

**KUNA CITY COUNCIL MEETING  
MINUTES  
FEBRUARY 16, 2010  
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

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

Mayor Dowdy called the meeting to order at 7:02 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; City Treasurer John Marsh; Senior Planner Troy Behunin; Planner Tracy Rushlow and City Clerk Lynda Burgess.

**1. INVOCATION:** None given.

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

**4. CONSENT AGENDA:**

Moved by C/Lang, seconded by C/Bachman to approve. Motion carried by the following Roll Call vote:

**AYES:** Bachman, Cardoza, Hoiland, Lang  
**NOES:** None  
**ABSENT:** None

**A. APPROVED MINUTES:**

1. SPECIAL MEETING OF JANUARY 26, 2010
2. REGULAR MEETING OF FEBRUARY 2, 2010

**B. APPROVED ACCOUNTS PAYABLE DATED FEBRUARY 11, 2010 IN THE AMOUNT OF \$87,847.10.**

**C. APPROVED BUSINESS LICENSE FOR FLORENCE WRIGHT, “WRIGHT MUSIC ACADEMY,” 200 S. ORCHARD.**

**D. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 09-01-CPA, COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE PLAN MAP AREA OF CITY IMPACT BOUNDARY.**

E. APPROVED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 08-01-AN, 08-01-ZC, 08-01-DA, AMENDING THE APPROVED DEVELOPMENT AGREEMENT FOR MELLIN PROPERTIES.

F. APPROVED BUSINESS LICENSE FOR STEVEN MORRILL, "NORTHWEST GLOBAL ENTERPRISES," 959 N. SLUICE WAY.

**5. OLD BUSINESS:**

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

**7. NEW BUSINESS:**

A. ADOPT RESOLUTION R6-2010: A RESOLUTION OF THE CITY OF KUNA, ADA COUNTY, IDAHO, APPOINTING BOARD MEMBERS AND ALTERNATES TO THE VALLEY REGIONAL TRANSIT BOARD.

C/Bachman asked if an alternate was needed.

M/Dowdy asked C/Cardoza if he would like to be an alternate.

C/Cardoza responded that he would like to serve as alternate.

Moved by C/Lang, seconded by C/Hoiland to adopt Resolution R6-2010 to appoint C/Bachman as Board member and add C/Cardoza as Alternate. Motion carried 4-0.

B. 10-04-TE, SPRINGHILL - PRE PLAT (2ND TE) – TIME EXTENSION FOR SPRINGHILL SUBDIVISION PRELIMINARY PLAT.

SP/Behunin recommended continuing the matter to March 2, 2010 so that more information may be received from the applicant. There are a few things that came up after the application was accepted. P & Z wants to make sure everything they need is in.

C/Bachman asked SP/Behunin if the applicant would still meet the deadline if it is postponed.

SP/Behunin responded that the applicant will meet deadline because they submitted it early. Last year's time extension was well ahead of the expiration date. Since the application for the new one was before the expiration date, there isn't a problem. It will be back dated with the same sunset date.

Moved by C/Lang, seconded by C/Hoiland to continue the matter of file 10-04-TE, Springhill Pre Plat time extension to the March 2, 2010 meeting. Motion carried 4-0.

- C. SET SPECIAL MEETING DATE FOR DISCUSSION OF ORDINANCE NO. 2010-3: AN ORDINANCE MAKING CERTAIN FINDINGS IN CONNECTION WITH LOCAL IMPROVEMENT DISTRICT NO. 2006-1 (THE "LID") FOR THE CITY OF KUNA, ADA COUNTY, IDAHO, INCLUDING THE NAME OF SAID LID, THE CREATION OF SAID LID, THE HEARING OF PROTESTS AND THE FINDINGS MADE THEREAFTER IN CONNECTION THEREWITH; PROVIDING THE METHOD OF DETERMINING THE VALUE OF REAL PROPERTY IN SAID LID, THE OUTSTANDING AND UNPAID ASSESSMENTS PRESENTLY AN OBLIGATION OF PROPERTY INCLUDED IN SAID LID, AND DETERMINING THAT ASSESSMENTS UPON PROPERTY IN SAID LID TOGETHER WITH THOSE BEING LEVIED DO NOT EXCEED THE ACTUAL VALUE OF THE REAL PROPERTY IN SAID LID, INCLUDING THE VALUE OF THE IMPROVEMENTS THEREON; SETTING OUT THE IMPROVEMENTS MADE AND THE PROPERTY ASSESSED WITHIN SAID LID; CONFIRMING THE FINAL ASSESSMENT ROLL FOR SAID LID AND LEVYING THE ASSESSMENTS CONTAINED THEREIN; PROVIDING FOR THE PAYMENT AND NOTICE OF SAID ASSESSMENTS; PROVIDING FOR THE FINALITY OF THE DETERMINATION OF THE REGULARITY, VALIDITY AND CORRECTNESS OF SAID ASSESSMENT ROLL; PROVIDING FOR POTENTIAL REASSESSMENT; PROVIDING FOR AND SPECIFYING CITY INTENT AND PAYMENT CONTRIBUTIONS; RATIFYING THE PROCEEDINGS TAKEN IN CONNECTION WITH THE CREATION, PREPARATION AND ADOPTION OF THE ASSESSMENT ROLL, THE HEARING HELD THEREON AND THE NOTICE OF SAID HEARING AS TO SAID LID; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

CA/Roats indicated that a draft had been prepared. He requested a special meeting be set for later this week.

M/Dowdy reported that since interest has been calculated through the February 19<sup>th</sup>, the Ordinance needs to be adopted by then. He asked Council which days worked for them.

C/Bachman indicated that she was available on Thursday.

C/Lang announced that he leaves for work at 5:30 p.m.

Moved by C/Lang, seconded by C/Bachman to schedule a special meeting for February 18, at 4 p.m. to discuss Ordinance 2010-3. Motion carried 4-0

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

- A. PUBLIC HEARING: 09-15-ZC REZONE/09-15-DA DEVELOPMENT AGREEMENT – BOREN.

P/Rushlow reported that the applicant requested to rezone a property at 780 W. Avalon from R-6, residential to C-1, light commercial, although the applicant has no current plans to develop the property. The property is in a location that is in transition to non-

residential use. The application is consistent with the city's future comprehensive land use map and the development agreement limits what can be put on the property.

Louise Boren, 780 W. Avalon, applicant, asked that council approve the request.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

C/Bachman felt that it was difficult to approve a zone change when it's not known what is being proposed for the property use. With the right of way designation and the required improvements, what action would trigger what and when would Council be able to revisit this.

P/Rushlow explained that the project would go to design review with the proposal for the property. A special use may be required also. If it wasn't on the development agreement list, a new agreement would be required. The parcel isn't large enough to do anything but it's a chance to combine the two properties so something can go in.

C/Bachman asked if there was a proposed elevation. She indicated she would feel more comfortable if the concept plan showed the right-of-way dedication and compliance with all the conditions of approval.

SP/Behunin reported that staff has been confronted with several things lately about right-of-way dedication. The one thing to consider, when another application comes forward, they will have to go through design review and get ACHD approval when they submit the impact fees. If it's not up to ACHD or the city's standards that would be another catch all. In the past, it's been difficult to get some agencies to cooperate with us but in the last month or so, ACHD has been very conscientious in working with the city and what the city requires.

C/Bachman stated that it seems misleading to zone a property commercial, not have any of the improvements in place and have someone come in thinking they can operate under a home occupation or something and not have to construct all the costly improvements. This has been an issue in Kuna.

SP/Behunin pointed out that the development agreement addresses that and will prohibit that from happening.

C/Bachman further stated that some of the conditions are specific but a lot of them are vague. The concern is that if the development agreement isn't changed, it won't come before City Council.

SP /Behunin indicated that the right-of-way dedication would have to come before the Council in a final plat.

C/Bachman said that, technically, they have complied with our code but our purpose is lacking in submittal of a concept plan because a concept plan is to give an idea of what they want to do. Making the applicant aware of what they will be required to do.

SP/Behunin offered that perhaps these types of situations may be handled through a check list or an ordinance text amendment in the future.

In response to C/Cardoza, SP/Behunin stated that there has been other discussion about an alley and there is a steep price associated with it. It can be looked at or the council can recommend that the condition be added to the development agreement.

In response to M/Dowdy, SP/Behunin confirmed that all alleyways are owned by ACHD.

C/Cardoza stated that he was also concerned about page 4 of 20, 3.3.1, Allowed Uses. A rental store would be more appropriate in the industrial area, so he'd like to see rental store as a recommendation as an allowed use.

C/Bachman confirmed that the property owner understood that access will come up on School St. when they decide to develop.

C/Lang indicated that the irrigation district is right across the street and they will be pulling out backhoes and equipment at the same time. If this is going to be limited, then is it discrimination since the irrigation district is allowed.

C/Hoiland pointed out that just about every one of the allowed businesses could potentially have a lot of traffic in and out. Some of them would have 3 to 10 times the traffic as would an occasional rental trailer.

Moved by C/Lang, seconded by C/Hoiland to approve file number 09-15-ZC, Rezone and 09-15-DA, Development Agreement for Louise Boren at 780 W Avalon from R-6 to C-1, light commercial. Motion carried 3-1 (C/Bachman voted no).

- B. PUBLIC HEARING: 09-16-ZC REZONE/09-16-DA DEVELOPMENT /09-03-LLA LOT LINE ADJUSTMENT – DON YOUNG LAND CO.

P/Rushlow reported that the applicant requested a lot line adjustment for several parcels to reflect current land use. The adjustments end up with 2 different land zones. The property is non-conforming as per the comp plan but is an existing land use. This is a continued effort to clean up some of these parcels. It is in the best interest of the public to get the correct zonings and not overlap. She recommended approval.

C/Bachman clarified that the applicant proposed that the 13,154 sq. ft. be rezoned from C-3 to R-4.

P/Rushlow pointed out that it's a small section from the house to the south.

In response to C/Cardoza, M/Dowdy explained that, on Page 18, it shows that parcels C and D are already R4 and shows that the lower portion of C and all of D will remain R4.

David Crawford, B&A Engineers, 5505 W. Franklin Rd., Boise, representing Applicant, stated that here is a lot of history. The applicant has been before Council previously with the application and an appeal. This is a second application a part of which includes the rezone to incorporate a portion of parcel C to be the same zone as parcel D which is R4. This is required by the new city ordinance regarding lot line adjustments.

M/Dowdy opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

Moved by C/Lang, seconded by C/Bachman to approve file 09-16-ZC Rezone/09-16-DA Development /09-03-LLA Lot Line Adjustment – Don Young Land Co. Motion carried 4-0.

**9. ORDINANCES:**

**10. MAYOR / COUNCIL DISCUSSION:**

C/Bachman asked for an update on the ball fields.

M/Dowdy indicated the city has taken over the project. The fields should be ready in time for the season because of the actions taken now.

**11. ANNOUNCEMENTS:**

C/Hoiland expressed concern about ACHD's proposal to widen Deer Flat between Linder and Hwy 69. This project would remove the shoulders and school children would not have a safe area to walk to school. He suggested that staff contact ACHD to see about a change to the proposal.

CE/Law indicated that he will check with the staff at ACHD.

M/Dowdy explained that the paving was originally a temporary thing because of an accident of a child being hit by a car. The city requested a review. Nothing was put in permanently because it would have to be removed during the widening.

C/Lang stated that sidewalks have long been a priority for the city because of the safety issue for the children.

M/Dowdy reported that the Mayors of Ada County and a commissioner have been discussing creating an alliance to try to set aside funds for projects within cities to propose to ACHD for cities' discretionary use for projects further out the list or not on the ACHD list. The original proposal was for ACHD to set aside 25% of their capital budget. ACHD countered at 4% with a \$3,000,000 cap with the idea that the money needed to be spent within so many years otherwise it would go back to ACHD. At that amount, only 1 city each year could receive it and there wouldn't be enough for a larger project. The counter proposal from the Ada County Mayors was to ask for 20% of the capital budget to be set aside.

**12. EXECUTIVE SESSION**

- 13. ADJOURNMENT:** There being no further business to discuss, it was moved by C/Lang, seconded by C/Hoiland to adjourn at 7:55 p.m. Motion carried 4-0.

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J. SCOTT DOWDY, MAYOR

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: MARCH 2, 2010