

OFFICIALS
Joe Stear, Mayor
Greg McPherson, Council President
Chris Bruce, 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, January 18, 2022

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 00:00:09)

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear – In Person
Council President Greg McPherson – In Person
Council Member Chris Bruce – In Person
Council Member Warren Christensen – In Person
Council Member John Laraway – In Person

CITY STAFF PRESENT:

Andrea Nielsen, City Attorney – In Person
Nathan Stanley, Deputy City Clerk – In Person
Jared Empey, City Treasurer – In Person
Mike Fratusco, Kuna Police Chief – In Person
Jace Hellman, P & Z Director – In Person
Doug Hanson, P & Z – In Person
Morgan Treasure, Economic Development Director – In Person
Nancy Stauffer, HR Director – In Person

2. Invocation

3. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:24)

4. Consent Agenda: 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.

(Timestamp 00:00:43)

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) 387-7726. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 387-7726 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 January 04, 2022 and Special Meeting Minutes Dated January 7, 2022.

B. Accounts Payable Dated January 13, 2022, in the amount of \$522,806.95

C. Resolutions

1. Resolution No. R02-2022

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE “*PROFESSIONAL SERVICES AGREEMENT*” WITH JUB ENGINEERING, INC. FOR ASSISTANCE WITH THE KUNA RAILROAD OVERPASS PLANNING AND ENVIRONMENTAL LINKAGES (PEL) STUDY; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

2. Resolution No. R03-2022

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE “*PROFESSIONAL SERVICES AGREEMENT*” WITH KELLER ASSOCIATES, INC. FOR SCOPE OF WORK FOR ORCHARD AND AVALON PEDESTRIAN PATHWAY DESIGN AND CONSTRUCTION SERVICES FOR THE CITY OF KUNA; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

3. Resolution No. R04-2022

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO ACCEPTING THE DEED OF PUBLIC UTILITIES EASEMENT FROM RYAN MEADOWS HOMEOWNER’S ASSOCIATION, INC. AN IDAHO NON-PROFIT CORPORATION.

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 Bruce, Christensen, Laraway, and McPherson

Voting No: None

Absent: None

Motion Passed: 4-0-0

5. External Reports or Requests:

6. Public Hearings:

Public Hearing Process: Items begin with the presentation of the project by staff for up to 15 minutes. The applicant is then allowed 10 minutes to present their project. Members of the public are allowed up to 3 minutes each, to address City Council with testimony restricted to the matter at hand. After all public testimony, the applicant is allowed 5 minutes for rebuttal.

City Council members may ask questions throughout the public hearing process.

Once the public hearing is closed, no further testimony or comments are heard.

City Council may move to continue the application to a future meeting or approve or deny the application.

(Timestamp 00:01:28)

A. CBH Grand Prado Fire Impact Fee Appeal ACTION ITEM

City Council of the City of Kuna, Idaho will conduct a hearing on the appeal by Cory Barton Homes – CBH Homes of the Kuna Rural Fire District’s (KRFD) Board of Commissioners Decision regarding the refund of fire district impact fees paid as provided in Kuna City Code Section 12-2-13. This appeal is related to a requested refund of fire district impact fees that were paid for homes located within Gran Prado Subdivision No. 1.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Motion To: Open the Public Hearing

Motion By: Council Member Christensen

Motion Seconded: Council Member Laraway

Further Discussion: None

Motion Passed: 4-0-0

Mayor Stear gave a brief explanation of the case for the CBH Gran Prado Fire Impact Fee Appeal.

Motion To: Adopt the Fire Districts record into the exhibit for record

Motion By: Council Member Christensen

Motion Seconded: Council Member Laraway

Further Discussion: None

Motion Passed: 4-0-0

Melissa Drees, CBH, reviewed a letter from their attorney and the reason for their appeal.

Mayor Stear explained why the City of Kuna collected the impact fees and what issue occurred.

Council Member Laraway asked legal council about the clarity of who the record of owner is.

City Attorney Staff, Andrea Nielsen, responded to Council Member Laraway and cited Idaho State Code.

Council Member Bruce asked if there are any fees due to another district.

Mayor Stear responded stating no fees would be due to another district.

Council Member Laraway said he looks at it from the simplicity of who the record of owner was at the time of the fees being paid.

City Attorney Staff, Andrea Nielsen explains the Idaho State Code and expresses that she will help with the findings and to focus on the plain language of the statute.

Council Member Christensen asked Melissa Drees about being asked to collect signatures from the current home owners.

Melissa Drees responded by reading an email from City Clerk, Chris Engels.

Mayor Stear further explained the signatures

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

Council Member Christensen explained his stance on the case.

Council Member Laraway agrees with Christensen, however brings up his concern for the record of owner at the time the fees were paid.

Council Member Bruce agrees with both Council Member Christensen and Laraway.

Motion To: Deny CBH appeal

Motion By: Council Member Christensen

Motion Seconded: Council Member Laraway

Further Discussion: None

Recused: McPherson

Absent: None

Motion Passed: 3-0-0

B. Consideration to approve Case No. 21-07-AN (Annexation) for Ledgestone South:

ACTION ITEM

(Timestamp 00:31:36)

GEM State Planning, LLC on behalf of Trilogy Development, Inc. requests Annexation of approximately 99.78 acres into the City of Kuna and to zone approximately (approx.) 83.33 acres as R-6 Medium Density Residential (MDR), and 16.45 acres as R-8 MDR. The Applicant only requests Annexation at this time and will propose a Preliminary Plat in the future. The subject site is adjacent to Kuna City limits on the north and west side; and is currently zoned RR (Rural Residential) in Ada County. The subject site is located at 2425 N Locust Grove Road, Kuna, ID 83642, (APN's: S1418123460, S1418123496, S1418123498, S1418123490, S1418427800 & S1418417200).). Section 18, Township 2 North, Range 1 East. – Troy

Behunin, Senior Planner. *Staff requests this item to be tabled to a date certain of February 1, 2022, pending further staff review.*

Motion To: Table Case No. 21-07-AN to a date certain of February 1, 2022

Motion By: Council Member Christensen

Motion Seconded: Council Member Laraway

Further Discussion: None

Motion Passed: 4-0-0

7. Business Items:

8. Ordinances:

(Timestamp 00:32:27)

A. Consideration to approve Ordinance 2022-02 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 of Ordinance 2022-02

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 2022-02

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Cardoza, Christensen, Laraway,

Voting No: None
Absent: None
Motion Passed: 4-0-0

B. Consideration to approve Ordinance 2022-03 ACTION ITEM
(Timestamp 00:33:58)

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 VIPER INVESTMENTS 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 of Ordinance 2022-03
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 2022-03
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Approved by the Following Roll Call Vote:
Voting Aye: Council Members Cardoza, Christensen, Laraway,
Voting No: None
Absent: None
Motion Passed: 4-0-0

9. Executive Session:

10. Mayor/Council Announcements:

(Timestamp 00:35:28)

Mayor Stear asked if any Council Members would like to attend the AIC City Official Days at the Capital.

Council Members Laraway and Bruce agreed to attend.

11. Adjournment: 6:37 P.M.



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk

Minutes prepared by Nathan Stanley, Deputy City Clerk
Date Approved: CCM 02.01.2022

