

# **KUNA CITY COUNCIL MEETING MINUTES**

## **AUGUST 4, 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:** Mayor Dowdy, Council President Jeffery Lang, Council Members Lisa Bachman, Richard Cardoza and Trina Stroebel.

**ALSO PRESENT:** 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:** The Invocation was given by Brad Richardson, representative, Church of Jesus Christ of Latter Day Saints.

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

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

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

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

A. APPROVED MINUTES OF REGULAR MEETING OF JULY 7, 2009.

B. APPROVED ACCOUNTS PAYABLE DATED JULY 31, 2009 IN THE AMOUNT OF \$1,246,194.41.

C. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-01-ZOA: SEPTIC TANK/SYSTEM ZONING ORDINANCE AMENDMENT.

D. APPROVED BUSINESS LICENSE FOR JAMES RYAN PENNOCK, "THUNDERBIRD TACTICAL, INC," 2069 W. SOLDOTNA.

E. APPROVED BUSINESS LICENSE FOR JARED M. & JENNIFER M. HATCH, "THE TRELIS BISTRO," 349 AVENUE E.

MATTERS REMOVED FROM CONSENT AGENDA:

- F. APPROVE LIQUOR CATERING PERMIT SUBMITTED BY CK ENTERPRISES OF IDAHO TO SERVE ALCOHOL FOR MMA FIGHTS SPONSORED BY CONFETTI PRODUCTIONS DURING KUNA DAYS, AUGUST 7, 2009. C/Stroebel recused herself from discussion of the matter due to a potential conflict of interest.

C/Bachman clarified the area of the greenbelt that would be impacted.

Moved by C/Lang, seconded by C/Bachman to approve. Motion carried 3-0 (C/Stroebel abstained).

- G. APPROVE LIQUOR CATERING PERMIT SUBMITTED BY CREEKSIDE, INC. TO SERVE ALCOHOL FOR KUNA DAYS STREET DANCE, AUGUST 8, 2009.

M/Dowdy clarified the times to coincide with the other businesses participating in the Kuna Days Street Dance.

Hoss Grigg stated that all hours should be 8 p.m. to 1 a.m.

Moved by C/Lang, seconded by C/Stroebel to approve. Motion carried 4-0.

- H. APPROVE LIQUOR CATERING PERMIT SUBMITTED BY CREEKSIDE, INC. TO SERVE ALCOHOL AT 751 W. 4<sup>TH</sup> ST. DURING KUNA DAYS , AUGUST 7 AND 8, 2009.

CC/Burgess reported that the applicant indicated would be serving outside of his establishment. Three of the applicants had theirs signed by the Sheriff's department ahead of time. The Creekside did not. Creekside has been faxed to the Sheriff's department.

Swede Godfrey, 325 Cleveland, explained that his request was for service behind the Creekside. People are bringing their children and food will be served. He wanted extra room for that and for people to enjoy the fireworks. The hours will be for Friday night only and will run until closing time. Children can't stay after food is stopped being served. Morning hours are to set up. He asked for 900 sq. ft. with squaring off the back of the patio. He plans to sell alcohol beginning at set up.

Moved by C/Bachman, seconded by C/Cardoza to approve the Catering Permit for August 7 and 8 from 10 a.m. to 2 a.m. Motion carried 4-0.

- I. APPROVE LIQUOR CATERING PERMIT SUBMITTED BY LARRY O'LEARY TO SERVE ALCOHOL IN FRONT OF "THE ARLENE" DURING THE KUNA DAYS STREET DANCE, AUGUST 8, 2009.

Moved by C/Lang, seconded by C/Stroebel to approve. Motion carried 4-0.

**5. CITIZEN'S REPORTS OR REQUESTS:****RICHARD DURRANT REGARDING THE KUNA NORTH WASTEWATER TREATMENT PLANT.**

Richard Durrant, 7592 S Ten Mile Rd, Meridian, thanked C/Cardoza for taking a tour of the Star facility with him. He stated that he still has concerns over the size of the Kuna plant which is still five times its original size. Keller assured them there wouldn't be any odor. The original plan was for the plant basins to be covered. The lighting has been improved. He is supposed to be notified when the generators are going to be tested again. Unsure if the council understands that 3000 horse power is equal to a DC3 in noise. When louvers open, there is a lot of noise generated. He has heard live bacteria will be coming this week and there may be an issue with stirring the slurry and are working on that. He appreciates the city listening and being allowed to voice his concerns.

C/Cardoza asked Mr. Durrant to call him and he will come listen to the noise with him. One of the reasons Star doesn't cover their basins is because the operators have trouble seeing if the fusers are aerating.

**6. OLD BUSINESS:**

- A. 09-07-TE – ARROYO INDIO PRELIMINARY PLAT TIME EXTENSION.  
(CONTINUE TO 8/18/09 AT THE REQUEST OF THE APPLICANT.)
- B. 09-01-TB/TEMPORARY BUSINESS – RAY'S DOG HOUSE, 397 W. MAIN ST.

PT/Obray – The applicant is requesting renewal of the temporary permit for Ray's Dog House structure. Staff acknowledged that the business is in accordance with city rules and staff is not aware of any complaints registered against the applicant or his business during the past year. Council has the discretion to add or modify its previous conditions of approval. Staff recommends approval. The applicant will be allowed one more temporary permit after this and then he will have to provide a permanent structure.

Moved by C/Lang, seconded by C/Bachman to approve a one-year time extension on the temporary permit. Motion carried 4-0.

- C. REQUESTS SUBMITTED BY GREG JOHNSON, POWDER RIVER DEVELOPMENT, RE CRITERION ORCHARDS SUBDIVISION APPLICATION:
  - i. Reduction of fees for processing of development application; and
  - ii. Modify minimum size residential sq. footage

P&Z D/Hasson explained the two requests. Mr. Johnson owns almost 200 acres, east of SH 69, north of Hubbard Rd. and south of Mason Creek which is known as Criterion Orchards. It is in the county. Mr. Johnson was in last year for Napa Vinyards. He is now

seeking a reduction in Planning Department processing fees of \$24,000 to \$12,000. He read a portion of a letter into the record: “if the City’s foregoing of a portion of the fee associated with the processing of his development application will facilitate Mr. Johnson’s annexation of this land into Kuna followed by an approximate 1,100 plus unit mixed use development – that is a small price to pay for a potentially large return to the City in terms of increased property tax revenue, building permits and utility billings.”

In his second request, Mr. Johnson is the owner of Crimson Point North Subdivision with 44 lots. The current minimum house size is 1,550 sq. ft. Mr. Johnson is requesting an amendment to 1,200 sq. ft. The medium price for a house that is coming in is around \$138,000 at 1,220 sq. ft. Mr. Johnson’s request is in line with the current market. P & Z D/Hasson suggested that the smallest dwelling not be less than 1,200 sq. ft. and if the property is sold, the minimum would go back to 1,550 sq. ft.

Greg Johnson, 2037 E. Terza, Meridian stated that, along with what P & Z D/Hasson discussed, he would also like to bring another discussion before Council. He reported that, currently, banks are not willing to finance the development of lots; they are not willing to finance unsold residential housing. That somewhat restricts what developers can do. They have needed to go to private financing and operate out of cash. The size of plats will become much smaller and developing with 20 or less lots in a phase. That is why it’s important for his company to move to Criterion Orchards first and develop because it’s free and clear property and will be able to generate cash from those lots. He regrets having to ask for a reduction of fees but that’s what the economic situation is right now.

P&Z D/Hasson explained that, in Crimson North, being able to build more competitively could move the property through twice as fast with smaller homes because of financing.

C/Bachman asked if the final plat has gone through for Crimson North and if it is built.

Mr. Johnson responded that it is not. It has gravel and is ready for curb, gutter and sidewalk. There is a couple of liens on it and mortgage on the land. That is settled and plans are to start construction in about 10 days with permits pulled in September.

In response to C/Cardoza, Mr. Johnson clarified that the Crimson North properties are not in the LID.

C/Bachman reported that she had discussed with P & Z D/Hasson about revisiting the development fees and creating an incentive for commercial development and economic development which would also be affordable housing. A lot of cities are working toward that. She asked about the calculations.

P & Z D/Hasson replied that it is an approximate number; it’s not exact because of variables.

C/Bachman asked Mr. Johnson when he would be going to final plat for Criterion.

Mr. Johnson explained that his plan for first phase would be March of 2010. Details need to be worked out with the city engineer on the sewer. Sewer would be going to an existing line. It would be small phases of residential followed by storage units. He believed one of the reasons Kuna is favored right now is R & D financing. Kuna is the only 100% loan program available in the valley for housing until Kuna reaches 30,000 population. The only one in Canyon County that has the R & D Financing is Middleton. Caldwell got too big.

M/Dowdy stated that, after discussion with CE/Law and P & Z D/Hasson, there is 350 buildable lots left and an additional 350 available but those are in the higher range and aren't moving. The request for the sq. ft. reduction is something that needs to be kept in mind. We are running out of affordable lots for where the economy is at right now.

C/Bachman indicated that the subdivision has a mix of housing sizes and confirmed that the architectural features will match.

C/Stroebel stated she would like to see an 18 month to 2 year period and then review the situation. Agreed with the fees.

C/Bachman was agreeable to adjusting the fees somewhat. Unsure of the actual amount but should revisit the resolution that establishes those fees or developing a stimulation program.

C/Lang and C/Stroebel agreed.

C/Cardoza wondered how the budget would be affected if some fees are reduced by 50%.

P & Z D/Hasson explained that any reduction can affect whether we can maintain current staff and do all the things needed to be done in order to run the operation.

C/Bachman stated that the amount projected for development fees wasn't that high, only \$34,000.

P & Z D/Hasson reported that, to keep from an overabundance of requests, there should be criteria to meet.

Moved by C/Stroebel, seconded by C/Bachman to preliminarily approve the reduction in development fees for Criterion Orchards subject to re-visitation after the committee meets and city policy is settled. Motion carried 4-0.

## **7. NEW BUSINESS:**

APPROVE NON-COMMERCIAL KENNEL LICENSE FOR PATRICIA HUCKSTEP, 204 W. 4<sup>TH</sup> ST. (CONTINUED FROM 7/21/09)

M/Dowdy indicated that there are letters in opposition.

C/Bachman asked if Ms. Huckstep had received copies of the letters.

Ms. Huckstep stated that she had not seen the letters and apologized for missing last meeting. She wasn't told she needed to attend.

C/Bachman explained the process and what the letters said.

Ms. Huckstep reported that she had taken care of getting the fence repaired and it was her son's dog that got loose, not hers. The dogs are now licensed the fence repaired and a kennel added a month ago. One dog is half pit-bull and half German shepherd. She has a prescription for her dogs as therapeutic companions because she is disabled and lives alone. She brought in the prescription but was told that Kuna doesn't recognize the prescription. She didn't realize she was doing something wrong. She explained other dogs in the neighborhood that resemble her son's and what precautions had been taken.

Council discussed the complaints and that the applicant is working to address issues.

Moved by C/Bachman, seconded by C/Cardoza to approve the license until it expires in December 2009 and then review the issue again. Motion carried 4-0.

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

**9. ORDINANCES:**

A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS  
ORDINANCE NO. 2008-23A: AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 5, CHAPTER 16, "SPECIAL DEVELOPMENTS," ADDING SECTION 5 TO ESTABLISH A NEW SEPTIC TANK/SYSTEMS PROCESS, FOUND THEREIN; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance 2008-23A. Motion carried 4-0.

Moved by C/Lang, seconded by C/Stroebel to adopt Ordinance No. 2008-23A. Motion carried by the following Roll Call vote:

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

B. APPROVE FIRST READING BY TITLE ONLY OF ORDINANCE NO. 2009-16: AN ORDINANCE IN ACCORDANCE WITH IDAHO CODE 50-328, 50-329 AND 50-329A GRANTING A FRANCHISE TO IDAHO POWER COMPANY, A CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN AND UPON THE PRESENT AND FUTURE STREETS, HIGHWAYS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, IDAHO, ELECTRIC UTILITY

---

PROPERTY AND FACILITIES FOR SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE CITY, THE INHABITANTS THEREOF, AND OTHERS FOR A TERM OF TWENTY FIVE (25) YEARS, INCLUDING THE NONEXCLUSIVE RIGHT TO PHYSICALLY LOCATE AND MAINTAIN TELEPHONE, CABLE, FIBER OPTICS OR OTHER COMMUNICATIONS FACILITIES; RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR THE PAYMENT OF FRANCHISE FEES; AND SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE.

M/Dowdy stated that this is just a reading and no action needs to be taken at this time.

C/Bachman – Was Idaho Power agreeable to the different language.

P & Z D/Hasson explained that he reviewed the draft Ordinance from a staff perspective with safeguards and modification of some language. CA/Grove further cleaned it up with safeguards.

CC/Burgess reported that Idaho Power has a process set in place beginning with introduction of the Ordinance for the first reading, then it's published, 30 days after today it comes back for a second reading. A second publication occurs after the second reading. If approved for reading tonight, it will be sent to Idaho Power to review now. Clarification on the audit is still ongoing as to who conducts the audit. Unsure how Kuna can tell Idaho Power who their customers are. The process can be started because it will take a while to get through the entire process.

C/Cardoza pointed out that the copy giving to Council by P & Z D/Hasson had 10 years and the copy in the Council packet is for 25 years.

CC/Burgess explained that what is in the agenda is CA/Grove's change. The percentage is still for council to decide and Idaho Power wants to know what percentage the council would like to see as quickly as possible.

C/Bachman asked if Council should wait to talk to CA/Grove or come up with the percentage tonight.

CC/Burgess stated that if Council is ready to commit to a percentage, it can be added to the ordinance.

In response to C/Cardoza, P & Z D/Hasson explained that the current franchise agreement is set to expire in 2015. This will replace the ordinance in effect now. There is no current provision for a franchise fee.

## **10. MAYOR /COUNCIL DISCUSSION:**

Discussed the parade for Kuna Days and who was driving.

## **11. ANNOUNCEMENTS:**

**12. EXECUTIVE SESSION:**

**13. ADJOURNMENT:** There being no further business to conduct, it was moved by C/Cardoza, seconded by C/Lang to adjourn at 8:50 p.m.

---

J. SCOTT DOWDY, MAYOR

ATTEST:

---

LYNDA BURGESS, CITY CLERK

DATE APPROVED: SEPTEMBER 15, 2009