

KUNA CITY COUNCIL MEETING MINUTES

JULY 7, 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 7:02 p.m.

PRESENT: Mayor Dowdy, Council President Jeffery Lang and Council Members Lisa Bachman, Richard Cardoza and Trina Stroebel.

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 Mapping GIS Mike Borzick.

2. INVOCATION: The Invocation was given by Pastor Bruce Wheeler, New Beginnings Christian Church

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

4. CONSENT AGENDA:

Moved by C/Bachman, seconded by C/Stroebel to remove Items 4.F. and 4.H. from the Consent Agenda. Motion carried 4-0.

Moved by C/Lang, seconded by C/Bachman to approve the Consent Agenda as amended. Motion carried 4-0.

A. APPROVED MINUTES OF REGULAR MEETING OF JUNE 16, 2009.

B. APPROVED ACCOUNTS PAYABLE DATED JULY 2, 2009 IN THE AMOUNT OF \$510,988.02.

C. APPROVED LIQUOR CATERING PERMIT SUBMITTED BY LONGHORN, LLC FOR AN AMERICAN LEGION BENEFIT AT THE COMMUNITY HALL ON AUGUST 7, 2009.

D. APPROVED LIQUOR CATERING PERMIT SUBMITTED BY LONGHORN, LLC FOR KUNA DAYS, AUGUST 8, 2009.

E. APPROVED BUSINESS LICENSE FOR KELLI SHINER, "KELLI SHINER HOUSE CLEANING," 2038 N. MAROON AVE.

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- G. ADOPTED RESOLUTION NO. R18-2009: AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ADDENDUM NO. 3 TO AGREEMENT FOR ENGINEERING SERVICES – NEW MEMBRANE BIOREACTOR WASTEWATER TREATMENT FACILITIES AND MAJOR INFLUENT AND EFFLUENT SEWER PIPELINES PRE-DESIGN, DESIGN AND CONSTRUCTION SUPERVISION SERVICES WITH KELLER ASSOCIATES.
- I. APPROVED 09-06-E (TIME EXTENSION) FOR THE SANCTUARY SUBDIVISION RELIMINARY PLAT.

ITEMS REMOVED FROM THE CONSENT AGENDA:

- F. 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.

C/Cardoza wanted clarification that there would be 60 payments at \$131. That's a total cost of \$7,860.

CC/Burgess confirmed the price and stated that since there are no finance charges, the cost would be the same if the City purchased it now or spread the cost over 60 months.

C/Cardoza pointed out that the copier in his office cost \$495 at Costco 3 years ago. 50 to 60 copies are made every day. At his cost, he could replace the copier every year and still only spend \$2,000.

CC/Burgess explained that this copier was chosen because of its multi-functionality. With this machine, it will not be necessary to purchase a separate fax machine and printers for each of the computers to be used by staff. Usage is estimated to be much higher than 60 copies daily.

C/Cardoza then pointed out that his office has printers at each of the desks which were purchased for approximately \$150 each. There is internet in the office that allows faxes to be sent from the computers as long as there is cable or satellite available.

CC/Burgess explained that neither cable nor satellite is available at the treatment plant site.

In response to C/Bachman, CC/Burgess stated that no other copiers were explored. They were specifically looking for a multi-function machine to eliminate all the other machines. There will be 5 or 6 people or more using a printer. There is no intent to buy individual printers.

In reply to C/Bachman, CC/Burgess stated that a budget was created in the sewer fund specifically for outfitting the treatment plant.

C/Bachman stated that she was unsure what a usual lease agreement costs or what it entails but she didn't think it was too much costly at \$131 a month.

C/Stroebel asked if this copier has the stapling functions and collates.

CC/Burgess responded that the machine staples and collates. When the quotation request was placed, she indicated that stapling and collating were not necessary; however, heavy-duty copiers now have finishers built in and most are capable of copying in color even though this feature also was not requested.

C/Stroebel asked who would be housed at the treatment plant in addition to maintenance staff.

M/Dowdy reported that he has considered moving the City Engineer and Utility Billing staff to that location.

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

C/Bachman indicated that she received page 1 of 59 of the contract and asked what the other pages in the document indicated as far as the city's obligation to carry insurance.

CT/Marsh explained that the agreement stipulates that once the department has determined the vehicle has served a purposeful life, the ITD releases its interest in the vehicle. The original agreement with the Senior Association required a minimum of \$500,000 in liability coverage. They must name the ITD and the City of Kuna as additionally insured.

C/Cardoza asked if the contract needed to be changed to clarify that the agreement is between the ITD and the Kuna Senior Association.

CT/Marsh explained that the Senior Association was mistakenly thought to be part of the city but it is its own entity. The contract is directly with the Kuna Senior Association. He will check with the ITD to clarify.

C/Cardoza asked to wait to transfer the title until the contact is clarified.

CT/Marsh stated that, after the 3 year period is over, the rest of the agreement takes effect. The ITD is still lien holder and the title needs to be transferred.

CA/Grove reported that it appears the City of Kuna should have never been on the title to begin with. This is a clerical error, not selling an asset that doesn't belong to the city.

Moved by C/Cardoza, seconded by C/Bachman to table 4.F. and 4.H. to the next meeting on July 21, 2009. Motion carried 4-0.

5. CITIZEN'S REPORTS OR REQUESTS:

A. PRESENTATION BY AX YEWER, ADA COUNTY DEPUTY PROSECUTOR RE FY 2009-10 BUDGET.

Mr. Yewer reported that there were 526 cases handled for Kuna last year compared to the previous year of 371 cases. Hours spent by his office on these cases increased by 125 requiring an increase in next fiscal year's budget from \$29,400 to \$38,082.

Approximately 135 cases were handled for Kuna in the first quarter of fiscal year and it is estimated that another 540 cases will be handled by the end of the fiscal year. Because of the increased number of cases throughout the county, his department is asking County Commissioners for another position in the upcoming fiscal year to help with the case load. The city is only charged for attorney time, not for victim witness coordinators, restitution personnel time or support staff.

C/Bachman – Confirmed the cost for the upcoming year and asked if it included the 21%.

In response to C/Bachman, Mr. Yewer explained that expansion of the City's boundaries has contributed to the higher number of cases being handled.

6. OLD BUSINESS:

A. APPROVE BUSINESS LICENSE FOR CARLYN MARTIN, "CJ'S FROZEN TREATS," 1022 N. SLUICE WAY (Continued from 6/19/09).

CC/Burgess indicated that she contacted Mr. Martin after the last continuation and he agreed to attend tonight.

Moved by C/Bachman, seconded by C/Lang to continue the matter to the July 21, 2009 meeting. Motion carried 4-0.

B. APPROVED LOT SPLIT 09-02-LS, CITY OF KUNA (Continued from June 16, 2009).

PII/Behunin – This is to split off a small fragment of a city parcel in order to secure a lot for the Boys and Girls Club through an auction process. The parcel lot is approximately 800 square feet. There is a 3 part process, the lot split, a lot line adjustment and a rezone.

C/Cardoza – Asked if the parcel description goes between the city property and the Mellin's property. The entire north south.

PII/Behunin – No it doesn't. A section of the border has a small fragment of a couple hundred feet.

M/Dowdy – The Boys and Girls Club was the only bidder for the property and successful bidder. The bid covered the costs to the city of survey, insurance, title transfer.

Moved by C/Lang, seconded by C/Stroebel to approve Lot Split 09-02-LS for Butler Park. Motion carried 4-0.

7. NEW BUSINESS:

A. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR PATTI MONROE, 1398 W. AVALON ST.

Patti Monroe, 1398 W Avalon St was present

C/Bachman – There was only a letter of support, none in opposition

Moved by C/Lang, seconded by C/Stroebel to approve non-commercial kennel license for Patti Monroe at 1398 W. Avalon St. Motion carried 4-0.

C. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR MICHAEL F. GLASGOW, 856 W. TRINI DR.

C/Bachman asked CC/Burgess about her memo that there are assertions that the dogs are being bred for the purpose of sale. She said she didn't see anything that indicated that.

M/Dowdy asked Mr. Glasgow if he was breeding the dogs.

Michael B. Glasgow, 856 W. Trini Dr. responded that he was not breeding his dogs. He further stated that he built a kennel and dog run on the east side of the yard as far away from the neighbors as possible.

In response to C/Stroebel, Mr. Glasgow explained that the exterior fence has been in place for 2 years. There are also interior fences with an entrance for the dogs to the air conditioned garage. The dogs are inside by 10 at night.

C/Bachman asked Mr. Glasgow if he received a letter by Michael Duggan, attorney at law, dated June 30, 2009, regarding the opposition.

Mr. Glasgow replied that he did not receive a copy. Several people were present to testify on his behalf and brought a supportive letter from a neighbor across the street.

C/Bachman stated that the city council received a letter of support from Patricia Hunt but council also received a letter of opposition. Perhaps there was a misunderstanding, since the letter from the attorney referred to a special use permit and this isn't a special use.

CC/Burgess clarified that it was the interpretation made by the attorney that the city needed to issue a special use permit. Staff has determined that that is incorrect but assertions have been made that breeding is being done and that issue needs to be settled.

In response to C/Cardoza, Mr. Glasgow stated that the fence had been repaired and the inside fence is lined with the bricks to prevent the dogs from digging. The females are

being spayed. He explained that he sometimes goes out of town with his parents or when work has been shut down but always makes arrangements for letting the dogs out. There may have been a miscommunication on the occasion in question and the dogs were not put inside one night.

Gaylan Olson, 872 W. Trini explained that the dogs constantly bark at night and charge the fence, the female will hit the fence. He stated that he cannot be out in his yard without the dogs being a nuisance. In addition, subdivision CC&R's state that they can only have 2 animals.

M/Dowdy pointed out that CC&R restrictions are a civil issue between the neighbors and the homeowners association. Your attorney raises allegations of breeding, what evidence do you have in regard to that.

Mr. Olson responded that there was a litter of puppies litter at one time but he wasn't sure if breeding was taking place.

In response to C/Cardoza, Mr. Olson stated that the litter was in Mr. Glasgow's back yard a year and half or two years ago but there haven't been any further litters.

C/Cardoza pointed out that the Mr. Olson's attorney contended in the first paragraph that the dogs are not properly cared for. C/Cardoza asked by what standard are they not cared for.

Mr. Olson explained that dogs bark for a reason. He felt they are neglected and don't get the attention they need. If people are always gone and working and aren't there to take care of the dogs or walk them, that's a form of neglect if they continue to be a nuisance to the neighbors. The dogs don't look malnourished.

Michael B. Glasgow, 625 E. Ridgestone, father of the applicant, explained that the complaint is the result a neighbor feud. Michael has had these dogs for years and cares for them. He has gone to great lengths to make everything as amicable as possible with the next door neighbor. The fence is a 6' privacy fence and if the dogs bark at someone in the next yard, they're just dogs. They just do that. As soon as the dogs are told to be quiet, they quiet. There hasn't been an issue in the last three years until now. They have moved from one side of the yard to the other side. He described the dog run and the entry hole into the garage. They love the dogs and weren't aware of the three dog rule in Kuna.

Judy Olson said she lives next door to applicant. When he first moved in, they got along fine. Loved his dogs. They brought in a different female to mate with their male but it didn't take. They had a good sized litter of pups with the other female. When the female had the litter, she turned grouchy. Her infant granddaughter cannot spend time in backyard because Glasgow's dogs violently charge the fence and constantly barks. The hole in fence was only recently repaired but was left unrepaired for quite a long time. Would like a peaceful settlement and the applicant to control his dogs.

In response to C/Cardoza, Mrs. Olson stated that the applicant fixed the hole in the fence within the last 2 or 3 weeks. The hole was there for a while. She doesn't know how his white dog got in her backyard.

Anna Newman and Ty Billings, 912 N Sluice Way, live directly behind the applicant's house and have never have any problems with the dogs. They have a baby and a dog in their backyard all the time that swim in the pool. The dogs do not charge the fence or bother them at all. They didn't know there were 3 dogs back there. They have never yelled shut up to the dogs.

C/Bachman stated that it sounds as though the applicant has moved the kennel and provided access to the garage in an attempt to contain them and reduce the barking. She was unsure what is done if barking complaints are received.

Sgt. Kinzel, Ada County Sheriff, explained that if a complaint on barking dogs is called in, there is a disturbance code, a misdemeanor. The complainant signs a citation and the police serve it.

In response to C/Cardoza, Sgt. Kinzel stated that the code is unique where peace cannot be disturbed. The area is tricky that the complainant signs the citation. Then both parties go to court.

In response to M/Dowdy, Sgt. Kinzel stated that the officer does not have to hear the barking dog. The humane society serves citations also.

C/Bachman pointed out that the non-commercial license code only requires that the dog is contained in a kennel area in the back yard if there are more than 2 dogs. It sounds like the applicant has done that but it sounds like there are still some barking issues.

Michael Glasgow stated that the humane society came out about a dog at large but it wasn't his dog and he learned at that time that he needed a non-commercial license.

C/Bachman asked CC/Burgess if her recommendation of denial of the application was because the applicant was breeding the dogs.

CC/Burgess responded that that is correct based on the allegations made in the letter from the attorney, which differ from the testimony heard tonight.

C/Cardoza instructed CC/Burgess to include humane society incident reports in council packets in the future.

CC/Burgess explained that there the humane society does not send their incident reports to the city.

CA/Grove pointed out that city code requires that non-commercial kennel licenses expire December 31 of each year—they are not issued for 12 months.

Mr. Glasgow responded to C/Cardoza that the dogs would be spayed at the end of the month.

Moved by C/Stroebel, seconded by C/Cardoza to approve the non-commercial license for Michael Glasgow at 856 W. Trini Dr. and directed the City Clerk to send letters to the neighbors at time of renewal of this license. Motion carried 4-0.

D. APPEAL OF P&Z DIRECTOR'S DECISION ON LOT LINE ADJUSTMENT 09-01-LLA, DON YOUNG LAND CO. FOR 27.4 ACRES OF RESIDENTIAL AND COMMERCIAL PROPERTIES.

PII/Behunin reported that, in mid April 2009, Dave Crawford from B & A Engineers submitted an application for a lot line adjustment for his client, Don Young. They wanted to coordinate a multiple parcel lot line adjustment to comingle final platted subdivision lines including final boundary lines with non-platted parcel lines. Mr. Crawford believed that code said he should be able to do that. P & Z D/Hasson and staff believed it shouldn't occur because it's not right to mix and comingle final platted subdivision boundary lines with parcel lines that are not included in the boundary. In a letter dated May 4, 2009, P & Z D/Hasson provided an alternate solution that would let them accomplish their goal. Some of the parcels they were requesting a lot line adjustment for could go through the process but others would require a re-plat of the subdivision. The goal of the application was to cure some land use issues.

P & Z D/Hasson further stated that the lot line adjustment process is relied upon for land use matters. Some people try to extend a lot line adjustment past the boundaries of their abilities. This original application from Mr. Crawford on behalf of Mr. Young was to do lot line adjustments on 9 properties. Several are eligible. In 2007, Cement Falls Subdivision was approved. That is a platted commercial subdivision. The boundary establishment tells how much area should be set aside for storm water retention. If it's allowed, there is nothing preventing further requests. The established protocol is to go through the subdivision plat amendment process. Final plats are reviewed by numerous individuals who certify the plat which is then recorded. Mr. Hasson explained that he was more concerned with protecting the process versus this individual circumstance. There is another applicant that intends to ask to do the same thing. He denied the application after discussion with CE/Law. This type of case was before the Supreme Court in 1997 and they ruled a record survey is not a division of land. The applicant is appealing and the council will make the decision. He requested that council uphold the denial.

In response to C/Stroebel, P & Z D/Hasson stated this can be done in two separate processes.

In response to C/Cardoza, P & Z D/Hasson reported that in State of Idaho vs Cecil Bilbo, the record of survey process is not a land division process whereby you end up with the creation of parcels of land. In Kuna, there are two ways to create a parcel, a lot split or a subdivision process. The issue before the court was due process. The difference between the methods was at question. A record of survey does impose legal rights to the land. It doesn't calibrate the outcome. He referred to exhibit I I in which he lists the reasons why

lands can't be comingled and if it's done, it diminishes the integrity of the subdivision.

MGIS/Borzick explained that the record of survey allows 2 splits in the city on the original parcel. After the split process is exhausted, the subdivision process is used which conveys the land into more than the zoning allows for. When property boundaries are changed, it impacts public right of way. In addition, other access points don't take into consideration the center line compared to the next. ACHD doesn't have a say in it, the county treasurer can't tell you if the property taxes are paid on the properties. There isn't a state code that's says you can't do this. He spoke with Ada County surveyor who indicated that the County would frown on the request made from Mr. Crawford.

Dave Crawford, B&A Engineers, 5505 W Franklin Rd., Boise, stated that it should be clear from the maps that all the lands included are within a subdivision. They vary in the timing they were completed. The Avalon Orchard tracts were done back in the early 1900's. It is a subdivision in the state of Idaho. He displayed an amendment of the original plat. The option to do an amended plat is nothing more than do a subdivision. What is before council today is individual land owners working together and Dan Young Land Co as a neighbor, agreed to assist because legal descriptions needed corrected and lot lines needed adjusting. They agreed to pay for it if everyone adjusted their lands to match their fence lines. The question here is whether this is a lot line adjustment or a subdivision. Is it a subdivision if there are no new lots created? This is for the land owner's property to match their fence lines. It isn't a new subdivision if there are not new lots. He referred to Kuna code in determining that these are lot line adjustments not a subdivision. He refuted flooding and drainage concerns and offered to go over each comment that occurred over the last several months.

C/Bachman, referring to parcels F and G, the eastern boundary to be moved to the west, would that remaining portion become part of lot H or C?

Mr. Crawford explained that a small sliver of land on F and G is denoted by two different fences would become part of parcel H for both pieces of F and G.

C/Bachman- What plat were the original parcels of F and G a part?

Mr. Crawford responded that they were parcels of land deeded out of the original Avalon Orchard tracts. He believed that all the lots being reviewed have been legally created.

C/Bachman stated that the property is somewhat of a mess with the property lines and structures. Any step forward to clean it up is a good thing. How we do that, is what is being discussed tonight. Parcel B has a mobile home and parcel A has a carwash. This is 1 original lot from the subdivision. Are those structures there legally? Parcel B and C have buildings overlapping the lines and the original lots have encroachments. Is this an attempt to clean up the 4 properties and is there another step in the future to clean up the other area?

Mr. Crawford responded that this is the step the applicant is willing to take at this time. He explained the line adjustments.

C/Bachman asked if parcel D is an original parcel. It looks like the survey might include the access but it appears to completely invade the original Avalon tract parcels--the one with the car wash and the encroachment of the building from parcel C.

Mr. Crawford agreed that C/Bachman's question was valid and stated that those initial lots that start on Avalon Orchard tracts haven't been vacated. A new parcel is being created by deeding parcel C which includes everything in there and creates 1 large parcel.

C/Stroebel asked if Mr. Crawford shouldn't have more information on it since he introduced the Avalon Orchard tracts.

Mr. Crawford responded that a title report has been received but the problem is that all the smaller parcels were not part of the original and were deeded long after.

C/Bachman stated that it looks like parcel D will further encroach on the original parcels. She hoped this would be an attempt to clean it up, not further complicate it.

Mr. Crawford assured her that this is an attempt to clean this up. The line changes would better match their property lines.

C/Bachman wanted to know what the property owner thinks he is entitled to in regard to future building permits and subdivisions. These lots on Avalon should have to go through the subdivision process in the future when they want to get a building permit.

Mr. Crawford stated that he was unsure if lot lines exist. The reason is because they were originally created but the Ada County Assessor doesn't show the lot lines. There are no individual parcel numbers for them.

C/Bachman expressed concern about future building permits.

Mr. Crawford reiterated that the intent is only to clean up the property lines. The only record that exists is the plat. That's up to the city.

In response to C/Bachman, Mr. Crawford explained that they were created via deed from one person to another. The only plat process was the Avalon tract, the amended Avalon tract and Cement Falls Subdivision. He reviewed conditional use permits that he had knowledge of. He isn't privy to what Don Young intends to do in the future.

C/Stroebel – Asked P & Z D/Hasson what the cost difference between an amended subdivision and a lot line adjustment.

In response to C/Stroebel, P & Z D/Hasson indicated that he did not know the cost difference between an amended subdivision and a lot line adjustment. It wouldn't be a big difference in numbers, possibly thousands of dollars. He has tried to work through the best process for this with Mr. Crawford. He responded to some of Mr. Crawford's comments and the legality of lots in the city.

MGIS/Borzick clarified that the Avalon plats were platted in 1919 and 1926 and are all considered original lots. Most of them were warranty deeds. Cement Falls was platted in 2004. Cleaning up lot lines with a lower grade survey instead of top tier survey with a final plat is not the way to do it. He clarified a previous statement about Ada County lot lines that he meant final boundary lines. Cement Falls annexed its water rights into the city in 2004. If the boundary lines are moved, that will have to be looked into. Part of a subdivision would be without water rights.

Mr. Crawford stated that they are trying to keep the integrity of the process. However, there is a process defined in city code that's called the lot line adjustment process. It defines the standards. They are asking to be allowed to move forward with that process. None of the statements made tonight indicate that this process doesn't apply. In response to C/Stroebel, he looked for a subdivision amendment ordinance but couldn't locate it. The only lot being changed in size is lot H which is being decreased. In regard to Idaho Code, it has been noted by the professional board of land surveyors that a plat is much like a record of survey. It mathematically defines the boundaries. It can be written as a legal description. A subdivision creates lots for sale. The plot streamlines that process by referring to block and lots. Kuna code requires that a record of survey is completed by a licensed professional land surveyor in the State of Idaho and recorded with the Ada County recorder's office. They would file these actions in the same manner as a final plat is recorded.

C/Bachman did not know what would be gained by going through the subdivision process unless more buildable lots were to be created. Lot D encroaching into the mobile home makes it less of buildable lot.

Mr. Crawford stated that that ultimately could happen if parcel C is acquired by somebody and some of the smaller parcels are acquired and redeveloped as a subdivision. That would correct it all.

C/Stroebel clarified that the parcel that houses the carwash is 1 piece of the Avalon tract and then it was split to make the carwash at its length and the trailer. Adding D is making a third split. It wasn't originally in that tract.

Mr. Crawford reiterated that all of the properties exist. No properties are being created. The intent is to move the lines.

C/Stroebel pointed out that the drawing submitted with the report shows the original Avalon tract is being cut into 3 pieces.

Mr. Crawford didn't believe that was the intent. Currently, parcel D accesses its property through that area. It accesses the home.

P & Z D/Hasson read aloud the subdivision approval process in code 6-2-3 J 3 and the resubmitted final plat process in 6-2-4 D 2. Where it's identified, unless you don't follow through with your final plat, you aren't likely to amend it. The text is for final plats that fall down.

C/Bachman clarified that the issue is that there are several properties that are part of subdivisions and some are not. The boundaries of some would encroach on 2 possible buildable lots.

Mr. Crawford understood that the final plat must be in substantial compliance with the preliminary plat prior to the city council's signature. They have a recorded plat and under Kuna code 5-16-2, all existing lots in the city of Kuna are eligible for a lot line adjustment. He believed the application is in compliance with the standards and should be approved to proceed. Council discussed the proper steps to obtain a solution since other areas in town could have similar issues. He reiterated that this is a lot line adjustment.

CE/Law expressed that his primary concern was due process and an outside boundary change requires public testimony. In this case, the subdivisions will have boundary changes.

Moved by C/Lang, seconded by C/Stroebel to deny the appeal of Young Land Co. 09-01-LLA. Motion carried 3-1 (C/Bachman voted no.)

RECESS: M/Dowdy recessed the meeting at 9:40 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 9:59 p.m.

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

A. PUBLIC HEARING – 09-01-ZOA: SEPTIC TANK/SEPTIC SYSTEM TEXT AMENDMENT (Continued From June 2, 2009).

P&Z D/Hasson reported that the septic tank amendment would allow quasi-public facilities on an interim basis to have an on site septic system. If sewer is a distance away and in the City Engineer's opinion, it couldn't be provided in a timely manner. There is a request from the Idaho Baptist College to have the amendment that would be helpful to them. In general, there could be a time that another public agency would need to have a septic tank system available to address the needs. He was previously directed to amend the language and to provide the changes to the council if the changes were satisfactory. He has received emails from council that the changes were appropriate.

SUPPORT

Glen Walker, 11505 W. Fairview Ave., Boise, representing Idaho Baptist College. He met with DEQ and Central District Health who are in agreement with from their plans. He thanked P & Z D/Hasson for his assistance.

NEUTRAL

None

OPPOSE

None

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

C/Bachman indicated she was fine with the changes and suggested another change that may be worth exploring--look at the city helping with a grant to provide infrastructure and support.

P & Z D/Hasson reported that the city receives information regarding grant opportunities and a meeting has been arranged with Sage Resources on Wednesday, July 15 to discuss their grant writing and what they may be able to offer the city. Sage will assess to see if they can provide assistance to the city and provide a package that will come to council as part of the budget.

Moved by C/Bachman, seconded by C/Stroebel to approve 09-01 ZOA septic tank systems zoning ordinance amendment, city code 5-16-4. Motion carried 4-0.

B. PUBLIC HEARING – 08-02-CPA: COMPREHENSIVE PLAN AMENDMENT

Moved by C/Lang, seconded by C/Bachman to remove the Comp Plan Public Hearing from this agenda and set a Joint Comp Plan workshop with the P&Z Commission for July 28, 2009 at 6 p.m.

Staff was directed to invite other agencies to attend the meeting and participate.

9. ORDINANCES:

10. MAYOR /COUNCIL DISCUSSION:

DISCUSSION OF ENFORCEMENT OF CODE VIOLATIONS IN SITUATIONS WHERE PROPERTIES HAVE BEEN REPOSSESSED.

CA/Grove reported that a current problem for planning and zoning is enforcement of weed removal. Does the city want to try to cut down the weeds and try to assess properties only to not collect anything in the future or as a policy tolerate this condition for this year and next year until the economy gets better? Most of the difficult issues are homes in foreclosure, owned by banks or unfinished and it's difficult in trying to identify property owner. Likelihood of collecting is usually years. Most assessments would survive a foreclosure or bankruptcy process. The number is significant but it's a growing problem. Most HOA's have rules but they are not taking action to enforce them.

Council agreed to review the issue.

C/Lang confirmed that council would be in the parade for Kuna Days.

C/Stroebel asked for the catering permit ordinance revision to be on the next council agenda.

M/Dowdy announced that the City barbecue is on August 21st at noon.

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION:

13. ADJOURNMENT: There being no further business to conduct, it was moved by C/Lang, seconded by C/Stroebel to adjourn the meeting at 10:34 p.m.

J. SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: AUGUST 4, 2009