

# **KUNA CITY COUNCIL MEETING MINUTES**

## **JULY 21, 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 7:03 p.m.

**PRESENT:** Council President Jeffery Lang and Council Members Lisa Bachman and Trina Stroebel. Mayor Dowdy and Council Member Richard Cardoza were absent.

**ALSO PRESENT:** City Engineer Gordon Law; City Attorney Randy Grove; Planning & Zoning Director Steven Hasson; City Clerk Lynda Burgess; City Treasurer John Marsh, Planner II Troy Behunin and Planner Tech Maranda Obray.

**2. INVOCATION:** None given.

**3. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council President Lang.

#### **4. CONSENT AGENDA:**

Moved by C/Stroebel, seconded by C/Bachman to approve the Consent Agenda. Motion carried 3-0 (C/Cardoza absent.)

A. APPROVE MINUTES OF SPECIAL MEETING OF JUNE 30, 2009.

B. APPROVED ACCOUNTS PAYABLE DATED JUNE 17, 2009 IN THE AMOUNT OF \$314,249.55.

C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-01-LLA: DON YOUNG LAND CO. LOT LINE ADJUSTMENT.

D. APPROVED BUSINESS LICENSE FOR STEPHANIE KENDALL, "TEVI GRR DESIGNS," 516 E. RED BUD ST.

E. APPROVED LIQUOR CATERING PERMIT SUBMITTED BY LEFFLER'S UPTOWN COFFEE AND BISTRO FOR KUNA DAYS STREET DANCE, AUGUST 8, 2009.

F. APPROVED LIQUOR CATERING PERMIT SUBMITTED BY 4E'S BAR, LLC FOR KUNA DAYS STREET DANCE, AUGUST 8, 2009.

G. APPROVED LIQUOR CATERING PERMIT SUBMITTED BY CK ENTERPRISES OF IDAHO FOR KUNA DAYS STREET DANCE, AUGUST 8, 2009.

H. APPROVED LIQUOR CATERING PERMIT SUBMITTED BY AMERICAN LEGION POST 142 FOR KUNA DAYS STREET DANCE, AUGUST 8, 2009.

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

PROCLAIMED JULY 24, 2009 AS "MICKEY COTTRELL'S 100<sup>TH</sup> BIRTHDAY"

C/Lang read the proclamation and presented it to Ms. Cottrell.

**6. OLD BUSINESS:**

A. APPROVE AGREEMENT WITH IKON FINANCIAL SERVICES FOR A 5-YEAR LEASE OF A MULTI-FUNCTION COPIER/FAX/PRINTER FOR THE KUNA NORTH WASTEWATER TREATMENT PLANT.

In response to C/Bachman, CC/Burgess stated that this is a follow-up to the copier discussion from the last meeting wherein it was suggested that a less professional type of copier be considered. After looking into those options, staff determined that maintenance agreements are not available on those types of copiers and if repairs are needed, the machine has to be sent to the manufacturer which would leave staff without copying, faxing or scanning ability for several weeks. Toner costs are also high with desktop copiers but that cost is included in the maintenance agreement for professional-type copiers. Since approximately 40,000 copies are made at city hall, printers, copiers and fax machines need to be heavy-duty models. The machine requested at this time still has the same functions as the previously-suggested model but it is a scaled-down version. The cost has been lowered for a 6-year lease without interest from \$131 a month to \$99 a month and toner has been included in the maintenance agreement.

Moved by C/Bachman, seconded by C/Stroebel to approve the agreement. Motion carried by the following Roll Call vote:

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

B. APPROVE TRANSFER OF TITLE OF THE CITY-OWNED VAN LEASED TO THE KUNA SENIOR CITIZENS ASSOCIATION.

CT/Marsh indicated that the Idaho Transportation Department has acknowledged that a clerical error had been made when registering the van in the City's name.

Moved by C/Bachman, seconded by C/Stroebel to approve the transfer of title. Motion carried 3-0 (C/Cardoza absent).

**7. NEW BUSINESS:****A. 09-07-TE – ARROYO INDIO SUBDIVISION TIME EXTENSION.**

P & Z D/Hasson reported that this subdivision was approved in 2006. In 2008, the applicant requested a time extension. Staff had recommended at that time that the land be preserved for a collector roadway on Ardell. The applicant didn't want to do that and the City's subdivision ordinance allow for additional conditions of approval to be added if a time extension is requested. Council has since amended the ordinance that allows for a rejection of the extension and also provides for modification of the conditions. He suggested amending the conditions of approval for Arroyo Indio to include that Ardell be preserved for a collector road.

Richard Evans, 9560 W. Pebble Brook Ln., Garden City, applicant, pointed out that last year at the extension there was a discussion why Ardell couldn't go through. ACHD had recommended that Ardell not be opened up because of the railroad tracks and the canal. The Boise Board of Control has an irrigation easement that is on the south property line. They won't give it up and won't allow a road to go on it. As an alternative, Hubbard Rd. to the north already has a dedicated half road with curbs. It will go through in the future as ACHD requires. At previous meetings, it was agreed it could be extended more than two times. He asked if that was still up for consideration.

C/Stroebel asked if the two extension maximum is still accurate.

CA/Grove explained that two extensions were provided for in the changed ordinance that took effect earlier this year. Previously, there was only one extension allowed. As he interprets the new code provision, two time extensions is not retroactive. It doesn't affect past extensions. This would be the first of two in correlation with the new ordinance.

C/Bachman asked if the property would be vacant if Ardell were to be preserved.

P & Z D/Hasson answered yes. In regard to the irrigation district, if they were allowed to block road extensions because of their easements, there would be no roads. Irrigation works with the situation. The width requested is 25' from the half mile section.

C/Bachman wondered if the approval would require the applicant to come back in and change the development agreement.

P & Z D/Hasson explained that it wouldn't necessarily but this would be a condition placed on them. Not all conditions are in the development agreement. The parcels will have to be changed to accommodate the change of the end at the south. He has spoken to Arnold who has the property to the south and he understands he may have to accommodate at some future date.

C/Bachman asked if P & Z could sit down with the applicant and discuss this.

P & Z D/Hasson agreed that this could be done.

Moved by C/Bachman, seconded by C/Stroebel to continue the matter, 09-07-TE to the August 4, 2009 meeting to allow staff and the applicant time to meet and revisit the southern access at the mid mile. Motion carried 3-0 (C/Cardoza absent).

B. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR JENNIFER AND DON HOFFMAN, 924 W. TRINI DR.

Don Hoffman, 924 W. Trini Dr. stated that they have had the dogs for several years but only recently found out that they needed to obtain a non-commercial kennel license to keep their dogs.

Moved by C/Stroebel, seconded by C/Bachman to approve a non-commercial kennel license for Jennifer and Don Hoffman. Motion carried 3-0 (C/Cardoza absent).

C. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR PATRICIA HUCKSTEP, 204 W. 4<sup>TH</sup> ST.

Moved by C/Stroebel, seconded by C/Bachman to continue the matter to the August 4, 2009 meeting to request that the applicant be present. Motion carried 3-0 (C/Cardoza absent).

D. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR KIM PAYTON, 1464 W. TOPANGA CT.

Moved by C/Stroebel, seconded by C/Bachman to approve a non-commercial kennel license for Kim Payton. Motion carried 3-0 (C/Cardoza absent).

E. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR MIGUEL LARA, 135 CEDAR AVE.

Moved by C/Stroebel, seconded by C/Bachman to approve a non-commercial kennel license for Miguel Lara. Motion carried 3-0 (C/Cardoza absent).

F. CONSIDER IMPLEMENTATION OF A FRANCHISE AGREEMENT WITH IDAHO POWER.

P & Z D/Hasson indicated he became aware of the agreement yesterday that they have provided an ordinance for consideration. He would like to review the previous agreement ordinance in place from September 1965. He expressed concern about some of the language that could affect the 500kV line.

C/Bachman asked CA/Grove if he'd talked to Idaho Power or reviewed the draft ordinance.

CA/Grove stated that he had not seen it before but that he would put together some recommendations.

Moved by C/Stroebel, seconded by C/Bachman to continue the matter until the City Attorney has reviewed the draft Ordinance and can make recommendations to the City Council. Motion carried 3-0 (C/Cardoza absent).

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

PUBLIC HEARING: 08-09-DA – AMENDMENT OF SEASONS CREEK SUBDIVISION DEVELOPMENT AGREEMENT

Applicant withdrew request.

Public Hearing not opened.

**9. ORDINANCES:**

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS  
ORDINANCE NO. 2009-15: AN ORDINANCE OF THE CITY OF KUNA, IDAHO  
AMENDING SECTIONS 3-2-3, 3-2-4 AND 3-2-8 OF THE KUNA CITY CODE;  
REPEALING SECTION 3-2-6 OF THE KUNA CITY CODE; AND PROVIDING AN  
EFFECTIVE DATE.

Mayor Dowdy arrived at 7:56 p.m.

C/Stroebel stated that she wanted to look at making a change to 3-2-4-E and was interested in altering that section to make approval on a case-by-case basis rather than exempting only one event from this provision. There are other events that the city isn't aware of and wanted to maintain the standing but allow for additions.

CA/Grove explained that some of the suggested changes are clean up of inconsistencies but the main purpose was to address the lead time of catering permit applications.

Hoss Grigg, Kuna Days Chairman, explained the process with Ada County and what compromise could work to help local catering event license applications.

After discussion, CA/Grove was directed to modify the language to read that catering permits will be submitted no later than noon Wednesday prior to the next council meeting prior to the event.

Moved by C/Lang, seconded by C/Stroebel to dispense with full reading and three consecutive readings of Ordinance No. 2009.15. Motion carried 3-0 (C/Cardoza absent).

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2009-15. Motion carried by the following Roll Call vote:

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

**10. MAYOR /COUNCIL DISCUSSION:**

M/Dowdy announced that Idaho Power has set back the Gateway West Transmission Line project by several months to get more input. The City sent in alternatives suggesting that the lines be routed to BLM land. The meeting this morning with Idaho Power was attended by Gordon Law who reported that the City's suggestions are being reviewed.

M/Dowdy also announced that a parks employee had approached him about the Skate Park. Bicyclists are using the skate park and damaging the concrete. He suggested that a policy or resolution be adopted to restrict use of concrete area to skates or skateboards only.

C/Lang updated Council on the entrance in Kuna Days parade. Due to budget concerns, Council was asked to provide their own candy to throw. He requested to use the City truck again.

Joe Luppens announced that there will be "Complete Census" booth during Kuna Days and would like Council Members to drop by to show their support.

C/Bachman stated that she was interested in finding out how the Gateway West Project would be paid for and how the cities would be impacted financially. Would like further information from Idaho Power on the project and how are our user fees going to be impacted.

CA/Grove reported that he and CE/Law met with a consultant from Arizona who has a great deal of experience in dealing with financially-troubled public projects such as the LID.

**11. ANNOUNCEMENTS:**

**12. EXECUTIVE SESSION:**

Moved by C Lang, seconded by C/Stroebel to adjourn to Executive Session pursuant to IC Section 67-2345(a) for discussion of personnel at 8:34 p.m. Motion carried by the following Roll Call vote:

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

RECONVENE: M/Dowdy reconvened the regular meeting at 8:54 p.m.

In reply to M/Dowdy, CE/Law stated that he is working through the letter received from Creekside regarding water charges and will respond.

CE/Law also stated that he received a request from an elderly woman's family to see if the city would finance the cost of sewer hookup because of a septic failure. He asked Council for their recommendation.

Council discussed the limitations and directed CE/Law look further into creation of a policy.

**13. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 9:00 p.m.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: AUGUST 18, 2009