

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, June 06, 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 00:00:20)

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
Council President McPherson
Council Member Chris Bruce
Council Member Matt Biggs
Council 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
Bobby Withrow, Parks Director
Morgan Treasure, Economic Development Director
Nancy Stauffer, Human Resource Director

2. Invocation

3. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:40)

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 00:00:58)

A. Regular City Council Meeting Minutes Dated May 16, 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 June 01, 2023, in the amount of \$879,394.03

C. Findings of Facts and Conclusions of Law

1. Aster Grove Subdivision – 22-04-ZC (Rezone), 22-09-S (Preliminary Plat) and Project Infrastructure Agreement

D. Final Plats

1. Case No. 22-12-FP (Final Plat) Memory Ranch Subdivision No. 6
2. Case No. 23-04-FP (Final Plat) Paloma Ridge Subdivision No. 4
3. Case No. 23-05-FP (Final Plat) Falcon Crest Subdivision No. 6

E. Alcohol Licenses

1. Consideration to approve KJ's Alcohol License under new ownership.
2. Consideration to approve Moxie Java's Alcohol License. – Pulled for discussion to item 7D by Council Member Biggs.

F. Resolutions

1. Resolution R38-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY M3 ID FALCON CREST, LLC, FOR FALCON CREST SUBDIVISION NO. 6 FOR UNCOMPLETED WORK LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

2. Resolution R39-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY M3 ID FALCON CREST, LLC, FOR FALCON CREST SUBDIVISION NO. 6 FOR UNCOMPLETED WORK FENCING PURSUANT TO THE TERMS OF THIS RESOLUTION.

3. Resolution R40-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY M3 ID FALCON CREST, LLC, FOR FALCON CREST SUBDIVISION NO. 6 FOR UNCOMPLETED WORK STREETLIGHTING PURSUANT TO THE TERMS OF THIS RESOLUTION.

Motion To: Approve the Consent Agenda as Published – Moved an item

Motion By: Council Member McPherson

Motion Seconded: Council Member Laraway

Further Discussion: None

Approved by the Following Roll Call Vote:

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

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 00:02:21)

- A. Consideration to approve Case Nos. 22-14-AN (Annexation) and 22-03-LLA (Lot Line Adjustment) – Applicant request Annexation and Lot Line Adjustment approval at the NW Corner of Columbia and Ten Mile Roads, at 3350 W Columbia Road, in Section 3, Township 2 North, Range 1 West – Troy Behunin, Senior Planner, P&Z
ACTION ITEM

Senior Planner Troy Behunin presented the case and stood for questions.

Applicant David Crawford reviewed the application and stood for questions.

Neil Durrant – resident and business owner in Kuna testified in opposition of the application.

Dave Coleman – Resident of Iron Horse Subdivision – expressed concerns about the application.

Dennis Durrant – Resident and business owner in Kuna testified in opposition for the application.

Joe Guido – Landowner and applicant testified in favor and explained the reasoning for their application.

Katherine Guido – Landowner and applicant testified in favor and expressed the reasoning for wanting to donate portion of their property to the University of Idaho.

Richard Durrant – Testified in opposition of the application.

Rebuttal David Crawford – Expressed and encouraged the passing of the annexation and application.

Council Member Biggs asked how the learning environment would be with a school and student living across the street from the Big D Ranch.

David Crawford responded.

Council Member Laraway asked if the University of Idaho has any plans for the land.

David Crawford responded.

Council Member Bruce asked if Crawford new of what the University has done with previous endowment lands donated to the University.

David Crawford responded.

Mayor Stear asked if there was any plan something to be developed before the University took over the land.

David Crawford responded with no plans have been set.

Council President McPherson asked clarifying question about there is no real plan and more of just an idea of what the land will be used for.

David Crawford responded that the land would typically be leased for farming until a plan was set and the University took over the land.

Council Member Biggs asked about sewer capacity for the Annexation Application.

Troy Behunin responded stating there is no capacity at this time for a development but there was no development at this time.

Council began deliberating the application.

Doug Hanson, PZ Director suggested tabling to a time of uncertain to allow for sufficient time to find out further information requested by the Council during deliberation.

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, McPherson

Voting No: None

Absent: None

Motion Passed: 4-0-0

Motion To: Deny Case No. 22-14-AN (Annexation)

Motion By: Council Member Bruce

Motion Seconded: Council Member Laraway

Voting Aye: Biggs, Bruce, Laraway, McPherson

Voting No:

Absent: None

Motion Passed: 4-0-0

7. Business Items:

(Timestamp 01:02:24)

- A. Consideration to grant the request from M3 ID Valor Golf Villas, LLC to enter into the Falcon Crest Development Agreement Estoppel Certificate. Doug Hanson, Planning & Zoning Director **ACTION ITEM**

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

Motion To: Approve Falcon Crest Development Agreement Estoppel Certificate.

Motion By: Council Member McPherson

Motion Seconded: Council Member Laraway

Voting Aye: McPherson, Biggs, Bruce, Laraway,

Voting No: None

Absent: None

Motion Passed: 4-0-0

- B. Kuna-Meridian Road/State Highway 69 Railroad Overpass Planning and Environmental Linkages (PEL) Study Update: Staff requests City Council direction moving forward on railroad overpass. Doug Hanson, Planning & Zoning Director **ACTION ITEM**

(Timestamp 01:04:19)

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

Chris Engels, City Clerk explained the funding in the process.

Motion To: Approve Concur with Staff recommendation

Motion By: Council Member McPherson

Motion Seconded: Council Member Biggs

Voting Aye: McPherson, Biggs, Bruce, Laraway,

Voting No: None

Absent: None

Motion Passed: 4-0-0

- C. Consideration to approve Resolution R41-2023. Chris Engels, City Clerk **ACTION**
ITEM
(Timestamp 01:15:34)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE “PROFESSIONAL SERVICES AGREEMENT” WITH KELLER ASSOCIATES, INC. FOR THE KAY AND AVALON SIGNAL LIGHT PROJECT FOR THE CITY OF KUNA; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Chris Engels, City Clerk reviewed Resolution R41-2023 and stood for questions.

Motion To: Approve Resolution R41-2023
Motion By: Council Member McPherson
Motion Seconded: Council Member Bruce
Voting Aye: McPherson, Biggs, Bruce, Laraway,
Voting No: None
Absent: None
Motion Passed: 4-0-0

7. D Consideration to approve Moxie Java’s Alcohol License.
(Timestamp 01:18:16)

Council Member Biggs questioned the necessity of alcohol being sold at Moxie Java and raised his concerns due to the amount of kid traffic that takes place at that business.

Chris Engels, City Clerk responded.

Marc Bybee, City of Attorney also responded to concerns.

Motion To: Approve Moxie Java’s Alcohol License
Motion By: Council Member McPherson
Motion Seconded: Council Member Biggs
Voting Aye: McPherson, Biggs
Voting No: Bruce, Laraway
Absent: None
Motion Passed: 2-2-1

8. Ordinances:

(Timestamp 01:31:19)

A. Consideration to approve Ordinance 2023-15. **ACTION ITEM**

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

- MAKING CERTAIN FINDINGS AND DECLARATIONS OF AUTHORITY; AND ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. S2008223010 OWNED BY STAR ACRES PROPERTIES LLC WITHIN THE 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 2023-15

Motion By: Council Member McPherson

Motion Seconded: Council Member Laraway

Further Discussion: None

Recused: None

Absent: None

Motion Passed: 4-0-0

Motion To: Approve Ordinance 2023-15

Motion By: Council Member McPherson

Motion Seconded: Council Member Laraway

Approved by the Following Roll Call Vote:

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

Voting No: None

Absent: None

Motion Passed: 4-0-0

9. Executive Session:

10. Mayor/Council Announcements:



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Nathan Stanley, Deputy City Clerk
Date Approved: CCM 06.20.2023