



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, December 7, 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 00:00:09)

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
Doug Hanson, P & Z – In Person
Troy Behunin, P & Z – In Person
Morgan Treasure, Economic Development Director – In Person
Nancy Stauffer, HR Director – In Person
Bill Gigray, City Attorney – Via Zoom

2. Invocation:

3. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:26)

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

(Timestamp 00:00:49)

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.

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.

A. Regular City Council Meeting Minutes Dated November 16, 2021

B. Accounts Payable Dated December 2, 2021, in the amount of \$1,532,179.12

C. Resolutions

1. Resolution R61-2021

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AMENDING R57-2021 TO R61-2021 AND APPROVING THE “PROFESSIONAL SERVICES AGREEMENT” WITH KELLER ASSOCIATES, INC. FOR SCOPE OF WORK FOR AVENUE B SIDEWALK IMPROVEMENTS FOR THE CITY OF KUNA; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

2. Resolution R62-2021

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FINDINGS; AND SUPERSEEDING, AMENDING, AND REFORMING CITY COUNCIL RESOLUTION R66-2020; AND ESTABLISHING FEES FOR CONNECTING TO SANITARY SEWER SYSTEM; AND ESTABLISHING MONTHLY SEWER USE FEES; AND ESTABLISHING MINIMUM SEWER LINE SIZES; AND ESTABLISHING OTHER CHARGES; AND ESTABLISHING AN EFFECTIVE DATE.

3. Resolution R63-2021

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO: MAKING CERTAIN FINDINGS OF AUTHORITY AND PURPOSE; AND AUTHORIZING THE MAYOR, CITY TREASURER AND CITY ATTORNEY TO COMPLETE THE CITY’S PERFORMANCE OF THE FINAL ORDER OF CONDEMNATION ISSUED BY THE COURT IN FOURTH DISTRICT COURT OF THE STATE OF IDAHO ADA COUNTY IN CASE NO. CV01-21-11245 ENTITLED CITY OF KUNA V. UNION PACIFIC ET AL; AND DIRECTING THE CITY CLERK; AND PROVIDING AN EFFECTIVE DATE.

4. Resolution R64-2021

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE “CROSS ACCESS EASEMENT” AGREEMENT WITH

ADA COUNTY HIGHWAY DISTRICT (ACHD), A BODY POLITIC AND CORPORATE OF THE STATE OF IDAHO; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

5. Resolution R65-2021

- Pulled from consent and moved to business

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA: SETTING FORTH CERTAIN PURPOSES; AUTHORIZING THE MAYOR TO EXECUTE THE PROJECT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KUNA AND BRISBIE, LLC DIRECTING THE CITY CLERK; AND SETTING AN EFFECTIVE DATE.

6. Resolution R66-2021

- Pulled from consent and moved to business

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA: SETTING FORTH CERTAIN PURPOSES; AUTHORIZING THE MAYOR TO EXECUTE THE INFRASTRUCTURE AGREEMENT BETWEEN THE CITY OF KUNA AND BRISBIE, LLC DIRECTING THE CITY CLERK; AND SETTING AN EFFECTIVE DATE.

7. Resolution R67-2021

- Pulled from consent and moved to business

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA: SETTING FORTH CERTAIN PURPOSES; AUTHORIZING THE MAYOR TO EXECUTE THE WATER AND WASTEWATER SERVICE AGREEMENT BETWEEN THE CITY OF KUNA AND BRISBIE, LLC DIRECTING THE CITY CLERK; AND SETTING AN EFFECTIVE DATE.

D. Findings of Fact and Conclusion of Law

1. Case No. 21-06-AN (Annexation) - 1113 & 1169 N Black Cat Road
2. Case No. 21-12-S (Preliminary Plat) - Lugarno Terra North Subdivision
3. Case No. 20-13-S (Preliminary Plat) - Lugarno Terra South Subdivision

E. Final Plat

1. Case No. 21-19-FP (Final Plat) Rising Sun No. 1

Motion To: Approve the Consent Agenda with items C5, C6 and C7 moved to business for discussion

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 00:03:48)

A. **Case No. 21-04-ZC (Rezone) & 21-05-S (Preliminary Plat) – Ewing Meadows Subdivision. Doug Hansen, Planner II ACTION ITEM**

Sterling Land Development Inc, on behalf of YES Development, LLC requests a Rezone for approximately 80.75 total acres to from an A (Agriculture) to an R-6 (Medium Density Residential) zone. The Applicant also requests Preliminary Plat approval in order to subdivide the approximately 80.75 acres into 315 total lots (294 buildable lots, 21 common lots). The site is located in Section 15, Township 2 north, Range 1 West (APNs: S1315212403, S1315244600, S1315214551).

Planner II Doug Hanson presented the application and approval conditions and stood for questions.

Bonnie Leighton, applicant, presented their request for Council and stood for questions.

Brian Sinderhoff, applicant, presented further information for their request and stood for questions.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Against:

Theresa Holderson, spoke for Cindy Geison who submitted late testimony. In opposition of the development.

Dave Reinhart, Kuna School District, testified on behalf of the school district.

City Council commented and expressed concerns.

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. 21-04-ZC (Rezone) & 21-05-S (Preliminary Plat) Ewing Meadows Subdivision.

Motion By: Council Member McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Recused: None
Absent: None
Motion Passed: 4-0-0

B. Consideration to approve Case No. 21-03-CPF (Combination Preliminary & Final Plat)

Arbor Ridge Villas. Troy Behunin, Senior Planner ACTION ITEM

Centurion Engineers, Inc., on behalf of Challenger Development, LLC, requests approval to subdivide three (3) existing lots within Arbor Ridge Sub No. 5, into nine (9) total lots using the Combination Plat process, for a site located at the northwest corner of School Avenue and Ardell Road, Kuna, Idaho
(Timestamp 01:02:49)

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

David Crawford from Centurion Engineers provided information of the project and asked for consideration 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 Case No. 21-03-CPF (Combination Preliminary & Final Plat) Arbor Ridge Villas.

Motion By: Council Member McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Recused: None
Absent: None
Motion Passed: 4-0-0

C. **Resolution R57-2021 – Adopting a New Fee Schedule for the Planning and Zoning, Building and Public Works Departments.** Jace Hellman, Planning and Zoning Director

ACTION ITEM

(Timestamp 01:14:11)

Planning and Zoning Director, Jace Hellman reviewed the request 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 Resolution No. R57-2021.

Motion By: Council Member McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Recused: None

Absent: None

Motion Passed: 4-0-0

8. Business Items:

(Timestamp 01:18:12)

A. Budget Report 2021, Jared Empey, City Treasurer **ACTION ITEM**

1. Cash Statement

2. Budget Results

City Treasurer Jared Empey provided a review and stood for questions.

B. Contingency Request, Solid Waste Trailer, Jared Empey, City Treasurer **ACTION ITEM**

(Timestamp 01:29:37)

Jared Empey, City Treasurer reviewed the contingency request and stood for questions.

Motion To: Approve the Contingency Request from Sewer Fund Contingency for a Solid Waste Trailer.

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None
Motion Passed: 4-0-0

- C. Canvas Election Results for November 2021 Election, Chris Engels, City Clerk **ACTION**
ITEM
(Timestamp 01:34:18)

Chris Engels, City Clerk, reviewed the election results.

- Warren Christensen
- Chris Bruce
- John Laraway

Motion To: Approve and accept the Canvas Election Results for the November 2021 Election.

Motion By: Council President McPherson

Motion Seconded: Council Member Cardoza

Further Discussion: None

Motion Passed: 4-0-0

- D. Consideration to Approve Resolution R65-2021 (Moved from consent for further discussion)
(Timestamp 01:35:40)

Council Member Laraway asked about the letter from the Economic Development Director.

Jace Hellman, P&Z Director, responded to the question.

Bill Gigray, City Attorney, responded to the question.

Morgan Treasure, Economic Development Director, responded to Council Member Laraway.

Council Member Cardoza asked about Police Fees.

Chief Fratusco, Kuna Police Department and Jared Empey, City Treasurer, responded to Council Member Cardoza.

Motion To: Approve Resolution R65-2021

Motion By: Council President McPherson

Motion Seconded: Council Member Christensen

Further Discussion: None

Motion Passed: 4-0-0

- E. Consideration to Approve Resolution R66-2021 (Moved from consent for further discussion)
(Timestamp 01:54:18)

Motion To: Approve Resolution R66-2021
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Motion Passed: 4-0-0

- F. Consideration to Approve Resolution R67-2021 (**Moved from consent for further discussion**)
(Timestamp 01:54:30)

Council Member Cardoza asked about where the waste water will be retreating.

Jace Hellman, P&Z Director responded.

Bill Gigray and Marc Bybee, City Attorneys, responded to Council Member Cardoza.

Council Member Cardoza asked about litigation payment and it applying to police only.

Morgan Treasure, Economic Development Director, responded to Council Member Cardoza.

Motion To: Approve Resolution R67-2021
Motion By: Council President McPherson
Motion Seconded: Council Member Christensen
Further Discussion: None
Motion Passed: 4-0-0

9. *Ordinances:*

(Timestamp 02:13:31)

- A. Consideration to approve Ordinance 2021-33 **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 AMH 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 2021-33

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 2021-33

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 2021-32A ACTION ITEM

(Timestamp 02:15:55)

A MUNICIPAL ANNEXATION AND ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NOS. S1531233600, S1531300000, S2006121115, S2006417205, S2006417265, S2007111100, S2006417500 AND S2007111200 OWNED BY RAY AND SUSAN MONTIERTH, AND S2006121150 OWNED BY PLEASANT VALLEY AGRICULTURE LLC WITHIN UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND
- ESTABLISHING THE ZONING CLASSIFICATIONS OF SAID REAL PROPERTIES; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings

Consideration to approve Ordinance

Motion To: Waive three readings of Ordinance 2021-32A

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 2021-32A

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

10. Executive Session:

10. Mayor/Council Announcements:

Mayor Stear announced the future land use open house at City Hall and the Holiday Parade taking place Downtown.

11. Adjournment:

8:26



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Nathan Stanley, Deputy City Clerk

Date Approved: CCM 12.21.2021



CITY OF KUNA

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SIGN-UP SHEET

December 7, 2021 – City Council, Public Hearing

Case Name: **Arbor Ridge Villas Combo Plat Request:**

1. Case Type: Combine Preliminary Plat and Final Plat.

Case No.: 21-03- CPF (Combo Preliminary & Final Plat).

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Council/**Commission**.

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SIGN-UP SHEET

December 7, 2021 – City Council Public Hearing

Resolution Name: Planning and Zoning, Building and Public Works Fee Schedule

Resolution No.: R57-2021

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

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SIGN-UP SHEET

December 7, 2021 – City Council Public Hearing

Case Name: Ewing Meadows Subdivision

Case No: 21-04-ZC (Rezone) and 21-05-S (Subdivision)

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

IN FAVOR NEUTRAL IN OPPOSITION

[X] Testify [] Not Testify
Dennis Hudspeth
Print Name
1159 E. IRON EAGLE DR.
Print Address
Eagle ID 83616
City State, Zip

[X] Testify [] Not Testify
Mindy Gies/Mantha Drake
Print Name
1362 S. Gosh
Print Address
Kuna ID 83634
City State, Zip

[] Testify [] Not Testify
Print Name
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City State, Zip

[X] Testify [] Not Testify
BRIAN SINDERHOFF
Print Name
611 S. 8th St, B2
Print Address
Boise ID 83702
City State, Zip

[X] Testify [] Not Testify
DAVID REINHART
Print Name
KUNG SCHOOL DIS
Print Address
KUNO 83634
City State, Zip

[] Testify [] Not Testify
Print Name
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[X] Testify [] Not Testify
Teresa Halderson
Print Name
8006 S. Buffalo Crk
Print Address
Kuna ID 83640
City State, Zip

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Nail Durrant
Print Name
4000 W. Hubbard
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