

**KUNA CITY COUNCIL MEETING  
MINUTES  
JANUARY 19, 2010  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**7:00 p.m. – REGULAR COUNCIL MEETING**

Council President Lang called the meeting to order at 7:00 p.m.

**PRESENT:** Council President Lang, Councilwoman Bachman, Councilmember Cardoza and Councilmember Hoiland. Mayor Dowdy was absent.

**ALSO PRESENT:** City Attorney Richard Roats; City Engineer Gordon Law; Planning & Zoning Director Steven Hasson; City Treasurer John Marsh; Planner II Troy Behunin and City Clerk Lynda Burgess.

- 1. INVOCATION:** The Invocation was given by Pastor Stan Johnson, Kuna Life Church
- 2. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council President Lang
- 3. CONSENT AGENDA:**

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

- A. APPROVED MINUTES OF REGULAR MEETING OF JANUARY 5, 2010.
- B. APPROVED ACCOUNTS PAYABLE DATED JANUARY 15, 2010 IN THE AMOUNT OF \$197,104.11.
- C. ADOPTED RESOLUTION NO. R2-2010 RECEIVING THE ASSESSMENT ROLL FOR THE KUNA MUNICIPAL IRRIGATION DISTRICT AND DIRECTING THE CITY ENGINEER TO FILE SAID ROLL WITH THE CITY CLERK ON OR BEFORE JANUARY 25, 2010.
- D. ADOPTED RESOLUTION NO. R3-2010 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE TASK ORDER NO. 8 FOR AGREEMENT FOR MISCELLANEOUS ENGINEERING SERVICES – POTABLE AND PRESSURE IRRIGATION LINE EXTENSIONS WITH KELLER ASSOCIATES FOR TEN MILE AND ARDELL WATER LINE SEGMENTS.
- E. APPROVED PARTICIPATION IN ADA COUNTY NATURAL HAZARDS MITIGATION PLAN UPDATE AND APPOINTMENT OF P&Z DIRECTOR HASSON AS KUNA’S POINT OF CONTACT.

**5. OLD BUSINESS:**

**A. ELECT COUNCIL PRESIDENT (Continued from 1/5/10).**

C/Cardoza nominated C/Bachman for Council President; C/Hoiland seconded the motion. Motion carried 4-0.

**B. CONSIDER NON-COMMERCIAL KENNEL LICENSE APPLICATION FOR RICK AND STEPHANIE WHEATON, 490 N. SHADY GROVE (continued from 1/5/10).**

Rick Wheaton, applicant, stated that two of the dogs are gone and the third lives at his shop. He spoke to animal control and confirmed that the dog could come home on the weekends. He indicated that he hadn't read a letter from Rick and Sherry Barns that opposed the non-commercial kennel license.

C/Bachman pointed out that the letter seemed to be general in nature and didn't address any specific complaints about the Wheaton's.

Moved by C/Bachman, seconded by C/Hoiland to approve the non-commercial kennel license for Rick and Stephanie Wheaton at 490 N. Shady Grove. Motion carried 4-0.

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

**7. NEW BUSINESS:**

**A. APPROVE MAYOR'S RE-APPOINTMENT OF DAVID CASE TO THE PLANNING AND ZONING COMMISSION.**

P & Z D/Hasson reported that David Case is currently the chairperson for the P&Z Commission and has served on the commission for 3 years. City code and Idaho code provide that a commissioner can serve 2 consecutive 3 year terms. David is eligible for another 3 year term. He has done a very good job and is very diplomatic. He is very capable of reducing conflict and guides the meeting along seamlessly. He recommended that David Case be appointed to serve another term.

In response to C/Bachman, P&Z D/Hasson confirmed that Mr. Case would like to serve another term.

Moved by C/Cardoza, seconded by C/Bachman to re-appoint David Case to a 3 year term on the P&Z Commission. Motion carried 4-0.

**B. RECEIVE REPORT REGARDING CRIME STATISTICS FROM CHIEF OF POLICE KODY ALDRICH.**

Chief Aldrich stated that monthly statistics are now on the Ada County Sheriff website so he hasn't been presenting them at council meetings. However, he has received feedback that people appreciate the presentation and that could be revisited.

Chief Aldrich continue his report that, overall, crime has gone down in Kuna for the 6<sup>th</sup> consecutive year, even with the population change and the crime numbers. Recently, there were 108 burglaries that were all the same. From the crime analysis pattern, it was noticed that Kuna was the last piece in the puzzle, so it was thought the burglars could be coming here. The detective division was able to catch them. Personal crime has gone up, and the clearance rate for that and property crime has gone down. Overall, other clearance rates have gone down but there has been a decrease in staffing. Proactive calls and arrests have gone up. Vehicle accidents with injuries have also increased due to the addition of traffic lights. He indicated that he is working with ITD to bring the speed limit along Deerflat to one speed except during school hours in the school zone. He is suggesting 35 mph. The Kuna School District has also picked up more of the proportional cost for the school detective.

C. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR JAMES HUTCHINSON AND BRANDY BILYEU, 1650 N. BUCKLER WAY.

James Hutchinson stated that he has 3 dogs and pointed out that the only complaint letter copy sent to him isn't about his dogs. He moved to this location in November and the letter makes a reference to a time during the summer when he wasn't there.

C/Hoiland stated that, apparently the letter sent in complaint was about another dog.

CC/Burgess added that there have not been any complaints from the Humane Society about these dogs.

In response to C/Cardoza, Mr. Hutchinson explained that his chow/lab mix doesn't display any viciousness and a ten year old neighbor takes care of the dogs when he is gone.

Moved by C/Cardoza, seconded by C/Hoiland to approve the non-commercial kennel license for James Hutchinson and Brandy Bilyeu at 1650 N Buckler Way. Motion carried 3-0-1 (C/Bachman abstained).

D. APPROVE NON-COMMERCIAL KENNEL LICENSE FOR JOE CREGO, SR., 581 ELM AVE.

Joe Crego stated that he and his wife have lived in their home for 20 years and have fostered animals for the Humane Society. They have had an excess of over a thousand dogs on their property. He can't recall of having a dog at large or a dog complaint of any kind. Currently, he has 3 dogs that are theirs personally and are the only dogs they intend to keep from now on. They have a dog proof fenced back yard and the dogs are outside about an hour or hour and a half a day.

In response to C/Cardoza, Mr. Crego verified that one of the dogs is his mother-in-law's who lives in a nursing home.

C/Hoiland referred to the report by the Humane Society which indicates that there has been a dispatch history over the last few months.

Mr. Crego verified that the Humane Society has stopped by to speak to him about the dogs they currently have.

C/Cardoza pointed out that one report indicates neglect. Is there any neglect?

Mr. Crego answered that there is no neglect, the dogs are very spoiled.

CC/Burgess clarified that the Humane Society classifies calls on residences having more dogs than allowed as "neglect" even though that is not the case with this situation.

Moved by C/Bachman, seconded by C/Cardoza to approve the non-commercial kennel license for Joe Crego Sr. at 581 Elm Ave. Motion carried 4-0.

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

**A. PUBLIC HEARING: 09-02-CPF/COMBINED PRELIMINARY PLAT AND FINAL PLAT – DANSKIN RIDGE 6 SUBDIVISION (WILL BE CONTINUED TO A LATER DATE).**

**B. PUBLIC HEARING: 09-01-CPA/COMPREHENSIVE PLAN AMENDMENT.**

P/Behunin reported that this amendment was intended to correct an inadvertent staff error creating a boundary overlap with the City of Meridian's Area of Impact generally in the area of the intersection of Lake Hazel Rd. and Highway 69 and southward along Highway 69. The city is in negotiations with Ada County on establishing the boundary lines for authority for land use matters.

C/Bachman asked if this was a follow up to a meeting with Ada County Commissioners.

P/Behunin explained that this is in anticipation of further negotiations with the county. Without this change, it would cause challenges with Meridian.

P&Z Dir/Hasson further explained that one of the reason for resolving this overlap is that Idaho Statutes say if you seek to expand your area of city impact, which is a negotiated item between the city and the county and it involves some land that is in someone else's area of city impact, you also have to invite that municipality to participate in the negotiation. Rather than resolve a difference of opinion, it was decided to establish an amended boundary line.

In response to C/Cardoza, P & Z Dir/Hasson agreed that it was a mistake. Last year, Kuna asked Ada County to provide a shape file that showed Meridian's area of impact, and we relied on that information which was incorrect. It was his responsibility to check it and he didn't.

C/Lang opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

There being no testimony offered, C/Lang closed the Public Hearing.

Moved by C/Cardoza, seconded by C/Hoiland to approve 09-01-CPA/Comprehensive Plan Amendment. Motion carried 4-0.

C. PUBLIC HEARING: 08-01-AN/08-01ZA/08-01-DA – MELLIN PROPERTIES.

P/Behunin reported that this application is for the Ralph Mellin Properties development agreement modification request. The other actions that have occurred on this are 08-01-Annex, 08-01-Zone change and an approved development agreement. When this property was annexed into the city in 2008, the property owner entered into an agreement with the city to further a cause for the local Boys & Girls Club. There were a few hiccups along the way. In early 2009, it was conceived to remove the City as a stakeholder in the agreement and a lot split. That has occurred. A lot line adjustment will be coming forward also. The City is supportive of the Boys & Girls Club. Ralph Mellin has requested removing the City and inserting the Boys & Girls Club. Once a development agreement has been recorded with Ada County, it allows both sides to make requests and modify. Staff has asked for some changes and those are listed in the staff report. They are not significant changes, just modifications or clarification.

C/Lang opened the Public Hearing.

SUPPORT

Janice Dodson, 1082 Terrazzo Ct, Kuna explained that she is an attorney representing the Boys & Girls Club and a member the Kuna steering committee. The committee wanted to express that they are in favor of Council approving the amended development agreement to clear the way for the deed from Mellin Properties to be executed with the Boys & Girls Club. She expressed the committee's thanks to the P&Z Commission and everyone in Planning and Zoning for all the effort and work and Ralph Mellin for donating the property and the surveyor. There is a clause in the agreement that if the Boys & Girls Club can't be built; the property will revert to another Kuna non-profit group. That would

be the Kuna Youth Recreation Association, Inc. that members of the steering committee have developed.

Ralph Mellin, 10070 Los Ranchitos Dr., Boise gave a history of how this evolved. He mentioned others involved in getting this arrangement made. He complimented the members of the Boys & Girls Club Steering Committee, Steve Hasson and thanked everyone else involved. He was pleased that the project is going forward.

NEUTRAL

None

OPPOSE

None

There being no further testimony offered, C/Lang closed the Public Hearing.

C/Cardoza thanked Mr. Mellin for his property donation on behalf of the youth in Kuna. He asked about the future of farming that land and would be concerned if the farming would not continue between now and construction of a building in three to five years.

Mr. Mellin responded that that portion of the property has not been farmed in approximately twenty years. He indicated that the area could be disked if the Boys & Girls Club requests it.

Moved by C/Bachman, seconded by C/Cardoza to approve 08-01-AN/08-01-ZA/08-01-DA-Mellin Properties amending the approved development agreement and including P & Z Commission recommendations. Motion carried 4-0.

**9. ORDINANCES:**

**10. MAYOR / COUNCIL DISCUSSION:**

**11. ANNOUNCEMENTS:**

**12. EXECUTIVE SESSION**

Moved by C/Bachman, seconded by C/Cardoza to adjourn to Executive Session at 8:09 p.m. pursuant to I.C. 67-2345(f), potential litigation. Motion carried 4-0.


ADJOURNED EXECUTIVE SESSION AT 9:24 p.m.

CA/Roats announced that there will be a special meeting on Tuesday, January 26, 2010 at 6 p.m. to meet with LID participants.

13. **ADJOURNMENT:** There being no further business to conduct, moved by C/Bachman, seconded by C/Hoiland to adjourn at 9:24 p.m.

  
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Jeffery T. Lang, Council President

ATTEST:

  
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Lynda Burgess, City Clerk



DATE APPROVED: February 2, 2010