

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 19, 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 00:00:20)

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
Jessica Reid, P & Z – In Person
Morgan Treasure, Economic Development Director – In Person
Paul Stevens, Public Works Director – In Person
Nancy Stauffer, HR Director – In Person

2. Invocation:

3. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:40)

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

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.

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. Regular City Council Meeting Minutes Dated October 5, 2021

B. Accounts Payable Dated October 14, 2021, in the amount of \$904,833.72

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

D. Final Plat

1. Case No 21-16-FP (Final Plat) Redcloud Subdivision No. 2
2. Case No. 21-17-FP (Final Plat) Sadie Creek Subdivision No. 2
3. Case No. 21-18-FP (Final Plat) Kern River Heights

E. Resolutions

1. Resolution R50-2021

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

- SETTING FORTH CERTAIN PURPOSES;
- AUTHORIZING THE MAYOR TO EXECUTE THE SCHOOL RESOURCE OFFICER SERVICES COSTS INTERAGENCY AGREEMENT
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

2. Resolution R51-2021

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO REPEALING AND REPLACING RESOLUTION NO. R03-2021 AND REAPPOINTING A MEMBER OF THE PLANNING AND ZONING COMMISSION.

4. Resolution R52-2021

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

- Setting Forth Findings; and
- Authorizing the Mayor to execute and the City Clerk to Attest that certain Falcon

Crest Lift Station Grant Deed by and between Cloverdale Ranch, a partnership, and the Estate of Hansgeorg Borbonus and Terry Cook (collectively, Grantor and the City of Kuna, Idaho “Grantee”; and

- Directing the City Clerk; and
- Setting an Effective Date.

Motion To: Approve the Consent Agenda as published

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:*

6. *Public Hearings:*

(Timestamp 00:01:48)

- A. 21-11-AN (Annexation) & 21-03-DA (Development Agreement)** – East Kuna Annexation: KC Gardner Company, LC, represented by The Land Group, Inc., requests approval to annex nine (9) properties totaling approx. 1,088 acres, into Kuna City Limits with M-1 (Light Manufacturing/Industrial) & M-2 (Heavy Manufacturing/Industrial) zoning district classifications. Additionally, a Development Agreement is proposed to accompany the Annexation request. The nine (9) properties are located generally north & south of Kuna-Mora Road & east of Cole Road (APNs: S1531233600, S1531300000, S2006121115, S2006121150, S2006417205, S2006417265, S2006417500, S2007111100 and S2007111200). – Jace Hellman, Planning and Zoning Director ACTION ITEM

P & Z Director Jace Hellman reviewed the application and stood for questions.

Jeff Wardle from the Gardner Company presented his request for Annexation and Development Agreement and stood for questions.

Cindy Geison, Kuna Resident, presented her neutral stance on the request for Annexation and Development Agreement.

Sherry Bocknick, Kuna Resident, presented her opposition stance on the request for Annexation and Development Agreement.

Rebuttal: Jeff Wardle responds to the concerns of Sherry Bocknick.

Mayor Stear adds to Jeff Wardle’s response

Council Member Christensen references ED Directors memo in regards to the Annexation.

Council President McPherson mentions that the water wells were addressed with the Falcon Crest project when comparing residential and commercial water wells.

Council Member Laraway said that traffic has been addressed and does not see an issue with traffic and increase of travel

Council Member Cardoza said that the time for the public to comment their concerns would have been during the comprehensive plan. Council Member Cardoza also brought up a possible legal issue with owner names listed on page 304, bullet point 117.

(Timestamp 00:38:02)

Bill Gigray responds to Council Member Cardoza.

Council Member Laraway asked about open range.

Jeff Wardle responded about the open range

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. 21-11-AN (Annexation) & 21-03-DA (Development Agreement) East Kuna Annexation with the conditions listed

Motion By: Council Member McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Recused: None

Absent: None

Motion Passed: 4-0-0

B. 21-02-OA (Ordinance Amendment) – Power Transmission Line Regulations: Jace Hellman, Planning and Zoning Director ACTION ITEM.

(Timestamp 00:56:25)

Consideration to approve Ordinance 2021-31:

An Ordinance of the City Council of the City of Kuna:

- Making Certain Findings
- Amending Subsection Q of Section 4 of Chapter 5 of Title 5 Kuna City Code Making Technical Changes to the Zoning Regulation of Electrical Energy Transmission Lines as Unique Land Uses; And
- Directing the City Clerk; And
- Providing an Effective Date

P & Z Director Jace Hellman presented the details of the ordinance changes and stood for questions.

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 Ordinance 21-02-OA (Ordinance Amendment) Power Transmission Line Regulations

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 01:01:09)

A. 21-02-TE (Time Extension) Rising Sun Estates Final Plat: Jessica Reid, Planning and Zoning ACTION ITEM

Wendy Shrief of JUB Engineers, on behalf of M3 ID Rising Sun, LLC, requests Time Extension approval for the Rising Sun Estates Subdivision Final Plat. The project is located on the southwest corner of E Kuna and S Stroebel Roads (APNs: R0615250567, R0615251201); Section 25, Township 2 North, Range 1 West.

Motion To: Approve 21-02-TE (Time Extension) Rising Sun Estates Final Plat

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0-0

8. Ordinances:

(Timestamp 01:03:39)

A. Consideration to approve Ordinance 2021-30 ACTION ITEM

-Second Reading

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 third reading

Consideration to approve Ordinance

Consideration to approve summary publication

Motion To: Waive the Third reading

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 2021-30

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

Motion To: Approve Summary Publication of Ordinance 2021-30
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Absent: None
Motion Passed: 4-0-0

9. Executive Session:

(Timestamp 01:12:10)

Executive Session request per IC 74-206(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. **ACTION ITEM**

Motion To: Enter into Executive Session per IC 74-206(e)
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

Reconvened into regular City Council at 7:45 PM
Information received and no further action taken

10. Mayor/Council Announcements:

11. Adjournment: 7:46 PM



Joe L. Stear, Mayor

ATTEST:

Chris Engels
Chris Engels, City Clerk



Minutes prepared by Nathan Stanley, Deputy City Clerk
Date Approved: CCM 11.03.2021