

**KUNA CITY COUNCIL MEETING
MINUTES
MAY 4, 2010**

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

1. CALL TO ORDER AND ROLL CALL:

Mayor Dowdy called the meeting to order at 7:03 p.m.

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

ALSO PRESENT: City Attorney Richard Roats; City Engineer Gordon Law; Planning & Zoning Director Steven Hasson; City Treasurer John Marsh; Senior Planner Troy Behunin and Deputy City Clerk Chris Engels.

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

MOVE TO AMEND AGENDA -

PER IC 67-2343 EFFECTIVE JULY 1, 2009, THE COUNCIL MUST MOVE TO “AMEND THE AGENDA” - ADD AGENDA ITEM 6.B. REQUEST FOR FUNDING ASSISTANCE BY PASTOR STAN JOHNSON FOR “THE ZONE” INADVERTENTLY OMITTED FROM THE ORIGINAL AGENDA POSTED MAY 1, 2010.

Moved by C/Lang, seconded by C/Bachman to amend the agenda per Idaho code 67-2343 effective July 1, 2009 adding to the agenda item 6.B. Motion carried 4-0.

4. CONSENT AGENDA:

Moved by C/Lang, seconded by C/Bachman to remove 4.K. 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 APRIL 20, 2010.
- B. APPROVED ACCOUNTS PAYABLE DATED APRIL 29, 2010 IN THE AMOUNT OF \$121,879.96.
- C. APPROVED BUSINESS LICENSE FOR JOSH FOSTER “POWER CLEAN CARPET & UPHOLSTERY,” 1335 N. ANDREW AVE.

- D. APPROVED BUSINESS LICENSE FOR JARED & JENNIFER HATCH "THE SWEET SPOT," 762 E WYTHE CREEK CT.
- E. APPROVED BUSINESS LICENSE FOR GRANT H. FRANCIS DDS "FRANCIS FAMILY DENTAL," 943 N. LINDER ST, STE 101.
- F. APPROVED BUSINESS LICENSE FOR LORI A NEDDO "HAIR HANGAR," 780 W. 4TH ST.
- G. APPROVED BUSINESS LICENSE FOR "EASY MONEY EXPRESS LLC," 712 E. AVALON.
- H. APPROVED BUSINESS LICENSE FOR TRAVIS WALTHALL "CUSTOM RX LLC," 173 W. 4TH ST.
- I. APPROVED LICENSE RENEWAL FOR SALE OF LIQUOR BY THE DRINK AND ON PREMISE BEER FOR JERRY FORREY "4E'S BAR," 379 W. MAIN ST.
- J. ADOPTED RESOLUTION NO. R13-2010, CROSSING AGREEMENT WITH BUREAU OF RECLAMATION FOR TEED AND STATE LATERALS.

ITEMS REMOVED FROM CONSENT AGENDA:

- K. ADOPT RESOLUTION NO. R14-2010 AUTHORIZING THE MAYOR TO EXECUTE THE PROFESSIONAL SERVICES PROPOSAL FOR SUPPLEMENTATION SUBMITTED BY MUNICIPAL CODE CORPORATION

C/Lang indicated there were some questions about set up costs and other costs that could be associated and wondered if the current codifier would be willing to negotiate a lower fee. Also, what issues would be from Sterling for this company to take over.

Moved by C/Lang, seconded by C/Bachman to continue the matter to the May 18, 2010 Council meeting. Motion carried 4-0

5. OLD BUSINESS:

DISCUSS PROPOSED ANIMAL CONTROL ORDINANCE, AS AMENDED. (Continued to May 18, 2010 Council Meeting.)

CA/Roats asked to table this item until the next meeting as he is making substantial changes.

Moved by C/Bachman, seconded by C/Lang to table item 5 to the May 18, 2010 meeting. Motion carried 4-0

6. CITIZEN'S REPORTS OR REQUESTS:**A. CRIME STATISTICS PRESENTATION BY KODY ALDRICH, KUNA POLICE CHIEF.**

Lt. Aldrich presented the quarterly crime statistics. He indicated the biggest concern was the type of crimes that were occurring. There is an increase in property and person's crimes specifically sex related crimes. There is significant time investment in person crimes and it can cause a decrease in clearance rates. In 2009, there were 28 felony crimes YTD and this year as of YTD there is 46. The calls for service in other areas has held steady and the code 3 response time continues to go down. Proactive policing is continuing to increase. There has been a decrease in citations, part of that is because of the decrease in grant money to increase staffing. There was an increase in vehicle burglaries but the perpetrators have been caught. Property security checks have been increased. Crashes are down, last year YTD was 34, this year there are 13. Enforcement has been increased in school zones. He reminded Council that with budget reductions, the reduced detective position has been shared with the school district but they are having budget reductions and he asked Council to consider funding a detective for the summer.

C/Bachman asked about the concentration of sex offenders in Kuna compared to other communities.

Lt. Aldrich responded that next to Garden City, Kuna has a very high concentration of sex offenders. He sends out an officer quarterly to check on every sex offender. The last number was 58.

In response to C/Bachman, Lt. Aldrich indicated that they are mostly adults but there are juvenile incidents. They have had a significant number of juvenile incidents, an unprecedented amount and they are very time consuming. Detective Ducharme has been taking all those cases; she is the half Kuna/half elementary SRO Detective. There are 6 or 7 active statutory rape cases.

C/Bachman inquired if there is any regular education activity that is done at the high school and middle school to inform students of this type of behavior and how it is not acceptable.

Lt. Aldrich responded that the SRO conducts classes. He stated that would pass along that it should be continued. He indicated he would get exact numbers for Council.

B. REQUEST FOR FUNDING ASSISTANCE BY PASTOR STAN JOHNSON FOR "THE ZONE."

Pastor Stan Johnson announced that that they were trying to get The Zone up and running again. Last year's funding cuts caused them to cut staff and consequently closed the Zone. He asked for funds for and explained the hours and activities available to

Kuna youth at The Zone. They have applied for another grant but asked the City for funds, if available.

M/Dowdy said that budget sessions would be starting soon so it could be included as a request and considered in the new budget fiscal year to be considered but there are not any funds in this fiscal budget year. He asked Pastor Johnson if there was a specific amount.

Pastor Johnson replied that he was asking the city for what could be afforded.

C/Cardoza asked if there would be a written request with an amount.

Pastor Johnson agreed to submit a written request which would include an amount.

7. NEW BUSINESS:

- A. CONSIDER NON-COMMERCIAL KENNEL LICENSE FOR LEE WHEELER, 1457 W. TOPANGA CT.

C/Hoiland asked if all 3 dogs were the same breed.

Mr. Wheeler answered that they were all Chihuahuas.

M/Dowdy asked if anyone was present to testify.

DCC/Engels reported that per the City Clerk, no complaints were received and no incidents were reported through the Humane Society for this applicant or the next one.

Moved by C/Bachman, seconded by C/Lang to approve the non-commercial kennel license for Lee Wheeler, 1457 W. Topanga Ct. Motion carried 4-0

- B. CONSIDER NON-COMMERCIAL KENNEL LICENSE FOR MIKE & SUE GONCZ, 921 N. MINER.

Moved by C/Bachman, seconded by C/Lang to approve the non-commercial kennel license for Mike & Sue Concz, 921 N. Miner. Motion carried 4-0

- C. PLANNING AND ZONING ADMINISTRATIVE DETERMINATION LETTER FOR LEFFLER'S SPECIAL USE PERMIT MODIFICATION.

Shirley Leffler, co-owner of Cowgirls, Tannins and Leffler's Salon and Spa at Sandstone Plaza, explained about her intended plans for expansion. One of the areas purchased in 2009 is connected to Tannins. There is a small area that is a walk-through that wasn't considered a part of the original plan. One side is the Bistro and they are preparing to launch a big push as far as catering events. They are meeting with

the bank tomorrow to take over the complex and would like to be able to present to Council's decision on the expansion.

M/Dowdy noted that there isn't a decision required but just a heads up for the Council.

Mrs. Leffler agreed and indicated that ABC and the County have been notified. They hope to use the building as a banquet facility, possibly for wedding receptions and would like to expand beyond what they are doing and bringing business in.

M/Dowdy asked if the footprint is what was approved at the last renewal.

Mrs. Leffler confirmed that was the footprint on file with the State and County but it is a little different than what was submitted to the city.

D. TIME EXTENSION 10-05-TE ALDEIA AT WATER'S EDGE / LAKETOWN SUBDIVISION (WATERS EDGE).

SP/Behunin detailed the application for Waters Edge. The property is 68 acres and was originally approved in 2003. It was approved as a Planned Unit Development with other components. Since its approval there have been changes in city code, standards and practices. There is a different outlook and design practices than there were 7 years ago. Staff believed the PUD component and Special Use permit has fallen down because of a lack of performance. There is a default clause in the development agreement and staff believed the development agreement is in default status. The entire project was based on when the Danskin lift station would become operational. Staff concluded that the only piece available for any progress is the preliminary plat. Based on the ordinance change from last February, there is only 1 more time extension available. He recommended that Council deny the application and require the applicant to resubmit so it can be updated and conform to current standards.

C/Cardoza asked if he could list the conditions that have changed that would affect the outcome of the Special Use permit.

SP/Behunin agreed to outline them and will get them prepared in written format.

C/Cardoza asked if there had been open communication with Steve Ribeiro.

SP/Behunin replied that last spring, Council approved a time extension which was conditioned upon the applicant meeting with staff to review the elements of the outdated planning and development. There hadn't been any contact until the last few weeks when there was a phone call received from Mr. Ribeiro.

C/Lang inquired if the issues were discussed.

SP/Behunin replied that staff discussed the concerns and issues during the phone call and explained that the issues were known to the applicant for over a year.

C/Bachman asked if last year's time extension approved took place after the code was amended. If it is approved tonight there will be one more extension available on the preliminary plat.

SP/Behunin explained that the time extension granted in 2009 was the first of the 2 extensions allowed under the new code.

C/Bachman confirmed that the property was part of the LID. She asked if the density will be charged to the property in the LID and if they are on the hook for the EDU's

P & Z D/Hasson said that was correct. He further stated that this was approved in 2003 as a preliminary plat through the PUD process and has special use permits and a development agreement. The land use has a clock that has to be addressed and the applicant has to work within the time frames.

M/Dowdy asked if the applicant's representative, Chuck Miller, was present.

SP/Behunin responded that the applicant was not present.

C/Cardoza found it ironic that 7 years ago this, PUD won all types of trophies and conditions as to use of the facilities. Now it's not standard or acceptable to the city.

P & Z D/Hasson answered that it wasn't so much that it was acceptable to the city but it was acceptable to the market place. People in Kuna want the larger residential lots versus multi-unit housing. He confirmed that the applicant has a similar development in Multnomah County, Oregon and it is doing fine. It is in downtown Portland but that is a different dynamic than in Kuna.

M/Dowdy commented this was approved in 2003 and the biggest boom in the market was between then and 2007. There is no marketability for it in today's market.

P & Z D/Hasson recommended denial of the application.

C/Bachman stated her inclination was to approve the time extension with conditions of modification.

CA/Roats expressed concern that this property has an EDU density of 4 or 5 and what may happen if there isn't a time extension. There would tne be 400 EDU's floating.

C/Cardoza agreed with C/Bachman. He didn't believe that there has been a time extension denied in the last year and to deny this may not be the right move for the Council.

C/Lang agreed and as its part of the LID, it needs to be kept in mind and to make sure the applicant follows through this time.

C/Hoiland clarified what the EDU change would be from 4 to 3 EDU's per acre.

CA/Roats doesn't think it would drop from 4 EDU's to 3 EDU's because they are assigned to the property. It would have to be determined by the city whether to assess the property owner. If the entitlements expire or are not extended, the property will probably go back to the bank.

M/Dowdy believed that if the EDU's have been assigned with density, the city is guaranteed the density

CA/Roats indicated the city would have to decide how to allocate or reallocate.

P & Z D/Hasson said the density is in multi-family but there isn't multi-family interest in Kuna at this time.

Moved by C/Bachman, seconded by C/Lang to approve file 10-05-TE, Aldeia at Water's Edge/Laketown Subdivision (Waters Edge) with the condition that the applicant work with staff to modify the design to bring the plat up to the city's current standards. Motion carried 4-0.

E. CONSIDER REQUEST FOR REDUCTION OF FYE 2010 BUDGET.

CT/Marsh referred to his memo and reported that during the budgeting process last year, there was the potential for an Idaho Power Franchise fee that the city was pursuing and it wasn't guaranteed at that point but was being negotiated. The Council expressed interest in repealing the street light fee once that franchise fee was consummated. It was decided at the time to leave both in the budget as a revenue source. Based on current information, the franchise fee isn't going to materialize this fiscal year. He proposed to remove the amount of revenue, \$90,000 that was budgeted and placed in the contingency fund which would make the contingency fund \$39,764.39.

C/Bachman met with Blake Watson about a month ago and couldn't get a clear answer as to why the franchise fee hadn't materialized. She thought it was going back and forth over the proposed ordinance they didn't like about the utility corridors and thought that was resolved.

P & Z D/Hasson reported that the city received notification from Idaho Power's attorney that Blake Watson is no longer involved in the discussion.

M/Dowdy said that Idaho Power utilized the franchise fee agreement discussions to get the city to cave in on the ordinance that would affect them and since then they have dodged any opportunity to sit down and discuss the franchise fee agreement.

C/Bachman was told by Idaho Power that it was the other way around. There is an obvious problem and wondered if anything could be filed with the PUC.

M/Dowdy indicated that the city isn't in a position to negotiate because there is a current franchise agreement that doesn't expire until 2015 but doesn't have any fees.

P & Z D/Hasson believed the problem is the 500kV line and Kuna being opposed to it.

C/Hoiland met with Blake Watson in January and learned that Idaho Power prefers not to enter into Franchise Fee agreements.

C/Bachman asked if the city was required to have a Franchise Fee agreement so it spelled out the rights to provide service.

P & Z D/Hasson responded that only a franchise agreement necessary, not a franchise fee agreement.

Moved by C/Cardoza, seconded by C/Lang to approve reduction of the FYE 2010 General Budget by \$90,000 for a total amount in the contingency fund of \$39,764.39 with an overall budget of \$2,689,773.95. Motion carried 4-0.

F. **CONSIDER REQUEST TO APPROVE DATE, TIME AND PLACE FOR FYE 2011 BUDGET WORKSHOPS AND HEARING.**

CT/Marsh requested Tuesday August 17, 2010 for the budget public hearing. He also asked the Council if the dates for the workshops were acceptable or would they like the dates changed to accommodate their schedules.

M/Dowdy said to keep it to Mondays to accommodate Council's schedules.

Moved by C/Lang, seconded by C/Bachman to approve the date of August 17, 2010 for the Public Hearing for the budget year 2010-2011. Motion carried 4-0

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

9. **ORDINANCES:**

10. **MAYOR / COUNCIL DISCUSSION:**

M/Dowdy announced that he spent the morning at the Fire Station where presented a Proclamation proclaiming May 21, 2010 as "Fill the Boot Day" for the Muscular Dystrophy Association. They indicated that if any members of the Council would be interested, they would love to have the help during the two days. He has the contact information for anyone interested. Last year, \$5,000 was collected for the Muscular Dystrophy Association.

CE/Law stated that had a memo for C/Cardoza for a previous question about the stands for the ball fields.

C/Cardoza asked if the audit will be done for 2009 for the new budget year.

CT/Marsh replied that the 2009 audit is underway but that he couldn't guarantee it will be finished. It depends on the auditors and it typically takes 120 days to finish an audit but he

will ask if the City can be put ahead of other clients. He felt confident in the numbers and it is becoming sounder everyday.

C/Bachman stated that she had sent an email to P & Z D/Hasson regarding COMPASS who is updating the transportation plan. COMPASS would like the City to hold a public input meeting. C/Bachman would like to show that people from Kuna have been invited to weigh in on what we have already done in transportation.

In response to C/Cardoza, P & Z D/Hasson explained that the City does indeed have a Transportation Task Force.

M/Dowdy stated that he received an email about AIC providing online training for budget training.

11. ANNOUNCEMENTS:

12. EXECUTIVE SESSION

- 13. ADJOURNMENT:** There being no further business to conduct, moved by C/Lang, seconded by C/Bachman to adjourn at 8:25 p.m. Motion carried 4-0.

J SCOTT DOWDY, MAYOR

ATTEST:

CHRIS ENGELS, DEPUTY CITY CLERK

DATE APPROVED: MAY 18, 2010