

**KUNA CITY COUNCIL MEETING**  
**MINUTES**  
**JUNE 1, 2010**  
**KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**6:15 p.m. – PRE-COUNCIL MEETING**

C/Bachman called the Pre-Council meeting to order at 6:15 p.m.

PRESENT: Council President Bachman, Councilmember Cardoza, Councilmember Hoiland and Councilmember Lang. M/Dowdy was excused.

ALSO PRESENT: P&Z Director Steven Hasson and City Clerk Lynda Burgess.

Terry Little, Manager of Traffic Services and Andrew Cibor, ACHD, made presentations regarding ACHD's Roundabout Policy.

Mr. Little explained that roundabouts have the right of way and pedestrians cross at the splitter island. The splitter island turns the traffic in the direction a vehicle needs to go. Safety is a factor and they provide for accident reduction and the severity of accidents. Congestion, delay and air pollution factors in as well since there aren't yellow or red lights. They flow very well. In regard to community value, the aesthetics can be an entryway into a community. Roundabouts also slow down traffic. He summarized the progression of roundabouts and how the total has grown to over 600 in the US. Our region is continuing to get more roundabouts. He listed numerous cities that have roundabouts. Public sentiment toward roundabouts is generally negative before they know about them but after installed, sentiment changes. He showed comparison graphs of conflicts between roundabouts and signal lights. 75% of severe accidents are reduced or eliminated. He quantified the severity of accidents in dollar amounts.

C/Cardoza asked about a previous graph that was presented and asked if there was a breakdown of the accidents in each year.

Mr. Little said there was some general data available but nothing specific. Roundabouts are traffic specific. A single lane handles 20,000 vehicles and a 2 lane roundabout handles about 40,000 a day. The intersection at Linder and Swan Falls and Avalon handle approximately 17,000; while Deerflat and Kuna/Meridian is about 25,000 cars a day (24 hours). It is analyzed by peak hour and the conflicting movements.

P & Z D/Hasson stated that, last year, as part of the annual effort to prioritize roadways for ACHD, 53 locations in the community were identified as having traffic problems. 4 or 5 locations would be candidates for consideration of roundabouts: Bridge, W. Avalon and Shortline; Swan Falls, Linder and Avalon; Main St. and Linder where they intersect at 3<sup>rd</sup>, and Bridge St. where it intersects at Main and Ave. D. There have also been discussions of

a roundabout at Ten Mile and Amity or Cloverdale. He asked if Council was open to roundabouts.

Mr. Little hoped the City and ACHD were on the same wavelength. They intend to look at all the intersections that have the potential for signals for roundabouts in the future.

C/Bachman said she thought the big thing was public education because she thought there were a lot of misconceptions about roundabouts. Commercial properties are usually worried about access and where their entrances would be. The Council may be willing to look at roundabouts as an alternative but she felt there needs to be public involvement so the community's issues are addressed.

Mr. Little agreed it was important to do that and they have done some of it. Nampa had a great meeting with a display board with trucks and roundabouts to convey the message to the public.

C/Bachman added that transportation for schools, buses, trash trucks and such may need more information.

Mr. Little emphasized that two key things are pedestrians and bicycles--especially in the one lane roundabouts since they are easy for pedestrians because they have the right of way. Multi lanes require pedestrian control. An option for bicycles is to have the lane end at the roundabout and they flow with traffic or become a pedestrian. He gave an example of accident reductions for a Colorado roundabout. Trucks are also an issue but trucks can complete a u-turn on a roundabout.

Regarding the locations that P & Z D/Hasson referenced for roundabouts, C/Bachman asked about them being close to the railroad tracks. She asked his thoughts if it was better to have cars backed up at a signaled intersection or a roundabout.

Mr. Little replied that with a signal, it can be controlled--a roundabout would be difficult.

C/Lang asked if Nampa had studied the issue since there are railroad tracks at Happy Valley and Greenhurst.

Mr. Little responded that Nampa had an expert consultant look at it.

Mr. Cibor added that it could be an issue and there would need to be study a done. He covered the policy of roundabouts. Roundabouts have a much different right of way need than a signal. It's not right-angled and there are no corners. They want good designs and they are safe and efficient.

P & Z D/Hasson interjected that the city has worked on transportation issues and if he understands ACHD's policy, then it can be incorporated.

Mr. Cibor stated this effort had started in 2006 when a consultant was involved along with a committee of several stakeholders, land use agencies, emergency services that amounted to

approximately 20 people. Since then, a lot has changed and there has been a lot of research. In 2007, a comprehensive study of roundabouts in the US was completed. Prior to that, it was based on European or Australian research. Time has been invested into developing staff learning more about roundabouts. Since the draft guideline has been produced, it has been distributed to developers that have come along. When roundabout designs are being evaluated, a lot of it can be subjective but they have been able to develop procedures and make it less subjective.

Regarding the sequencing of roundabouts, C/Bachman noticed that traffic heading eastbound at the Happy Valley roundabout is backed up a half mile or more at the next 4-way stop. As part of the process, will we look at sequencing so it's not completely efficient with vehicles stuck at the next intersection? It seems that it defeats the purpose.

Mr. Cibor believed there would be prioritization to be sure that improvements are constructed in the right order. They will look at more of a corridor approach to keep things consistent. Some of the policy features is that roundabouts are being looked at and compared with other alternatives such as traffic signals. He detailed the variety of factors to be considered. Sidewalks and crosswalks need to be provided for safety.

C/Bachman inquired as to signage.

Mr. Cibor said signage or arts could be used in the center island. They want to make sure if an errant movement is made, it isn't hit too hard or limit site distance. It shouldn't be something that draws people to the center island. Lighting is another item that is important in a roundabout. The two documents are the policy and the design guide. If right of way is built up too closely to the area, a roundabout can't be installed. He detailed some of the benefits to roundabouts versus other intersection options. There are some roundabouts planned for the county and some studies for roundabouts in Canyon County. In response to C/Bachman, roundabouts can very comparable. In the future, they are looking at updating their master street map to include roundabouts. He concluded the presentation with a summary of maintenance of traffic signals and roundabouts.

C/Bachman thanked them for the presentation and added that when they are looking at the intersection of Amity and Ten Mile, the city would like to take an active role in any stakeholder involvement or alternatives.

C/Bachman adjourned the Pre-Council Meeting at 6:50 p.m.

## **REGULAR CITY COUNCIL MEETING**

### **1. CALL TO ORDER AND ROLL CALL:**

C/Bachman called the meeting to order at 7:00 p.m.

**PRESENT:** Council President Bachman, Councilmember Cardoza, Councilmember Hoiland and Councilmember Lang. M/Dowdy was excused.

**ALSO PRESENT:** City Attorney Richard Johnson; City Engineer Gordon Law; Planning & Zoning Director Steven Hasson; Senior Planner Troy Behunin, Planner Maranda Obray and City Clerk Lynda Burgess.

**2. INVOCATION:** The Invocation was given by Elder Ron Hughes, 7<sup>th</sup> Day Adventist Church.

**3. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Council President Bachman.

**4. CONSENT AGENDA:**

Moved by C/Lang, seconded by C/Hoiland to approve the Consent Agenda. Motion carried 3-0.

- A. APPROVED MINUTES OF REGULAR MEETING OF MAY 18, 2010.
- B. APPROVED ACCOUNTS PAYABLE DATED MAY 27, 2010 IN THE AMOUNT OF \$151,491.33.
- C. APPROVED BUSINESS LICENSE FOR RANDY AND DELANY MANKER, "FREEDOM FITNESS," 693 E. WYTHE CREEK CT. (NEW LOCATION).
- D. APPROVED BUSINESS LICENSE FOR JAMES AND PHYLLIS BRADSHAW, "P & J ENTERPRISES," 702 N. OLIVINE PL.
- E. APPROVED BUSINESS LICENSE FOR RICHARD JOHANNSEN, "JOHANNSEN AND COMPANY CPA'S," 462 MAIN STREET.
- F. APPROVED BUSINESS LICENSE FOR DENISE QUINTANA AND SHALA HAWORTH, "H & R BLOCK," 219 KAY AVE. (NEW LOCATION).
- G. APPROVED BUSINESS LICENSE FOR LORNA KIDDOO, "ARTFUL VISION JEWELRY," 1327 N. ATHERTON AVE.
- H. APPROVED BUSINESS LICENSE FOR BLAKE VANDER MEER, "METAL ART CUSTOMS," 287 SHORTLINE, STE. 103.

**5. OLD BUSINESS:**

REQUEST BY KUNA DAYS COMMITTEE FOR FUNDING ASSISTANCE FOR SECURITY DURING THE STREET DANCE AND WAIVER OF FEES FOR VENDOR PERMITS (continue to June 15, 2010).

Moved by C/Lang, seconded by C/Hoiland to continue the matter to June 15, 2010. Motion carried 3-0.

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

**7. NEW BUSINESS:**

**A. 10-06-TE TIME EXTENSION SAILOR SHORES SUBDIVISION PRELIMINARY PLAT.**

SP/Behunin stood in for P/Rushlow. He presented the application to request a time extension. The original approval of the preliminary plat was July 17, 2007. On June 10, 2008 the first request was approved for a 1-year time extension and last year the Council approved an amendment to the subdivision ordinance which put a time limit on how many times someone may apply for an extension. This is the last available time extension this preliminary plat can receive. Staff was notified this morning that there are some outstanding engineering fees in the amount of \$445 owed to the City.

P & Z D/Hasson pointed out that this has several conditions. The developer needs to provide the City with a road schematic showing how Sailor Shores will tie into the eastern easement along the Nicholson property and enter into a cross access agreement with Mr. Nicholson and Les Schwab to provide for connectivity. He spoke with the applicant, who is agreeable but asked about a 90-day time period being extended to 180 days. Mr. Hasson indicated that staff was agreeable to 180 days.

C/Bachman inquired if P & Z D/Hasson discussed the engineering fees with the property owner.

P & Z D/Hasson hasn't but the owner does have a copy of the report and the bill.

Alex McDonald, managing member of New Horizon Construction, 921 Rush Rd, Eagle, applicant, understood that this is the last request for a time extension. When the property was first acquired, there was a wastewater issue and it has taken nearly 3 years and over \$20,000 in engineering fees through litigation to solve the problem. It was just finished 2 weeks ago. Last week, they were instructed to have a cross access agreement in place within 90 days. He asked for another year to raise capital and move the project along. They understand they have an outstanding \$445 fee and have no problem being able to pay that.

C/Bachman clarified they were asking for 1 year instead of 180 days for the cross access.

Mr. McDonald confirmed that was what they were asking for.

C/Cardoza asked where the wastewater was going to end up at.

Mr. McDonald asked for staff to help answer but he thought it would end up using what Nicholson has set up.

Moved by C/Lang, seconded by C/Hoiland to approve file number 10-06-TE, time extension for Sailor Shores Subdivision, directing the applicant to pay the \$445 engineering fee and granting a year time extension and a year to construct the cross access with the property to the west. Motion carried 3-0.

**B. 10-07-TE TIME EXTENSION SANCTUARY SUBDIVISION PRELIMINARY PLAT.**

SP/Behunin explained that he was standing in for P/Rushlow. He presented the application requesting a time extension. The original approval of the preliminary plat was July 17, 2007. Last July, they obtained a time extension on this project which puts them in the new time extension timeline. This is the second extension for this subdivision. This project has an outstanding engineering bill of \$2,929.25. Staff recommended that the bill be paid and the time extension be approved.

Richard Andrus, 251 E. Front St, Boise, applicant, stated that this is the first time he has heard of the engineering fees. He asked if staff could get him the information on it and he would pass it along to the owners. Assuming Council approves the extension, they would like to reserve the possibility of bringing up the LID.

C/Bachman stated that it is in the City code but they may need to look at that again with the LID properties. P & Z D/Hasson is correct that the City only grants two time extensions.

Moved by C/Lang, seconded by C/Cardoza to approve file number 10-7-TE, time extension for Sanctuary Subdivision Preliminary Plat for 1 year. Motion carried 3-0.

**C. ADOPT RESOLUTION R18-2010 ESTABLISHING FEES FOR DOG LICENSES.**

CC/Burgess didn't have anything to add to the Resolution other than the fees are an average of other cities in the Treasure Valley. She noted the commercial kennel fee is \$100. That is in the current code and it wasn't changed because there hasn't been a need to. No commercial kennel licenses have been issued in the last 5 or more years.

C/Bachman asked if a column could be added that shows the existing fee and how it is changing.

CC/Burgess was able to tell the Council what the fees were. Licenses for nonneutered or spayed dogs currently cost \$12.50, neutered or spayed are \$7.50, a commercial

kennel license is \$100 and a lost license costs \$1 to replace. No discount currently exists for licenses purchased by senior citizens.

Moved by C/Lang, seconded by C/Hoiland to adopt Resolution R18-2010. Motion carried 3-0.

- D. ADOPT RESOLUTION R19-2010 AWARDED BIDS FOR THE TEN MILE PROJECT WATER LINES TO HI-GRADE UNDERGROUND, INC. FOR SCHEDULE 1 IN THE AMOUNT OF \$180,109.00 AND TO TERRA WEST, INC. FOR SCHEDULES 2 AND 3 IN THE AMOUNT OF \$273,635.68.

CE/Law reported that a bid opening was held on May 27 related to segments of the water line in and around Ten Mile Rd. There is about three quarters of a mile of line to be constructed. It was bid in 3 schedules and all opened at the same time. There were 2 contractors who had bids significantly lower than the others. In the memorandum that came with the packet, he recommended that 1 contractor be awarded for Schedule 1 with the 2<sup>nd</sup> contractor to be awarded Schedules 2 and 3. The amounts are given in the Resolution. He requested Council address a question about funding. The staff bid this in 3 schedules because they were uncertain whether there would be enough funds to do all 3 schedules. The prices were competitive enough that staff is recommending to award all 3 if not to award 2 and construct the third next year. If all 3 are awarded it would be a total of \$501,000 including allowances for change orders. Of that amount, \$350,000 would come from funds designated in the existing budget for pipeline work. \$75,000 is redirected from money that was set aside from master plan if Osprey Ridge moved ahead but it didn't. \$76,000 is from the contingency account. The other alternative is to award schedule 1 and 2 for a total of \$401,000 including allowance for change orders. Of that amount, \$350,000 would come from funds designated in the existing budget for pipeline work. \$50,000 is redirected from money that was set aside from master plan. He recommended awarding all 3 schedules.

C/Cardoza asked how much is in the contingency account.

CE/Law said there is \$200,000.

C/Cardoza inquired if this is part of trying to combine all of the water into the loop.

CE/Law, yes. It will take 2 years to do it. There is another project to come up in the next budget year that completes the loop on the east side coming down Linder.

Moved by C/Lang, seconded by C/Hoiland to adopt Resolution No. R19-2010. Motion carried 3-0.

8. **PUBLIC HEARINGS:** 7 p.m. or as soon thereafter as matters may be heard.
- A. PUBLIC HEARING: 10-01-ZC (REZONE) BRAND PROPERTY, 757 E SHORTLINE RD.

P/Obray summarized the applicant's request for a rezone from M-1 to C-3 to allow for a church to be utilized in an existing building. A C-3 is closer to an M-1 than any other commercial zone in relation to the types of uses and will allow for a church through a special use permit. The applicant has been before the Design Review Committee and was approved with conditions and before the P & Z Commission and was approved with conditions with a special use permit all contingent on the rezone being approved tonight. A portion of the land will not be developed at this time and staff is requesting that it be graded and cleaned of all debris and maintained throughout the year. It is requested that it be conditioned on a trigger. If any further improvements are to be made or any parking done without staff approval, it would trigger all the improvements to the undeveloped portion of the land.

In response to C/Bachman if the trigger request was in the staff report, P/Obray responded in the affirmative.

Chris Bent, Pastor, Calvary Chapel, prospective tenant, representing the applicant, indicated the church intends to use the building for Sunday morning worship services with simultaneous Sunday school for children and youth. Mid week bible study on Wednesday, ladies bible study on Thursday night and pure word which is a rehabilitation bible study on Tuesday evenings. The plan was to continue uniting with other churches in the community, the Christian Churches of Kuna organization. They will lease out half the building space and if needed, they will go multiple services to maintain the occupant limit. The owner, John Brand, sent an email that he would like mentioned pointing out the positive aspects of providing commercial space as well as the zoning change which will allow the opportunity for a broader range of commerce. The zoning change would enable the church to occupy an empty building. It is a positive step forward in the tough economic times for the industrial park. Pastor Bent added that being on the east end of the park; they are near the houses close by. The church has been a fellowship for 17 years and he has been the pastor for 7 years and has been in Kuna for 6 years. They have been setting up and tearing down for services every Sunday and this approval would be a set forward in resolving that issue. He invited Council to attend any of the services.

C/Bachman opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

C/Lang thought that since it's on the outskirts and not inside the industrial center, he didn't see a problem with it. He welcomed the church to have the opportunity to have a semi permanent home. With the amount of space that is empty, he supported filling empty commercial space. By rezoning, it gives Council a chance to show they want to work with the community.

C/Hoiland asked if it was east of the rental place. He confirmed that the housing to the south and east was subdivisions.

Moved by C/Lang, seconded by C/Hoiland to approve 10-01-ZC, Rezone and 10-02-DA, Development agreement with a rezone of C-3. Motion carried 2-1 (C/Cardoza voted no).

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

P&Z D/Hasson presented to Council 3 text amendments. All the amendments are related to the subdivision ordinance. When conditions are applied frequently to agreements, it makes sense to codify it in text so it is a consistent application across the board. The first is for final subdivision platting process. In the past, subdivisions were pretty small and those who were interested in doing subdivisions were in a hurry to get it done. Now by contrast, they're becoming larger and are completed over several years instead of several months and it is common to see 10 or 15 phases. During that time period, there are multiple ownerships with different lenders. Staff believed some things should be in place before final approval: construction of domestic water systems, installation of fire hydrants, construction of the sanitary sewer system, installation of street signs, construction and testing of pressurized irrigation, etc... He noted several municipalities that require certain improvements be in place prior to final plat approval.

C/Bachman asked Council if they had any questions for P & Z D/Hasson on amendment number 1.

C/Bachman asked about the difference between getting final plat approval as an application and coming to the Council for approval so the applicant can move on to the other agencies and then getting signatures. In one area of the code it spells out that these improvements would need to be done prior to signature of the mylar and then another area it talks about prior to submitting an application for final plat. The developer may have issues getting financing for construction if they don't have approval of the final plat. That doesn't mean they can record it because they can't record without the City's signature. Was the purpose to prevent the signature and recording of the plat so lots aren't being sold without the improvements being done or to make it more difficult to get approval at other agencies? The Health Dept requires approval by a city in order to get a signature on the mylar even before the city would sign it at the end.

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CE/Law felt that C/Bachman's observations were important. What is important to the City Engineer is not to give the signed plat before they have the working systems on which the houses will depend. It is the final signature on the plat that the city holds to ensure the property is in compliance.

C/Bachman suggested that page 5 of the staff report be changed so that the applicant can submit for final plat approval with 1 year to construct the improvements while routing their mylar for signature to the other agencies and then ultimately returning to the city before recording. The language indicates you can't even apply.

P & Z D/Hasson stated that if you give final approval and the City Engineer has final say so, if it isn't in the ground, there is still pressure placed on the organization.

C/Bachman felt that P & Z D/Hasson had done a good job spelling out the minimums of services constructed with a certain amount allowed to be bonded for. On page 5 "the City staff shall accept a final plat application until one of the following has occurred, all the improvements are in place or they have approved the amount of the financial guarantee." Maybe we could change the language to "City staff shall not or forward to the City Engineer for signature until these items have been completed." She thinks that is the distinction between the two. She asked if that was the intention.

CE/Law didn't have a problem with that type of change. It still needs the protection in place.

P & Z D/Hasson asked for some guidance in language and placement from Council.

C/Bachman indicated at the top of page 5, acceptance of a final plat application. She explained where it talks about the signature of the final plat. It should say "before requesting a signature on the final plat mylar" as opposed to "submitting an application." That should take care of it.

P & Z D/Hasson suggested they move forward and if there are parts that need further consideration, he would send over the changes and it can come back in front of Council in 2 weeks. It's important that the City Engineer has controls in place that he needs.

P & Z D/Hasson then reported that the next text amendment has to do with subdivision improvements. The City has relied on surety bonding as a method of financial pledge to ensure all construction work gets completed. Important in the text amendment is providing a cost estimate for financial guarantee with a method of calculation. If a developer is unable to finish a project, there are sufficient monies available for completion via a surety bond. There are additional controls for oversight and duration.

C/Cardoza asked about page 18, B2--why is there a 75 mile circumference on the bank when lenders traditionally go out of state or developers go out of state to get funds?

CE/Law answered that usually you have to appear in person to collect on that. We don't want to send our staff to Florida to get the money. He indicated that he has never had a successful outcome with a performance bond. Things go better with payment bonds.

C/Cardoza wanted to make sure developers are not being chased out of the community. Trying to get a cash back irrevocable standby letter of credit is almost impossible except for large developers. Contractors can still bond but he thinks 6-4-3 needs to be looked at. 75 miles of the city, cash deposit, he doesn't know too many developers that are going to be in financial straights to do that.

In response to C/Bachman, P & Z D/Hasson believed he had submitted the proposed changes to the building contractors and hadn't heard back from them one way or the other. The goal isn't to chase any developers off or make it that much harder. The city has to protect the homeowners and itself.

C/Cardoza asked if Meridian, Nampa, Caldwell and Boise only accept cash deposit or irrevocable standby letters of credit.

CE/Law stated he couldn't speak for the other cities.

CE/Law asked C/Cardoza if he had any success in getting payment for a performance bond because he hasn't.

C/Cardoza called the bond the wastewater treatment pipe going down Lake Hazel as completed. How much of that was the city cost.

In response to C/Cardoza and with respect to the performance bond filed by the defunct contractor on the Ten Mile Water Line Project, CE/Law replied that the remaining amount of work cost the City 3 times as much as the original bid. Even though a claim was filed by the City against the bond, no money has been recovered.

C/Hoiland asked if he understood correctly that there were three forms of financial guarantee, but the first and third would be a way of guaranteeing the financial guarantees.

P & Z D/Hasson agreed that C/Hoiland was correct. They were trying to provide as many options as possible in lieu of the surety.

C/Hoiland pointed out that item 1 or 3 wouldn't require the 75 mile limit. Is 3 the catch all?

C/Cardoza explained that it's the irrevocable standby letter of credit, that's the important part of number 2. Along with the cash back.

In response to C/Hoiland, CE/Law stated that there may be other methods or items of security that might fit. Equivalent cash securities for instance. He clarified some language for C/Cardoza.

P & Z D/Hasson presented the 3<sup>rd</sup> amendment which deals with subdivision improvement requirements. The city has required a majority of the provisions in some form or fashion since the subdivision code was written in 1976. This text provides the parameters for improvements and will provide the developers or contractors with a better understanding of how to plan their project. It will ensure uniformity of requirements.

They discussed private roads and C/Bachman indicated they wouldn't want alleys to be the frontage to lots.

P & Z D/Hasson stated that the code is silent on alleys and private streets in a subdivision and it would be prudent to put a statement about private streets. This reflects what is in the zoning code.

C/Bachman noticed that on page 16 under V trees, it talks about the minimum 2 inch caliper tree per lot and requires people to ask the city where they can plant the tree. She felt this requirement is overkill. After receiving clarification that the tree location provision does not pertain to residential lots, C/Bachman offered that the language should clearly indicate that location requirements only apply to common lots and landscape buffers.

P & Z D/Hasson agreed to make the change to clarify the text. He summarized the discussion with Council for changes on the text amendments presented and would forward those to Council before the next meeting.

C/Bachman opened the Public Hearing.

#### SUPPORT

None

#### NEUTRAL

Tim Gordon, 1206 N. Blackcat, asked if the new text pertaining to subdivision improvements would eliminate phasing.

P&Z D/Hasson stated that subdivisions would still be allowed to be phased.

C/Bachman clarified that most of the improvements would have to be constructed in each phase before lots could be sold.

#### OPPOSE

None

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

C/Bachman brought forward several other changes for P & Z D/Hasson to include in the next draft of the text amendments.

Council directed staff to make changes as discussed and set these amendments for another public hearing.

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

P&Z D/Hasson stated the first part is targeted at the administrative chapter 14. As it currently exists, a multiple land use application will come in such as a rezone, subdivision, special use permit or any number of things. The decision making authority in some cases is the Planning & Zoning Commission, for others it is Council. This amendment says when there are multiple land uses on an application that is moving forward together, those items that would normally be decided by the P & Z Commission which would become recommendations and then Council would make a decision on all of it. The P & Z Commission is supportive of the text amendment.

C/Bachman inquired if it would allow P & Z Commission to have extra time by reviewing the design review applications.

P & Z D/Hasson explained that as part of the staff report, design review decisions are detailed so all parties have as much information as they can. He acknowledged and agreed with C/Bachman that the Design Review Committee does an excellent job.

P & Z D/Hasson explained that a company asked permission to use city property for vehicle emission testing. It was determined not to allow that but a direction to staff was given to add emission testing to the land use table. Also it was directed to give guidance where it would go in the land use table relative to the city’s zones. A definition for vehicle emission testing was also written. In addition farmers markets were reviewed and it was found that farmers markets are specially permitted in every zone. It was modified to add it to the central business district.

In response to C/Bachman and C/Lang, P&Z D/Hasson explained that a farmers market should be permitted in public and it may need to be reviewed and modified. He explained the details of the permitting for a farmers market on public property.

C/Bachman opened the Public Hearing.

SUPPORT

None

NEUTRAL

None

OPPOSE

None

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

C/Bachman liked the changes indicated by P & Z D/Hasson for page 6 and confirmed that the P & Z Commission supported the changes.

C/Hoiland asked what category the farmers market would be in that was annexed on Hwy 69.

P & Z D/Hasson stated it was the Rice Family Farms, a roadside stand permitted in an agricultural zone.

Moved by C/Lang, seconded by C/Hoiland to approve the text amendment 10-04-ZOA for the Decision Making Authority and 5-1-2-6 Meanings and Terms for the Emission Testing Facilities with the amended changes on the Land Use Map for the Farmers Markets to be Specially Permitted in M-2 and Permitted in Public. Motion carried 3-0.

**9. ORDINANCES:**

- A. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE 2009-19A: AN ORDINANCE OF THE CITY OF KUNA, IDAHO, AMENDING APPROPRIATION ORDINANCE 2009-19, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010, REDUCING THE APPROPRIATED MONIES BY NINETY THOUSAND DOLLARS AND NO CENTS (\$90,000.00), AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Hoiland to dispense with full reading and three consecutive readings of Ordinance 2009-19A. Motion carried 3-0.

Moved by C/Lang, seconded by C/Hoiland to adopt Ordinance 2009-19A. Motion carried by the following Roll Call vote:

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

- C. CC/Burgess informed Council that the cameraman who was previously at the meeting was from Channel 6 news. He understood that the ordinance would reduce the number of dogs to 2 instead of 4. CC/Burgess met with him in the hall and explained. The news representative was satisfied with the explanation and left.

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE 2010-05: AN ORDINANCE ADOPTING THE KUNA CITY ANIMAL CONTROL ORDINANCE THAT SETS FORTH CERTAIN DEFINITIONS RELATED TO ANIMALS, PROHIBITS CRUELTY TO ANIMALS, PROHIBITS WILD ANIMALS WITHIN THE CITY LIMITS, PROVIDES REGULATIONS FOR FARM ANIMALS WITHIN THE CITY LIMITS, PROVIDES FOR DOG FREE AREAS ON PUBLICLY OWNED PROPERTY, PROVIDES FOR REQUIREMENTS FOR DOG LICENSING AND ESTABLISHES THAT THE FEES SHALL BE SET BY RESOLUTION, PROVIDES FOR COMMERCIAL KENNEL LICENSES, PROHIBITS ANIMALS RUNNING AT LARGE WITHIN THE CITY LIMITS, PROVIDES FOR FOUND STRAY ANIMALS, PROVIDES FOR RABIES CONTROL, PROVIDES THAT ANIMALS PRESENTING AN IMMEDIATE DANGER MAY BE DESTROYED, PROHIBITS AN OWNER OF AN ANIMAL FROM DIRECTING IT TO HARASS OR ATTACK A PERSON, WITH EXCEPTIONS, PROVIDES THAT NO PERSON SHALL KEEP A DISEASED ANIMAL, MAKES IT UNLAWFUL FOR AN ANIMAL TO FREQUENTLY OR EXCESSIVELY EMIT NOISE THAT IS AUDIBLE OFF THE OWNER'S PROPERTY AND PERMITS THE ANIMAL TO BE IMPOUNDED, PROVIDES THAT AN OWNER OF AN ANIMAL IS LIABLE FOR DAMAGE CAUSED TO PROPERTY BELONGING TO ANOTHER, PROVIDES THAT ANIMAL WASTE SHALL BE CLEANED UP AND DISPOSED OF, PROVIDES THAT DOGS OR CATS SHALL BE CONFINED DURING THEIR ESTROUS CYCLE, PROHIBITS THE DEPOSITING OF DEAD ANIMALS WITHIN CITY LIMITS, PROVIDING FOR APPOINTMENT OF AN ANIMAL CONTROL AGENCY AND ENFORCEMENT AND THE PROVIDES THAT NO PERSON SHALL OBSTRUCT AN ANIMAL CONTROL OFFICER, PROVIDES FOR THE IMPOUNDMENT OF ANIMALS AND LIMITS THE CITY'S LIABILITY, PROVIDES PUNISHMENT FOR A HABITUAL VIOLATION, PROVIDES FOR PENALTIES AND REPEALS KUNA CITY CODES, 10-4-1, ET SEQ, 10-5-1, ET SEQ IN THEIR ENTIRETY AND PROVIDING AN EFFECTIVE DATE

Moved by C/Lang, seconded by C/Hoiland to dispense with full reading and three consecutive readings of Ordinance 2010-05. Motion carried 3-0.

Moved by C/Lang, seconded by C/Hoiland to adopt Ordinance 2010-05. Motion carried by the following Roll Call vote:

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

**10. MAYOR / COUNCIL DISCUSSION:**

CE/Law gave an update on the ball field signs. A gentleman was going to design the signs,

C/Cardoza suggested CE/Law check with the high school art class to see if anyone is qualified to paint the signs.

C/Cardoza announced the Lion's Club President stated that they would complete the handicap ramp if the City would provide the cement and sand which would cost \$500 to \$750 with recycled asphalt. He requested CE/Law speak to Skip Hoseley.

CE/Law had planned to place funds in the proposed parks budget to complete the ramp. He agreed to speak with Mr. Hoseley.

Council discussed whether to apply any funds toward the ramp or other options of removing it. Because of safety issues, the unfinished ramp may need to be cordoned off. C/Bachman suggested we review the Home Depot Grant stipulations.

CE/Law asked to talk to Skip Hoseley before any final decisions are made.

P&Z D/Hasson gave an update on Les Schwab. The land is purchased and construction is underway. In response to C/Lang, Walgreens will open in September or October.

C/Hoiland reminded Council about the dunk tank in Paul's parking lot on Saturday.

**11. ANNOUNCEMENTS:**

**12. EXECUTIVE SESSION:** None

**13. ADJOURNMENT:** There being no further business to conduct, moved by C/Lang, seconded by C/Hoiland to adjourn at 9:24 p.m. Motion carried 3-0.

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LISA BACHMAN, COUNCIL PRESIDENT

ATTEST:

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LYNDA BURGESS, CITY CLERK

DATE APPROVED: JULY 6, 2010