

OFFICIALS

Joe Stear, Mayor
Chris Bruce, Council President
Greg McPherson, 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, July 02, 2024

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 00:00:04)

COUNCIL MEMBERS PRESENT:

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

CITY STAFF PRESENT:

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

Mayor Stear Okay, we're going to call this meeting to order. Nathan, would you take the roll, please?

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Present.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

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.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Here.

City Clerk Nathan Stanley Council President Bruce.

Mayor Stear Here.

2. Pledge of Allegiance: Mayor Stear

(Timestamp 00:00:18)

Mayor Stear And if you'll join me for the Pledge of Allegiance.

Multiple Speakers I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Mayor Stear Thank You.

3. 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 00:00:38)

A. Regular City Council Meeting Minutes Dated June 18, 2024

B. Accounts Payable Dated June 27, 2024, in the amount of \$521,495.58

C. Final Plats

1. Case No. 24-09-FP (Final Plat) Valor Golf Village No. 2
2. Case No. 24-08-FP (Final Plat) Falcon Crest No. 7

D. Resolutions

1. Resolution R40-2024

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO:

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ADOPTING THE “CITY OF KUNA DOWNTOWN DESIGN STANDARDS”; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

2. Resolution R41-2024

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TRESIDIO HOMES, LLC, FOR PATAGONIA EAST

SUBDIVISION NO. 1 FOR UNCOMPLETED FOR LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

3. Resolution R42-2024

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TRESIDIO HOMES, LLC, FOR PATAGONIA EAST SUBDIVISION NO. 1 FOR UNCOMPLETED FOR FENCING PURSUANT TO THE TERMS OF THIS RESOLUTION.

4. Resolution R43-2024

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY TRESIDIO HOMES, LLC, FOR LUGARNO TERRA NORTH SUBDIVISION NO. 1 FOR UNCOMPLETED FOR LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

Mayor Stear First item is the consent agenda. Do you want to pull anything?

Council President Bruce Do you want to pull anything? You good? I make a motion that we approve the consent agenda as published.

Council Member Biggs Second.

Mayor Stear Motion is made and seconded for approval. Is there any discussion on that motion? Hearing none, Nathan, would you poll the Council, please?

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Yes.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Yes.

Mayor Stear And that motion carries.

(Timestamp 00:00:48)

Motion To: Approve the Consent Agenda as Published

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Roll Call Vote

3-0-0

5. Public Comment

(Timestamp 00:01:09)

Mayor Stear That takes us to Valley Regional Transit presentation Elaine Clegg, you may have the floor.

City Clerk Nathan Stanley Mayor, did you want to do public comment?

Council President Bruce Do we have any signed in?

Mayor Stear Oh, sorry. was there anybody who wished to address the Council? I skip that every time. I guess I don't want to hear it.

City Clerk Nathan Stanley There's no one signed up.

6. External Reports

(Timestamp 00:01:42)

A. Valley Regional Transit Presentation

Mayor Stear All right. Okay, thank you. Now, Valley Regional Transit Presentation and if you push the base of the microphone until it turns green.

Elaine Clegg, Valley Regional Transit *Okay. There we go. That's pretty fancy.* Well, Mr. Mayor, Council Bembers, thank you for having me tonight. I thought it's been a little bit since we have been here and was hopeful that a little bit of information would help all of you not just today, but in the future as we hopefully move to try and improve the transit system in the Treasure Valley.

So, do I roll forward? What do I do? So, today I'm you received a letter earlier describing all of the things we do, especially for Kuna, and then a request with the general assessment that you've been participating in the last few years. We're going to go over that. *Okay, it doesn't seem to like how I am doing this. So we'll do it this way for now.* So last year the general assessment was \$17,967. It's a population-based number. So congratulations to you. You've been growing and it's a little bit higher this year. VRT runs services in both Ada and Canyon County. We are a political subdivision formed by a vote of the voters in both counties. Every community in the treasure

valley when we were formed voted at a high enough percentage to form us, and especially combined in two counties.

We have a fleet of 45 buses. Large buses, both electric and compressed natural gas. We also have a fleet of small buses called "cutaways." Some of those are compressed natural gas and recently we added some gasoline because we can't find any that are compressed natural gas with everything that's been going on with supply chain issues. We also run a fleet of vans and minivans in a service we call "Beyond Access." And then we have some support vehicles. We have fixed route and on-demand we have on demand in Canyon County and also in the city of Eagle. Anywhere we have fixed route, we have a service called "VRT Access" which is for folks who qualify with a disability if they live within 3/4 of a mile of that fixed route service, they're guaranteed a ride door to door and then beyond access as a service, we recently started and in the case of Kuna, because the Kuna Senior Center is still providing service, we don't provide "Beyond Access" and is here. But as time goes on, we will see if the zone can also include Kuna.

Probably the other big thing that we do here is the village van, which serves one of your major employers and then we have VRT late night and connections for folks who need to use lift ride to get to a transit stop and or home if it's after hours. If they're a service worker who qualifies, we also run the safe routes to school program. We know that Kuna has been getting a lot of service out of that with some bike rodeos and other things.

In this over the last year, we've been planning and finally implemented a significant network restructure. The exciting thing about that restructure for Kuna is that the bus 42, which originates in Caldwell, now runs hourly all day long. There was previously no all-day service on Overland was only peak hour and so this hopefully provides some of your residents who need to get either into Nampa, Caldwell, or into Boise, an opportunity to do that. We also extended hours of the Eagle on-demand and I mentioned that because I think ultimately that may be a model that Kuna might want to look at in terms of service, it's those extended hours have already been paying off in increased ridership. And we increased frequency on major routes. Not only did we go daily on overland, but we went to 15-minute service on Fairview and more frequent service on six other routes.

You may have seen our new signs. We rebranded the whole system. We think it's a lot easier to notice and use with these new signs, they're much more visible. It also used to be that at a bus stop there was not information about the routes that were served there. We now have this information holder at every single stop, and so while you're at that stop, you can see the route that served the stop you're at, the other stops on that route, and information like the QR code and the fair about how to use the system. We're pretty excited about that. We've already gotten a lot of really good comments that people say it it's much easier to use the system. In addition to that, we also redid all of the brochures. Again, people have said that they're much easier and more readable now and getting pretty excited about that.

So what about Kuna? You don't have a direct bus here. We're hopeful that we can have continue to have conversations about whether that's in your future. There are two park-and-rides that serve Kuna pretty well. One is at the Lowe's at the corner of Meridian Road and Overland, just across

from Black Marland. Yahoo's is up here. So if you're a Kuna resident, you can drive to here and ride the bus in or out depending on what your destination is. The other park-and-ride we have is at Ten Mile and Overland just South of the interchange. Again you can go there and the both the bus 40 and the 42 serve both those lots. The 40 is a peak hour service, a little bit more express the 42. As I mentioned is all day. Additionally, there is a park and ride at the Ridley's at Meridian Rd. in Deer Flat and that park-and-ride serves both carpools set up through the State of Idaho. Share the ride site and also van pools that are run by Ada County Highway District, ACHD commuter ride. BRT supports ACHD commuter ride by making sure they get the federal funding to purchase the vehicles that they use for that service. The Kuna Senior Center still has its own bus VRT, helped it purchase that bus with some federal funds. Last year they provided 3200 rides, a little over that, and VRT passed through \$78,000 in federal support so that they could continue that service. We are the designated recipient of that funding in Ada and Canyon County, and so we're the ones who are able to make sure that that they have access to that funding. This is the service area that they that they serve.

And then finally, we did a transit study in Kuna. We can provide you the study narrative if you're interested. We identified some routes to explore. I'll show you those in a minute and also identify the need for some public feedback on those. And so we'd like to, with your permission, come back this Fall and do some public outreach to your community and see if they're interested in this and if they'd be willing to support it financially. The rider emphasis on this study was to make sure that the kids in town and the older adults could get to the places that they need to go. We came up with two potential fixed routes, although this is showing as two routes, it's one that connects in the middle of downtown. It goes east and then it goes west and connects to most of the closer in subdivisions, hits of a number of the schools and of course, hits downtown. And it would be an all-day service. Another potential all day service would go up Ten Mile, although we've recently learned that Linder might also be a potential site that we could, we could run that on and then loop over to Meridian Rd. at overland and then back again. Just making sure people could make the connections to the places they go.

As I mentioned, Eagle has started an on-demand system. We looked at two different ways to provide on demand in Kuna. One is a service area with two legs here. So if you have a destination on one of those legs, you can get service to those and then you can get service. All day in the on-demand area, the way the service works in Eagle for instance, the hours now are from 7:00 AM to 7:00 PM. You call and reserve a ride. Though ride is we try to schedule the ride within half an hour of the time that you asked for. If we can't schedule it within that time, we call it a ride unavailable and try to find a different time that might still work for you in Eagle. So far, we've been very, very low on rides unavailable. And as we've extended those hours, we are beginning to see a lot of riders just happened. So I don't have real good numbers yet, but service has certainly picked up. The other alternative would be a simpler on demand service that would just stay within Kuna. The Eagle one also does have these outside destinations and that does seem to be a popular feature of that one. So these are the four scenarios we'd like to bring to your community and get outreach on.

So as I mentioned, the budget request is up a little bit this year to reflect the growth that we've seen in Kuna because you don't get any direct service, there's no direct service or capital assessment and the special assessment is always reserved for communities that decide to try something and then negotiate with us to give it a try. So for instance the City of Eagle with their on-demand service. That's how they've done that. So as say you consider funding the request this year, we think we do provide a fair amount of service in Kuna a lot of times people say well, we don't have a bus so what do we get from you? But I think I've shown that there's a fair amount of things that we do provide for the citizens of Kuna and we're certainly able to leverage the federal funding. So that citizens here can utilize it. So with that, I'd stand for questions. Thank you.

Mayor Stear Okay. Questions for Mrs. Clegg?

Council President Bruce Thank you for the stuff you do for the Senior Center.

Elaine Clegg, Valley Regional Transit You bet...

Council President Bruce Those folks really appreciate it.

Elaine Clegg, Valley Regional Transit Yeah, we are we're happy to be able to do it and I'm glad that they appreciate it. We appreciate working with them.

Mayor Stear And Elaine has done a lot since she first came on as the executive director, so we've signed a lot of good changes and I appreciate your hard work on that.

Elaine Clegg, Valley Regional Transit Well, thank you, Mr. Mayor. I appreciate it, by the way your mayor served as our chairman a couple of years ago and it's done really great service for us. Really appreciate the time he's put in and the effort.

Council President Bruce We like him.

Elaine Clegg, Valley Regional Transit Alright, thank you. Thank you.

7. 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 00:15:35)

A. Watch Me Grow Daycare – License Revocation. Nathan Stanley, City Clerk ACTION ITEM

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Mayor Stear All right, next we have public hearing for Watch Me Grow Daycare, Nathan Stanley.

City Clerk Nathan Stanley Mayor, Council, Nathan Stanley, City Clerk, 751 W 4th St. I don't believe the owner of Watch Me Grow is here for the hearing. Notice was sent June 19th for their revocation of their daycare license. Pursuant to city code 310-11-4. Oh, I'm sorry. Per city code title three, chapter 10, subsection 5. Applicants for a city of Kuna daycare license must hold a valid, currently enforced basic daycare license issued by the state of Idaho. On June 14th Idaho Health and Welfare revoked Watch Me Grow Daycare license. And with that, I'll stand for questions.

Mayor Stear Okay, questions for Nathan?

Council Member Laraway None at all, thank you.

Mayor Stear All right, this is a public hearing. Did anybody wish to testify on this matter? Did we get a chance to sign in? Okay, I think this is kind of a procedural type of thing. Since they don't have a license with the Department of Health and Welfare anymore, no state license, We really have no choice but to revoke this license. So, unless you have any further questions at all.

Council President Bruce Do you have any questions?

Council Member Laraway No, I do not.

Council Member Biggs I'm just curious of the time frame, so once this is served, I guess... There's kids that are affected by this. So are they already closed?

City Clerk Nathan Stanley Yeah, they're already closed.

Council Member Biggs Okay, thank you.

Council President Bruce I make a motion that we close evidence presentation and move to deliberation.

Council Member Laraway Second.

Mayor Stear Motion's made and seconded, any discussion on that motion? All in favor say 'aye.'

All Council Members Aye.

Mayor Stear Opposed? Motion carries.

(Timestamp 00:17:38)

Motion To: Close Evidence Presentation and Move to Deliberation

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

Council President Bruce Mr. Mark, how do you want this to be listed?

City Attorney Marc Bybee I think it'd just be a motion to if you're going to revoke the daycare license based on the evidence presented by Nathan and one thing, I'd ask for some clarification on and I guess some opinion, my opinion on. I think it would be appropriate to reduce this to a written decision that Nate can mail following and so we'd have to bring that written decision back. You know, later for you to sign, but since this is kind of a judicial like act that you're performing, it's best to be read a written decision can be attached to a future mailing and so unless there's, you know, disagreement from the Council, that'd be my question slash advice.

Council President Bruce Any questions? I'll make a motion that we approve the license revocation for Watch Me Grow Daycare with the evidence presented by the City Clerk and present it in a written notification to the applicant.

Council Member Laraway Second.

Mayor Stear Okay, motion in a second. Any discussion on that motion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? And that motion carries.

(Timestamp 00:18:48)

Motion To: Approve License Revocation of Watch Me Grow Daycare and Present Notification of Revocation to License Holder Via Written Notification

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

8. Business Items:

(Timestamp 00:19:19)

A. Outstanding Citizen Achievement Award, Charlie Long – Presented by Mayor Stear.

Mayor Stear This next item, it is my honor. I heard that someone is retiring and I thought this would be a really great time to present a Mayor's Outstanding Citizen Achievement Award to Charlie long. Zulema worked on some information for me, so I'll go ahead and read this.

After decades of dedicated service to our community, Charlie Long has embarked on a well-deserved retirement. Since graduating in 1977, Charlie has had a long grocery career, starting at Johnny's food store in Federal Way, WA. His journey took him to numerous stores, including Maple Valley Food Store Albertsons in Nampa, Gary Lane, Meridian, and Vista, as well as Paul's in Caldwell, Mountain Home, and Kuna. When Albertsons acquired Paul's in 2016, he worked at the Broadway store, and then he made his way back to Kuna. For the last five years, he's been the cornerstone of the Kuna Ridley's Store, where his leadership and commitment have been both evident and inspiring.

It's not often you encounter such an incredible person that is cherished and respected by so many and has made such a profound, lasting impact in a community. Charlie Long has created the legacy in the City of Kuna through his kindness, spirited giving and tireless dedication. Throughout the years, Charlie has become known as a huge supporter of the community, from youth programs, school sports teams and clubs, as well as local events like Kuna Days and the veteran's Day Breakfast. His leadership has been evident while serving on several boards, such as the Initial Point High School and Kuna Chamber of Commerce. He's also been a strong advocate and supporter of the Kuna Food Bank. Overall, Charlie ensured that everyone in Kuna received his wholehearted support.

I, Joe Stear, Mayor of Kuna, would like to present Mr. Charlie Long with this Outstanding Citizen Achievement Award for years of dedicated service to the City of Kuna and the Community. We are forever grateful for the contributions and the positive impact that you've made on so many. We wish you a very well-deserved retirement. And hopefully his retirement just means he has more time to volunteer.

[Applause]

Mayor Stear Thank you, Charlie. I mean it sincerely.

Charlie Long Thank you. It's been a good career. It's a good town. Came here in '97. So just went from one company to the other and to help supporting the community, but they've supported me. In the in the same way we've been really successful in the business that we ran. So I'll still be around, like you said. So. Be great. I appreciate all your support from everybody here. It's not over yet.

Council President Bruce Thank you for everything you do.

Charlie Long See you guys, thank you. We're going to go now.

[Laughter]

Mayor Stear Oh, do you want this box that came in?

Council Member Laraway You'll need it for eBay.

Charlie Long Do I need it? I'm actually going to put it on a shelf somewhere.

Mayor Stear Okay.

Council President Bruce See you, Charlie. Thank you, Charlie.

Mayor Stear Except now you got to go home and wipe my fingerprints off of it. Thank you, Charlie.

Council Member Laraway Good guy.

Mayor Stear Very good man.

B. Consideration to approve Mayor Stear's recommendation to appoint Adam Wenger as the Public Works Director. Mayor Stear ACTION ITEM

(Timestamp 00:24:00)

Mayor Stear Next, we have consideration to approve my recommendation to appoint Adam Wenger as the Public Works Director. Adam, welcome. He started yesterday and we buried him with information and he, like I was saying earlier, we could probably send him home for two weeks and He still wouldn't get done reading through all the stuff he needs to get through to get caught up. But, he's come a long way already in the first 24 hour, 48 hours so. I don't know if you want to tell them anything about yourself if you would, that'd be good.

Adam Wenger Pleased to be here. Please to be with the City of Kuna and the capacity as Public Works director. This is a Career goal for me to do this position and do it well, so I hope to do it justice at the behest and the service of City Council and the Mayor, thank you.

Council President Bruce Welcome to the fire.

Adam Wenger Thank you.

Council Member Laraway Welcome.

Council President Bruce Yeah, excited.

Council Member Biggs Where you're coming from and...?

Adam Wenger My background before this was a short stint in Washington, Walla Walla. Prior to that in Alaska, in Juneau prior to that Colorado Springs, Colorado, I worked in utilities for three

different municipalities in each one of those states. So that's my background, is operations and then Public Works.

Mayor Stear And we did a process on vetting the applicants and it was a unanimous decision by everyone that Adam was the right guy for the job, so. Anyway, I would appreciate your support in this and would ask for a motion to approve my recommendation.

City Attorney Marc Bybee In particular, language is to match city code, "consent to appointment" "motion to consent to appointment."

Council President Bruce I'll make a motion that we consent to appointment, Adam Wen.... *Say your last name.*

Adam Wenger Wenger.

Council President Bruce Wenger, to the Public Works Director.

Council Member Laraway I'll second.

Mayor Stear Motion is made and seconded. Is there any further discussion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? And that motion carry.

(Timestamp 00:26:09)

Motion To: Consent to the Mayor's Appointment of Adam Wenger as the Public Works Director

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

C. Consideration to approve Mayor Stear's recommendation to appoint Nancy Stauffer as the Human Resources Director. Mayor Stear ACTION ITEM

(Timestamp 00:26:40)

Mayor Stear And then just to kind of clean up so all the directors are recommended by Council. All this one isn't required by law. I think it's just cleaner to have them all that way, so then we don't get confused so, I would ask you to consider to approve Nancy Stauffer's appointment as Human Resource's Director.

Council President Bruce I'll make a motion that we consent to appoint Nancy Stauffer as the Human Resources Director.

Council Member Laraway Second.

Mayor Stear Motion and a second any further discussion. All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? And that motion carries.

Council Member Laraway Madam Director.

[Laughter]

Council Member Biggs What's your background?

[Laughter]

Council President Bruce Thank you for all you do, Nancy.

Mayor Stear Thank you. I think that kind of cleans things up a little better.

(Timestamp 00:27:00)

Motion To: Consent to the Mayor's Appointment of Nancy Stauffer as the Human Resources Director

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

D. Consideration to approve Ordinance 2024-16. Nathan Stanley, City Clerk ACTION ITEM

(Timestamp 00:27:36)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; AND
- ADDING CHAPTER 4A TO TITLE 1, KUNA CITY CODE, AND THEREBY ESTABLISHING AN ADMINISTRATIVE CITATION PROGRAM; 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.

Mayor Stear Consideration to approve Ordinance 2024-16, an ordinance of the City Council of the City of Kuna making certain findings and adding Chapter 4A to Title One, Kuna City Code and thereby establishing an administrative citation program and providing a severability clause and directing the City Clerk and providing an effective date.

Council President Bruce You guys have any questions? I make a motion that we waive 3 readings of Ordinance 2024-16.

Council Member Laraway Second.

Mayor Stear Motion is made seconded, any further discussion? All those in favor say ‘aye.’

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 00:28:18)

Motion To: Waive 3 Readings of Ordinance 2024-16

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

Council President Bruce I make a motion that we approve Ordinance 2024-16.

Council Member Biggs Second.

Mayor Stear Motion is made and seconded for approval, any further discussion? Nathan, would you poll the Council?

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Yes.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Yes.

Mayor Stear And that motion carries.

(Timestamp 00:28:35)

Motion To: Approve Ordinance 2024-16

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Roll Call Vote

3-0-0

Council President Bruce I make a motion that we approve the summary publication of 2024-16.

Council Member Biggs Second.

Mayor Stear Motion is made and seconded, any further discussion? All those in favor say ‘aye.’

All Council Members Aye.

Mayor Stear Any opposed? That motion carries.

(Timestamp 00:28:53)

Motion To: Approve Summary Publication of Ordinance 2024-16

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

E. Consideration to approve Ordinance 2024-17. Nathan Stanley, City Clerk ACTION
ITEM

(Timestamp 00:29:20)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- PROVIDING CERTAIN FINDINGS; AND
- AMENDING SECTION 1 OF CHAPTER 4 OF TITLE 1 KUNA CITY CODE TO MAKE TECHNICAL CORRECTIONS AND ADD AN ADMINISTRATIVE CITATION FINE SCHEDULE AND AMENDING THE INFRACTION PENALTY WHERE NO FINE IS PROVIDED; 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.*

Mayor Stear Consideration to approve Ordinance 2024-17. An Ordinance of the City Council of the City of you know, providing certain findings and amending section one of Chapter 4 of Title 1 Kuna City Code to make technical corrections and add administrative citation fine schedule and amending the infraction penalty where no fine is provided and providing a severability clause and directing the City Clerk and providing an effective date.

Council Member Biggs I'm sorry, I'm just making sure of 16. Yes, Okay.

Council President Bruce You good?

Council Member Biggs 18 was where we had...

Council President Bruce Yeah. I make a motion that we waive 3 readings of 2024-17.

Council Member Laraway Second.

Mayor Stear We have a motion and a second we have the three readings. Any further discussion? All those in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 00:30:07)

Motion To: Waive 3 Readings of Ordinance 2024-17

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

Council President Bruce I make a motion that we approve Ordinance 2024-17.

Council Member Biggs Second.

Mayor Stear Motion is made for approval, any further discussion? Nathan, would you poll the Council?

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Yes.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Yes.

(Timestamp 00:30:21)

Motion To: Approve Ordinance 2024-17

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Roll Call Vote

3-0-0

Council President Bruce I make a motion that we approve a summary publication of 2024-17.

Council Member Biggs Second.

Mayor Stear Motion is made and seconded any further discussion. All those in favor say ‘aye.’

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 00:30:45)

Motion To: Approve Summary Publication of Ordinance 2024-17

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

F. Consideration to approve Ordinance 2024-18. Nathan Stanley, City Clerk ACTION ITEM
(Timestamp 00:31:02)

- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:
- PROVIDING CERTAIN FINDINGS; AND
 - AMENDING SECTION 17 OF CHAPTER 3 OF TITLE 3 KUNA CITY CODE MAKING A VIOLATION OF THE CHAPTER (SOLICITORS AND PEDDLERS) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTION 9 OF CHAPTER 4 OF TITLE 3 KUNA CITY CODE MAKING A VIOLATION OF THE CHAPTER (GENERAL LICENSE PROVISIONS) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTIONS 2, 8, 9, 10, 11, 12, 13, AND 14 OF CHAPTER 7 OF TITLE 3 KUNA CITY CODE MAKING A VIOLATION OF CERTAIN PROVISIONS OF THE CHAPTER (TAXICAB REGULATIONS) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTION 16 OF CHAPTER 8 OF TITLE 3 KUNA CITY CODE MAKING A VIOLATION OF THE CHAPTER (SPECIAL EVENTS) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTION 15 OF CHAPTER 9 OF TITLE 3 KUNA CITY CODE MAKING A VIOLATION OF THE CHAPTER (TEMPORARY MOBILE VENDOR'S PERMIT) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTION 22 OF CHAPTER 3 OF TITLE 7 KUNA CITY CODE MAKING A VIOLATION OF THE CHAPTER (PUBLIC WAYS AND PROPERTY) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTIONS 2 AND 3 OF CHAPTER 1 OF TITLE 8 KUNA CITY CODE MAKING A VIOLATION OF CERTAIN PROVISIONS (WEED CONTROL) ENFORCEABLE BY ADMINISTRATIVE CITATION FIRST AND BY MISDEMEANOR CITATION AFTER; AND
 - AMENDING SECTION 15 OF CHAPTER 4 OF TITLE 8 KUNA CITY CODE MAKING A VIOLATION OF THE CHAPTER (PUBLIC NUISANCE) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTION 4 OF CHAPTER 2 OF TITLE 9 KUNA CITY CODE MAKING A VIOLATION OF THE CHAPTER (OPEN BURNING VIOLATIONS) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTIONS 8, 9, 11, AND 16 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE MAKING A VIOLATION OF CERTAIN PROVISIONS WITHIN THE CHAPTER (ANIMAL CONTROL) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
 - AMENDING SECTIONS 4 AND 11 OF CHAPTER 1 OF TITLE 11 KUNA CITY CODE MAKING A VIOLATION OF CERTAIN PROVISIONS (LOADING AND

UNLOADING ZONES; PEDESTRIANS) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND

- REPEALING SECTION 10 OF CHAPTER 1 OF TITLE 11 KUNA CITY CODE (RIDING HORSE AT NIGHT, LIGHT REQUIRED); AND
- AMENDING SECTION 12 OF CHAPTER 2 OF TITLE 11 KUNA CITY CODE MAKING A VIOLATION (STOPPING, STANDING, PARKING VIOLATIONS) ENFORCEABLE BY ADMINISTRATIVE CITATION; AND
- AMENDING SECTION 3 OF CHAPTER 3 OF TITLE 11 KUNA CITY CODE MAKING A VIOLATION OF THAT CHAPTER (UNCOVERED LOADS) ENFORCEABLE BY ADMINISTRATIVE CITATION; 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.

Mayor Stear Consideration to approve Ordinance 24-18 and ordinance of the City Council of the City of Kuna providing certain findings and amending Section 17 of Chapter 3 of Title 3, Kuna City Code making the violation of chapters, solicitors and peddlers enforceable by administrative citations; and amending Section 9 of Chapter 4 of Title 3 Kuna City Code making violation of the chapter general license provisions enforceable by administrative citation; and amending sections 2, 8, 9, 10, 11, 12, 13, and 14 of Chapter 7 of Title 3 Kuna City Code making a violation of certain provisions of the chapter taxicab regulations enforceable by administrative citation and amending sections... *Let's see where I'm at here...* Okay, amending Section 16 of Chapter 8 of Title 3, Kuna City Code making a violation of the chapter special events enforceable by Administrative Citation; and amending Section 15 of Chapter 9 Title 3 Kuna City Code making the violation of the chapter temporary mobile vendors permit enforceable by administrative citation; and amending Section 22 of Chapter 3 Title 7, Kuna City Code making the violation of the chapter public ways and property enforceable by administrative citation; and amending Sections 2 and 3 of Chapter 1 of Title 8 Kuna city code, making a violation of certain provisions, weed control enforceable by administrative citation first and by misdemeanor citation after; and amending Section 15 of Chapter 4 Title 8 Kuna City Code making a violation of the chapter public nuisance enforceable by administrative citation; and amending Section 4 of Chapter 2 Title 9 Kuna City code making a violation of the chapter open burning violations enforceable by administrative citation. Amending sections 8, 9, 11, and 16 of Chapter 3 Title 10 Kuna City Code making a violation of certain provisions within the Chapter Animal Control enforceable by Administrative Citation. Amending Sections 4 and 11 of Chapter 1 Title 11 Kuna City Code making a violation of certain provisions, loading and unloading zones, pedestrians and forceable by administrative citation; and repealing Section 10 of Chapter 1 of Title 11 to the City Code riding horse at night light required; and Amending Section 12 of Chapter 2 Title 11 Kuna

City Code making a violation stopping standing parking violations enforceable by administrative citation; and amending Section 3 of Chapter 3 of Title 11, Kuna City code making a violation of that chapter uncovered loads enforceable by administrative citation; and providing a severability clause; and directing the City Clerk; and providing an effective date.

Council President Bruce They could put some more in there for you.

[Laughter]

City Attorney Marc Bybee I don't think we should move to waive 3 readings.

[Laughter]

Council Member Laraway May I ask a question?

Mayor Stear You sure may.

Council Member Laraway When we start referring to it as administrative citation. Is that something that the Kuna Police Department is going to enforce?

City Attorney Marc Bybee Do you want me to weigh in or you?

Kuna Chief of Police Mike Fratusco I apologize...

Council Member Laraway Well, that's okay. When they come in, a lot of these, it's talking about Administrative Citation...*beeped*... Okay, is that something we're still going to be able to contact with the Kuna Police Department or is that something in the code enforcement guy is going to do?

Kuna Chief of Police Mike Fratusco Councilman Laraway. Pardon me, Mayor Stear, City Council, Mike Fratusco, Chief of Police, City of Kuna, 793 W 4th St. You still will be able to contact us, but that's because our city code enforcement officer works directly for us, but it will be Tim Zins, our City Code Enforcement Officer. I will let Marc answer questions that it... We will issue them, but then it will go through a process and I'll let Marc or Nathan talk about that.

City Attorney Marc Bybee Marc Bybee, City Attorney. So this I think you probably picked up on these three ordinances are all kind of related to one another. The first one created the Administrative Citation Program, which is really establishing procedures for issuance and processing and tracking citations, the City Clerk's office and the City Treasurer been working with a pro software company on helping create the software that will be the background for keeping track of all these being issued. And then as these code cleanups to make sure that now that we've done this that we actually implement it throughout city code, right? And so that's what's going on here as we're making all these various amendments to different provisions of city code so that we can actually enforce them. And so I know, Councilman Laraway, you were, or it's my understand you were police officer. And so if you think about this we're creating a category of offense less than an infraction that is city offense that it doesn't go to the court system it's administered entirely through the city.

Council Member Laraway That's what I was wondering about because I know before, anytime we try to enforce a code from the city, the judicial system didn't have it in their system. They didn't know what the fine was, They didn't know what the punishment was. They would not take the case.

City Attorney Marc Bybee Yeah and that's dealing with this. I've seen that issue myself as well in the course.... So that's to deal with that issue. And so we're making certain categories of offenses, the less severe things just a violation of this administrative citation and that they can challenge that within the city. There'd be a... there's an appeal process if they receive one that they can challenge the citation and basically contend that they shouldn't have to pay the fine and so. It's for fairly minimal offenses and they're like there's is in this last ordinance that's just read. There's changes to animal control. And again, I'd say those are my recollection. It's been a while since I worked on this, but as related to the licensing type things, whereas like, you know, if you have an aggressive dog that actually attacks someone, that's not going to fall under the administrative citation. But that's still going to be under a more serious category of offense. And so part of going through this was cleaning, cleaning those up, identifying what reasonably should be an administrative citation and what you know what's an appropriate level of offense for that.

A lot of these have are like that are being amended are either infractions or misdemeanors right now, so and. My experience as an attorney, both from I've done criminal defense and in this realm, is when you have disproportionately harsh penalties for certain offenses, it's often the police officers discretion to take no action is what I've experienced because we shouldn't be, you know, putting well... one of them actually proposed to repeal in this ordinance was riding a horse at night. I'm pretty sure that's a misdemeanor. You can ride a horse at night without a light. That's a misdemeanor right now and you can go to jail for in Kuna which seems a little off, you know and so It's thought repeal of that one. I didn't think it needed to be an administrative citation anymore. Either it's, I think, an ordinance from another time, and so just that kind of clean up, but really making it more appropriate level of penalty.

Council Member Laraway And to follow up on that, the other problem we used to have with this is when the citation was given through the city and the person did not either pay or show up. Did they get a warrant? And then that one, they had to go back through the judicial System t

City Attorney Marc Bybee Yep, no this is going to be a lot like an infraction in the court system where if they don't show up, they're guilty by default, essentially, and so then they're just doing. And so that's the part that Nate gets to work on is how those collections will work once you know, because I'm sure people will default frequently and then there will be the collection process on outstanding fines and fees.

Council Member Laraway Okay, thank you.

Council Member Biggs So my question was going to be, yeah, so it would go to collections. It wouldn't go to like putting a lien on a property like an HOA violation used to be or something like that or could it go that far, I guess?

City Clerk Nathan Stanley Nathan Stanley, City Clerk, 751 W 4th St. So they'll have 14 days to pay the fine or they can have an informal review. Then, after the informal review, if it's not dismissed, they don't agree with it, then they can go through the hearing process and then that will determine whether they pay the fine or if it's dismissed.

City Attorney Marc Bybee I guess, Marc Bybee, City Attorney, if the question is, you know, what happens when they don't, my understanding is that this this started with Chris Engels when she was here. And so I don't know if that this conversation has happened is my understanding the plan would be to send unpaid fines and fees to a Collection Bureau. I don't know if that's still the intent of the City Clerk's Office.

City Clerk Nathan Stanley Yes.

Council Member Biggs And then I guess the other part was, usually the administrative citation is a result of probably being warned a time or two about something. I mean, I guess it could be immediately...but, the severity, I guess, right, Chief?

Kuna Chief of Police Mike Fratusco That that is correct, Councilman, normally I know our code enforcement officer, he contacts people, gives them verbal warnings, He'll send letters, they send letters through the city. It's few and far between. In fact, I don't think that we've had a single non-compliant person when it comes to any kind of city code violations so far, and he's handled quite a few of them. So we try to get them to comply with it prior to any of that.

Council Member Laraway And to add another silly question and I know this is covered, but I wanted to ask. The Ada County Deputies that get brought into town to handle calls, or that that the memorandum of understanding, is that all still there so they can enforce these city codes?

Mike Fratusco, Kuna Chief of Police Councilman Laraway that that's going to be more difficult to answer as you know, working as a chief in two different cities, how difficult it can be to remind deputies or unincorporated county deputies that, "hey, we have city code violations that you can utilize." So we'll work on that the good thing is those priority one calls and those are usually priority one, meaning low level calls, weeds, or issues like that. It's few and far between that the county deputies even going to come in and handle an issue like that. It'll usually be 99% of time code enforcement and maybe one of our Kuna Deputies.

Council Member Laraway But they can come into town and enforce that.

Mike Fratusco, Kuna Chief of Police They could, yes.

Council Member Biggs And I guess one last thing The weed. The difference between an administrative citation and the going on to the misdemeanor? I guess the that that be something pretty serious, I would imagine it's serious for one, enough for one level and then you're taking it to a whole new level where it would go to misdemeanor.

City Attorney Marc Bybee Yeah, I'd have to look at that. In particular, I think it was maybe already at this sitting here and we're adding in the administrative citation as a lesser option and not only that, if you haven't been through the 1st Ordinance, in particular in particular has tiers of administrative, like or stages. I don't know how to say it. The first, second, third offense before

you could possibly move on to something more severe and those offenses similar to like state, like DUI offenses, through state law, they have to happen within a certain time period to actually be, you know, qualify as a second offense kind of thing. So, there's lots of things built into cushion against this becoming unnecessarily severe quickly, right?

Council Member Biggs Well, the fact of this one was called out specifically compared to all the rest as a misdemeanor that, that was I guess that was why it was a little...

City Attorney Marc Bybee I wish I could sorry if there's. If you wanted me to jump in, I could take a look at what the change was there. But I suspect... let me see. Actually, I can jump down to that. Do you remember what bullet point it was, Councilman Biggs?

Council Member Biggs Section 2 and 3 of Chapter 1, Title 8.

City Attorney Marc Bybee I'm looking at that as section 2 and 3.

Mayor Stear Yeah, and that's the only one that mentions a misdemeanor.

City Attorney Marc Bybee Oh, there it is. All right, so let me let me jump down to the document and see if I can find that quickly.

Council Member Laraway I guess my comment on that is, if I remember right, the city can make a rule stricter, but they can't make it less. So if we can't take a misdemeanor and make it an infraction.

City Attorney Marc Bybee Sorry I'm not sure. Sorry. I was looking at this and I know I'm not following your question.

Council Member Laraway The city has if the state has a code that is a misdemeanor. The city can't come in and make it less than a misdemeanor.

City Attorney Marc Bybee My understanding is that they can make like. They can't rewrite...

Council Member Laraway They can make it harsher.

City Attorney Marc Bybee But they can't make it harsher because cities can't prescribe felonies, and that was the only way it could get more harsh is for a city to describe, to prescribe a penalty felony. I mean? Or they could, you know, try and prescribe more severe penalties, which I don't believe they can exceed the limit set on them by state code. And also cities can't. There's only certain arenas that cities can have these type of ordinances in because there's like, certain provisions that have been coopted entirely by the by the state, right, like sex crimes, for example, that the city code wouldn't have ordinances related to that. That's been that area has been entirely occupied by the state and the state legislature has not delegated authority to the city for that, but, for example, the city has quite extensive parking ordinances and animal control ordinances because those are provisions of law that the state legislature has very specifically delegated responsibility and authority to the city for. But as far as can you have less severe penalties on a similar subject. Yes, you can. I think that actually becomes an issue of again police officer discretion when they're on the scene because they're, you know, they're in both state and city jurisdiction at the same time. And sometimes the circumstance might warrant a charge under

state code as a misdemeanor, as opposed to the less severe city code offense. Does that make sense?

Council Member Laraway Sort of. I'm still stuck on if we have a misdemeanor. I don't believe it would be it would behoove us to take that and make it an infraction or administrative.

City Attorney Marc Bybee Well, and I guess to get that if we're back on this weed issue, I don't think there is any state provision related to weed control that is a misdemeanor at was a misdemeanor in city code is if that's the particular question. But if it's a more general just can we do that in general. I believe we can. I haven't dove into this issue in particular, I'm kind of getting the impression from your question you may have and so I don't know if I'm overlooking something here that you'd like me to look at.

Council Member Laraway No, just a general knowledge of 20 years. That's what I was looking for.

Mayor Stear Did you get a chance to read through it and figure out?

City Attorney Marc Bybee I was trying to get down to that. That's the weed control one you said, right? Where are you on it?

Council Member Biggs

Use that as an example that one doesn't have like, say, like being on a leash, attacking dog or something like that.

City Attorney Marc Bybee Okay. So on the weed control one, the reason that it has the misdemeanor and maybe come is that's what's in code already and so we added language around adding administrative citation as a less severe penalty and then we just kept the misdemeanor as the alternative after you essentially moved through those, you know, one first, second, and third offenses. Now, if it's become so bad that somebody just refuses to deal with the situation after that many you know administrative citations, then it would finally up and that would be possible again. But absolutely, just like any other offences, there's always the police officer discretion is "okay, I have this. Does this warrant moving on or do I give them another third fence, for example."

Council Member Biggs And I was just mentioning that I was comparing it to like the animal control. Section 8, 9, 11, and 16. That I would have figured that animal control was also a similar thing. Like, if there's simply being off a leash versus the dog attacking somebody and getting injured that that would mention misdemeanor as well. So it's just, it's just the language.

City Attorney Marc Bybee And I think that's the particulars of the animal control changes that we're hitting certain parts of animal control. Leaving a lot of animal control alone, a lot of animal control is staying misdemeanors, so.

Mayor Stear Okay, anything further?

Council Member Laraway Nope. No, mine mines are just comments of curiosity and memory, and they just want to make sure we didn't make do something with a particular section that we shouldn't.

Council Member Laraway But if Marc's good with it. I'm good with it.

Council President Bruce I actually have a question. So, with some of these citations or these administrative citations that you would write that we're currently not writing, do you think we need a buffer zone of, you know, rather than going out into the community and start, you know, passing these out where they wouldn't have them before, should there be 30 days or, you know, so people are aware, right? So they don't wake up tomorrow, and now all of a sudden, they're getting...

Kuna Chief of Police Mike Fratusco Councilman Bruce, I guess my recommendation was would be when we're sending out these letters, we put some sort of explanation on the letters itself, explaining what we've moved to and explain what the next step would be on those letters because they already get the verbal contact. And then I believe the second one is a letter. Sometimes it's a letter right off the bat if they can't get hold of them. But I think that's something we can discuss and make sure that we do that.

City Attorney Marc Bybee Councilman Bruce, you actually triggered something for me that I just realized? We staff still need to work on because included in this is the parking ordinances, too, and people could get citations for that and something we discussed as staff and I it hasn't been done because there's been in staff process working on the technology part for a while. We are going to develop a form, an administrative citation form, specific to parking. That would be, you know, that ticket that's placed on a windshield kind of thing. If that was going to be done. And so right now that's something actually I think until officers in has that I don't know how he'd be able to begin administering in that that realm at least of the of these changes he's lacking one of the tools you need.

Mayor Stear Good.

City Attorney Marc Bybee Yeah, exactly. Yeah, like they said. And I think in most instances, when people were told about a problem, they take care of it. So, it's generally not a big deal, but once in a while something comes up so.

Council President Bruce You guys good with?

Council Member Biggs That would we add a stipulation on that one about the parking well they would, or is it?

Council President Bruce They would just do that once we because we've already set up the administrative citation process, right? So that would trigger you guys to like what we need.

City Attorney Marc Bybee We just need... There's something I knew I needed to do, but for whatever reason, your question made me realize, you know, in the time process of this, we didn't get it done. And so it's something we'll have to do before action would be able to be taken on parking. And I do because I think Councilman Bruce, with what you're asking, I think it would

be important, especially if the city is going to all of a sudden say we're going to start, you know, doing parking enforcement, I think that warrants some you know announcement, and preparation, and warning. You know type activity because that would be a shift I think a significant shift in policy that would be you know warranted to put the residents on notices for the change.

Council Member Laraway Yeah, and another thing, you kind of brought it up this. Seems like we're putting a lot on you Administratively wise talking about letters collection, computer program I mean. It seems like We're putting a lot on the Clerk and taking away from the Police Department. If you will, I mean, he used to go from the Police Department to downtown to the court system. Now it's going from maybe the Police Department into the Clerk's hands for him to establish...

City Attorney Marc Bybee And so Councilman Laraway sorry, Marc Bybee, City Attorney, that was absolutely discussions that came up in this process because where you're saying this was going to the courthouse, I would counter and say actually it wasn't. That what was happening is no action was being taken, is that that this a lot of this is sections of code that has gone unenforced because it shouldn't be landing in the court system.

Council President Bruce And they were just continuing to violate. We just have no, no repercussions.

City Attorney Marc Bybee Yeah, and so...

Council Member Laraway So let me get this straight, are you saying what a lot of this stuff that should have been enforced wasn't being enforced?

City Attorney Marc Bybee That's often the approach that's taken in these circumstances because....

Council Member Laraway That that sounds bad for us or for you.

Kuna Chief of Police Mike Fratusco No, I don't think he's talking about us, Councilman. Laraway. I'll let him explain what he's saying, but...

City Attorney Marc Bybee Because we're talking about so with how relationships work with prosecutors' offices. For example, if the city, if the this contract the city has with the prosecutor's office does not include prosecution of certain city code offenses, you send it over there and they reject it for prosecution and it doesn't move forward and can get dismissed. And so if that's the relation that's happening, the discretion, it will often that...

Council Member Laraway Right.

City Attorney Marc Bybee Is okay. We're not issuing these citations because we don't have anybody that's going to enforce them. And so knowing that limitation and that, you know, in that relationship, that's how do we Create a process elsewhere to actually, you know, start administering these provisions of our code. This isn't unique to the City of Kuna. This happens in a lot of cities, in particular growing cities and so it has to land somewhere. Right now, it's

landing on the City Clerk's office. It is landing there. It does this grow enough that at some point? We say we need a new landing point. Maybe. I think that's a growth issue. The city deals with as it gets there because and I look at the City of Boise, they have an entire like parking services division that this is all they do for the like, in particular their parking. But they also have another, you know, code enforcement division separate from that. And so they're doing a lot of these things, a lot of the ideas I kind of crafted here and There came from things I saw there in other large cities. As far as creating the process, you know, for code enforcement within all of it within your city because the court system that you send them these things and they're not going to process them. The prosecutors are not going to accept the prosecution because it's outside of their contract. They're not, quite frankly, they're sometimes just not interested in it. So it can get dismissed. And so with these are not the types of things... and also, I guess to push this a little further, we can't, as a city, just send whatever we want to the court system. We don't have that authority as a city to make the maybe the court process any type of offense, we might come up with right on those things that the legislature said, like you and make animal code misdemeanors. We can send those ones there, but when we're making it, you know, particularized offenses for issues we're dealing with as a city and we don't have, you know, statutory authority saying you can do this specific thing and make it a misdemeanor, we can't send those. You know, we can't make those offenses and make them, you know, go to the prosecutor's office without obtaining some separate contract with them for specifically for enforcement of city ordinance.

Mayor Stear And I think the important part of this is If we write a citation right now. There's really no avenue for someone to come into object to that citation, and that's what all of this is allowing a place for them to come in and say I don't agree. I don't think I should have been given a citation for this. And then there's a process for which that to go forward. And then at least then they have their rights, whereas normally it would go to court, but we're not going to do a court. We can't send these things to court.

Council Member Laraway So how does that work? So I understand what the mayor is saying, but if somebody. If somebody has an objection to a citation. They come in and they face the City Clerk. What is the process?

City Clerk Nathan Stanley Yeah. So, Nathan Stanley, City Clerk. Councilman Laraway, if the responsible party wants to contest their citation, that's where the informal review comes in and so. they'll have the informal review. Say the citation was noticed in air. Then it would be dismissed. They don't have to pay the fine. If it's not dismissed, they are noticed within s7 days of the non-dismissal and then that's where it goes into the administrative hearing and then a written decision is sent to the responsible party within 14 days. I believe of that decision.

Council Member Laraway Which is all handled by you?

City Clerk Nathan Stanley Correct.

Council President Bruce Well, except for the hearing part is.

City Clerk Nathan Stanley The hearing part would be handled by me.

Council President Bruce Oh that would be the whole point.

City Clerk Nathan Stanley Because I have...

Council Member Laraway Judge and jury.

City Clerk Nathan Stanley I have previous hearing officer experience when I was with IDOC so I have training and disciplinary hearing.

Council Member Laraway I'm just getting to the point, how much is this going to be? Quite a workload and I mean are we creating something?

City Clerk Nathan Stanley I guess we'll see.

Council Member Laraway Okay.

Mayor Stear In my view, I don't think it's going to be a big workload. If it does turn into a big workload then then we have to adjust and figure it out from there. I don't think it's going to be that big of a deal.

City Clerk Nathan Stanley Most people respond well to being notified of a code violation. I don't think it's going to turn into something where we have multiple citations being handed out every day where my job turns into just citation hearings.

Council Member Laraway Just looking out for you.

City Clerk Nathan Stanley I appreciate it.

Council President Bruce You we won't all be here forever, though. Might be different people.

City Attorney Marc Bybee Councilman Laraway, I'd say that's something to you that we can kind of help manage that workload as to what our enforcement, you know, strategy is and like how strict we are in on enforcement like are there and steps we take before enforcement to avoid it? Are there, you know, I just think I don't want to get too far into the realm of actually being the police officer, but that's what I'm trying to get at. There's always this level of discretion and if we're, you know, taking it too far, too aggressive an approach that's burying our City Clerk's office, I think that's something, you know, we can and just adjust internally and be like, "Okay. Even if we want, even if we want to take this, it's not working operationally. We've got to think better operationally to make how this works for the city."

Council Member Laraway Thank you.

Council President Bruce And so it says the Mayor will appoint and serve as a city hearing officer.

Mayor Stear Okay, any further questions?

Council President Bruce You want to let it ride? You want to wave it?

[Unintelligible]

Council President Bruce Yeah.

Council President Bruce I make a motion that we waive 3 readings...

Council Member Biggs Second.

Council President Bruce *Of. Hold on a sec, please.* of Ordinance 2024-18.

Mayor Stear Motion is made and seconded to waive the three readings. Any further discussion? All in favor say 'aye.'

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 00:59:35)

Motion To: Waive 3 Readings of Ordinance 2024-18

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

Council President Bruce I make a motion that we approve Ordinance 2024-18.

Council Member Laraway Second.

Mayor Stear Motion is made and seconded for approval. Any further discussion on that motion? Nathan, would you poll the Council?

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Yes.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Yes.

Mayor Stear Motion carries.

(Timestamp 01:00:02)

Motion To: Approve Ordinance 2024-18

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None
Members Absent: Council Member McPherson
Approved Via: Roll Call Vote
3-0-0

Council President Bruce I make a motion that we approve the summary publication of 2024-18.

Council Member Laraway Second.

Mayor Stear Motion is made and seconded for summary publication. Any further discussion?
All those in favor say ‘aye.’

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 01:00:23)

Motion To: Approve Summary Publication of Ordinance 2024-18

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

9. Ordinances:

(Timestamp 01:01:36)

A. Consideration to approve Ordinance 2024-14 for Kuna Apartments ACTION ITEM

A MUNICIPAL REZONE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR’S PARCEL NOS. S1324110095, AND S1324110170, OWNED BY CJM LIMITED LIABILITY LIMITED PARTNERSHIP, SITUATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND
- AMENDING THE ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings.

Consideration to approve Ordinance.

Mayor Stear That takes us to 9A consideration to approve Ordinance 2024 to 14 for Kuna apartments. A Municipal rezone ordinance for the City Council and City of Kuna, making certain findings and findings and declaration of authority and rezoning certain real property. To wit, Ada county assessor's parcel numbers S 1324110095 and S1324110170. Owned by CGM Limited liability partnership. Situated within the corporate city limits of the city of Kuna, Ada County, Idaho, and amending the zoning map and varying the City Engineer and City Clerk and providing an effective date.

Council President Bruce I make a motion that we waive three readings of 2024-14.

Council Member Biggs Second.

Mayor Stear Motions made and seconded to waive the three readings. Any further discussion? All those in favor say 'aye.'

All Council Members Aye.

(Timestamp 01:01:36)

Motion To: Waive 3 Readings of Ordinance 2024-14

Motion By: Council Member Bruce

Seconded By: Council Member Biggs

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

Council President Bruce I make a motion that we approve Ordinance 2024-14.

Council Member Laraway Second.

Mayor Stear Motion is made and seconded for approval. Any discussion on that motion? Nathan, would you poll the Council?

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Yes.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Yes.

Mayor Stear And that motion carries.

(Timestamp 01:01:51)

Motion To: Approve Ordinance 2024-14

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Roll Call Vote

3-0-0

**B. Consideration to approve Ordinance 2024-15 for Vasilij Oleynik Rezone ACTION
ITEM**

(Timestamp 01:02:12)

A MUNICIPAL REZONE ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS; AND
- REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. S1322244220, OWNED BY VASILIJ OLEJNIK, SITUATED WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND
- AMENDING THE ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings.

Consideration to approve Ordinance.

Mayor Stear Item 9...

Council President Bruce Do we need...

Mayor Stear 2024-15 There is some administrative changes that need to be made to that so. For tonight, if we just would request that a motion to table.

Council President Bruce Do we need to publish a summary of 2024-14?

City Clerk Nathan Stanley No.

Council President Bruce I make a motion that we table Ordinance 2024-15...*to a certain date?*

Planning and Zoning Director Doug Hanson For the record, Doug Hanson, that can be to a date uncertain.

Council President Bruce To a date uncertain.

Council Member Laraway Second.

Mayor Stear Motions made and seconded for tabling Ordinance 2024-15. Any further discussion? All those in favor, say ‘aye.’

All Council Members Aye.

Mayor Stear Any opposed? Motion carries.

(Timestamp 01:02:37)

Motion To: Table Ordinance 2024-15

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

10. Executive Session:

(Timestamp 01:03:08)

- A. Enter into Executive Session under Idaho Code: 74-206(1)(c) To acquire an interest in real property not owned by a public agency. (1)(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

Mayor Stear And that is all we have on the agenda, except for an executive session into motion to go into executive session. I imagine we will need Morgan, and Jared, and Doug, and Marc.

Council President Bruce I'll make a motion that we...

Mayor Stear Anybody else? We probably ought to go ahead and let Adam sit in those.

Council President Bruce I make a motion that we adjourn to executive session under Idaho Code 74-206(1)(C) and Section (1)(E).

Mayor Stear Motion is made and seconded. Nathan, would you poll the Council?

City Clerk Nathan Stanley Council Member Biggs.

Council Member Biggs Yes.

City Clerk Nathan Stanley Council Member Laraway.

Council Member Laraway Yes.

City Clerk Nathan Stanley Council President Bruce.

Council President Bruce Yes.

Mayor Stear And that motion carries.

(Timestamp 01:03:37)

Motion To: Enter Executive Session Under Idaho Code Idaho Code 74-206(1)(C) and Idaho Code 74-206 (1)(E)

Motion By: Council Member Bruce

Seconded By: Council Member Laraway

Further Discussion: None

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

Members Voting Nay: None

Members Absent: Council Member McPherson

Approved Via: Voice Vote

3-0-0

In Compliance With Idaho Code 74-205(2) The Minutes For The Executive Session May Be Found Below.

- o Executive Session Minutes:
 - Entered at 7:03 PM.

The following people were present:

- Mayor Stear
- All Council Members, excluding Council Member G. McPherson who was absent.
- M. Treasure
- D. Hanson
- M. Bybee
- A. Wenger
- J. Empey

- Council Member Biggs moved to adjourn
- Council Member Bruce seconded.

Adjourned at 7:53 PM.

Information received; no action taken.

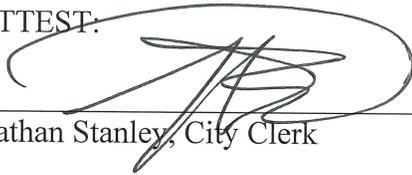
11. Mayor/Council Announcements:

12. Adjournment:



Joe L. Stear, Mayor

ATTEST:



Nathan Stanley, City Clerk

Minutes prepared by Garrett Michaelson, Deputy City Clerk
Date Approved: CCM 07.16.2024





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

July 2nd, 2024 – City Council Public Comment

The City of Kuna welcomes Public Questions and/or Comments during the Public Comment Session, as noted in the agenda.

In accordance with Idaho State Code, Public Comments may NOT include specific land use issues or cases. All comments regarding specific land use issues or cases MUST be heard in their associated Public Hearing(s). Idaho State Code also requires all comments and/or complaints regarding City personnel to be heard in Executive Session.

In all instances The Mayor and City Council may determine if your comments are appropriate for the Open Comment Session, particularly if your comments are covered by Idaho Code § 74-206(1) and may notify you accordingly. If you are recognized to speak you may "have the floor" for up to three (3) minutes unless a separate time duration is determined by The Mayor and/or City Council.

Public Comment Sign Up

 Print Name

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 City State, Zip

 Topic

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SIGN-UP SHEET

July 2nd 2024 – City Council
Public Hearing

Case Name: *Watch Me Grow Daycare - License Revocation:*
Case Type: Daycare License Revocation

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

IN FAVOR		NEUTRAL		IN OPPOSITION	
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
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