

OFFICIALS

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



CITY OF KUNA

Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

City Council Meeting MINUTES Tuesday, September 20, 2016

6:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT: Mayor Joe Stear
Council President Pat Jones
Council Member Richard Cardoza
Council Member Briana Buban-Vonder Haar
Council Member Greg McPherson

CITY STAFF PRESENT: Richard Roats, City Attorney
Chris Engels, City Clerk
Wendy Howell, P & Z Director
Gordon Law, City Engineer
John Marsh, City Treasurer
Bob Bachman, Fleet/Facilities Director
Bobby Withrow, Parks Director

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

Mayor Stear introduced a scout troop in the audience.

The Webelo Scouts of Troop 183 are ten (10) years old. Part of their Building a Better World unit is finding out how different government agencies work so they came to the Council Meeting to observe how decisions are made for the City.

Mayor Stear welcomed them to the meeting.

4. Consent Agenda: (Timestamp 00:01:48)

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, September 6, 2016

B. Accounts Payable Dated September 15, 2016 in the Amount of \$377,872.85

C. Alcohol Licenses:

D. Resolutions

E. Findings of Fact and Conclusions of Law

Council President Jones asked about a \$2,100.00 bill for an economic development publication.

Mayor Stear responded that it was an advertisement in a state wide magazine that the Economic Development Committee approved.

Council President Jones asked about HD Supply Waterworks and another hydrant meter purchased. He believes four (4) have been purchased in the last six (6) months. He wanted to know if they are all rentals.

City Engineer Gordon Law responded that was correct.

Council Member Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

Mayor Stear asked for a motion to change the order of the agenda items.

Council Member Buban-Vonder Haar moved to move item 7.B. to the last item on the agenda after the executive session. Seconded by Council Member McPherson. Motion carried 4-0.

5. Community Reports or Requests:

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

7. Business Items:

- A. Proclamation of Domestic Violence Awareness Month – Mayor Stear
(Timestamp 00:04:52)

Mayor Stear stated this is a City of Kuna and State of Idaho Proclamation for Domestic Violence Awareness Month.

Mayor Stear read the proclamation.

- B. Consideration to reopen the School House Subdivision Matter for 16-01-ZC (Rezone)16-02-CPM (Comp Plan Map amendment) and 16-01-S (Subdivision) – Richard Roats, City Attorney
(Timestamp 2nd Recording 00:00:16)

Mayor Stear declared the matter will be reopened to be advertised for the October 18, 2016 council meeting.

- C. Consideration to approve Resolution No. R64-2016 Surplus Real Property Policy – John Marsh, City Treasurer
(Timestamp 00:06:40)

City Treasurer John Marsh explained the purpose of the Resolution No. R64-2016 and how state code pertains. He moved on to explain the purpose Resolution No. R65-2016 and how the policy would function. Staff would identify items of a personal property nature that are no longer needed, obsolete, or broken. They would submit a form request to the Treasurer's office where a value would be determined. It would then go before City Council so Council can decide what to do with it. He stood for questions.

A RESOLUTION OF THE CITY OF KUNA, IDAHO RELATING TO SURPLUS REAL PROPERTY; PROVIDING FOR DECLARATION BY CITY COUNCIL OF SURPLUS PROPERTY; METHODS OF DISPOSAL; AUTHORIZATION FOR DISPOSAL; AND RELATED MATTERS.

Council Member Buban-Vonder Haar moved to approve Resolution No. R64-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- D. Consideration to approve Resolution No. R65-2016 Surplus Personal Property Policy – John Marsh, City Treasurer
(Timestamp 00:10:10)

A RESOLUTION OF THE CITY OF KUNA, IDAHO RELATING TO SURPLUS PERSONAL PROPERTY; PROVIDING FOR METHOD OF REQUESTING DISPOSAL; DECLARATION BY CITY COUNCIL OF SURPLUS PROPERTY; METHODS OF DISPOSAL; AUTHORIZATION FOR DISPOSAL; AND RELATED MATTERS.

City Treasurer John Marsh explained the purpose of the resolution and how the policy would function with his explanation of Resolution No. R64-2016.

Mayor Stear asked if there were any further questions.

There were none.

Council Member Buban-Vonder Haar moved to approve Resolution No. R65-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- E. Request for direction for an Art Commission – Chris Engels, City Clerk
(Timestamp 00:10:58)

City Clerk Chris Engels explained that as the Downtown Revitalization Committees met and open houses have occurred over the last couple years all forms of art for Kuna was a consistent request. Kuna does not currently have an Art Commission to help direct the furtherance of those requests which also inhibits the City from receiving a variety of grant funds. There are already a couple of interested parties that have asked about an Art Commission. Ms. Engels asked Council for a direction to allow for a call for interested parties to see if a commission could be established and to come back to Council for appointment if they are amenable to those members. She stood for questions.

Council President Jones asked if this would be a city wide commission and not just for downtown.

Ms. Engels said that is correct.

Mayor Stear explained that the request is for permission to move forward with searching out committee members.

Council President Jones moved to authorize the City Clerk to move forward with forming an Art Commission. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

- F. Consideration to approve Resolution No. R66-2016 Authorizing the Liquor License Transfer from The Arlene to Cuda LLC dba Big Mic's – Chris Engels, City Clerk
(Timestamp 00:13:00)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO
AUTHORIZING PURSUANT TO KCC 3-1-9 THE TRANSFER OF THE CITY
ALCOHOL LICENSE FROM THE ARLENE TO CUDA LLC, BIG MIC'S
EFFECTIVE SEPTEMBER 20, 2016.

City Clerk Chris Engels explained that, according to Kuna City Code 3-1-9, Council has the authority to grant the transfer an alcohol license from one (1) owner to another. Not all purchasers make that request and Kuna does not have a transfer fee in place. However, Cuda LLC dba Big Mic's has purchased The Arlene and has transferred the State and County Liquor Licenses. The owner is asking to transfer the

Kuna Liquor License instead of paying for a new license. Liquor licenses for a full year for this particular business are approximately \$762.50. There is a reduction throughout the year on a portion of the fees but it is still an investment. She stood for questions.

Council Member Cardoza said it looks like the footprint is being extended to the front of the building; in the past it was short of the wall. He asked if a different motion would be required with the footprint change.

Ms. Engels explained the footprint came from ISP Bureau of Alcohol. It is the footprint that accompanies the Alcohol License at the State and County levels.

Mayor Stear explained the State Fire Marshall's Office was involved in expanding the footprint for occupancy and he believes Facilities Director Bob Bachman was involved as well but since the building has sold it has started a new conversation.

Facilities Director Bob Bachman explained that he was involved in those discussions. The Fire Marshall did approve, with some contingencies, expanding the footprint to the front of the building. The State Fire Marshall came up with the agreement and the Local Fire District and the Building Department are acting off the State's approval. There are a few things that have to be done but it has been approved for them to move forward.

Ms. Engels clarified that the alcohol footprint did include the front. It was a fire concern with sprinklers that restricted where they served people. The footprint itself has actually been approved. There is nothing on file showing the footprint stopping at that wall so she requested a copy from the state level and what they provided shows approval to serve alcohol to the front. The only delay was the current building owners had not finished making arrangements with the Fire Department to expand into that area. If they had resolved their sprinkler issues they would not have needed to go back and get an amended footprint with their alcohol license because it already existed.

Council President Jones commented that it looks like the State and County issued prorated licenses. He is not in favor of just letting Cuda LLC dba Big Mic's take over but he has no problem giving them a prorated discount. That would also keep it consistent with business licensing.

Ms. Engels said there is no prorating with business licenses. They have to purchase a new license.

Council President Jones asked if Cuda LLC dba Big Mic's is required to get a new business license.

Ms. Engels said that is correct because it is new ownership.

Council President Jones said he understands why they have to get a new business license and he is fine with giving them the prorated alcohol license since the other entities did the same.

Mayor Stear said this is new for the City and he is not sure there is anything in place to allow that.

Ms. Engels explained that based on the time of year and the number of months that have passed in the licensing year it does deplete however the amounts that were charged by the State and the County was a transfer fee; not a prorated amount. Kuna does not have a fee to assess with the provision if Council was to allow for a transfer.

Council President Jones asked, if this was a new business, would they have to pay the fee to get a liquor license.

Ms. Engels said the remaining portion of the liquor year is already set. It is not based on when they do it.

Council President Jones asked if the State and County liquor years are the same as Kuna's.

Ms. Engels said yes.

Council Member Cardoza said the State does not show the establishment as a restaurant serving food. He asked if Big Mic's would still be selling food.

Ms. Engels said she would have to review their business license to determine if they were still going to serve food. She did not have access to the license at that time.

Council Member Cardoza clarified that the Liquor License is for alcohol only and no food.

Ms. Engels said that is correct, serving food would pertain to their business license and whether they had obtained the Central District Health's approval. She added that the owner of Big Mic's did question the option for transfer that is included in Kuna City Code and made the request for consideration of a transfer.

Council Member Buban-Vonder Haar asked if the purpose of the transfer is to keep from double dipping. She asked if The Arlene just foregoes the remainder of the license.

Ms. Engels explained that in this case The Arlene sold their liquor license to Cuda LLC dba Big Mic's. It is not uncommon for establishments to sell their liquor licenses to other establishments as part of their agreement but it does not have anything to do with the City. A lot of cities do have a transfer policy with a smaller

fee attached to it as well as the State and County. Kuna is one (1) of the few that allow for a transfer with Council permission but do not have a transfer fee assessed to it.

Mayor Stear said he feels it is not appropriate to change rules mid-stream on someone when they are trying to set up a business. He does not know what was paid for the liquor license but he feels it is appropriate to allow for this transfer since it is allowed in the code. Then, if it is wanted, further research could be done on this to see what fee would be appropriate to be assessed to that type of transfer.

Council Member Buban-Vonder Haar said she is fine with that as long as everyone is treated fairly. She would want something laid out so people know what they are getting into ahead of time.

Council President Jones asked if that was something that could be done before May 1, 2017.

Ms. Engels said it could and there are other things pertaining to liquor licenses that need to be reviewed as well.

Council President Jones said, if having something in place by May 1, 2017 could be committed to, he is fine with allowing this transfer.

Council Member Cardoza confirmed that the seller is agreeable to the transfer of the license without any money being returned to them.

Ms. Engels explained that the new owner told her he paid the previous owners for the liquor license but she had not spoken to the previous owner. The State begins the process and they will not issue or transfer the new license until the current holder surrenders theirs. The County does not issue until the State does and the City does not issue until the County and the State do.

Council Member Cardoza felt it would be good for the City to have a letter from the seller allowing the City to agree to the transfer without the request of reimbursement for their fee.

Ms. Engels said there is nothing in place to make that request.

Council Member Cardoza was concerned a seller could come forward with a reimbursement request based on the transfer.

Ms. Engels explained there is no refund policy so there would be no claim against the City and, as she indicated, the State is the catalyst in this process. They make sure the holder of the original license surrenders voluntarily or through transfer.

Council President Jones moved to approve Resolution No. R66-2016. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

- G. Consideration to approve Resolution No. R67-2016 Approving Agreement with Keller Associates to Prepare Amended Water System Master Plan – Gordon Law, City Engineer
(Timestamp 00:26:38)

City Engineer Gordon Law explained that this is related to the expansion of the area of city impact. In 2005 the City completed their last Water System Master Plan. It is now eleven (11) years later and these are generally done every ten (10) years. Due to the dramatic expansion in the area of city impact from 20,000 acres to 50,000 acres it is appropriate for a couple of reasons to redo or amend the Water System Master Plan. Keller Associates, who did the last Water System Master Plan, has prepared an estimated cost of \$82,650.00 and \$85,000.00 has been budgeted. What is proposed is Resolution No. R67-2016 be adopted allowing the Mayor, City Clerk, and City Engineer to complete the documents securing Keller Associates services. The plans at this point are to complete it sometime around the end of January 2017 so it can feed into the area of city impact process and support that effort as well as get the information needed for taking care of the water system. He stood for questions.

Council President Jones asked if the changing of the Comp Plan would affect their decisions on what size water lines to put in. He is concerned that if an area is changed from low-density to high density the line calculations would have to be refigured.

Mr. Law said there are extreme things that could be done that could affect demands but he does not expect the City to do that so he is proceeding as if that is the case. It is more likely this type of issue would come up with the sewer system than the water system because the water system is run on the grid distribution system whereas, with the sewer system, the size of the line is committed to from the treatment plant out to the far extremities. He is not expecting much of problem and the issues are re-examined every ten (10) years or so to try to account for some of the decisions made along the way.

Council President Jones asked if it would be beneficial to have the new Engineer Trainee present during this process so they can understand what is going on and may even have their own ideas to input.

Mr. Law said he shares those sentiments. He is planning on advertising that position shortly so they can participate in these types of things.

RESOLUTION AWARDDING CONTRACT FOR CONSULTING SERVICES TO KELLER ASSOCIATES IN THE AMOUNT OF \$82,650.00 FOR PREPARATION OF AN AMENDED WATER MASTER PLAN; DIRECTING EXPENDITURE OF FUNDS FROM THE WATER FUND FOR SAID WORK; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID CONSULTANT.

Council Member Buban-Vonder Haar moved to approve Resolution No. R67-2016. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

- H. Consideration to approve Resolution No. R68-2016 Ednetics Internet Services Agreement - Richard Roats, City Attorney
(Timestamp 00:32:06)

City Attorney Richard Roats explained Ednetics is the provider of internet fiber optics services to the School District. The City has extended fiber optics up to the plant and will be connecting the new City Hall to fiber optics. That will be approximately \$3,110.00; of that, \$210.00 will be monthly for those services instead of the thousands of dollars the City is paying now.

Council President Jones asked if this would replace the City's current internet.

Mr. Roats said it will replace the City's current internet service but there is still one (1) year left on the contract with Integra, IntegriNet, and Datatel for the current facility. He is working on that. The City may need to go with Datatel for phone service at the new City Hall. The plan was to use Ednetics for the phone service but there have been some questions on the reliability and the issues that could arise with it. There are a couple things being looked into and worked through.

Council President Jones asked if this affects anything the City runs off the internet. He wanted to know if they would just run off of Ednetics services.

Mr. Roats said yes.

Council President Jones noted that exchanging service on the antennas on the water towers had been discussed previously. He asked if he could get an update on that.

Mr. Roats said he is waiting to see if the service is reliable before bringing that contract before Council. The current City Hall has that for redundancy with wireless access. He explained how that redundancy helps with all the people using the wireless service. The antenna will be moved over to the new City Hall to retain that redundancy.

Council Member Cardoza asked Police Chief Justin Dusseau if the Police Department is with Ednetics.

Chief Dusseau said they are not. They use something totally separate because of the on-body video uploading capabilities. They do use fiber optics but it is done through

the County. Previously they contracted with the School District but they were not getting fast enough service so they had to go with something different.

Council Member Cardoza asked if it would be beneficial to look into bringing the Police Department into it as the City negotiates the contract.

Chief Dusseau said absolutely and it might be a cost savings. He offered to speak with Mr. Roats about it.

Council Member Cardoza asked that Mr. Roats look into that.

Mr. Roats agreed.

Council Member Buban-Vonder Haar asked about the section on Liability of the Customer. She was concerned it may cause problems with the City's insurance with ICRMP.

Mr. Roats said he can run that by ICRMP before the contract is signed.

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE THE TERMS OF THE AGREEMENT AND THE MAYOR THEN AUTHORIZED TO EXECUTE SAID AGREEMENT WITH EDNETICS, INC. FOR INTERNET SERVICES FOR THE CITY OF KUNA, IDAHO.

Council Member Buban-Vonder Haar moved to approve Resolution No. R68-2016. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

- I. Consideration to approve Resolution No. R69-2016 Accepting Temporary Easement from Don Young Land Company Inc. – Richard Roats, City Attorney
(Timestamp 00:38:36)

City Attorney Richard Roats explained this is part of the extension improvements in Journey's end. He stood for questions.

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO ACCEPTING THE TEMPORARY EASEMENT BY AND BETWEEN DON YOUNG LAND COMPANY INC. (GRANTOR) AND THE CITY OF KUNA, IDAHO (GRANTEE) FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A CITY OF KUNA, IDAHO WATER, SEWER AND MAINTAINING SEWER MAINS, PRESSURE IRRIGATION

MAIN, SEWER AND PRESSURIZED IRRIGATION MAIN, AND LOCATED AS DEPICTED ON EXHIBIT A OF SAID EASEMENT.

Council Member Buban-Vonder Haar moved to approve Resolution No. R69-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- J.** Consideration to approve Resolution No. R62-2016 Idaho Humane Society Contract – Richard Roats, City Attorney
(Timestamp 00:40:18)

City Attorney Richard Roats stated that after the previous Council Meeting he met with the Idaho Humane Society to discuss Council's questions and he outlined that meeting in his memo. He stood for questions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R69-2016. Seconded by Council Member McPherson.

Council Member Cardoza asked if the amount is what was allocated in next year's budget.

Mr. Roats explained that it is at approximately 3.5% and the Idaho Humane Society would like to get Kuna up to 4.9% in order for things to be fairly allocated with what the other cities are paying. That number may be changing now that Garden City has been added to the list of cities being serviced. Currently as it stands, Kuna is paying less of a percent than the number of calls being utilized. The intent is to even that out.

Council Member Cardoza clarified that they are not asking for an increase at this time but would like to be more in line with Kuna's percentage next year.

Mr. Roats said yes. It has gone up a little every year but not as high as they would like. The contract is a little higher this year; it was about \$59,000.00 last year and it is about \$61,000.00 this year. It is getting closer to the percentage they want to be at.

Council Member Cardoza asked if Garden City would be included in the evaluation of service percentages next year.

Mr. Roats said yes.

Mayor Stear said the City would continue to look at other options since the cost keeps increasing.

Mr. Roats said there are approximately four (4) officers on duty doing the work split into the different contracts, but the overall charge is \$1.7 million.

Council Member Cardoza asked if the four (4) territories were covered twenty-four (24) hours a day. He thought they only operate eight (8) hours a day and only have one (1) officer on duty from 6:00 pm to 8:00 am.

Mr. Roats said during business hours there are four (4) officers on duty and they are supposed to be divided into those quadrants unless they are assisting or transporting a dog to the Humane Society. During afterhours there is one (1) officer on duty to cover all of the quadrants.

Council Member Cardoza asked that Police Chief Justin Dusseau keep the Kuna City Clerk informed on the relationship between the Police Department and the Idaho Humane Society and of the Humane Society's performance.

Chief Dusseau said he would.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT WITH THE IDAHO HUMANE SOCIETY TO PROVIDE ANIMAL CONTROL SERVICES WITHIN THE CITY OF KUNA, IDAHO FOR THE FISCAL YEAR OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

Council Member Buban-Vonder Haar moved to approve Resolution No. R62-2016. Seconded by Council Member McPherson. Motion carried 4-0.

8. Ordinances:

- A. Consideration to approve Ordinance No. 2016-30 Kuna Counseling Center Irrigation Annexation
(Timestamp 00:45:51)

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of ordinance

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING PARCEL R8048220042, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE BOISE~KUNA IRRIGATION DISTRICT; CHANGING THE RESPECTIVE BOUNDARIES OF SAID DISTRICTS; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-30. Seconded by Council Member McPherson. Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-30. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve summary publication of Ordinance No. 2016-30. Seconded by Council Member McPherson. Motion carried 4-0.

9. Mayor/Council Discussion Items:

- A. Discussion on future impact fee legislation – Council President Jones
(Timestamp 00:47:45)

Council President Jones wanted to discuss fee legislation with Council. The Park Impact Fee was just implemented and he is sure everyone is aware of the emergency bond from the School District. He looked into some things and as he understands it the State does not allow impact fees for schools or for libraries but they do allow an impact fee for police and fire departments. He would like it to be known that if an impact fee was put out there for the police and fire departments he would not have an issue looking into that. He asked if the other Council Members would consider looking at that as well.

Mayor Stear said he went to the Fire District Board of Commissioners Meeting a couple months ago and presented the idea of starting the process for that. They have to setup their own committee and process for that and then the City can administrate those fees for them. The City can also charge a small administration fee in order to be reimbursed for staff time. He has not looked into the police department though.

City Attorney Richard Roats suggested that he, the Chief, and the Mayor look into that.

Council Member Buban-Vonder Haar said she would like to know what other cities have impact fees for the police and fire departments and how much they charge.

Mayor Stear said that will be part of the process of administering those fees. They have to be relative to the service that is provided now. He does know that Meridian and Boise charge Fire Impact Fees but he does not know the rate. It will be looked into.

Council Member Cardoza said Boise's and Meridian's fire and police departments are public entities of the city whereas Kuna's fire and police departments are separate entities for taxing.

Mayor Stear said Meridian has Meridian City Fire Department but also contracts with Meridian Rural Fire Department. Boise contracts with North Ada County Fire District and the Whitney Fire District so, although they are combined into one (1) unit, they contract out. The impact fees will be applied where they are applicable.

Council Member Cardoza asked if Kuna's impact fees would apply since the departments are separate tax entities.

Mayor Stear said they are not allowed to charge an impact fee. It has to be done through a city or a county.

Council Member Cardoza asked if Kuna's impact fee would be assessable to other tax entities in the city that are not City oriented.

Council Member Buban-Vonder Haar clarified that Council Member Cardoza was asking if Kuna is allowed to collect the assessment for the fire and police departments.

Council Member Cardoza said that is his question.

Mr. Roats said Kuna would have an agreement to collect the fees at the time the building permit application is done. The City does that with ACHD's fees and turns them over. It is essentially the same thing.

Council Member Cardoza asked if this would be a good time to bring up the amount of stress put on the School District by allowing growth and wondered if this could be done for the School District.

Mayor Stear said school districts receive state funding so they are not allowed by statute to receive any type of an impact fee although they are probably one (1) of the districts most impacted by growth.

B. Discussion on possible implementation of rules and regulations for Indian Creek –
Council President Jones
(Timestamp 00:53:39)

Council President Jones said he believes everyone is aware of some of the problems occurring with Indian Creek this year. He wanted to make sure the City was doing everything possible to try to curtail those problems. He did not know what sort of jurisdiction the City has over Indian Creek but he has seen numerous beer cans in pictures taken out there. There are also public urination issues which are probably related to the drinking. He asked if Council would like to look into this for next year. He is not sure where the Fire Department and the Police Department stand on these issues and he is not sure if there is any type of legislation the City should be looking at to help prevent these problems in the future.

Mayor Stear said he has discussed this with City Attorney Richard Roats and he is almost certain the Police and Fire Departments would prefer there be no alcohol floating down Indian Creek. There are some issues with the City legislating what can and can't be done on a water right of way that is not belong to the City. Mr. Roats was going to look into it with Boise City and see what they do.

Mr. Roats said Boise City has legislated prohibiting the alcohol along the banks and on the Boise River. They have the benefit of the put in point being at Barber Park which is a city facility. Kuna's facility is actually in the County so it may take some coordination with the County. He is not sure if they have any alcohol prohibitions on the Boise River outside of city jurisdictions. He will work on it and bring something before Council to review and pass if they choose.

Council President Jones asked if certain ingress and egress points were going to be set up.

Mr. Roats said signs were put up outlining where to get in and where to get out.

Council President Jones asked if there were any brochures or information on the internet that is available to the public.

Council Member Buban-Vonder Haar suggested putting it on the website.

Council President Jones said it would be good to push the education for next year.

Mr. Roats asked Police Chief Justin Dusseau if the signs helped with some of the problems.

Chief Dusseau said they helped a little.

Mr. Roats said they would continue to work on that. The problem they were addressing was trespassing issues.

Council President Jones suggested a sign with a map of the ingress and egress points posted at the first ingress point would be good.

Council Member Buban-Vonder Haar suggested QR codes so people could use their smart phones so they would not have to find a map.

Council Member Cardoza said Boise has concrete ramps at their ingress and egress points. He asked if it would simplify things with the Parks Department if there were ramps at Indian Creek.

Parks Director Bobby Withrow said they are actually working on a concrete egress for Swan Falls right now. The bank is currently being eaten away so he is pushing it as erosion control. A spot can be picked every year in the future.

10. Announcements:

11. Executive Session:

- A. Adjourn to Executive Session pursuant to I.C. Section 74-206(f) Potential Litigation
(Timestamp 01:00:08)

Council Member Buban-Vonder Haar moved to adjourn to Executive Session pursuant to I.C. Section 74-206(f) Potential Litigation. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

Council Member Buban-Vonder Haar moved to adjourn from Executive Session pursuant to I.C. Section 74-206(f) Potential Litigation. Seconded by Council Member McPherson. Motion carried 4-0.

Mayor Stear said information was received no action was taken.

12. Adjournment: 8:08 pm



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Customer Service Specialist
Date Approved: CCM 10.04.2016