

KUNA CITY COUNCIL MEETING
MINUTES
FEBRUARY 2, 2010
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

7:00 p.m. – REGULAR COUNCIL MEETING

Mayor Dowdy called the meeting to order at 7:00 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; Planner II Troy Behunin; Planner Maranda O Bray and City Clerk Lynda Burgess.

1. INVOCATION: The Invocation was given by Pastor Morrie Lewis, Bible Missionary Church

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

AMEND AGENDA ITEM 4.B. ACCOUNTS PAYABLE – CHANGE AMOUNT FROM \$168,025.02 TO \$177, 692.89.

Moved by C/Bachman, seconded by C/Lang to amend the agenda by changing the Accounts Payable Amount to \$177,692.89 and correcting Item 9, Ordinance 2010-2 by changing Crimson Point Subdivision Phase 6 to Phase 5. Motion carried 4-0.

4. CONSENT AGENDA:

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

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

A. APPROVED MINUTES OF REGULAR MEETING OF JANUARY 19, 2010.

B. APPROVED ACCOUNTS PAYABLE DATED JANUARY 29, 2010 IN THE AMOUNT OF \$177,692.89.

C. ADOPTED RESOLUTION NO. R4-2010 URGING THE UNITED STATES AIR FORCE TO SELECT IDAHO FOR TRAINING AND OPERATIONAL BASES FOR THE NEW F-35 MISSION.

D. APPROVED LICENSE FOR SALE OF ON PREMISE BEER AND LIQUOR BY THE DRINK- FIESTA GUADALAJARA, 780 E. AVALON.

E. APPROVED BUSINESS LICENSE FOR DAVID JOHNSON, "DAVE'S DOORS," 2581 W. CERULEAN DR.

5. **OLD BUSINESS:**

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

REQUEST FOR PERMISSION TO UTILIZE BERNIE FISHER PARK FOR VACATION BIBLE SCHOOL, JUNE 6-10, 2010 AND WAIVER OF FEES, NEW BEGINNINGS CHRISTIAN CHURCH - SMALL GROUPS DIRECTOR, MARCUS OMDAHL.

Moved by C/Bachman, seconded by C/Hoiland to waive the fee for Bernie Fisher Park for New Beginnings Christian Church Bible School June 6-10, 2010. Motion carried 4-0.

7. **NEW BUSINESS:**

A. CONSIDER EXTENSION OF NON-COMMERCIAL KENNEL LICENSE FOR PATRICIA HUCKSTEP, 204 W. 4TH ST. (TEMPORARY LICENSE EXPIRED 12/31/09.)

Patricia Huckstep, 204 W. 4th St.

M/Dowdy stated that there were several letters received regarding this application. He asked CC/Burgess about 2 letters from one sender and if they came in at separate times.

CC/Burgess answered that one letter was sent last summer and the second letter came last Friday morning, after copies of the other letters had been sent to Mrs. Huckstep. It was too late to send a copy but she had the original letter from the same people with the same general complaints.

C/Hoiland indicated that one of the letters from a neighbor says occasionally the dogs run unrestrained.

Mrs. Huckstep (*unintelligible*).

C/Hoiland asked what type of dog it was.

Mrs. Huckstep stated that the dog belongs to her son.

C/Hoiland stated that the letter from the Jones' says it's a pit bull.

CC/Burgess reported that the Humane Society has classified that dog on their reports as a chocolate lab.

C/Hoiland asked if Mrs. Huckstep's son lives at her address.

Mrs. Huckstep indicated that her son lives in a motor home on her property.

M/Dowdy asked if there were any others present on behalf of the application.

C/Cardoza inquired what the citation was that Mrs. Huckstep had received.

Mrs. Huckstep stated that the citation was for not having a non-commercial kennel license but explained that she was waiting to see if one of her chihuahuas, which disappeared during the holidays, returned before applying for a kennel license for 4 dogs, rather than 3.

C/Bachman was concerned that the property isn't fenced.

Mrs. Huckstep responded that the property is fenced.

C/Bachman stated that evaluating this license is difficult because there are a lot of complaints. One of the letters thinks the applicant wants more dogs, but that's incorrect. The other complaints are about barking.

C/Bachman asked P & Z D/Hasson if the code enforcement department received any complaints about noise or parking or anything else about this residence.

P & Z D/Hasson indicated that he was not aware of any code enforcement issues.

In response to C/Cardoza, Mrs. Huckstep confirmed that there are no pit bulls on her property nor have there ever been pit bulls.

Moved by C/Bachman, seconded by C/Lang to approve the non-commercial kennel license for Patricia Huckstep at 204 W. 4th St. Motion carried 4-0.

B. CONSIDER NON-COMMERCIAL KENNEL LICENSE FOR DANNY AND PATTY KIDD, 563 ELM ST.

CC/Burgess reported that no letters were received from the neighbors and that there were no complaints filed with the Humane Society.

Moved by C/Bachman, seconded by C/Lang to approve the non-commercial kennel license for Danny and Patty Kidd at 563 Elm St. Motion carried 4-0.

C. 09-05-LLA (LOT LINE ADJUSTMENT) – LES SCHWAB TIRE CENTER/BLACKS CREEK LIMITED PARTNERSHIP.

P/Obray presented the staff report (*unintelligible due to microphone malfunction*).

Mike Oxman, 20900 Cooley Dr, Bend OR, applicant (*unintelligible*).

Moved by C/Bachman, seconded by C/Lang to approve file number 09-05-LLA for Les Schwab Tire Center/Blacks Creek Limited Partnership as proposed and follow staff's conditions of approval. Motion carried 4-0

D. 10-01-TE – REQUEST FOR TIME EXTENSION FOR NAPA VINEYARDS PUD PRELIMINARY PLAT.

PII/Behunin presented the staff report (*unintelligible*).

Moved by C/Lang, seconded by C/Bachman to approve file number 10-01-TE for Napa Vineyards PUD Preliminary Plat time extension for phase 1 for 1 year. Motion carried 4-0.

E. 10-02-TE – REQUEST FOR TIME EXTENSION FOR WILLOW GLEN SUBDIVISIONS 3 AND 4.

PII/Behunin presented the staff report (*unintelligible*).

Lance Warnick, representative for applicant (*unintelligible*).

Moved by C/Bachman, seconded by C/Lang to approve file number 10-02-TE for time extension for Willow Glen Subdivisions 3 and 4 for 1 year. Motion carried 4-0.

F. ADOPT RESOLUTION NO R5-2010 SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE MUNICIPAL IRRIGATION SYSTEM; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2010 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2010 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR THE 2010 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2010 IRRIGATION SEASON; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES AND SETTING AN EFFECTIVE DATE.

C/Cardoza asked CE/Law about the gravity assessment B on page 6 of the resolution. Is it possible on flood gravity that the city could deliver more water than is paid for per acre ft?

CE/Law (*unintelligible*).

C/Cardoza, regarding Customer Service Charges mentioned on 6 D, stated that the fee is \$15 but it is applied to the following year's assessment. Why isn't it assessed before we reconnect or is that an additional charge the next year?

CE/Law (*unintelligible*).

C/Cardoza expressed concern that if the property is sold, the buyer will be assessed the

reconnect fee the following year. Could the fee be collected at the time the reconnect is done to avoid it being carried to the next year?

CE/Law (*unintelligible*).

CC/Burgess stated that if the property has changed hands and the irrigation and reconnect fee have not been collected, an assessment is done and the city will work with the title company to collect delinquencies from the seller at the time of close of escrow.

C/Lang asked if the reconnect fee can be collected before reconnection.

CC/Burgess indicated that staff will need to work out procedures for collection of these reconnect fees.

CE/Law (*unintelligible*).

C/Hoiland understood that the issue is the billing because the irrigation isn't monthly so there isn't a mechanism to attach that.

CE/Law (*unintelligible*).

C/Cardoza asked if reconnects are a big issue that's worth pursuing?

CC/Burgess reported that, roughly, there are 150-200 parcels owned by developers that have not paid last year's assessments. There are not a lot of individual parcels that remain uncollected. To date, there has not been any reconnects on gravity or pressurized irrigation accounts.

Moved by C/Lang, seconded by C/Bachman to adopt Resolution R5-2010. Motion carried 4-0.

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

9. ORDINANCES:

**DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS
ORDINANCE NO. 2010-02: AN ORDINANCE OF THE CITY OF KUNA, IDAHO
ANNEXING CRIMSON POINT SUBDIVISION PHASE 5 INTO THE KUNA
MUNICIPAL IRRIGATION SYSTEM AND CHANGING BOUNDARIES THEREOF;
DIRECTING COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY
LAW; AND PROVIDING AN EFFECTIVE DATE.**

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance 2010-02. Motion carried 4-0.

Moved by C/Lang, seconded by C/Bachman to adopt Ordinance 2010-02. Motion carried by the following Roll Call vote:

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

10. MAYOR / COUNCIL DISCUSSION:

11. ANNOUNCEMENTS:

M/Dowdy announced that authorization has been received from the Department of Environmental Quality to deliver water from Well No. 9. That well was re-drilled to make up for the arsenic levels in Well No. 4.

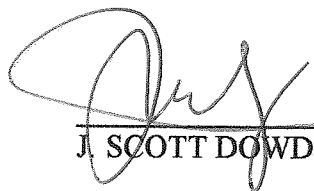
12. EXECUTIVE SESSION

Moved by C/Bachman, seconded by C/Lang to adjourn to Executive Session pursuant to I.C. 67-2345(f), Potential Litigation at 7:50 p.m. Motion carried by the following Roll Call Vote:

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

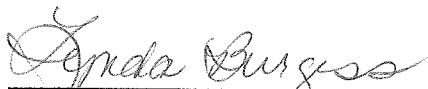
ADJOURNED EXECUTIVE SESSION at 9:18 p.m.

13. ADJOURNMENT: There being no further business to conduct, it was moved by C/Cardoza, seconded by C/Lang to adjourn the meeting at 9:22 p.m.



J. SCOTT DOWDY, MAYOR

ATTEST:



LYNDA BURGESS, CITY CLERK

DATE APPROVED: FEBRUARY 16, 2010

