KUNA CITY COUNCIL MEETING
MINUTES
MAY 18, 2010
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

1. CALL TO ORDER AND ROLL CALL:

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

2. INVOCATION: None given.

3. PLEDGE OF ALLEGIANCE: Mayor Dowdy

AMEND AGENDA ITEM 4.A. TO CHANGE DATE OF MINUTES FOR APPROVAL TO MAY 4, 2010 **AND** MOVE ITEM 4.H. ADOPT RESOLUTION NO. R16-2010 CONSENTING TO THE VACATION AND REINSTATEMENT OF AN EASEMENT BETWEEN LOTS 14 AND 15, BLOCK 1, ARROWROCK RANCH SUBDIVISION NO. 1 TO 7, NEW BUSINESS.

Moved by C/Bachman, seconded by C/Lang to amend the agenda to correct item 4.A and move item 4.H to 7, New Business. Motion carried 4-0.

4. CONSENT AGENDA:

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

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

A. APPROVED MINUTES OF REGULAR MEETING OF MAY 4, 2010.

B. APPROVED ACCOUNTS PAYABLE DATED MAY 13, 2010 IN THE AMOUNT OF $236,742.58.

C. APPROVED BUSINESS LICENSE FOR JULIANNE NYE “VALLEY TAX, LLC,” 2535 N. DESTINY AVE.

D. APPROVED BUSINESS LICENSE FOR TIMOTHY JOHNSON, "DISCOUNT GROCERY OUTLET," 328 AVENUE D.

E. APPROVED BUSINESS LICENSE FOR LELAND AND KIM RICE, "RICE FAMILY FARMSTAND," 8830 S. MERIDIAN RD.

F. APPROVED BUSINESS LICENSE FOR MICHELLE DRISCOLL "MICHELLE'S HAIR DESIGN," 474 N. SCHOOL AVE.

G. ADOPTED RESOLUTION NO. R15-2010, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE "REGULATORY PERMITTING, HYDROGEOLOGIC OVERSIGHT, WELL DESIGN, INSPECTIONS SERVICES DURING CONSTRUCTION AND DEVELOPMENT, WATER QUALITY SAMPLING, GEOCHEMICAL ANALYSIS AND INTERPRETATION, WELL HEAD SECURITY, AND DOCUMENTATION OF THE PROPOSED CITY OF KUNA CHAPPAROSA TEST WELL" WITH HYDRO LOGIC, INC.

H. ADOPTED RESOLUTION NO. R17-2010 AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THAT "REIMBURSEMENT AGREEMENT" WITH THE ZATICA FAMILY LIMITED PARTNERSHIP.

5. **OLD BUSINESS:**

A. ADOPT RESOLUTION NO. R14-2010 AUTHORIZING THE MAYOR TO EXECUTE THE PROFESSIONAL SERVICES PROPOSAL FOR SUPPLEMENTATION SUBMITTED BY MUNICIPAL CODE CORPORATION (continued from May 4, 2010).

C/Bachman indicated one of the questions from the last meeting was what the cost to switch over is. Do they charge to switch to their website?

CC/Burgess answered there is no charge to switch. Municipal Code Corp. offers the service free of charge to entice new business. There is no capital outlay. They will digitize the city's paper code and place it on the website. Hosting of the online code is free of charge for the first year. From the second year on, the City will pay Municipal Code Corp. $500; the same fee the City has been paying Sterling Codifiers.

Moved by C/Lang, seconded by C/Hoiland to adopt Resolution No. R14-2010. Motion carried 4-0.

B. DISCUSS PROPOSED ANIMAL CONTROL ORDINANCE, AS AMENDED (continued from May 4, 2010).

CA/Roats stated that staff took three chapters from the City's code regarding animals and dogs and combined them into the proposed Kuna City Animal Control Ordinance to try to consolidate and clarify the regulations. Staff began working on changing the

ordinance dealing with dogs since the Council expressed concerns in dealing with non-commercial kennel licenses. That requirement was eliminated from the draft.

C/Cardoza had a question about page 7, number B.2., has the city grandfathered anyone in who had a structure before annexation? Will there be grandfathering of a structure that is less than 50 ft. from the property line if they are annexed into the city?

CA/Roats responded that structures have been grandfathered at annexation.

P & Z D/Hasson added that someone coming into the city from the county comes in with a nonconforming status.

M/Dowdy, in response to C/Cardoza, quoted from paragraph A, "Farm animal(s) that existed within the city prior to the effective date of this ordinance's passage or if the City through an annexation procedure, has annexed land into the city where farm animals are not permitted, but where maintained prior to annexation, said farm animals are granted a non-conforming status according to Idaho law."

C/Bachman asked if it would be safe to add "and structures" after "farm animals" in the second sentence.

M/Dowdy asked about B.2., "location of the housing structure, farm animals are not to be housed in any structure located less than 50 feet from the property line." He understood for certain animals but farm animals include turkeys, ducks and those types, a lot 70 ft. wide wouldn't allow them to be housed anywhere 50 ft. from the property line. He thought that a horse or other large animals kept in a small subdivision needs to be addressed. For someone who wants to keep a chicken, rabbit or duck, it is a possibility. Some setback would be appropriate and maybe separate out large farm animals from small farm animals to some degree.

C/Bachman clarified the type of animals M/Dowdy was referring to. She asked about the existing code for smaller animals having a minimum lot size.

CC/Burgess interjected that a lot of people have been calling lately about whether chickens are allowed in their neighborhoods because of the economy since they are trying to raise their own food.

M/Dowdy didn't think there was anything that didn't allow chickens currently but the new ordinance does.

C/Bachman thought the current code was just to have a certain sized lot to have chickens.

P & Z D/Hasson explained that most restrictions are addressed in the land use table as a footnote under the agricultural section that says "cows, horses, sheep and goats may be kept provided lots have an area of at least 30,000 square feet. No pigs are allowed."

With respect to larger animals, it is built into the footnote and perhaps smaller animals could have a smaller setback.

C/Bachman was agreeable to splitting for smaller animals.

C/Hoiland questioned that the new ordinance would open it to pigs and asked if Council wanted to do that.

M/Dowdy stated there is an inconsistency of the land use.

P & Z D/Hasson said this was brought up at the last meeting, once it is adopted; there will be a need to go back to the city code and land use table and make sure it agrees with the ordinance.

M/Dowdy suggested the structure for small animals be set back from the property line 15 ft.

C/Bachman was agreeable.

CA/Roats asked M/Dowdy to break down the changes he had for the smaller and large animal set backs and clarified other change requests.

CA/Roats proposed to adopt it at the next meeting to allow him time to develop the resolution for the fees.

Moved by C/Lang, seconded by C/Hoiland to table the Animal Control Ordinance to the June 1, 2010 meeting for adoption of the Ordinance in final form. Motion carried 4-0.

6. CITIZEN'S REPORTS OR REQUESTS:

Hoss Grigg gave an update on Kuna Days for 2010. There will be fewer activities this year than in the past as there isn't money to support them. The street dance is still scheduled. Committee members met with Sgt. Kinzel from the Police Department and the same security plan was approved that has been used for the last 3 years. Mr. Grigg asked the City to assist in payment of the security amount of $3,200. He also asked for a waiver of vendor fees. In the past, the City gave $5,000 toward the event and then in later years it was $10,000 but last year due to budget restraints, the City couldn't donate. Without some support, it could be the end of Kuna Days.

C/Cardoza asked if Kuna Days would keep the money charged to vendors rather than passing it on to the City.

C/Bachman asked if the committee proposed in the last budget for funds.

Hoss Grigg didn't know if it had been requested.

C/Bachman said that some money had been put in contingency to be reviewed at a future date. It would need to be to be considered.

Hoss Grigg thought a letter was sent prior to budget meetings.

M/Dowdy stated the contingency fund was significantly reduced because of the Idaho Power Franchise Fee. He asked CT/Marsh how much was left in the fund.

C/Cardoza asked Lt. Aldrich if there were any grants that could be applied for.

Lt. Aldrich reported that grants are only usually available only for nighttime DUI patrol in highway areas.

In response to C/Cardoza, Mr. Grigg stated there will be a fireworks display but it will be scaled back by $3,800. There are still fees coming in from the vendors last year that was around $10,000 but the event as a whole was just short of $24,000. There was corporate sponsorship last year and others donated. No one wants to see the event go away but this is one of the toughest years seen in a very long time.

C/Bachman asked if the cost for security is $3,200 each year.

Lt. Aldrich thought that that figure was a rough estimate but he would have to check on the exact amount. Last and this year are the same. There was other funding available the previous year.

Hoss Grigg added that the estimate for security this year was a little higher than last year.

C/Bachman asked CT/Marsh what amount was in the budget that was considered and put into contingency.

CT/Marsh replied that there were several requests for donations. He could get a list together for Council.

M/Dowdy suggested to table to next meeting to allow staff to research the budget. Council agreed

7. **NEW BUSINESS:**

ADOPT RESOLUTION NO. R16-2010 CONSENTING TO THE VACATION AND REINSTATEMENT OF AN EASEMENT BETWEEN LOTS 14 AND 15, BLOCK 1, ARROWROCK RANCH SUBDIVISION NO. 1.

C/Bachman recused herself from discussion of this matter.

CE/Law reported that, in the vacation of right-of-way or easements for areas outside the corporate limits of the City but within 1 mile, State code requires permission from the

City. This request falls into that area. It is in the Arrowrock Subdivision at the southeast corner of Kuna Mora Rd. and Cloverdale adjacent to the Osprey Ridge area. He explained the details of the relocation of the easement. The two property owners have agreed that they are willing to relocate the property line and the easement to eliminate the encroachment. There are no utilities in the easement. He recommended approval.

Moved by C/Lang, seconded by C/Hoiland to adopt Resolution R16-2010. Motion carried 3-0-1 (C/Bachman abstained).

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

The following Public Hearings were advertised for City Council consideration this evening. However, due to lack of a quorum at the May 12, 2010 Planning and Zoning Commission Meeting, these items are being tabled to the June 1, 2010 City Council meeting.

A. 10-01-ZC (REZONE) BRAND PROPERTY, 757 E SHORTLINE RD.

B. 10-03-Z0A (TEXT AMENDMENT) – KCC 6-2-4 "FINAL PLAT"/KCC-6-4-2 "REQUIRED PUBLIC IMPROVEMENTS"/KCC 6-4-3" FINANCIAL GUARANTEE"

C. 10-04-ZOA (TEXT AMENDMENT) – KCC 1-14 "DECISION MAKING LAND USE AUTHORITY AND PROCESS BY APPLICATION"/KCC 5-1-6-2 "MEANINGS OF TRMS AND WORDS: EMISSIONS TESTING FACILITY"/KCC 5-3-2 "OFFICIAL SCHEDULE OF DISTRICT REGULATIONS: VEHICLE EMISSIONS FACILITY"/"FARMER'S MARKET"

9. **ORDINANCES:**

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE 2007-18A: AN ORDINANCE AMENDING ORDINANCE NO. 2007-18 OF THE CITY OF KUNA, IDAHO, REZONING CERTAIN LANDS IN THE CITY OF KUNA, ADA COUNTY, IDAHO, NOW KNOWN AS FALCO CATENA SUBDIVISION, PARCEL NUMBER S1336223600, S. SWAN FALLS ROAD FROM AGRICULTURAL TO R-4, LOW DENSITY RESIDENTIAL DISTRICT; AMENDING THE ZONING MAP OF THE CITY OF KUNA TO REFLECT SUCH CHANGE; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2007-18A. Motion carried 4-0.

Moved by C/Lang, seconded by C/Bachman to adopt ordinance No. 2007-18A. Motion carried by the following Roll Call vote:

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

10. **MAYOR / COUNCIL DISCUSSION:**

M/Dowdy announced the AIC annual conference is coming up in June. It will be in Idaho Falls and those that want to go should let the City Clerk know so she can get Council signed up.

C/Cardoza asked Lt. Aldrich about the April monthly report regarding the total for personal crime and asked if there was an increase.

Lt. Aldrich explained the increase was from vehicle burglaries. There was a string of vehicle burglaries in unlocked vehicles with expensive items left in them. The people who did it have been caught. He further stated that COMPASS released their new population index and they changed their formula. It is based on census data plus economics of the city and other factors which decreased the COMPASS population. That decrease affected the numbers. He further explained what each of the categories mean. Lt. Aldrich has applied for grants to look for DUI's and aggressive driving.

C/Lang mentioned that he has noticed an increase of door to door salesman lately. He spoke with CC/Burgess about adding something to the bottom of the utility billings to let the citizens know that they have the right to ask solicitors for proof they have checked in with the city and are legitimate.

CA/Roats indicated he has been working with CC/Burgess on making some changes to the solicitor's license.

C/Cardoza asked if the total from the census has come in yet.

P&Z Dir/Hasson responded that the census data will not be available until approximately April of 2011.

11. **ANNOUNCEMENTS:**

12. **EXECUTIVE SESSION**

Moved by C/Lang, seconded by C/Hoiland to adjourn to Executive Session pursuant to I.C. 67-2345(c), Potential Property Acquisition and (f) Litigation at 7:55 p.m. Motion carried by the following Roll Call vote:

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

RECONVENE: 10:09 p.m.

13. **ADJOURNMENT:** There being no further business to conduct, moved by C/Lang, seconded by C/Bachman to adjourn at 10:05 p.m. Motion carried 4-0.

J SCOTT DOWDY, MAYOR

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: JUNE 1, 2010