



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, April 18, 2023

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 00:00:30)

COUNCIL MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Marc Bybee, City Attorney
Nathan Stanley, Senior Deputy Clerk
Jared Empey, City Treasurer
Mike Fratusco, Kuna Police Chief
Doug Hanson, P & Z Director
Bobby Withrow, Parks Director
Morgan Treasure, Economic Development Director
Nancy Stauffer, Human Resource Director

2. Invocation

3. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:46)

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 00:01:06)

A. Regular City Council Meeting Minutes Dated April 4, 2023

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 March 30, 2023, in the amount of \$742,603.49

C. Findings of Fact and Conclusions of Law.

1. Case No. 23-13-S (Subdivision) Paul Bunyan Plaza.
2. Case No. 22-02-OA (Ordinance Amendment) Public Utility Lots & Lot Splits
3. Case No. 23-03-CPF (Combo Plat) Ashville Acres Subdivision

D. Resolutions

1. Resolution R35-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE PRESSURIZED IRRIGATION FACILITIES CONSTRUCTION REIMBURSEMENT AGREEMENT FOR RISING SUN IRRIGATION PUMP AND POND; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE; AND AUTHORIZING THE CITY TREASURER TO PAY M3 ID RISING SUN, LLC THE AMOUNT OF EIGHT HUNDRED NINETY-THREE THOUSAND, EIGHT HUNDRED AND THIRTEEN DOLLARS AND FIFTY-THREE CENTS (\$893,813.53) PURSUANT TO THE TERMS OF SAID AGREEMENT.

Motion To: Approve the Consent Agenda

Motion By: Council Member Laraway

Motion Seconded: Council Member Biggs

Further Discussion: None

Approved by the Following Roll Call Vote:

Voting Aye: Council Members, Bruce, Laraway, Biggs

Voting No: None

Absent: McPherson

Motion Passed: 3-0-0

5. External Reports:

(Timestamp 00:01:45)

A. J&M Sanitation presentation of contract changes, request to council to provide staff direction going forward. Chad Gordon, J&M Sanitation ACTION ITEM

Chad Gordon with J&M Sanitation reviewed proposed changes and stood for questions.

Council asked about enforcement and clarification on third party trash removal.

Marc Bybee, City Attorney, expressed concerns and recommendations.

Action to be taken: J&M Sanitation will draft changes to the franchise agreement and present the changes to City Council and staff.

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 00:17:36)

- A. Consideration to approve Case Nos. 22-09-AN (Annexation) and 22-04-LS (Lot Split), 1299 N School Avenue – Associated Pacific Movers, requests Annexation and Lot Split approval for 1299 N School Avenue, Kuna, ID. – Troy Behunin, Senior Planner. ACTION ITEM

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

Scott Nicholas neighbor to the north of the applicant property testified in favor and expressed concerns about the access to the irrigation access.

Jason Becker testified in favor of the application.

Danielle Horras, testified in opposition of the application.

<http://kunacity.id.gov/DocumentCenter/View/8594/22-09-AN-1299-N-School-CC-PACKET-PDF>

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Motion To: Close Evidence presentation and proceed to deliberation

Motion By: Council Member Laraway

Motion Seconded: Council Member Bruce

Voting Aye: Biggs, Bruce, Laraway,

Voting No: None

Absent: McPherson

Motion Passed: 3-0-0

Motion To: Approve Case No. 22-09-AN (Annexation)

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Voting Aye: Biggs, Bruce, Laraway,

Voting No: None

Absent: McPherson

Motion Passed: 3-0-0

- B. Consideration to approve Case Nos. 22-10-AN (Annexation) and 22-16-S (Pre-Plat); AC3 Properties, LLC requests Annexation and Pre – Plat approval located at 2535 W Ardell Road, Kuna, ID. Troy Behunin, Senior Planner ACTION ITEM
(Timestamp 00:43:47)

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

Chase Craig, testified in favor on behalf of the applicant.

<http://kunacity.id.gov/DocumentCenter/View/8595/22-10-AN-Perdido-Cove-Subdivision-CC-PACKET-41823-PDF>

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Motion To: Close Evidence presentation and proceed to deliberation

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Voting Aye: Biggs, Bruce, Laraway

Voting No: None

Absent: McPherson

Motion Passed: 3-0-0

Motion To: Approve Case Nos. 22-10-AN (Annexation) and 22-16-S (Pre-Plat)

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Voting Aye: Biggs, Bruce, Laraway

Voting No: None

Absent: McPherson

Motion Passed: 3-0-0

7. Business Items:

(Timestamp 01:00:09)

- A. Case No. 23-04-TE (Time Extension) Caspian Subdivision No. Final Plat – Jessica Reid, Associate Planner. ACTION ITEM

Applicant requests Time Extension for the Caspian Sub-division No. 2 Final Plat, located approximately one-half mile East of the Ten Mile Road and Lake Hazel Road intersection; Section35, Township 3 North, Range 1 West.

Doug Hanson, Planning and Zoning Director reviewed the Time Extension application and stood for questioning.

Motion To: Approve Case No. 23-04-TE (Time Extension)

Motion By: Council Member Bruce
Motion Seconded: Council Member Laraway
Voting Aye: Biggs, Bruce, Laraway,
Voting No: None
Absent: McPherson
Motion Passed: 3-0-0

B. Discussion and direction from Council on surplus sheds. Bobby Withrow, Parks/Facilities Director **ACTION ITEM**
(Timestamp 01:02:03)

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

Decision was made to donate to the Kuna School District, KPAL, KYSBA and Kuna Lacrosse.

C. Direction to staff for mitigating capacity issues for the Kuna School District as a result of current city planning and development. **ACTION ITEM**
(Timestamp 01:09:22)

Mayor Stear and City Council reviewed options to help the Kuna School District with capacity issues.

City Staff, Council and Kuna School District will work together to keep discussing ways to help with capacity issues in the schools.

D. Red Cliff Development Default of R27-2104 (07-01-AN, 07-03-ZC, 07-04-S, 07-03-DA):
The City of Kuna Planning and Zoning Director requests the Council order the forfeiture of \$64,400 which was deposited by Red Cliff Development in the City's agency fund in 2014. Additionally, the Director requests the Council authorize the removal of this \$64,400 from the agency fund to the general fund to be earmarked for future public pathway and/or open space improvements. This request is made due to failure of the developer to comply with conditions set forth in Resolution R27-2014. Doug Hanson, Planning and Zoning Director **ACTION ITEM**
(Timestamp 01:27:22)

Doug Hanson, Planning and Zoning Director reviewed the forfeiture order and stood for questions.

Motion To: Table the forfeiture order of \$64,400 to the May 2, 2023 Council Meeting

Motion By: Council Member Laraway
Motion Seconded: Council Member Biggs
Voting Aye: Biggs, Bruce, Laraway, McPherson
Voting No: None
Absent: None
Motion Passed: 4-0-0

E. Month of the Military Child Proclamation.
(Timestamp 01:34:45)

F. Denim Day Proclamation.
(Timestamp 01:37:54)

8. Ordinances:

(Timestamp 01:44:46)

A. Consideration to approve Ordinance 2023-14 ACTION ITEM

- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:
- MAKING CERTAIN FINDINGS; AND
 - AMENDING SUBSECTION 2, SECTION 6, CHAPTER 1, TITLE 5 OF KUNA CITY CODE BY THE ADDITION OF “PUBLIC UTILITY LOT” TO THE “LOT TYPES” DEFINITION; AND BY THE ADDITION OF “PUBLIC UTILITY LOT” AS AN EXCLUSION TO THE “SUBDIVISION” DEFINITION; AND
 - AMENDING SECTION 3, CHAPTER 3, TITLE 5 OF KUNA CITY CODE AMENDING THE OFFICIAL HEIGHT AND AREA STANDARDS TABLE BY ADDING A TECHNICAL ADDITION; AND
 - ADDING SECTION 5, CHAPTER 16, TITLE 5 OF KUNA CITY CODE PROVIDING FOR PUBLIC UTILITY LOT SPLITS; AND
 - PROVIDING A SEVERABILITY CLAUSE; 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 of Ordinance 2023-14

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Further Discussion: None

Recused: None

Absent: McPherson

Motion Passed: 3-0-0

Motion To: Approve Ordinance 2023-14

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Biggs, Laraway, and Bruce

Voting No: None

Absent: McPherson

Motion Passed: 3-0-0

Motion To: Approve Summary Publication 2023-14

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Further Discussion: None

Recused: None

Absent: McPherson

Motion Passed: 3-0-0

9. Executive Session:

(Timestamp 01:47:02)

- A. Executive Session under Idaho State Code 74-206(f): To communicate with legal counsel for the public agency to discuss the legal ramification of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Motion To: Enter into Executive Session under Idaho State Code 74-206(f)

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Biggs, Laraway and Bruce

Voting No: None

Absent: McPherson

10. Mayor/Council Announcements:

11. Adjournment:



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk



Minutes prepared by Nathan Stanley, Deputy City Clerk
Date Approved: CCM 05.02.2023



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274
Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

April 18th, 2023, City Council Public Hearing

Case Name: Perdido Cove Subdivision

Case Nos.: 22-10-AN & 22-16-S

Case Type: Annexation & Preliminary Plat

Please print your name below if you would like to testify in regards to this item. item to the Council/Commission.

Handwritten note: 'Not Testify' in green ink.

IN FAVOR NEUTRAL IN OPPOSITION

IN FAVOR section: Testify (checked), Not Testify. Handwritten name: Chase Cox. Address: 2355 Ardell Ave, ID 83634.

NEUTRAL section: Testify, Not Testify.

IN OPPOSITION section: Testify (checked), Not Testify. Handwritten name: DANIELLE HORRIS. Address: KUNA ID.

IN FAVOR section: Testify, Not Testify.

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IN OPPOSITION section: Testify, Not Testify.

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CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274

Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

April 18, 2023 – City Council, Public Hearing

Case Name: **1299 N School Avenue**

Case Type: Annexation into City Limits, and Lot Split Request.

Case Nos.: 22-09-AN (Annexation) and 22-04-LS (Lot Split).

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> X <u>SCOTT NICHOLAS</u> Print Name <u>900 W Luana Ln</u> Print Address <u>Kuna ID 83634</u> City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> Print Name Print Address City State, Zip	<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> DANIELLE HOLRA Print Name Print Address <u>KUNA ID</u> City State, Zip
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