



## OFFICIALS

Joe Stear, Mayor  
Greg McPherson, Council President  
Chris Bruce, Council Member  
Matt Biggs, 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 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 00:00:05)*

##### **COUNCIL MEMBERS PRESENT:**

Mayor Joe Stear  
Council President McPherson  
Council Member Chris Bruce  
Council Member Matt Biggs  
Member John Laraway

##### **CITY STAFF PRESENT:**

Marc Bybee, City Attorney  
Chris Engels, City Clerk  
Jared Empey, City Treasurer  
Mike Fratusco, Kuna Police Chief  
Doug Hanson, P & Z Director  
Nancy Stauffer, HR Director  
Bobby Withrow, Parks Director  
Paul Stevens, Public Works Director

#### **2. Invocation**

#### **3. Pledge of Allegiance: Mayor Stear**

*(Timestamp 00:00:23)*

#### **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 00:00:40)*

#### **A. Regular City Council Meeting Minutes Dated October 4, 2022**

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.

B. Accounts Payable Dated October 13, 2022, in the amount of \$2,186,751.40

C. Findings of Facts and Conclusions of Law

1. Case No. 21-15-AN (Annexation) 2500 S Rock Falls Lane.

D. Resolutions

1. Resolution R76-2022

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TOLL BROTHERS, FOR PALOMA RIDGE SUBDIVISION NO. 1 FOR UNCOMPLETED WORK INCLUDING FENCING PURSUANT TO THE TERMS OF THIS RESOLUTION.

2. Resolution R77-2022

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TOLL BROTHERS, FOR PALOMA RIDGE SUBDIVISION NO. 1 FOR UNCOMPLETED WORK INCLUDING LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

3. Resolution R78-2022

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TOLL BROTHERS, FOR PALOMA RIDGE SUBDIVISION NO. 1 FOR UNCOMPLETED WORK INCLUDING STREET LIGHTING PURSUANT TO THE TERMS OF THIS RESOLUTION.

4. Resolution R79-2022

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE "SERVICES AGREEMENT" WITH CRIME STOPPERS OF SOUTHWEST IDAHO, AN IDAHO NON-PROFIT CORPORATION. AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

5. Resolution R81-2022

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO:

- MAKING CERTAIN FINDINGS OF AUTHORITY AND PURPOSE; AND
- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM POLICIES WHICH INCLUDE:
- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM CONNECTION, SERVICE, AND IRRIGATION SUPPLY FEES POLICY; AND

- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM UNIFORM IRRIGATION WATER SUPPLY ASSESSMENT METHOD POLICY; AND
- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM CUSTOMER BILLING AND PAYMENT POLICY; AND
- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM CUSTOMER SERVICE CHARGES POLICY; AND
- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM LOT AND PARCEL WATER ALLOTMENT POLICY; AND
- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM IRRIGATION WATER USE AND ENFORCEMENT POLICY; AND
- REPEALING PRIOR CITY AND/OR KUNA MUNICIPAL IRRIGATION SYSTEM RESOLUTIONS R72-2016, R44-2021 AND THE APPLICABLE IRRIGATION PORTIONS OF R57-2021; AND
- PROVIDING A SEVERABILITY CLAUSE; AND
- PROVIDING AN EFFECTIVE DATE.

6. Resolution R44-2022A

A RESOLUTION OF THE CITY COUNCIL OF KUNA AMENDING R44-2022, IDAHO AUTHORIZING THE MAYOR TO EXECUTE AND THE CLERK TO ATTEST TO THE PRECONSTRUCTION SEWER EXTENSION REIMBURSEMENT COSTS AGREEMENT WITH THE WESTPARK COMPANY INC., AND SELECT DEVELOPMENT AND CONTRACTING LLC., IN THE AMOUNT OF THREE MILLION FIVE HUNDRED FIFTY THOUSAND FOUR HUNDRED NINETY-NINE DOLLARS AND THIRTY CENTS (\$3,550,499.30). THE ITEMS LISTED IN BID ARE REIMBURSEABLE WHICH CITY WILL PAY ONE MILLION SEVEN HUNDRED SEVENTY-FIVE THOUSAND TWO HUNDRED FORTY-NINE DOLLARS AND SIXTY-FIVE CENTS OF WHICH IS FIFTY PERCENT (50%) UPFRONT AND THE REMAINING FIFTY PERCENT (50%) OVER A TEN (10) YEAR PERIOD IN ACCORDANCE TO PARAGRAPH 10 OF AGREEMENT.

<http://kunacity.id.gov/DocumentCenter/View/8225/R44-2022A-Reimbursement-Extention-Amendment--Clean-PDF>

**Motion To:** Approve the Consent Agenda

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Further Discussion:** None

**Approved by the Following Roll Call Vote:**

**Voting Aye:** Council Members Biggs, Bruce, Laraway, McPherson

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

**5. External Reports:**

## 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 00:01:27)*

- A. Case Nos. 22-02-AN (Annexation), 22-01-ZC (Rezone) & 22-02-DA (Development Agreement) for the Lamp District: Riley Planning Services, on behalf of Miriam LLC and Japheth LLC, requests approval to Annex four (4) parcels (APNs: R8528532000, R8528531500, R8528531000, R8528530500) totaling approximately 24.65 acres, into Kuna City Limits with a C-2 (Area Commercial) zone; and to Rezone two (2) parcels (APNs: S1418336401, S1418336332) already within Kuna City Limits, totaling approximately 10.18 acres, to a C-2 (Area Commercial) zone. The subject sites are located on the northeast corner of the N Meridian Road and E Deer Flat Road intersection; Section 18, Township 2 North, Range 1 East. There is no development associated with this application, however, the Applicant has provided a Preliminary Concept Plan on which a future development application(s) will be in substantial compliance with, as ensured by a Development Agreement. Jessica Reid, Planner II ACTION ITEM *Staff requests this item be tabled to a date certain of November 15, 2022, due to a noticing error.*

**Motion To:** Table Case Nos. 22-02-AN (Annexation), 22-01-ZC (Rezone) & 22-02-DA (Development Agreement) to a date certain of November 15, 2022.

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting Aye:** McPherson, Biggs, Bruce, Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

- B. Consideration to approve, Case Nos. 22-01-An (Annexation), 22-01-PUD (Planned Unit Development), 22-01-S (Preliminary Plat), 22-01-DA (Development Agreement) Patagonia East, Ridge, Lakes Subdivision (s) – Westpark Companies, Inc., requests Annexation for approximately 175.07 acres into the City of Kuna with the R-4, (Medium Density Residential), R-6, (Medium Density Residential) and R-8 (Medium/High Density Residential) zoning districts; and requests Preliminary Plat approval to subdivide the same land into 561 single-family lots, 53 common lots, and 1 School Lot. A Development Agreement accompanies this request. The site is on the northwest corner, the northeast corner and near the southeast corner of the intersection of Locust Grove Road and Hubbard Roads, in Sections 7, 8 & 17, all in Township 2 North, Range 1 East. Parcels Proposed with this application are listed in Section 4.3 of Staffs Memo. – Troy Behunin, Planner III ACTION ITEM *Staff requests City Council to table this case to November 1, 2022.*

*(Timestamp 00:02:18)*

**Motion To:** Table Case Nos. 22-01-AN (Annexation), 22-01-PUD (Planned Unit Development), 22-01-S (Preliminary Plat), 22-01-DA (Development Agreement) to a date certain of November 1, 2022.

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting Aye:** McPherson, Biggs, Bruce, Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

## **8. Business Items:**

*(Timestamp 00:04:39)*

**A.1-** Consideration to direct staff to issue Request for Proposal for the Kuna Police Station build after Design Review approval and receiving biddable plans from ADP Architects. Update on Kuna Police Station design and timeline. Chris Engels, City Clerk **ACTION ITEM**

Chris Engels, City Clerk, reviewed the Police Station plans and stood for questions.

**Motion To:** Direct staff to issue Request for Proposal

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

**A.2 -** Consideration to approve Resolution R80-2022, request for \$2,500 for change order for ADP Architects for changes to design, changes to include secure shop, generator, additional shell and core design and additional electrical engineering. Chris Engels, City Clerk **ACTION ITEM**

*(Timestamp 00:13:17)*

Chris Engels, City Clerk, reviewed the change order request and stood for questions.

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO SIGN; AND AUTHORIZING THE MAYOR TO EXECUTE THE CHANGE ORDER FOR ADP ARCHITECTS AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

**Motion To:** Approve Resolution R80-2022

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

- B.** Consideration to approve Case No. 21-06-LS (Lot Split) 2500 E Rock Falls Lane. Arthur Sidney (Sid) and Laura Anderson request approval for Lot Split, in order to turn two (2) lots into six (6) total lots. The subject site is located at 2500 e Rock Falls Lane, Kuna ID 83634, (APN's: R0615250410 and R0615250402) within Section 30, Township 2 North, Range 1 East. Troy Behunin, Planner III ACTION ITEM  
(Timestamp 00:15:51)

Troy Behunin, Planner III, reviewed the lot split application and stood for questions.

**Motion To:** Approve Case No. 21-06-LS (Lot Split) 2500 E Rock Falls Lane

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

- C.** Consideration to approve additional funds request from General and Public Works Contingency for Backhoe purchase. Bobby Withrow, Parks / Facilities Director ACTION ITEM

(Timestamp 00:19:07)

Bobby Withrow, Parks and Facilities Director, reviewed the contingency request and stood for questions.

**Motion To:** Approve additional funds 22936.54 request from General and Public Works Contingency

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

- D.** Consideration to approve Resolution R82-2022 Authorizing the Mayor to sign for the Contingency Request – Water and Wastewater Master Plan Renewals. Paul Stevens, Public Works Director. ACTION ITEM

(Timestamp 00:21:08)

Paul Stevens, Public Works Director, reviewed the request and resolution and stood for questions.

**Motion To:** Approve Resolution R82-2022

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

E. Consideration to approve Resolution R83-2022 Authorizing Resolution for Grant and Loan Wastewater Department of Environmental Quality. Paul Stevens, Public Works Director

**ACTION ITEM**

*(Timestamp 00:28:22)*

**Motion To:** Approve Resolution R83-2022

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

F. Consideration to approve Resolution R84-2022 Authorizing Resolution for Grant and Loan Water, Department of Environmental Quality. Paul Stevens, Public Works Director

**ACTION ITEM**

*(Timestamp 00:29:02)*

**Motion To:** Approve Resolution R84-2022

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

## **9. Ordinances:**

*(Timestamp 00:29:35)*

A. Consideration to approve Ordinance 2022-29 **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 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 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*

**Motion To:** Waive three readings of Ordinance 2022-29  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** McPherson, Biggs, Bruce, Laraway  
**Voting No:** None  
**Absent:** None  
**Motion Passed:** 4-0-0

**Motion To:** Approve Ordinance 2022-29  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** McPherson, Biggs, Bruce, Laraway  
**Voting No:** None  
**Absent:** None  
**Motion Passed:** 4-0-0

**B.** Consideration to approve Ordinance 2022-30 ACTION ITEM  
(Timestamp 00:31:07)

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 RENASCENCE FARM 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 2022-30  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** McPherson, Biggs, Bruce, Laraway  
**Voting No:** None  
**Absent:** None

**Motion Passed:** 4-0-0

**Motion To:** Approve Ordinance 2022-30

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting Aye:** McPherson, Biggs, Bruce, Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

C. Consideration to approve Ordinance 2022-31 **ACTION ITEM**  
(Timestamp 00:32:35)

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 3 VALLEY 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*

**Motion To:** Waive three readings of Ordinance 2022-31

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting Aye:** McPherson, Biggs, Bruce, Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

**Motion To:** Approve Ordinance 2022-31

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting Aye:** McPherson, Biggs, Bruce, Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

**D. Consideration to approve Ordinance 2022-32 ACTION ITEM**  
(Timestamp 00:33:38)

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 BLACK CREEK LP.; 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*

**Motion To:** Waive three readings of Ordinance 2022-32

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting Aye:** McPherson, Biggs, Bruce, Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

**Motion To:** Approve Ordinance 2022-32

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Laraway

**Voting Aye:** McPherson, Biggs, Bruce, Laraway

**Voting No:** None

**Absent:** None

**Motion Passed:** 4-0-0

**E. Consideration to approve Ordinance 2022-33 ACTION ITEM**  
(Timestamp 00:35:29)

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 COREY D BARTON.; 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*

**Motion To:** Waive three readings of Ordinance 2022-33  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** McPherson, Biggs, Bruce, Laraway  
**Voting No:** None  
**Absent:** None  
**Motion Passed:** 4-0-0

**Motion To:** Approve Ordinance 2022-33  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** McPherson, Biggs, Bruce, Laraway  
**Voting No:** None  
**Absent:** None  
**Motion Passed:** 4-0-0

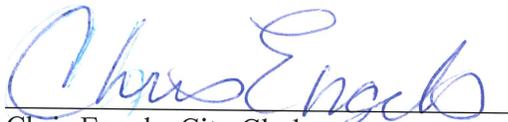
**10. Executive Session:**

**10. Mayor/Council Announcements:**

**11. Adjournment: 6:44 P.M.**

  
 Joe L. Stear, Mayor

ATTEST:

  
 Chris Engels, City Clerk



*Minutes prepared by Nathan Stanley, Deputy City Clerk*  
*Date Approved: CCM 11.01.2022*