



**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, September 19, 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 00:00:34)*

**COUNCIL MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

Marc Bybee, City Attorney  
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  
Chris Engels, City Clerk

**2. Invocation**

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

*(Timestamp 00:00:50)*

**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 00:03:05)*

**A. Regular City Council Meeting Minutes Dated September 5, 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 September 14, 2023, in the amount of \$1,655,877.17

**C.** Final Plats

1. Case No. 23-07-FP Ashton Estates (East) No. 5

**D.** Findings of Fact and Conclusions of Law

1. Case No. 22-15-AN (Annexation) – Rising Sun WEST

**E.** Resolutions

1. Resolution R72-2023

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO:

- PROVIDING RECITALS AND FINDINGS; AND
- APPOINTING A NEW COMMISSIONER TO SEAT NO. 3; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

**Motion To:** Approve the Consent Agenda

**Motion By:** Council President McPherson

**Motion Seconded:** Council Member Bruce

**Further Discussion:** None

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

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

**Voting No:** None

**Absent:** Biggs

**Motion Passed:** 3-0-1

## **5. 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 00:04:14)*

- A.1.** Consideration to approve Resolution R60-2023 Adopting new J&M Sanitation Fee Schedule. ACTION ITEM - Tabled from September 5, 2023

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A NEW FEE SCHEDULE FOR TRASH COLLECTION SERVICES THAT REFLECTS UPDATED RATES INCLUDING NEW FEES FOR COLLECTION

SERVICES RELATED TO THE CITY'S COLLECTION, HAULING AND REMOVAL OF SOLID WASTE WITH ITS CONTRACTOR J&M SANITATION, WITH AN EFFECTIVE DATE OF AUGUST 1, 2023.

Chad Gordon, J&M Sanitation, reviewed the Resolution and stood for questions.

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

**Motion To:** Close Evidence presentation and to close the public hearing and proceed to deliberation

**Motion By:** Council Member McPherson

**Motion Seconded:** Council Member Bruce

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

**Voting No:** None

**Absent:** Biggs

**Motion Passed:** 3-0-1

**Motion To:** Approve R60-2023

**Motion By:** Council Member McPherson

**Motion Seconded:** Council Member Bruce

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

**Voting No:** None

**Absent:** Biggs

**Motion Passed:** 3-0-1

A.2. Consideration to approve Ordinance 2023-21 Repealing and replacing KCC Title 8 Chapter 4. ACTION ITEM -Tabled from September 5, 2023  
(Timestamp 00:09:46)

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:

- REPEALING ORDINANCE NO. 2020-30; AND
- REPEALING CHAPTER 4 OF TITLE 8 KUNA CITY CODE; AND
- AMENDING TITLE 8 KUNA CITY CODE BY THE ADDITION THERETO OF A NEW CHAPTER 4 PROVIDING A SHORT TITLE, STATING AUTHORITY, PROVIDING DEFINITIONS, STATING FINDINGS OF PURPOSE AND INTENT, ESTABLISHING A SOLID WASTE COLLECTION SYSTEM AND SERVICE, PROVIDING FOR CONTRACTOR FRANCHISE AGREEMENT AND CONDITIONS FOR SOLID WASTE COLLECTION SYSTEM AND SERVICES, PROVIDING FOR CONTRACTOR SERVICES SCHEDULE AND FEES, ESTABLISHING COMPULSORY SOLID WASTE COLLECTION SYSTEM AND SERVICE USE BY PREMISES OWNERS AND OCCUPIERS, ALLOWANCE OF PERSONAL HAULING OF SOLID RECYCLABLE WASTE, PROVIDING FOR SOLID WASTE SANITARY CONTAINER REGULATIONS,

PROVIDING FOR VOLUNTARY SUBSCRIPTION FOR COLLECTION OF RECYCLABLE WASTE, PROHIBITING AND DECLARING UNLAWFUL IDENTIFIED TYPES OF SOLID WASTE FROM COLLECTION, DEFINING AND DECLARING THEFT OF COLLECTION SERVICES AS UNLAWFUL, PROVIDING THAT THIS ORDINANCE APPLIES TO ALL CITY ANNEXATIONS, DECLARING DESCRIBING CIRCUMSTANCES WHERE THE PLACEMENT OF SOLID WASTE AND RECYCLABLE WASTE IS PUBLIC NUISANCE, PROVIDING FOR NOTICE TO VIOLATORS AND DECLARING A CONTINUED VIOLATION AS A MISDEMEANOR, PROVIDING FOR A PENALTY FOR VIOLATIONS OF CHAPTER 4 OF TITLE 8; AND

- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Chad Gordon, J&M Sanitation reviewed the Ordinance and stood for questions.

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

*Consideration to waive three readings*

*Consideration to approve Ordinance*

*Consideration to approve Summary Publication*

**Motion To:** Close Evidence presentation and to close the public hearing and proceed to deliberation

**Motion By:** Council Member McPherson

**Motion Seconded:** Council Member Bruce

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

**Voting No:** None

**Absent:** Biggs

**Motion Passed:** 3-0-1

**Motion To:** Wavie 3 readings of Ordinance 2023-21

**Motion By:** Council Member McPherson

**Motion Seconded:** Council Member Bruce

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

**Voting No:** None

**Absent:** Biggs

**Motion Passed:** 3-0-1

**Motion To:** Approve Ordinance 2023-21

**Motion By:** Council Member McPherson

**Motion Seconded:** Council Member Laraway

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

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

**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**Motion To:** Approve Summary Publication  
**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** Bruce, Laraway, McPherson  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**A.3.** Consideration to approve Ordinance 2023-22 Granting Solid Waste Franchise Agreement with J&M Sanitation Inc **ACTION ITEM** -*Tabled from September 5, 2023 (Timestamp 00:13:09)*

- AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:
- FINDINGS OF HISTORY, AUTHORITY, PURPOSE AND INTENT; AND GRANTING TO J & M SANITATION, INC. A FRANCHISE FOR SOLID WASTE AND RECYCLEABLE WASTE COLLECTION SERVICE AND AUTHORIZING THE *FOURTH AMENDED AND REFORMED FRANCHISE AGREEMENT*; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Open Public Hearing*  
*Receive evidence*  
*Consideration to close evidence presentation and proceed to deliberation*

*Consideration to waive three readings*  
*Consideration to approve Ordinance*  
*Consideration to approve Summary Publication*

**Motion To:** Close Evidence presentation and to close the public hearing and proceed to deliberation  
**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**Motion To:** Waive 3 readings of Ordinance 2023-22  
**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Laraway

**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**Motion To:** Approve Ordinance 2023-22  
**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** Bruce, Laraway, McPherson  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**Motion To:** Approve Summary Publication of Ordinance 2023-22  
**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** Bruce, Laraway, McPherson  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**B.** Consideration to approve Case Nos. 22-12-ZC (Rezone) and 22-05-CPF (Combination Preliminary and Final Plat) – Applicant requests a Rezone and Combo Preliminary and Final Plat approval for 1200 N Black Cat Road for the Vasiliy Subdivision. – Troy Behunin, Senior Planner **ACTION ITEM**  
*(Timestamp 00:15:12)*

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

Council Member Laraway expressed concerns.

Troy Behunin responded and clarified.

David Crawford, applicant representative, reviewed the application and stood for questions.

Dannielle Horras, Kuna School District, testified against this application due to overcrowding at schools.

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

**Motion To:** Close Evidence presentation and to close the public hearing and proceed to deliberation

**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**Motion To:** Approve Case Nos. 22-12-ZC and 22-05-CPF with conditions listed in the packet.

**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Laraway  
**Voting Aye:** Bruce, Laraway, McPherson  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

- C. Consideration to approve Case No. 23-01-OA (Ordinance Amendment): The City of Kuna requests consideration from the City Council for an Ordinance Amendment to combine Title 5, Zoning Regulations and Title 6, Subdivision Regulations into one Development Regulation Title. Doug Hanson, Planning & Zoning Director **ACTION ITEM** – 2<sup>nd</sup> Hearing.

*(Timestamp 00:34:15)*

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

Beverly Wolf, testified against the Ordinance Amendment.

Dannielle Horras, Kuna School District, testified against the Ordinance Amendment.

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

**Motion To:** Close Evidence presentation and to close the public hearing and proceed to deliberation

**Motion By:** Council Member McPherson  
**Motion Seconded:** Council Member Bruce  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**Motion To:** Table to Oct 17- direct staff with public hearing for council

**Motion By:** Council Member McPherson

**Motion Seconded:** Council Member Laraway  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

## 6. Business Items:

(Timestamp 00:46:14)

- A. Domestic Violence Awareness Month Proclamation.
- B. Consideration to approve Resolution R71-2023. Morgan Treasure, Economic Development Director **ACTION ITEM**  
(Timestamp 00:50:02)

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

**Motion To:** Tabled Resolution R71-2023 October 3, 2023  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Bruce  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

- C. Consideration to approve Resolution R73-2023. Morgan Treasure, Economic Development Director **ACTION ITEM**  
(Timestamp 00:50:02)

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

**Motion To:** Tabled Resolution R73-2023 October 3, 2023  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Bruce

**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**7. Ordinances:**

**8. Executive Session:**

- A. Request to adjourn into executive session pursuant to Idaho Code 74-206 (c) (c) to acquire an interest in real property not owned by public agency.

**Motion To:** Adjourn into Executive Session  
**Motion By:** Council President McPherson  
**Motion Seconded:** Council Member Bruce  
**Voting Aye:** Council Members, Laraway, McPherson, Bruce  
**Voting No:** None  
**Absent:** Biggs  
**Motion Passed:** 3-0-1

**9. Mayor/Council Announcements:**

**10. Adjournment: 6:52 PM**



Joe K. Stear, Mayor

ATTEST:

  
Chris Engels, City Clerk

*Minutes prepared by Nathan Stanley, Deputy City Clerk*  
*Date Approved: CCM 10.03.2023*



CITY OF KUNA

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SIGN-UP SHEET

September 19, 2023 – City Council, Public Hearing

Case Name: Resolution R60-2023 Adopting new J&M Sanitation Fee Schedule:
Case Type:

Case Nos.:

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has 5 rows of sign-up forms with checkboxes for 'Testify' and 'Not Testify', and fields for Name, Address, City, State, and Zip. Handwritten entry for Cristin Sanda is present in the NEUTRAL column.

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# CITY OF KUNA

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## SIGN-UP SHEET

September 19, 2023 – City Council, Public Hearing

Case Name: Ordinance 2023-21 Repealing and replacing KCC Title 8 Chapter 4:

Case Type:

Case Nos.:

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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CITY OF KUNA

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SIGN-UP SHEET

September 19, 2023 – City Council, Public Hearing

Case Name: Ordinance 2023-22 Granting Solid Waste Franchise Agreement with J&M Sanitation Inc:

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

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has 5 rows of testifier information including checkboxes for 'Testify' and 'Not Testify', and fields for Print Name, Print Address, City, State, and Zip. Handwritten entries for 'Cristin Sanchez' are present in the first row of the NEUTRAL column.

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**CITY OF KUNA**

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

***SIGN-UP SHEET***

September 19, 2023 – City Council, Public Hearing

Case Name: 1200 N Black Cat Road Request:

Case Type: Rezone and Pre-Plat and Final Plat Combination Request.

Case Nos.: 22-12-ZC (Rezone) and 22-05-CPF (Pre-Plat & Final Plat Combination).

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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*Cristin Sandoz*  
 3070 N Sandoz  
 Kuna ID 83634

*DANIELLE HORRAD*  
 JILL PORTER  
 KUNA ID

**IN FAVOR**

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**IN OPPOSITION**

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# CITY OF KUNA

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 (208) 922-5274 • www.kunacity.id.gov

City Council Public Hearing Sign-In Sheet  
 September 19, 2023

**Case No.: 23-01-OA (Ordinance Amendment)**

**Case Name: Kuna City Code Title 5 & 6 Rewrite**

Please print your name below & indicate if you would like to Testify or NOT Testify regarding this item.

IN FAVOR	NEUTRAL	IN OPPOSITION
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input checked="" type="checkbox"/> NOT Testify
Name	Name	Name <i>Cristin Sande</i>
Address	Address	Address <i>3070 N Saradoc</i>
City, State, ZIP	City, State, ZIP	City, State, ZIP <i>Kuna ID 83634</i>
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name <i>Beverly Wolf</i>
Address	Address	Address <i>3200 West Comm</i>
City, State, ZIP	City, State, ZIP	City, State, ZIP <i>Meridian ID</i>
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name <i>D HORRAT</i>
Address	Address	Address <i>711 E POPE</i>
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