Barton that the Code section at issue applies to the vendors coming in for her event and not Ms. Barton. Therefore, since the Code doesn't apply to her, she doesn't have standing to challenge the application.

In response to C/Bachman about the Wild Ivy vendor permits, CC/Burgess reported that the applications were delivered by Ms. Barton this morning. There is one still outstanding but all other permits are ready. The code allows the City Clerk to approve them and they are not brought before Council. The City's effort is an attempt to document the vendors in case a consumer has an issue and wants to contact them. If they don't comply, the sheriff can ask them to close down their booth. We do make them aware of special events. They are also on patrol for unlicensed solicitors. She explained that permits for the Wild Ivy Craft Faire had not been required by the City in past years because staff was unaware that vendors were renting booths, outside vendors were being brought in and that booths were setup outside of the building.

CA/Grove responded to C/Cardoza about distinguishing between a business license and a temporary vendor permit. He stated the vendor permit applications are also sent to the

Sheriff's department and there are more administrative time and costs associated with the temporary permit. They don't have a regular place of business if consumers have concerns.

Regarding the cost of \$2.50 for a business license versus \$15 for a temporary permit, M/Dowdy explained that the \$2.50 does not cover the administrative costs. There was been a proposal to raise the fee but the business community didn't support it.

C/Cardoza stated that the fee should cover the administrative costs and staff should look at raising the fee.

CC/Burgess suggested that business licenses should be renewed each year. Without annual renewals, the City's records are out of date. Perhaps business licenses should cost \$25 with a \$2.50 annual renewal fee.

**11. ANNOUNCEMENTS:**

**12. EXECUTIVE SESSION:**

**13. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Bachman to adjourn the meeting at 9:27 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: JUNE 16, 2009