



OFFICIALS

Joe Stear, Mayor
Greg McPherson, Council President
Richard Cardoza, Council Member
Warren Christensen, Council Member
John Laraway, Council Member

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

City Council Meeting
MINUTES
Tuesday, October 5, 2021

6:00 P.M. REGULAR CITY COUNCIL

For questions, please call the Kuna City Clerk's Office at (208) 387-7726.

ALL ITEMS ON THE KUNA CITY COUNCIL AGENDA ARE CONSIDERED ACTION ITEMS UNLESS OTHERWISE INSTRUCTED BY THE CITY COUNCIL.

1. Call to Order and Roll Call

(Timestamp 00:00:19)

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear – In Person
Council President Greg McPherson – In Person
Council Member Richard Cardoza – In Person
Council Member Warren Christensen – In Person
Council Member John Laraway – In Person

CITY STAFF PRESENT:

Marc Bybee, City Attorney – In Person
Chris Engels, City Clerk – In Person
Jared Empey, City Treasurer – In Person
Bobby Withrow, Parks Director – In Person
Mike Fratusco, Kuna Police Chief – In Person
Jace Hellman, P & Z Director – In Person
Troy Behunin, Senior Planner – In Person

2. Invocation:

3. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:31)

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS

(Timestamp 00:01:00)

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.

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 (208) 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.

A. Regular City Council Meeting Minutes Dated September 21, 2021

B. Accounts Payable Dated September 30, 2021, in the amount of \$886,117.38

C. Findings of Fact and Conclusion of Law

1. Findings of Fact and Conclusions of Law for Case No. 20-07-AN (Annexation), 20-16-S (Pre Plat) – Arrowwood Heights Subdivision
- **Removed from the Agenda.**

2. Findings of Fact and Conclusions of Law for Case No. 21-01-ZC (Rezone) & 21-01-S (Preliminary Plat) – Circinae Valley Subdivision

D. Case No. 21-14-FP (Final Plat) for Arroyo Vista No. 1

E. Resolutions

1. Resolution R42-2021

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO TO COVER THE INSTALLATION OF TEMPORARY PORTABLE WIRING AND EQUIPMENT FOR CARNIVALS, CIRCUSES, AND FAIRS AS OUTLINED IN THE NATIONAL ELECTRICAL CODE ARTICLE 525 THAT OCCUR IN KUNA IDAHO ON CITY PROPERTY.

2. Resolution R43-2021

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY GREYHAWK LAND COMPANY, LLC, FOR GREYHAWK SUBDIVISION NO. 12 FOR UNCOMPLETED WORK INCLUDING LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

3. Resolution R45-2021

- **Pulled from consent and placed under business for further discussion.**

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

- Making certain Findings;
- Approving and authorizing the Mayor and the City Clerk to execute on behalf of the City Council that certain agreement with the City of Kuna entitled “Preconstruction Sewer Extension Agreement” by and between the City of Kuna, Select Development and Contracting LLC, and The Westpark Company, Inc. for the design and construction of forcemain improvements; and
- Directing the City Clerk; and
- Setting an Effective Date.

4. Resolution R46-2021

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE “PROFESSIONAL SERVICES AGREEMENT” WITH JUB ENGINEERING, INC. FOR ASSISTANCE WITH ADMINISTRATION OF THE AMERICAN RESCUE PLAN ACT FUNDS ISSUED TO THE CITY OF KUNA; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

5. Resolution R47-2021

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE PROCUREMENT POLICY; AND AUTHORIZING THE MAYOR TO SIGN SAID DOCUMENT.

6. Resolution R48-2021

-Removed from the Agenda

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 2022 FISCAL YEAR, OCTOBER 1, 2021 TO SEPTEMBER 30, 2022, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

7. Resolution R49-2021

-Pulled from consent and placed under business for further discussion

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE COOPERATIVE AGREEMENT BETWEEN VALLEY REGIONAL TRANSIT AND CITY OF KUNA FOR PUBLIC TRANSPORTATION FINANCIAL CONTRIBUTION; AUTHORIZING THE CITY TREASURER TO PAY THE PUBLIC TRANSPORTATION FINANCIAL CONTRIBUTION IN THE AMOUNT OF FORTY-ONE THOUSAND FOUR HUNDRED AND FIFTY-FIVE DOLLARS AND ZERO CENTS (\$41,455.00); AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Motion To: Approve the Consent Agenda removeand move... to B under business...

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Cardoza, Christensen, Laraway, and McPherson

Voting No: None

Absent: None

Motion Passed: 4-0-0

5. External Reports or Requests:

(Timestamp 00:04:55)

A. Mayors Recognition Awards, Mayor Stear

Mayor Stear recognized citizens and city staff that went above and beyond

B. City Council Candidates

City Council Candidates were given the opportunity to speak and present who they are.

C. Domestic Violence Awareness Month Proclamation, Mayor Stear

Mayor Stear read the Domestic Violence Awareness Month Proclamation

6. Public Hearings:

(Timestamp 00:36:55)

A. Consideration to approve Case No. 21-02-CPF (Combination Preliminary & Final Plat) Falcon Crest Clubhouse – Troy Behunin, Senior Planner; Wendy Shrief of JUB Engineers, on behalf of M3 ID Falcon Crest, LLC, requests approval for a Combined Preliminary and Final Plat in order to create a buildable lot for a Clubhouse, 1 commercial lot, 1 common lot and 1 private road lot over 12.42 acres at the Falcon Crest Golf Course development. Section 22, Township 2 North, Range 1 East. ACTION ITEM

Troy Behunin, Senior Planner, reviewed the application and stood for questions.

Mark Tate, applicant, reviewed the application and stood for questions.

<http://kunacity.id.gov/DocumentCenter/View/7742/FC-Clubhouse-CC-PACKET-PDF>

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Motion To: Close the evidence presentation and proceed to deliberation

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0-0

Motion To: Approve Case No. 21-02-CPF (Combination Preliminary & Final Plat) Falcon Crest Clubhouse

Motion By: Council Member McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Recused: None
Absent: None
Motion Passed: 4-0-0

7. Business Items:

(Timestamp 00:57:35)

- A. Consideration to approve Resolution R44-2021. Mike Borzick, GIS / Paul Stevens, City Engineer and 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 DISTRICT FOR THE 2022 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2022 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2022 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2022 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2022 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.

Mike Borzick, Public Works, reviewed irrigation assessment and stood for questions.

Motion To: Approve Resolution R44-2021.
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Motion Passed: 4-0-0

- B. R45-2021 – Moved from consent to business

(Timestamp 01:03:32)

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

- Making certain Findings;
- Approving and authorizing the Mayor and the City Clerk to execute on behalf of the City Council that certain agreement with the City of Kuna entitled “Preconstruction Sewer Extension Agreement” by and between the City of Kuna, Select Development and Contracting LLC, and The Westpark Company, Inc. for the design and construction of forcemain improvements; and
- Directing the City Clerk; and
- Setting an Effective Date.

Council Member Laraway asked why there was no monetary amount for the agreement.

Jared Empey, City Treasurer, responded to the question.

Paul Stevens, Public Works Director, responded to the question as well.

Further discussion continued between Council and City Staff.

Motion To: Approve Resolution R45-2021.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0-0

C. R49-2021 – Moved from consent to business

(Timestamp 01:27:00)

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE COOPERATIVE AGREEMENT BETWEEN VALLEY REGIONAL TRANSIT AND CITY OF KUNA FOR PUBLIC TRANSPORTATION FINANCIAL CONTRIBUTION; AUTHORIZING THE CITY TREASURER TO PAY THE PUBLIC TRANSPORTATION FINANCIAL CONTRIBUTION IN THE AMOUNT OF FORTY-ONE THOUSAND FOUR HUNDRED AND FIFTY-FIVE DOLLARS AND ZERO CENTS (\$41,455.00); AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Council Member Cardoza asked why the city is paying Valley Regional Transit \$41,455.00.

Mayor Stear and City Staff responded to Council Member Cardoza.

Motion To: Approve Resolution R49-2021.

Motion By: Council President McPherson

Motion Seconded: Council Member Laraway

Further Discussion: None

Motion Passed: 4-0-0

8. Ordinances:

(Timestamp 01:34:25)

A. Consideration to approve Ordinance 2021-29 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

Motion To: Waive Three readings
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Recused: None
Absent: None
Motion Passed: 4-0-0

Motion To: Approve Ordinance 2021-29
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Approved by the Following Roll Call Vote:
Voting Aye: Council Members Cardoza, Christensen, Laraway, and McPherson
Voting No: None
Absent: None
Motion Passed: 4-0-0

B. Consideration to approve Ordinance 2021-30 ACTION ITEM
(Timestamp 01:36:25)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO,

- AMENDING SECTIONS 2 AND 3 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE BY MAKING TECHNICAL CORRECTIONS (BOTH SECTIONS); THE ADDITION, DELETION, AND AMENDMENT OF DEFINITIONS; PROVIDING ACTIVITY RELATED TO ANIMAL FIGHTS IS UNLAWFUL; PROVIDING THAT THE USE OF BODY GRIPPING TRAPS WITHIN CITY LIMITS IS UNLAWFUL; PROVIDING THAT RELEASING A STRAY CAT AFTER STERILIZATION FOR POPULATION CONTROL PURPOSES IS NOT ABANDONMENT;
- REPEALING THE EXISTING SECTION 4 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “WILD ANIMALS” AND ENACTING A NEW SECTION 4 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “PROHIBITED ANIMALS,” WHICH PROHIBITS POSSESSION AND OWNERSHIP OF CERTAIN

ENUMERATED ANIMALS AND PROVIDE EXCEPTIONS TO PROHIBITIONS;
AND

- AMENDING SECTIONS 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE BY MAKING TECHNICAL CORRECTIONS (MULTIPLE SECTIONS); PROVIDING FOR NONCOMMERCIAL KENNEL LICENSES; PROVIDING THAT DOGS RUNNING AT LARGE IS UNLAWFUL; PROVIDING THAT DOG ENCLOSURES BE MAINTAINED AND REPAIRED; PROVIDING AN EXCEPTION TO FOUND STRAY ANIMALS PROVISION FOR CATCHING AND LATER RELEASING STRAY CATS AFTER STERILIZATION; UPDATING STANDARDS AND PROCEDURES FOR MANAGING RABID ANIMALS, INCLUDING QUARANTINE PROCEDURES; PROVIDING FOR THE AUTHORITY TO RESTRAIN ATTACKING ANIMALS; PROVIDING IT IS UNLAWFUL TO DIRECT A DOG TO ATTACK OTHER ANIMALS; AND
- REPEALING THE EXISTING SECTION 15, CHAPTER 3, TITLE 10 KUNA CITY ENTITLED “DISEASED ANIMALS,” WHICH PROVIDES FOR THE MANAGEMENT OF DISEASED ANIMALS, AND ENACTING A NEW SECTION 15, CHAPTER 3, TITLE 10 KUNA CITY CODE ENTITLED “CRIMINAL RESPONSIBILITY FOR DOG BITES AND ATTACKS,” PROVIDING THAT AN OWNER MAY INCUR CRIMINAL CONSEQUENCES FOR DOG ATTACKS AND BITES, AS WELL AS CERTAIN COLLATERAL CIVIL CONSEQUENCES; AND
- AMENDING SECTIONS 16, 21, 22, 23, 24, AND 25 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE BY UPDATING PROVISIONS RELATED TO HABITUAL BARKING AND NOISEMAKING, PROVIDING EXCEPTIONS TO NOISEMAKING PROVISIONS, PROVIDING THAT ANIMAL NUISANCES ARE UNLAWFUL, AND PROVIDING FOR NUISANCE FERAL CAT PREVENTION; MAKING TECHNICAL CORRECTIONS (MULTIPLE SECTIONS); UPDATING PROVISIONS FOR IMPOUNDED ANIMALS THAT OWNERS REFUSE TO REDEEM AND REMOVING EXISTING IMPOUND APPEAL PROCEDURES; UPDATING HABITUAL ANIMAL CONTROL VIOLATOR PROVISIONS; AND
- REPEALING THE EXISTING SECTION 26 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “PENALTIES,” WHICH PROVIDES FOR INFRACTIONS AND MISDEMEANOR PENALTIES FOR VIOLATIONS OF CHAPTER 3 OF TITLE 10; ENACTING A NEW SECTION 26 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “RESPONSIBILITY FOR ANIMALS OWNED BY MINORS,” WHICH PROVIDES PARENTAL OR GUARDIAN RESPONSIBILITY FOR LEGAL CONSEQUENCES FOR ANIMALS OWNED BY MINORS UNDER THEIR CARE; AND
- ENACTING A NEW SECTION OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE NUMBERED SECTION 27 AND ENTITLED “DESIGNATION AND MANAGEMENT OF DANGEROUS OR AT-RISK DOGS,” WHICH PROVIDES PROCEDURES AND STANDARDS FOR DESIGNATING DOGS AS AT-RISK OR DANGEROUS, AND PROVIDES RESTRICTIONS FOR THE KEEPING AND MANAGEMENT OF AT-RISK OR DANGEROUS DOGS WITHIN THE CITY; AND

- ENACTING A NEW SECTION OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE NUMBERED SECTION 28 AND ENTITLED “APPEAL PROCEDURE FOR AFFECTED PERSONS,” WHICH ESTABLISHES RIGHTS AND STANDARD PROCEDURES FOR APPEALING ENFORCEMENT DECISIONS MADE UNDER CHAPTER 3 OF TITLE 10 KUNA CITY CODE; AND
- ENACTING A NEW SECTION OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE NUMBERED SECTION 29 AND ENTITLED “PENALTIES,” WHICH PROVIDES INFRACTION AND MISDEMEANOR PENALTIES FOR VIOLATING PROVISIONS OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE WHEN SPECIFIC PENALTIES ARE NOT PROVIDED FOR BY A PARTICULAR SECTION; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings
Consideration to approve Ordinance
Consideration to approve summary publication

Motion To: Waive Three readings (**Motion rescinded**)
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: Council and City Staff further discussed the Ordinance
Recused: None
Absent: None
Motion Passed: N/A

9. Executive Session:

10. Mayor/Council Announcements:

(Timestamp 02:00:00)

Chief Fratusco announced that Kuna Police Department has its own Facebook page

11. Adjournment: 8:05



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Nathan Stanley, Deputy City Clerk
Date Approved: CCM 10.19.2021