

**KUNA CITY COUNCIL SPECIAL MEETING
MINUTES
FEBRUARY 18, 2010
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

1. CALL TO ORDER AND ROLL CALL:

Council President Bachman called the special meeting to order at 4:18 p.m.

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

ALSO PRESENT: City Attorney Richard Roats, City Engineer Gordon Law, City Clerk Lynda Burgess and Mapping Specialist Mike Borzick.

2. ORDINANCE:

CA/Roats reported that the ordinance sets the assessment at \$26,076,960 for the 8064 EDUs that have been calculated for the LID. Exhibit A1 is the notifications of all the parcels included in the LID. Exhibit A2 is a map of those parcels. Exhibit A3 lists those parcels that have prepaid the assessments. Attached is the final assessment roll which has the engineer's report and a detailed copy of the detailed costs of the plant which council reviewed at the last special meeting.

C/Cardoza asked CA/Roats to explain Page 4, paragraph a, second to the last sentence states "...which amount pays for the LID per EDU guaranteed capacity benefit received and may also be a partial offset to the City's full hook-up fee for each such LID EDU."

CA/Roats responded that the amount that precedes that statement is the per EDU assessment of \$3,233.75. That is the guaranteed benefit that's discussed in that paragraph. The sentence further states "...may also be a partial offset to the City's full hook-up fee for each such LID EDU." That was one of the questions discussed at several of the meetings with the LID members and the council hasn't determined the amount of the \$3,222.75 as a set off to the entire hook-up amount. If it's assumed \$4,200 for the sewer hook-up, what portion will be off set has not been decided by council yet.

In further response to C/Cardoza, CA/Roats explained that Section 11 deals with the ability to segregate assessments subsequent to adoption of the ordinance. Essentially, it is situated that the EDU's as per the resolution and enacted ordinance were either per lot or 3 per acre. As an example, an acre is developed that would have 3 EDU's on it, but the EDU assessment applies to the entire parcel of land, so if its subdivided, there would be 3 lots, but for the security of the bank, it would apply to the entire acre. This section allows for segregation into either subdivisions or lots so the lots can be sold. Once they are sold, the EDU is paid per that lot. The assessment for the entire property won't encumber the individual lot. It's

necessary because it's doubtful a bank would finance a property if the assessment for the entire property based on the individual lot. Once the subdivision has the EDU's assigned to a lot, it causes those properties to be sold free and clear.

DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE NO. 2010-3: AN ORDINANCE MAKING CERTAIN FINDINGS IN CONNECTION WITH LOCAL IMPROVEMENT DISTRICT NO. 2006-1 (THE "LID") FOR THE CITY OF KUNA, ADA COUNTY, IDAHO, INCLUDING THE NAME OF SAID LID, THE CREATION OF SAID LID, THE HEARING OF PROTESTS AND THE FINDINGS MADE THEREAFTER IN CONNECTION THEREWITH; PROVIDING THE METHOD OF DETERMINING THE VALUE OF REAL PROPERTY IN SAID LID, THE OUTSTANDING AND UNPAID ASSESSMENTS PRESENTLY AN OBLIGATION OF PROPERTY INCLUDED IN SAID LID, AND DETERMINING THAT ASSESSMENTS UPON PROPERTY IN SAID LID TOGETHER WITH THOSE BEING LEVIED DO NOT EXCEED THE ACTUAL VALUE OF THE REAL PROPERTY IN SAID LID, INCLUDING THE VALUE OF THE IMPROVEMENTS THEREON; SETTING OUT THE IMPROVEMENTS MADE AND THE PROPERTY ASSESSED WITHIN SAID LID; CONFIRMING THE FINAL ASSESSMENT ROLL FOR SAID LID AND LEVYING THE ASSESSMENTS CONTAINED THEREIN; PROVIDING FOR THE PAYMENT AND NOTICE OF SAID ASSESSMENTS; PROVIDING FOR THE FINALITY OF THE DETERMINATION OF THE REGULARITY, VALIDITY AND CORRECTNESS OF SAID ASSESSMENT ROLL; PROVIDING FOR POTENTIAL REASSESSMENT; PROVIDING FOR AND SPECIFYING CITY INTENT AND PAYMENT CONTRIBUTIONS; RATIFYING THE PROCEEDINGS TAKEN IN CONNECTION WITH THE CREATION, PREPARATION AND ADOPTION OF THE ASSESSMENT ROLL, THE HEARING HELD THEREON AND THE NOTICE OF SAID HEARING AS TO SAID LID; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Hoiland to dispense with full reading and three consecutive readings of Ordinance No. 2010-03. Motion carried 4-0.

Moved by C/Lang, seconded by C/Hoiland to adopt Ordinance 2010-3. Motion carried by the following Roll Call vote:

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

CA/Roats announced that, procedurally, the city will be setting up the assessment, there will be 30 days to pay the assessment, and it will be published in next week's paper. From that date, there will be 30 days to appeal.

In response to C/Cardoza, CC/Burgess stated that the entire Ordinance has been posted on the City's website.

2. **ADJOURNMENT:** There being no further business to conduct, it was moved by C/Lang, seconded by C/Cardoza to adjourn at 4:30 p.m. Motion carried 4-0.

LISA BACHMAN, COUNCIL PRESIDENT

ATTEST:

LYNDA BURGESS, CITY CLERK

DATE APPROVED: MARCH 2, 2010