

**KUNA CITY COUNCIL MEETING
MINUTES
SEPTEMBER 15, 2009
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

7:00 p.m. – REGULAR COUNCIL MEETING

1. CALL TO ORDER AND ROLL CALL

Mayor Dowdy called the meeting to order at 7: p.m.

PRESENT: Mayor Dowdy, Council President Lang,
Councilwoman Bachman, Councilwoman Stroebel and
Councilmember Cardoza.

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

2. INVOCATION: The Invocation was given by Pastor Stan Johnson, Kuna
Life Church.

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

**AMEND AGENDA: MOVE NEW BUSINESS ITEMS 7.A.09-03-ZOA – OVERLAY
DISTRICT ORDINANCE AMENDMENT – KUNA CITY CODE 5-2A and 7.B. 09-04-
ZOA – LOT LINE ADJUSTMENT TEXT AMENDMENT – KUNA CITY CODE 5-16-
2 TO PUBLIC HEARINGS, 8.B AND 8.C**

Moved by C/Lang, seconded by C/Stroebel to amend the agenda. Motion carried 4-0.

4. CONSENT AGENDA:

Moved by C/Lang, seconded by C/Cardoza 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:

1. REGULAR MEETING OF AUGUST 4, 2009.
2. REGULAR MEETING OF AUGUST 18, 2009

**B. APPROVED ACCOUNTS PAYABLE DATED SEPTEMBER 11, 2009 IN THE
AMOUNT OF \$533,947.92.**

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- C. APPROVED BUSINESS LICENSE FOR MIKEL NATION, "NATION'S LANDSCAPE MAINTENANCE," 1211 N. TASAVOL AVE.
 - D. APPROVED BUSINESS LICENSE FOR ANDRAS KOSDI, "MODERN MARKET SOLUTIONS," 285 W. WHITE WAY.
 - E. ADOPTED RESOLUTION NO. R23-2009 ACCEPTING A QUIT CLAIM DEED FROM REDCLIFF DEVELOPMENT, INC. FOR LOT 1, BLOCK 1, SADIE CREEK SUBDIVISION NO. 1, SITE OF THE SADIE CREEK PUMP STATION.
 - F. ADOPTED RESOLUTION NO. R24-2009 AWARING BID TO IRMINGER CONSTRUCTION FOR THE WELL NO. 9 PIPING PROJECT IN THE AMOUNT OF \$41,690.
 - G. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-08-TE, ZATICA NO. 2 SUBDIVISION.
 - H. APPROVED CATERING PERMIT FOR CK ENTERPRISES OF IDAHO, LLC, FOR AN EVENT AT THE COMMUNITY HALL ON OCTOBER 2, 2009 SPONSORED BY DUCKS UNLIMITED.
 - I. APPROVED AGREEMENT WITH IKON FINANCIAL SERVICES FOR FORTIS DOCUMENT IMAGING SOFTWARE IN THE AMOUNT OF \$398.47 PER MONTH FOR 60 MONTHS.

5. CITIZEN'S REPORTS OR REQUESTS:

6. OLD BUSINESS:

- A. 09-07-TE – ARROYO INDIO PRELIMINARY PLAT TIME EXTENSION.
(CONTINUED FROM 7/21/09).

P&Z D/Hasson – This property is located between Ardell and Hubbard along Indian Creek. Staff requested that council place a restriction that the Ardell alignment be restored for safety. When trains come through and stop, they frequently tie up Bridge Street and Swan Falls Rd. which can affect emergency response.

Richard Evans, 9560 Pebble Brook Ln., Garden City indicated that the easement could be moved to the north or south. This would impact him financially and could render the subdivision as non viable. ACHD approved their plat without Ardell going through because it is one of the most expensive locations to cross the creek in the county. In fact, it would be in excess of \$12,000,000 to construct. The city approved Arroyo Indio when it was going to be a larger lot subdivision with homes. He felt that extensions should be given yearly without a 2 year cutoff. Further, he did not think the City of Kuna should take road right of ways when they are not the authority in Ada County to take road right of ways.

Roger Smith, Pinnacle Engineers, 12552 W. Executive Dr., Ste. B distributed drawings of the subdivision layout and what appears the shortest route to cross Indian Creek. The railroad won't allow a crossing at grade. The length of road required would be around 1000 feet of suspended roadway. Also, several acres of privately owned ground would need to be acquired. He reviewed the right of ways and easement restrictions.

C/Bachman stated that Black Cat Rd. doesn't intersect and the overpass wouldn't go anywhere. She was agreeable to the previous plat and time extension.

In response to C/Stroebel, P&Z Dir/Hasson stated that one more time extension may be available to the applicant.

C/Stroebel asked, "... but technically, this is the 3rd extension, right?"

C/Bachman explained that the Code change started the process over again.

Mr. Evans stated that the project was delayed 18 months to get through the lift station study.

C/Lang agreed with C/Bachman.

Discussion followed about the agreement and what location would be appropriate for a railroad crossing.

In response to C/Bachman, Gary Inselman, ACHD stated that ACHD required the dedication right of ways so the crossing of Indian Creek could be constructed in the future. There wasn't a requirement from this developer to participate in the future bridge.

C/Stroebel stated that the subdivision already has its approvals and major changes are inappropriate. She asked P & Z D/Hasson to keep on top of any new subdivisions and watch for these things.

Moved by C/Bachman, seconded by C/Stroebel to approve the Preliminary Plat Time Extension minus the requirement to dedicate a right-of-way on Ardell. Motion carried 4-0.

B. 09-09-TE – TIMBERMIST SUBDIVISION PRELIMINARY PLAT TIME EXTENSION.

PII/Behunin reported that the applicant submitted a 2-year time extension request because of the instability of the economy. Ordinance 2009-06 goes into effect anytime a developer asks for a time extension. If this was granted, it would allow for two time extensions and the policy is that time extensions are granted in 1 year increments. It was originally granted in 2006 but the development didn't proceed forward and came forward in 2007 for a time extension with their second extension granted in September of 2008. This will be the third. The difficulty in keeping old plats alive is they lose their vitality with current standards. He recommended that the applicant go back through the formal

process of amending the development agreement. Staff would like to see the elimination of barrow ditches because that is more of a rural use.

C/Bachman pointed out that, to the south, Kelleher Subdivision has curb, gutter and sidewalks along their roads.

In response to C/Bachman, PII/Behunin explained that the applicant was sent a staff report and a responding email was received from the applicant that included the approval from ACHD. Until this email, staff didn't know the approval existed. He agreed to do more research on locations and approvals. He responded to C/Cardoza's questions about further details.

Moved by C/Bachman, seconded by C/Lang to continue the matter to October 6, 2009. Motion carried 4-0.

7. NEW BUSINESS

~~A. 09-03-ZOA OVERLAY DISTRICT ORDINANCE AMENDMENT KUNA CITY CODE 5-2A.~~

~~B. 09-04-ZOA LOT LINE ADJUSTMENT TEXT AMENDMENT KUNA CITY CODE 5-16-2.~~

C. ADOPT RESOLUTION R25-2009 AUTHORIZING THE MAYOR AND CITY CLERK TO FORWARD THE 2009 TRANSPORTATION TASK FORCE REQUESTS TO THE ADA COUNTY HIGHWAY DISTRICT.

P&Z D/Hasson reported that ACHD asks the city to provide a priority list each year. He did a different approach this year and got together with Susan Mason, a professor from BSU to develop a methodology. He spoke with the sheriff's deputy's who utilize the roadways and gleaned their experiences on road issues.

C/Bachman asked if the P & Z Commission had seen it.

P & Z D/Hasson responded no but pointed out that Carl Trautman and Stan Sanders participated.

Discussion followed regarding various projects on the list and where the dollars are destined.

Ryan Cutler, ACHD stated that unless a project has been constructed, it should remain on the priority list.

C/Cardoza pointed out that that Main St. previously had diagonal parking and asked how why it changed to parallel parking.

P & Z D/Hasson guessed that it could be that Main St. is a truck route.

Moved by C/Bachman, seconded by C/Stroebel to adopt Resolution R25-2009 authorizing the Mayor and City Clerk to forward the 2009 Transportation Task Force request to Ada County Highway District adding project number 1, Deer Flat widening from State Highway 69 to Linder. Motion carried 4-0.

RECESS: M/Dowdy recessed the meeting at 8:19 p.m.

RECONVENE: M/Dowdy reconvened the meeting at 8:29 p.m.

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

A. 09-12-AN/ANNEXATION, 09-06-DA/DEVELOPMENT AGREEMENT, 09-01-LS/LOT SPLIT – ADKINS

PT/Rushlow reported that the applicants are requesting to annex with an R-4 designation. They are currently in Ada County with rural urban transition zoning. The parcel is 10.93 acres. They want to annex into the city and then split off a 1.42 acre parcel to build a new home for a family member who is a disabled veteran. They have received a grant from the VA to build this home.

In response to C/Bachman, PT/Rushlow explained that they plan to hook up to city services and they have access off of Ten Mile Rd.

Sharee Adkins, 308 Banner St., Nampa, Applicant stated that she was present on behalf of her mother in law. She agreed with everything staff said. Funding has been the only issue preventing them from tearing down the old buildings. In response to C/Cardoza, She stated that they don't intend to use the vacant building and has not talked to the fire department about using it for a training option.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang, seconded by C/Stroebel to approve file number Adkins 09-12-AN, 09-06-DA and 09-01-LS and zoning designation of R-4. Motion carried 4-0.

B. 09-03-ZOA – OVERLAY DISTRICT ORDINANCE AMENDMENT – KUNA CITY CODE 5-2A.

CA/Grove advised Council to postpone the consideration. *Unintelligible*.

C/Cardoza asked if the filing by Idaho Power with the PUC different than the letter received by the Council in August.

Donovan Walker, Sr. Counsel for Idaho Power responded that the filing is significantly different from the August letter. It is a detailed filing with numerous attachments.

Moved by C/Lang, seconded by C/Stroebel to continue the Public Hearing 09-03-ZOA Overlay District Ordinance Amendment Kuna Code 5-2A to October 6, 2009. Motion carried 4-0.

C. 09-04-ZOA – LOT LINE ADJUSTMENT TEXT AMENDMENT – KUNA CITY CODE 5-16-2.

P&Z D/Hasson explained that the amendment will add some provisions that will clarify the city's requirements.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

In response to C/Bachman, P&Z Dir/Hasson reported that there has been conversation with the county surveyor and he indicated the route of the city makes sense.

C/Bachman wanted to make clear that if a lot line needs moved in the boundary, it doesn't affect that. It's only the exterior boundaries.

C/Stroebel did not have any issues with it and appreciated the clarification.

Moved by C/Lang, seconded by C/Stroebel to approve 09-04-ZOA Lot Line Adjustment Text Amendment to Kuna City Code 5-16-2. Motion carried 4-0.

9. ORDINANCES:

APPROVE FIRST READING BY TITLE ONLY OF ORDINANCE NO. 2009-20: 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; SETTING FORTH AN AGREEMENT NOT TO COMPETE, RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR THE PAYMENT OF FRANCHISE FEES; SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE; AND PROVIDING AN EFFECTIVE DATE.

CA/Grove advised Council to continue to this matter to the next meeting.

Moved by C/Lang, seconded by C/Stroebel to continue to October 6, 2009. Motion carried 4-0.

10. MAYOR /COUNCIL DISCUSSION:

M/Dowdy reported that there was an LID meeting early in the week and asked CA/Grove if a subsequent meeting was planned.

CA/Grove – unintelligible.

M/Dowdy then stated that the city engineer and city attorney are putting the assessment rolls together to move forward and close the LID.

C/Cardoza asked if anyone had spoken to ACHD regarding the condition of the new sidewalks on 4th Street.

M/Dowdy responded that there was a meeting with ACHD that included city officials wherein the new sidewalks were discussed.

P&Z D/Hasson didn't think ACHD was happy with the outcome of the sidewalk. He indicated that he would follow up with ACHD to determine whether they will be expecting the contractor to fix the flaws.

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION:

ADJOURNED TO EXECUTIVE SESSION PURSUANT TO I.C. 67-2345(f) – TWO CASES

Moved by C/Lang, seconded by C/Stroebel to adjourn at 9:07 p.m. Motion carried by the following Roll Call vote:

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

Adjourned Executive Session at 9:35 p.m.

The Council set a Special Council Meeting to meet with the members of the LID for Tuesday, September 29 at 7 p.m.

C/Cardoza confirmed that the LID members had been invited to the treatment plant grand opening on September 25.

13. ADJOURNMENT: There being no further business to conduct, it was moved by C/Stroebel, seconded by C/Cardoza to adjourn the meeting at 9:42 p.m.

JEFFERY T. LANG,
COUNCIL PRESIDENT

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: OCTOBER 6, 2009