

**OFFICIALS**

Joe Stear, Mayor  
Briana Buban-Vonder Haar, Council President  
Richard Cardoza, Council Member  
Warren Christensen, Council Member  
Greg McPherson, Council Member



**CITY OF KUNA**  
**Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634**

**City Council Meeting**  
**AGENDA**  
**Tuesday, October 15, 2019**

**6:00 P.M. REGULAR CITY COUNCIL**

- 1. Call to Order and Roll Call**
- 2. Invocation: Jim Bollin, Kuna Seventh Day Adventist**
- 3. Pledge of Allegiance: Mayor Stear**
- 4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS**

*All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.*

**A. City Council Meeting Minutes**

- 1. Regular City Council Minutes, October 1, 2019**

**B. Accounts Payable Dated October 10, 2019 in the Amount \$648,129.53**

**C. Resolutions**

- 1. Consideration to approve Resolution No. R74-2019**

**A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE “ANIMAL WELFARE AND ENFORCEMENT AGREEMENT” WITH THE IDAHO HUMANE SOCIETY TO PROVIDE ANIMAL CONTROL SERVICES WITHIN THE CITY OF KUNA, IDAHO FOR THE 2020 FISCAL YEAR, OCTOBER 1, 2019 TO SEPTEMBER 30, 2020, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.**

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk’s Office at 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

2. Consideration to approve Resolution No. R75-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE DEED OF PUBLIC UTILITIES EASEMENTS, GRANT AND CONVEYANCE OF UTILITY PIPELINES, AND GRANTEE ACCEPTANCE FROM BILTMORE COMPANY, LLC.

3. Consideration to approve Resolution No. R76-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE COOPERATIVE AGREEMENT BETWEEN VALLEY REGIONAL TRANSIT AND CITY OF KUNA FOR ANNUAL ASSESSMENT; AUTHORIZING THE CITY TREASURER TO PAY THE ANNUAL ASSESSMENT IN THE AMOUNT OF NINE THOUSAND EIGHT HUNDRED NINETEEN DOLLARS AND ZERO CENTS (\$9,819.00); AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

4. Consideration to approve Resolution No. R77-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY SELECT MANAGEMENT & CONTRACTING, LLC, FOR THE LUGARNO TERRA SUBDIVISION FOR UNCOMPLETED WORK INCLUDING LANDSCAPING, FENCING, AND STREET LIGHTS PURSUANT TO THE TERMS OF THIS RESOLUTION.

**D. Final Plats**

1. Consideration to approve Case No. 19-06-FP (Final Plat) for Lete Commercial Sub.
2. Consideration to approve Case No. 19-12-FP (Final Plat) for Ashton Estates No. 3.
3. Consideration to approve Case No. 19-13-FP (Final Plat) for Silver Trail No. 4
4. Consideration to approve Case No. 19-14-FP (Final Plat) for Winfield Springs No. 4

**5. Community Reports or Requests:**

*None*

**6. Public Hearings:** (6:00 p.m. or as soon thereafter as matters may be heard.)

**A. Public Hearing and Consideration to approve 19-04-ZC (Rezone) for The Kuna Rural Fire District – Jace Hellman, Planner II ACTION ITEM**

The Kuna Rural Fire District requests to rezone approximately 1.63 acres from an “A” (Agriculture) zoning district classification to a “P” (Public) zoning district classification. The subject site is located at the southwest corner (SWC) of S. Cloverdale Road and E. Kuna Road, Kuna, ID 83634 (APN: S1428111010).

- *Open Public Hearing*
- *Receive evidence*
- *Consideration to close evidence presentation and proceed to deliberation*

Potential Motions:

- *Consideration to either:*
  - Option 1: Approve or Deny 19-04-ZC (Rezone) and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet and Close the Public Hearing.*
  - Option 2: Continue the Public Hearing to a time and date certain, direct staff to prepare a draft Findings of Fact, Conclusions of Law and Order of Decision for consideration by the Council.*

**B. Public Hearing and Consideration to approve 19-03-ZC (Rezone) and 19-05-S (Subdivision) for Athleta Subdivision – Troy Behunin, Planner III ACTION ITEM**

Applicant requests to rezone approximately 4.11 acres in Kuna City from C-1 (Neighborhood Commercial) to R-20, (High Density Residential [HDR]) zone; and to subdivide the approx. 4.11 acres into 63 total lots (Home lots & Common lots) and have reserved the name Athleta Subdivision. A Design Review application for the common areas & buffer landscaping proceeded this application (19-05-DR). The site is near the northwest Corner of Ten Mile Rd. and Crenshaw Street, Kuna, Idaho; In Section 15, T 2N, R 1W, APN #: S1315449223.

- *Open Public Hearing*
- *Receive evidence*
- *Consideration to close evidence presentation and proceed to deliberation*

Potential Motions:

- *Consideration to either:*
  - Option 1: Approve or Deny 19-03-ZC (Rezone) and 19-05-S (Subdivision) and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet and Close the Public Hearing.*
  - Option 2: Continue the Public Hearing to a time and date certain, direct staff to prepare a draft Findings of Fact, Conclusions of Law and Order of Decision for consideration by the Council.*

## 7. *Business Items:*

- A. Request for \$30,000 from Contingency for Collaboration with the Kuna School District on Tennis/Pickle Ball Court Parking and Drinking Fountain – Bobby Withrow, Parks Director **ACTION ITEM**
- B. Consideration to approve Resolution No. R78-2019 – Bob Bachman, Public Works Director **ACTION ITEM**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION SYSTEM FOR THE 2020 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2020 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2020 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2020 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2020 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.

## 8. *Ordinances:*

- A. Consideration to approve Ordinance No. 2019-29A **ACTION ITEM**

A MUNICIPAL ANNEXATION AND ZONING ORDINANCE OF THE CITY COUNCIL AND THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. S1303141900 OWNED BY JEFFERSON WASHBURN SITUATED WITHIN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND
- RESPECTIVELY ESTABLISHING R-8 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTY; AND
- AMENDING THE OFFICIAL ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve ordinance*

**B. Consideration to approve Ordinance No. 2019-38 ACTION ITEM**

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO AMENDING KUNA CITY CODE TITLE 2 – BOARDS AND COMMISSIONS:

- ADDITION OF A NEW CHAPTER 4 TO TITLE 2 KUNA CITY CODE ESTABLISHING THE KUNA ARTS COMMISSION; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve ordinance*

*Consideration to approve summary publication*

**C. Consideration to approve Ordinance No. 2019-39 ACTION ITEM**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; AND
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S CHALLENGER DEVELOPMENT INC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; AND
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; AND
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE NAMPA & MERIDIAN IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve ordinance*

**D. Consideration to approve Ordinance No. 2019-40 ACTION ITEM**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; AND
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S SELECT DEVELOPMENT & CONTRACTING LLC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; AND
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; AND

- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*  
*Consideration to approve ordinance*

**E. Consideration to approve Ordinance No. 2019-41 ACTION ITEM**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; AND
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S KUNA EAST LLC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; AND
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; AND
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*  
*Consideration to approve ordinance*

**9. Mayor/Council Announcements:**

**10. Executive Session:**

**A. Convene to Executive Session pursuant to:**

Idaho Code Section 74-206 (1)(e) and (f)

- (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations
- (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

**11. Adjournment:**