

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, May 7, 2019

6:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

2. Invocation: D. Scott Allen, Kuna United Methodist Church

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, April 16, 2019

B. Accounts Payable Dated May 2, 2019 in the Amount \$347,129.07

C. Alcohol Licenses

1. Albertsons LLC 700 E Avalon Street – Off Premise Beer & Off Premise Wine

**2. Doughboys LLC dba Snake River Bar & Grill 1353 N Meridian Road –
Liquor-by-the-Drink & On Premise Beer**

**3. Walgreens #13614 869 E Avalon Street – Off Premise Beer & Off Premise
Wine**

D. Resolutions

1. Consideration to approve Resolution No. R31-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FROM TOLL ID I, LLC.

2. Consideration to approve Resolution No. R32-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES AND GRANTEE ACCEPTANCE FROM TOLL ID I, LLC.

3. Consideration to approve Resolution No. R15-2019A

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING RESOLUTION NO. R15-2019 CORRECTING THE NAME TO CHALLENGER DEVELOPMENT, INC FOR THE DESERTHAWK SUBDIVISION NO. 4 FOR UNCOMPLETED WORK INCLUDING STREET LIGHTING, FENCING AND LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

E. Findings of Fact and Conclusions of Law

1. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 19-01-TE for Caspian Subdivision.

2. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 18-09-S for Sapphire Ranch Subdivision.

5. Community Reports or Requests:

A. Kuna Library Plant Facilities Levy Presentation – Tam Svedin and Jana Cutforth, Kuna Library Co-Directors

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

A. Public Hearing tabled from March 19, 2019 and consideration to approve 18-07-AN (Annexation) & 18-05-ZC (Rezone) for Thistle Farm, LLC and Bodahl Farm, LLC – Sam Weiger, Planner I ACTION ITEM

Tim Eck seeks approval of an annexation of approximately 40 acres into Kuna City Limits with a Medium Density Residential (R-6) zoning and a rezone of approximately 40 additional acres from Agricultural (A) to Commercial (C-1). The

subject properties are located at the southwest corner of Ten Mile and Hubbard Rd, Kuna, Idaho 83634. – *Re-noticed.*

- *Open Public Hearing*
- *Receive evidence*

Potential Motions:

- *Consideration to close evidence presentation and proceed to deliberation*
- *Consideration to either:*
 - Option 1: Approve or Deny Case No18-07-AN (Annexation) & 18-05-ZC (Rezone) and Close the Public Hearing and direct staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by the Council on the next Council Meeting Consent Agenda.*
 - 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 adopt the City of Kuna Police Department Impact Fee Study and Capital Improvements Plan, Impact Fee Ordinance, and Impact Fees – Bill Gigray, City Attorney **ACTION ITEM**

- *Open Public Hearing*
- *Receive evidence*

1. Consideration to approve Resolution No. R33-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS;**
- **ADOPTION OF THE CITY OF KUNA POLICE DEPARTMENT IMPACT FEE STUDY AND CAPITAL IMPROVEMENTS PLAN;**
- **DIRECTING THE CITY CLERK;**
- **SETTING AN EFFECTIVE DATE.**

2. Consideration to approve Ordinance No. 2019-11

AN ORDINANCE AMENDING TITLE 12 OF THE KUNA CITY CODE BY ADDING A NEW CHAPTER 3, PROVIDING FOR:

- **POLICE DEPARTMENT DEVELOPMENT IMPACT FEES;**
- **SHORT TITLE APPLICABILITY, FINDINGS AND PURPOSE;**
- **DEFINITIONS;**
- **IMPOSITION OF CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;**
- **COLLECTION OF CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;**
- **EXEMPTIONS;**
- **INDIVIDUAL ASSESSMENT PROCESS;**
- **DEVELOPER CREDITS AND REIMBURSEMENTS;**

- METHODOLOGY FOR CALCULATION OF CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;
- EXTRAORDINARY IMPACTS;
- FEE PAYER REFUNDS;
- ESTABLISHMENT OF A CITY OF KUNA POLICE DEPARTMENT IMPACT FEE CAPITAL TRUST FUND AND ACCOUNTS;
- USE, EXPENDITURE AND BUDGET PROCESS CITY OF KUNA POLICE DEPARTMENT IMPACT FEES;
- APPEALS, PROTEST AND MEDIATION;
- PERIODIC REVIEWS OF THE CAPITAL IMPROVEMENTS PLAN;
- AUDIT REPORT AS A PART OF THE CITY ANNUAL AUDIT;
- THE CITY OF KUNA POLICE DEPARTMENT DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE;
- ENFORCEMENT AND COLLECTION;
- MISCELLANEOUS PROVISIONS;
- PUNISHMENT FOR VIOLATIONS OF THE ORDINANCE;
- CONSTRUCTION OF ORDINANCE INTENT; and
- PROVIDING AN EFFECTIVE DATE AND PUBLICATION.

Potential Motions:

- Consideration to close evidence presentation and proceed to deliberation
- Consideration to either:

Option 1:

- Close the Public Hearing
- Approve or deny Resolution No. R33-2019
- Waive three readings of Ordinance No. 2019-11
- Approve or Deny Ordinance No. 2019-11
- Approve Summary Publication of Ordinance No. 2019-11

Option 2:

Continue the Public Hearing to a time and date certain.

7. Business Items:

- A. 2019 Kids to Parks Day Proclamation – Mayor Stear
- B. Request for recommendations for appointment to the Ada County Solid Waste Advisory Committee – Mayor Stear **ACTION ITEM**
- C. Quarterly Financial Report Update – Jared Empey, City Treasurer
- D. Consideration to approve Resolution R34-2019 – Lisa Holland, Economic Development Director **ACTION ITEM**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA;

- SETTING FORTH CERTAIN PURPOSES,

- AUTHORIZING THE MAYOR AS THE AUTHORIZED AGENT OF THE CITY TO EXECUTE THE “AGREEMENT OF TERMINATION OF MEMORANDUM OF UNDERSTANDING” BY AND AMONG THIS CITY, PROVIDENCE DEVELOPMENT GROUP, LLC AND DICK L. REED (DECEASED) AND RUTH L. REED INDIVIDUALLY AND AS TRUSTEE OF THE RUTH L. REED TRUST;
- DIRECTING THE CLERK; AND
- SETTING AN EFFECTIVE DATE.

E. Consideration to Approve Resolution No. R35-2019 – Lisa Holland, Economic Development Director **ACTION ITEM**

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE “PROFESSIONAL SERVICES AGREEMENT” WITH JUB ENGINEERING, INC. FOR THE ECONOMIC DEVELOPMENT DEPARTMENT IN FACILITATING A PUBLIC WORKSHOP ON FINANCING TOOLS FOR ECONOMIC DEVELOPMENT AND URBAN RENEWAL; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

F. Request for \$4,500.66 from Contingence Fund to send 3 (three) employees to the Caselle Conference for training – Nancy Stauffer, Human Resources Director **ACTION ITEM**

G. Request for direction on potential workshop for Rate Study – Bob Bachman, Public Works Director **ACTION ITEM**

8. Ordinances:

A. Consideration to approve Ordinance No. 2019-12 **ACTION ITEM**

A MUNICIPAL ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

AMENDING TITLE 1 OF THE KUNA CITY CODE BY THE ADDITION THERETO OF A NEW CHAPTER 17 PROVIDING FOR AN AGENCY FUND; AND

- PROVIDING THE FUND’S PURPOSE; AND
- PROVIDING THE FUND’S NAME; AND
- PROVIDING STANDARDS FOR DEPOSITS TO THE FUND; AND
- PROVIDING FOR THE FUND’S ACCOUNTING, DISTRIBUTION RESTRICTIONS AND INVESTMENT GUIDELINES; AND
- PROVIDING FOR THE TRANSFER OF THE FUND’S INCOME TO THE CITY’S GENERAL FUND; AND
- AMENDING TITLE 1 OF THE KUNA CITY CODE BY THE ADDITION THERETO OF A NEW CHAPTER 18 PROVIDING FOR PUBLIC DEPOSITORY LAW COMPLIANCE; AND

- STATING A PURPOSE; AND
- PROVIDING FOR THE PROCESS OF THE DESIGNATION OF THE CITY'S DEPOSITORY; AND
- PROVIDING FOR THE PROCESS OF THE CERTIFICATION OF CITY FUNDS FOR INVESTMENT; AND
- PROVIDING FOR INVESTMENT GUIDELINES AND ACCOUNTING OF INVESTMENT INTEREST; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve summary publication

B. Consideration to approve Ordinance No. 2019-13 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 NEW YORK IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings

Consideration to approve ordinance

C. Consideration to approve Ordinance No. 2019-14 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 BILTMORE COMPANY 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

D. Consideration to approve Ordinance No. 2019-15 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 DB DEVELOPMENT 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 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

E. Consideration to approve Ordinance No. 2019-16 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 TOLL ID I 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

F. Consideration to approve Ordinance No. 2019-17 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 DB DEVELOPMENT 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. Adjourn to Executive Session pursuant to:

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

- (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: