

**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 15, 2025**

**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 00:00:51)*

**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 - Present

**CITY STAFF PRESENT:**

Marc Bybee, City Attorney  
Jared Empey, City Treasurer  
Mike Fratusco, Kuna Police Chief  
Adam Wenger, Public Works Director  
Doug Hanson, Planning & Zoning Director  
Morgan Webb, Deputy Parks Director  
Nancy Stauffer, Human Resources Director  
Nathan Stanley, City Clerk

**Mayor Stear** All right, it is 6:00. We will go ahead and call this meeting to order. Nathan, would you take the roll please?

**City Clerk Nathan Stanley** Council Member McPherson.

**Council Member McPherson** Here.

**City Clerk Nathan Stanley** Council Member Biggs.

**Council Member Biggs** Here.

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 Member Laraway.

**Council Member Laraway** Yes.

**City Clerk Nathan Stanley** Council President Bruce.

**Council President Bruce** Here.

**City Clerk Nathan Stanley** Mayor Stear.

**Mayor Stear** Here.

## **2. Pledge of Allegiance: Mayor Stear**

*(Timestamp 00:01:07)*

**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.

## **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 00:01:25)*

### ***Consideration To Amend The Agenda***

**Mayor Stear** Thank you. First item is we need to amend the agenda. Item 6.C. is a hearing, but it's not a public hearing, so we need to move item 6.C. to be in place of 7.A. and 7.A., move it to 7.B. That is, 6.C. is the Reconsideration.

**Council President Bruce** I move we amend the agenda and move item 6.C. to Item 7.A. and then move item 7.A. to 7.B.

**Council Member Laraway** Second.

**Mayor Stear** We have a motion and a second. Any discussion on that motion? All those in favor say 'aye.'

**All Council Members** Aye.

**Mayor Stear** Any opposed? Motion carries.

*(Timestamp 00:01:57)*

**Motion To:** Amend The Agenda By Moving Item Public Hearing Item 6.C to Business Item 7.A And By Moving Business Item 7.A. To Business Item 7.B.

**Motion By:** Council Member Bruce

**Seconded By:** Council Member Laraway

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Voice Vote

**4-0-0**

**A.** Regular City Council Meeting Minutes Dated July 01, 2025

**B.** Accounts Payable Dated July 09, 2025, in the amount of \$1,413,028.12

**C.** Subdivision Name Change

1. Case No. 25-02-SNC – Patagonia Ridge Subdivision to Arboleda Subdivision
2. Case No. 25-01-SNC – Ewing Meadows Subdivision to Thunder Rock Subdivision

**D.** Alcohol License

1. Nara Ramen and Sushi Bar LLC

**E.** Final Plats

1. Case No. 25-11-FP (Final Plat) Linrock No. 1

**F.** Decision and Reason Statements

1. Case No. 25-02-AN (Annexation) 847 S Ash Ave.
2. Case No. 25-01-DAN (De-annexation) 6820 S Ten Mile Road

**G.** Resolutions

1. Resolution R45-2025

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE OF DEVELOPMENT AGREEMENT RELEASING THE DEVELOPMENT AGREEMENT FOR THE LAMP DISTRICT, INSTRUMENT NUMBER 2023-037093, RECORDED ON JUNE 28, 2023, AND RECORDED AGAINST THE REAL PROPERTY, AS DESCRIBED BY LEGAL DESCRIPTION IN EXHIBIT A ATTACHED HERETO.

2. Resolution R46-2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO SIGN; AND AUTHORIZING THE MAYOR TO EXECUTE THE BITTERCREEK SEWER CONNECTION AGREEMENT BETWEEN THE CITY OF MERIDIAN, AN IDAHO MUNICIPAL CORPORATION, AND THE CITY OF KUNA, AN IDAHO MUNICIPAL CORPORATION, RELATING TO MUNICIPAL SEWER SERVICES AND UTILITY USAGE BY THE BITTERCREEK MEADOWS SUBDIVISION HOMEOWNERS ASSOCIATION, INC. AN IDAHO NON-PROFIT CORPORATION; AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE AND EXECUTION.

*(Timestamp 00:02:14)*

**Mayor Stear** And the next item is the consent agenda. Any questions or comments?

**Council President Bruce** I move we approve the consent agenda, as published.

**Council Member McPherson** Second.

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

**City Clerk Nathan Stanley** Council President Bruce.

**Council President Bruce** Yes.

**City Clerk Nathan Stanley** Council Member Laraway.

**Council Member Laraway** Yes.

**City Clerk Nathan Stanley** Council Member Biggs.

**Council Member Biggs** Yes.

**City Clerk Nathan Stanley** Council Member McPherson.

**Council Member McPherson** Yes.

**Mayor Stear** And that motion carries.

*(Timestamp 00:02:25)*

**Motion To:** Approve The Consent Agenda, As Published

**Motion By:** Council Member Bruce

**Seconded By:** Council Member McPherson

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Roll Call Vote

**4-0-0**

#### 4. Public Comment

(Timestamp 00:02:44)

**Mayor Stear** That takes us to public comment. I didn't have anybody sign up to address the Council. Is there anybody who wishes to, that didn't get a chance to sign in? All right, seeing none...

#### 5. External Reports

#### 6. Public Hearings:

*Public Hearing Process: Items begin with the presentation of the project by staff for up to 15 minutes. The applicant is then allowed 10 minutes to present their project. Members of the public are allowed up to 3 minutes each, to address City Council with testimony restricted to the matter at hand. After all public testimony, the applicant is allowed 5 minutes for rebuttal.*

*City Council members may ask questions throughout the public hearing process.*

*Once the public hearing is closed, no further testimony or comments are heard.*

*City Council may move to continue the application to a future meeting or approve or deny the application.*

**A.** Consideration to approve Case Nos. 24-09-AN (Annexation) and 25-06-S (Preliminary Plat); Blossom Meadows Subdivision – Applicant requests approval for Annexation of approx. 30.92 ac. Into Kuna City and proposing the R-6 (Medium Density Residential) zone; and requests Preliminary Plat approval to subdivide the same lands into 100 single-family lots, and 19 common lots. The site is in Section 19, Township 2 North, Range 1 East (Parcel number; S1419131300). Troy Behunin, Senior Planner **ACTION ITEM**

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

(Timestamp 00:03:07)

**Mayor Stear** That takes us to public hearings. A, 6.A. is consideration to approve case numbers 24-09-AN and 25-06-S, Troy.

**Senior Planner Troy Behunin** Good evening, Commissioners... Members of the Council and Mr. Mayor, sorry for that. Troy Behunin, for the record. Kuna Development Services Department. Now I'm really off my game.

**Council Member Biggs** It's been a while.

**Council Member McPherson** We've been called worse, don't worry.

**Senior Planner Troy Behunin** The applications before you this evening are requesting annexation of approximately 31 acres into the Kuna city limits and they are proposing the R-6 zone. The applicant is also requesting preliminary plat approval in order to subdivide this land into a 100-lot single Family Lot subdivision with 19 common lots. The site is located near the northwest corner of the intersection of Locust Grove and Meadow View Rd. At the Commission meeting, staff recommended that the applicant

provide pedestrian pass throughs and those were specified and at the hearing the Commission made it a condition. The applicant did respond, and they did provide that site plan, and those were included in the findings of fact... or the decision and recent statement at the back of that. So, the Commission did see that site plan and they did approve it. Other than that, staff has reviewed the proposed annexation and the pre plat for compliance with Kuna City Code, Idaho State Statutes, the Kuna Comprehensive Plan. And should the Council approve the application, staff recommends that the applicant be subject to the proposed recommended conditions that are listed in staff's report. I'll stand for any questions, and I know that Jadon Schneider is the with the applicant and they are here tonight and have a presentation, but I'll be here if you have questions.

**Mayor Stear** Okay. Any questions for Troy?

**Council President Bruce** No, Sir, not at this time.

**Mayor Stear** All right. Thanks, Troy. Mr. Schnider, you may have the floor if you'll state your name and address for the record, please.

**Jadon Schneider, Bronze Bow Inc.** Perfect, of course. Jaydon Schneider with Bronze Bow, I'm the applicant working on behalf of the developer. Address is 3770 N Jackie Lane in Boise. So, as Troy mentioned, this proposal is for Blossom Meadows subdivision. It's an annexation and preliminary plat proposal. Just as Troy mentioned there, it's about 30.92 acres. It's currently zoned RR which is that rural residential area in Ada County. That would be the annexation with the proposed annexation zoning of R-6. A couple of things that I want to just touch on right away would be the Kuna School District. They've provided a letter of support. I'll get more into that just to kind of explain what we're doing on that side. But I want to talk about their support right there. Public works, we've been working with Mike Borzick *ad nauseam* and I'm sure he's tired of me calling him and sending him emails, asking questions. But we do believe we found a position that is agreeable for public works with the proposed subdivision here, and ACHD has reviewed and approved the proposed development through their staff report. And that's in the packet as well. Just kind of high-level stuff to get into it. We had originally looked at this site from the developer's perspective as 177 total lots, which was smaller lots, after meeting with the city, meeting with staff, meeting with the neighbors, especially at the neighborhood meeting they just said 'hey 177 is a lot. What can we do to trim it down to get back to this point right here?' So, what you see before you is the trimmed down version which is 100 lots, and that came through a series of back and forth with staff and with the neighbors. So, we're really happy with 100 lots. The average lot size over this entire project is about 7500 square feet. So, it's almost double the R-6 zoning, it's closer to an R-4 zoning for the entire site, so all the lots are much larger than the R-6 minimum throughout here.

So just kind of getting into it right now... Oh, sorry. I'll touch on this real quick. The access point for this site comes off Meadow View Rd. to the south and this would be an extension of Strobel Rd. to the north. So, Ashton Estates subdivision is on the West side of this property right now. They are building 1/2 of a collector on their frontage portion or what would be their frontage portion on their eastern boundary that abuts our western boundary. The proposal would be to extend Strobel Rd. as a collector road northbound which is a mid-mile collector and extend that through the property. So, this would provide an access point to the site via this intersection, which Ashton Estates is building right now, and then provide that access point to the entire site. One thing that we've been working with is a secondary access point that secondary access point is an emergency access point down in the southwest corner of the site. I've reached out to the

fire department. I actually called them today because they hadn't responded back and given any comments yet. But Steve responded back that generally this does not have any concerns for them. Their comment was that if you have over 30 lots, they would like to see a secondary access. This secondary emergency access would be sufficient for them. So, between ADHD suggesting that yes, these 100 lots can be serviced by 1 access point and the fire department suggesting that yes, this can be serviced in case of emergency by this emergency access point office, Strobel Rd. they'd be happy with that. So just kind of going out if you went out to the site today, you'd see Ashton Estates being built. It's Ashton Estates #8, if I'm not mistaken. It was approved at City Council on May 20th, 2025. Sorry, let me restate that the final plat was approved as the consent agenda item on May 8<sup>th</sup>, or May 20<sup>th</sup>, 2025, so just a few months ago. So, they are currently building actually on my trip here today I drove by it. They're putting storm pipe in the ground right now. So, they're building out that that phase right now to have that secondary that access point and Strobel Rd. being built at point. Ashton Estates if you keep going further to the West, leads to the Meridian Rd. core, which is that commercial core right there, and to the North is the Lugarno Terra subdivision. So, we like this site, it doesn't look to us like it's on an island of a development way out in the middle of nowhere. It seems like its congruent growth going from that commercial into existing subdivisions. And we're right up against that subdivision right there.

If you look at the future land use map, you can see that the Meadow View Estates site is a medium density residential district. That's what we're proposing with that R6, which meets the medium density residential area. Ashton Estates is a high-density area there. Their zoning, I believe, is R-8. It might be higher, but I think it's R-8. So, there are high density zoning and then that would also lead into the commercial. So, kind of going the other way there talking again about congruent development. We feel that this is appropriate development for that, and it meets the future land use map. Yeah, just from code, just you know, reciting code here the R-6 would say that they want to see, or it wants to see 6 units per acre. We're well under that with our net density is well under that. So, we feel like we're well within the R-6 zoning right there.

Talking more about the Kuna School District, support generally more high-level stuff here. The developer went to the Kuna School District and basically said like, 'Hey, how can we help?' We've seen other subdivisions go through this before, like, what can we do?' The Kuna School District has provided the Voluntary Capital Mitigation Fee program. That's an assessment that they self-procured. They went through the process and hired out some consultants to figure out like what we can do as the school district to work with developers to make development happen and work with developers. Basically, what it means is that they are asking the developers to provide a voluntary fee to the school district in order for them to be able to sustain growth. So that fee is for this site, single family site, would be \$3286 per lot and that's building lots and that would be if there's school children ages, or not. So, all the lots would be hit with that \$3286 per lot fee, which the developer was happy to say, hey, we'd like to team up with the school district. You know, we're not trying to pull a fast one and work something past you guys without getting support from you.' And that's just where their letter of support mentioned it and you know reading straight from their report 'because the developer has partnered with us, we can serve the students generated from this development.' It speaks to the 177 homes that was originally when we had talked about prior, but going back to it now 100, we've talked with Tim Jensen since with the school and generally 100 seems just as fine as 177 as long as we're helping them, they can help us with this.

Traffic considerations. We did have a traffic impact study put together for the site. It was reviewed by ACHD, ITD in the works. We have that support again, just talking about what ACHD is doing on their own to the North right now. ACHD and their capital improvement plan and their five-year work plan have the following items going through: The Deer Flat Rd. is going to be widened to five lanes between N Locust Grove and Meridian Rd. Multi-Lane roundabout going in at the intersection of Locust Grove and Deer Flat and then an expanded intersection at Meridian Rd. and Deer flat road and those are all improvements that are taking place. If the subdivision were to be approved or denied, those would still be within the ACHD portion. But speaking a little bit more specific to the site, what the developer is proposing, again, they're proposing to include that connection for N Strobel Rd. building out the rest of N Strobel Rd. So, it has that connection point to Ashton Estates with building which would provide them their secondary, or maybe third, access point to Ashton Estates. So, it's adding better connectivity for them as well as the connection for Meadow View Road and then increasing Meadow View Rd. to that 36-foot Collector Street with the 8-foot planter and the detached sidewalks, there was a letter that's in the staff report coming from a neighbor. Talking to or talking about traffic considerations and 'hey, is this going to cause a lot of traffic?' What's it going to do if you look into the traffic impact study, you'll see for the 100 lots, the average. Sorry, the daily, sorry, let me get this correct here. The AM peak hour vehicular traffic on that road, Meadow View Rd., is assumed to be 50 cars from this site. So, this site is assumed to add 50 cars to Meadow View Rd. So that's coming from the traffic engineer right there based off of their study of the site on that site right there.

The person who had written a letter is to the east of the connection point of Strobel Road, and so we looked at, well, what would that be on Meadowview Rd. headed eastbound. The majority of the traffic is headed westbound on towards Meridian Rd. The eastbound traffic would be about 10 of those cars, so the average of that, vehicular traffic at the AM peak hour would be about 10 cars traveling eastbound. So, we say we would suggest that we think it's a nominal amount of traffic added to that eastbound there. So, we're hopefully in agreement with the landowner there that this is not something that's going to affect them tremendously, terribly, or anything like that.

Open space generally. We have a number of open space areas throughout the site. As Troy mentioned right there, Planning & Zoning asked us to add in some additional walkway and connections throughout the entire site. We were happy to do that we it's good planning. It works well for us. City code calls for just about 7 or 7 1/2% of the site to be open space. That's 2.32 acres that provided open space. The qualified provided open space is 3.96 acres, which is about 12.8, and I specify qualified open space because that does not include landscape buffers or things along Stroble Rd. or what would be along Meadowview Rd. So that's just interior and larger areas that are dedicated as open space right there. So there's an over dedication of that open space as well as those larger 7500 square foot lot. So generally, it's large lots with good open space.

One of the reasons the developer liked this site so much and is pursuing it is the fact that it has that congruent development that's close to the commercial core and provides that access point. It's just an interesting fact that when we were looking at the site right there, it's about a half a mile to get to the center of the Meridian Rd. core for that commercial area. *I'm just about done. If, if that's all right with Council.*

**Mayor Stear** Yeah, go ahead.

**Jadon Schneider, Bronze Bow Inc.** So, it's just about half a mile to get from the actual site to the core right there and that would be on local roads. So that would be an easy connection through there. And then we still have that vehicular access on Meadow View Road and Meridian Rd. to get there. So, we think it's a very walkable, bikeable area, to get to those existing commercial areas which there are a lot of. And then just to wrap up, I just wanted to again reiterate that we do have Kuna School District for support. We feel that we have support from The public works portion in regard to sewer and water. ACHD has reviewed it. And as Troy mentioned, we walked away with the recommendation of approval from planning and zoning and we hope to walk away tonight as well. So, I appreciate your time and I'd be happy to stand for any questions.

**Mayor Stear** Okay, questions?

**Council Member Laraway** Yes.

**Mayor Stear** Yes?

**Council Member Laraway** One quick question. Is ITD talking... I know this down the future... Are they talking about putting out traffic control device at Meadowview and 69?

**Jadon Schneider, Bronze Bow Inc.** I haven't seen anything from ID specific to that. They are at least not in our reports there.

**Council Member Laraway** Alright, thank you.

**Council Member Biggs** I have one.

**Mayor Stear** And then I saw that in the... Well, you go ahead with your question.

**Council Member Biggs** Just a quick one. So, you mentioned the fire department had mentioned that that is there a letter or anything? I didn't see it in the packet.

**Jadon Schneider, Bronze Bow Inc.** No. So I have an e-mail back and forth from them. The only e-mail that I ever got I sent to them on the 15th on tax day of this year and said, hey, we have this coming up to council. It was brought up at city...or planning and zoning this was brought up. Do you have any comments? Scott I'll... I forget his last name... Anyways, Scott, with the fire department who Troy gave me his contact responded back. 'Like, I'll let you know if I have any questions.' I just called him today because he never got back to me and I was like, 'hey, I'm going to stand up in front of City Council. Is there anything I can say?' So no, I do not have a letter from them. I have my good word on it. But at the same time, I because I spoke to him, I would feel confident that if you called him today and said 'Hey, did you talk to Jayden? Is was this something that he said he would be like? Oh, yeah. We talked about that at 1:00 this afternoon, so I don't have a letter on. Unfortunately, just he never got back to me with it, but I did bug him by calling his cell phone today.

**Council Member Biggs** And the reason I ask is because we typically have issues when there's not a full second egress out of our neighborhood, so that I might have an issue with but...

**Jadon Schneider, Bronze Bow Inc.** Totally.

**Mayor Stear** Okay. And then I noticed that when Planning & Zoning Commission looked at that they were talking about a tot park for an amenity. Is that something that we're moving forward with on this?

**Jadon Schneider, Bronze Bow Inc.** I'll have to confirm with Troy. I don't believe that it was ever a condition of approval that was brought up by Planning & Zoning and added in. But if Council would like to do it, I believe that the developer, if would, would be happy to provide it if City Council said 'hey, like, this is a deal breaker for us. We really would like to see a tot lot in there.' I believe that that's something that the developer would be willing to provide. I don't believe that it got added in but I can ask Troy.

**Mayor Stear** I thought they even went right down to adding the lot where they wanted that. So, I mean that could be wrong and have to read back through their... You got their minutes.

**Council Member Biggs** I'm fairly certain it's in their Decision & Reasoned Statement.

**Mayor Stear** Troy, go ahead.

**Senior Planner Troy Behunin** For the record, Troy Behunin. I don't have that right with me right now my laptop just died, but I can go look at it. If Council wants to continue to ask questions. I can come back. But I do remember they were adamant about the open spaces, and I do remember that there being a tot lot discussion and whether it was articulated as a specific condition, I don't remember that specifically. But there was discussion about it.

**Council Member Biggs** It passed with. Yeah, they had with conditions as outlined in the staff report, in addition to a, playground equipment, tot lot, block 9, lot 1.

**Senior Planner Troy Behunin** There you go. There you go.

**Mayor Stear** Okay, Alright, I thought. I thought I saw that right down to where it was going.

**Jadon Schneider, Bronze Bow Inc.** correct, which we're still in agreement with that's, that's completely fine.

**Mayor Stear** Okay, good. Further questions?

**Council Member Biggs** Not at this time.

**Council President Bruce** Not at this time.

**Mayor Stear** Okay.

**Jadon Schneider, Bronze Bow Inc.** Thank you very much.

**Mayor Stear** This is a public hearing and I didn't have anybody signed in to testify. Is there anybody who wishes to testify in this matter?

*[Brief Silence]*

**Mayor Stear** Hey, Mr. Rocco, you may have the floor, please.

**Michael Rocco** I guess the question I have is, you know, we go through these traffic impact studies...

**City Clerk Nathan Stanley** Mr. Rocco, can you state your name and address for the record?

**Michael Rocco** Michael Rocco 1286 E Fort Erie St. in Kuna. So I don't know when the actual construction begins. Is it a year out? Is it 2 years out? And I'm sure that you could not.. I don't know if

there's a provision that you can say, well, it building can't start for two or three years. But I find it interesting when ITD does their study for Meridian or ACHD, does their study for the traffic studies for in this area over here. That that's that is gonna not happen till the 6-7 years with talk about the roundabout and then the ITD is we're talking about probably 7-8 years too and interesting that they always talk about the statistics of what it would be like if these improvements weren't made, and so it would be take 45 minutes to go from Deer Flat up to Overland, but they don't tell us what it's going to look like for the next 6 or 6 years. So the existing community continues to get bogged down with more and more traffic. So again, I don't if it's more of a rhetorical question. I just don't know when does this construction begin? And it's not just them, it's a various other constructions too. Thank you.

**Mayor Stear** Thank you. Was there anybody else who wishes to testify? Okay, yeah, if you want to come back up for rebuttal and maybe answer that question.

**Jadon Schneider, Bronze Bow Inc.** As best I can again, Jane Schneider, Bronze Bow, 3770. N Jackie Lane. Yeah. The traffic impact study is based off of all of the currently approved and existing homes, commercial, residential in total conditions and so that is modeled out as far as they want to do each individual site. So that this traffic impact study specifically would speak to this site, wat conditions are being affected immediately and up to a certain radius because they can't go too far. But generally, this is what it would be modeled based off of. I might need the question asked again just to if to try to answer the specific question, but that's generally the high-level idea of how the traffic studies are compiled and where they would go.

**Mayor Stear** Yeah, if you want to step back up to the mic and ask, that'd be good. Thanks, Michael.

**Michael Rocco** Michael Rocco, 1286 E Ford Erie drive. the question is, is when would the anticipated construction begin?

**Jadon Schneider, Bronze Bow Inc.** Sorry, thanks about that. The construction would basically start as soon as the developer could get their engineering approvals and everything to go forward. Realistically, it's probably somewhere between a six- to eight-month process to go through all of the engineering design drawings, going through review agencies, getting them back there. So it seems like it's much more of a spring 2026, summer 2026 project by the time you get to these upgrades and things like that. So, generally that would be the ideal time frame. You know, I'm sure the developer would like to go faster if they could, but generally with all the things that they have to jump through the hoops and all the regulatory agencies that they have to get approval from to do it, it would be about I always assume somewhere being 6 to 8 months before you realistically could you have your pre-construction meeting.

**Mayor Stear** Okay..

**Jadon Schneider, Bronze Bow Inc.** Thank you.

**Mayor Stear** Anybody have any further questions for the applicant?

**Council President Bruce** Actually, I had a question for Troy.

**Mayor Stear** Okay, Thank you... Troy.

**Council President Bruce** Mr. Troy is there... Obviously there's not a representative from the School District to speak to us tonight. Do you? What's the timeline for you to update the letter? I saw we have one from 2024. Do you normally update it before it comes to Council or is that just?

**Senior Planner Troy Behunin** For the record, Troy Behunin. If I receive something, I put it in the packet immediately. I don't know why it's not showing.

**Council President Bruce** But it's notified that it's coming before Council and...

**Senior Planner Troy Behunin** They were given an opportunity earlier this spring, you know, to respond. I don't know why there would have been...

**Council President Bruce** One from 2024.

**Senior Planner Troy Behunin** Maybe there were ongoing discussions before the application really came forward, but the application really started at the end of the year, last year, didn't really get to the public hearing process till this year, but...

**Council President Bruce** Okay. Thank you. I was just curious.

**Senior Planner Troy Behunin** Yeah, I don't know.

**Mayor Stear** Thank you. Anything further? Yes.

**Council Member Laraway** I'd like to ask Adam a question. Adam, this has been, it's been a while since we've really gone through the subdivision process with.... that I can recall. You're saying you can support the sewer system on this project, and it's been a while since we've really talked about it. What pump station is this going to? Is it going to Patagonia?

**Public Works Director Adam Wenger** Council Member Laraway, Adam Wenger, City of Kuna Public Works. This ultimately should go to what will be Mason Creek.

**Council Member Laraway** It will go where?

**Public Works Director Adam Wenger** Mason Creek.

**Council Member Laraway** Okay.

**Public Works Director Adam Wenger** Interim, I can't speak to specifically. I didn't chase that one down prior. My apologies. I just got back into town this week. I've been playing catch up. But this will ultimately be serviced through that. So, when we say public works can support this, there is a *mechanism*, excuse me, mechanism in place and planned that will provide this service and the timing of that is such that this wouldn't be congruent or would not be reliant on Mason Creek, necessarily.

**Council Member Laraway** And I'm trying not to digress too much in this, but this is educational for me. What is the status of our system? I mean, do we have plenty of capacity out there? I mean we have a lot of lots that are undeveloped, but we have plenty of room at the system to support these and other growth, or are we... Are we redlining it every time we do something?

**Public Works Director Adam Wenger** Sure. Red lining is not where we are yet. There is a red line, it's around 2031, 2029. If improvements are not made by then, most of our lift stations will be at that red line.

**Council Member Laraway** So we're about four years off.

**Public Works Director Adam Wenger** If nothing else changes, if no improvements are made, that is correct.

**Council Member Laraway** But you're going to make improvements.

**Public Works Director Adam Wenger** Absolutely. Yes, Sir.

**Council President Bruce** Is that with or without the trunk line being put in. Are you saying that we're four years out without the trunk line or four years out with the completion of that?

**Public Works Director Adam Wenger** Without. So that alleviates the stress off of 5 lift stations and then pushes that envelope from '31 to '50 or '70 full build out, essentially because they've been displaced by the gravity of the Mason Creek trunk line.

**Council President Bruce** And we can service that prior to that trunk line going in is what you're saying...

**Public Works Director Adam Wenger** Correct.

**Council President Bruce** Okay.

**Public Works Director Adam Wenger** Correct.

**Council Member Biggs** And I have a question for Adam.

**Mayor Stear** Yes.

**Council Member Biggs** So, and also are we assuming that 2029, 2031 is that if all of the already approved projects were to come online tomorrow or is this just projection of what we have now?

**Public Works Director Adam Wenger** Councilman Biggs, thank you. That is everything that is on our radar, planned, upcoming, in progress plus the extrapolated growth that we've seen over the last few years. If we assume that holds steady, that's where we would be. That's when we break even.

**Council Member Biggs** So like a percentage basically the growth rate, I guess. Because if 6000 homes which is what I think is approved but not developed came on tomorrow that might be an issue.

**Public Works Director Adam Wenger** If they all came in tomorrow, I would be concerned.

*[Laughter]*

**Public Works Director Adam Wenger** I wouldn't leave the country and just hope for the best for you guys, but.

**Council Member Laraway** You're looking for a new job.

**Public Works Director Adam Wenger** Hopefully not tomorrow. We'll stagger that a bit.

**Council Member Biggs** Thank you.

**Council Member Laraway** Thank you. Appreciate it.

**Mayor Stear** Further questions?

**Council Member Laraway** I'm good.

**Council Member McPherson** I'm good.

**Mayor Stear** Okay.

**Council President Bruce** I don't have any either. I move, we close the public hearing and move to deliberation.

**Council Member Biggs** Second.

**Mayor Stear** Motion is made and seconded. Any discussion on that motion? All those in favor say 'aye.'

**All Council Members** Aye.

**Mayor Stear** Any opposed? That motion carries.

*(Timestamp 00:28:58)*

**Motion To:** Close The Public Hearing And Proceed To Deliberation

**Motion By:** Council Member Bruce

**Seconded By:** Council Member Biggs

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Voice Vote

**4-0-0**

**Council Member Laraway** And, I'll go first. This might seem like a little odd situation we're in, but without a letter from fire... I'm more for tabling this until we get fire on board. But... just my opinion.

**Council Member Biggs** I don't like it either. I mean, I'm definitely.... I could take James Word for it. But I feel that's a very important safety issue. But I would also I guess I'll, I'll express that I wish the school district was here to talk about their capacity issues and the mitigation, you know, throwing money at it without building anything is that we're going to, are they going to build a... I'm curious are they are they going to build a portable or they can put it somewhere in the school district that have another place because we've been told time and time again for the last two or three years 'we're at capacity.' 'We're over capacity.' Well, I understand that The school district has their \$3000 per house. That they want for mitigation, but I don't know. I guess, I'd like an explanation how that's mitigating it, because we're still going to have those issues and the kids still are city kids.

**Council President Bruce** Yep.

**Council Member Biggs** I know they might say it's a school district issue, but it's a city issue too.

**Council President Bruce** I feel the same way. I think you know, unless we find a way to actually give someone a seat, we're just contributing to the problem. And I've asked for a capacity plan from the school district for years, at least multiple years. What is the plan to deal with the growth and maybe they have

one mobile units, buses, teachers and maybe this will go towards that, but...maybe we can get an updated letter from them since it is from 2024.

**Council Member Biggs** And that's where, yeah, that's where the tabling idea... I'm. I think there's two things and at least... There's two things at least that I'd like to see if we were to do that.

**Council Member Laraway** And if I could play devil's advocate, I know we bring the school district up a lot, but their letters of approval or disapproval confuses me, because if somebody buys them a bus, all of a sudden they have approval, and we have room. If we don't buy them a bus, we disapprove... we don't approve of this subdivision. So, it's kind of confusing for me and they won't clarify what their stance is. So yeah, if they will come and explain that I'm all for it.

**Council President Bruce** You have anything? Two weeks? Mr. Troy. Can we ask him?

**Mayor Stear** Yes, You certainly may.

**Council Member Biggs** Request the school district to...

**Council President Bruce** Does two weeks give you time to get the answer from the fire department and also the school district or have someone here?

**Senior Planner Troy Behunin** I can certainly throw that out. I mean it should be. I mean they've had several months. So, I would think that just two more weeks would be more than sufficient.

**Council Member Laraway** Yeah, I would really feel more comfortable with something from the fire department.

**Council Member Biggs** So, it would actually be for more than two weeks. The next meeting is July 5<sup>th</sup>...I'm sorry, August 5th. This is one of those weird months.

**Mayor Stear** That is correct.

**Council President Bruce** You don't want to come in early, Councilman Biggs?

*[Laughter]*

**Council Member Biggs** I'll do whatever you want, Mr. President.

**Council President Bruce** I move, we table the case number 24-09-AN and 25-06-S until a date certain of August 5th, 2025. And if Troy, if you could provide that stuff for us, that'd be good.

**Council Member McPherson** Second.

**Mayor Stear** Okay, we have a motion and a second, is there any further discussion on that motion? All those in favor say 'aye.'

**All Council Members** Aye.

**Mayor Stear** Any opposed? And that motion carries.

*(Timestamp 00:33:00)*

**Motion To:** Table Case #24-09-AN and #25-06-S Until A Date Certain Of August 5<sup>th</sup>, 2025

**Motion By:** Council Member Bruce

**Seconded By:** Council Member McPherson

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Voice Vote

**4-0-0**

**Jadon Schneider, Bronze Bow Inc.** *[From audience]* Since the public hearing was closed, will it be a continuation of this closed public hearing at that next meeting?

**Mayor Stear** Well, since we closed the public hearing, I think they're just asking for comment from fire and school district and...

**Council President Bruce** That's it.

**Mayor Stear** That's it.

**Council President Bruce** At least that's what I was asking for.

**Mayor Stear** That's it. All right. Thank you very much.

**Council Member Biggs** Thank you.

**Council President Bruce** Thank you.

**Council Member Laraway** Thank you.

**B.** Consideration to approve Case No. 24-07-AN (Annexation) Star Acres No. 3. Applicant requests annexation of approx. 37.5 acres with an M-1 (Light Industrial/Manufacturing) zone. The subject site is located at 5434 W Barker Road, SEC 5, T2N, R2E. – Jessica Hall, Economic & Community Development Specialist. **ACTION ITEM**

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

*(Timestamp 00:34:02)*

**Mayor Stear** Next is item 6.B. Consideration of case #24-07-AN Star Acres, and Jessica.

**Economic & Community Development Jessica Hall** Good evening, Mayor and Council. For the record, Jessica Hall, Economic & Community Development, 751 W 4th St. Kuna. The applicant requests annexation of approximately 37 1/2 acres at the subject site located at 5434 W Barker Rd. with an M-1

light industrial manufacturing zone. This annexation is the third by Star Acres properties. The first annexation of 65 1/2 acres was approved by Council February 7th of 2023, and the second annexation of 10 acres was approved by Council September 3rd, 2024. The intent of the accumulated annexation of these three parcels is to provide adequate acreage for development, *excuse me*, by a future industrial user. The applicant and representative, are present this evening and I am happy to answer any questions you may have.

**Mayor Stear** Okay, questions for Jessica?

**Council President Bruce** None at this time, but it's nice to see you, haven't seen you in a while.

**Council Member Laraway** I have one question. This is all going to be up underneath the urban renewal area?

**Economic & Community Development Jessica Hall** It has not been added into the urban renewal district.

**Council Member Laraway** It has not, okay.

**Economic & Community Development Jessica Hall** It has not.

**Mayor Stear** Okay, thank you. If the applicant would like to present.

**William Edwards** William Edwards, acting planner for Star Acres Properties 706 S Willis Ave. Kuna, ID. As Jessica pointed out, this is a simple annexation of property on the would be the corner of Barker and Curtis Rd. Directly across the street is where Star Acres 1 and 2 reside and have been annexed into the city. The use we are looking for is an M-1 use which is compliant with the future use map. Approved by the City of Kuna. Again, this is just a simple annexation at this point in time. Once things progress a little bit further, we will come in for our preliminary plat, design review as needed, but we're in compliance, are willing to be in compliance with all requirements that the City of Kuna is requiring for this annexation. Falls right into your future comp use map and this is number 3. So, I'll stand for any questions, if you have any?

**Mayor Stear** Okay, questions?

**Council President Bruce** This is what we were looking for out, so thank you.

**Mayor Stear** Thank you very much.

**Council Member Laraway** I do have a clarification question for Jessica. If this property does not fall within the urban renewal district, are they going to have access to the sewer and the water that is already being applied out there under their urban renewal?

**Economic & Community Development** So yes, they would still be eligible to connect to the system that is existing out there. It would be required as they're annexed into our city limits the fact that they're not part of the URD does not negate them from having that opportunity.

**Council Member Laraway** Okay. Thank you.

**Council President Bruce** They just don't use the increment for building out the...

**Mayor Stear** They have to fund their own. Okay, anything further?

**Council Member Laraway** Negative.

**Mayor Stear** Okay.

**Council President Bruce** Do you have anyone want to speak on this one?

**Mayor Stear** What's that?

**Council President Bruce** Did you have anyone that wanted to speak on this one?

**Mayor Stear** Oh, I'll wake up here and I didn't have anybody signed up to testify in this matter. This is a public hearing. Is there anybody who wished to testify in this matter that didn't get a chance to sign in? Guess not. Perfect, Thank you.

**Council President Bruce** I move we close the public hearing and move to deliberation.

**Council Member McPherson** Second.

**Mayor Stear** Motion is made and seconded. Any discussion on that motion? All those in favor say 'aye.'

**All Council Members** Aye.

**Mayor Stear** Any opposed? Motion carries.

*(Timestamp 00:38:06)*

**Motion To:** Close The Public Hearing And Proceed To Deliberation

**Motion By:** Council Member Bruce

**Seconded By:** Council Member McPherson

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Voice Vote

**4-0-0**

**Council President Bruce** Anybody have anything? I move we approve case #24-07-AN.

**Council Member Laraway** Second.

**Mayor Stear** Motions made and seconded for approval. Any further discussion on that motion?

**Mayor Stear** All those in favor say 'aye.'

**All Council Members** Aye.

**Mayor Stear** Any opposed? That motion carries.

(Timestamp 00:38:27)

**Motion To:** Approve Case #24-07-AN

**Motion By:** Council Member Bruce

**Seconded By:** Council Member Laraway

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Voice Vote

**4-0-0**

~~C. Reconsideration Hearing for Case No. 24-01-CPM (Comprehensive Plan Map Amendment) 24-01-ZC (Rezone) Gemstone Technology Park. The Request for Reconsideration asks the Council to reconsider the Decision and Reasoned Statement it entered in this case on 05.06.2025, which approved the applicant's request for a comprehensive plan map amendment changing the future land use designation of the subject site from agriculture to industrial and a rezone from the A (Agriculture) to M-1 (Light Industrial/Manufacturing) zone. The site is located at 3250 S Locust Grove Road, SEC 5, T1N, R1E. Doug Hanson, Planning and Zoning Director ACTION ITEM.~~

~~Open Public Hearing~~

~~Receive evidence~~

~~Consideration to close evidence presentation and proceed to deliberation~~

CLERK'S NOTE: PUBLIC HEARING ITEM 6.C MOVED TO ITEM BUSINESS ITEMS, ITEM 7.A., BY ACTION OF THE CITY COUNCIL

## 7. Business Items:

(Timestamp 00:38:47)

**A.** Reconsideration Hearing for Case No. 24-01-CPM (Comprehensive Plan Map Amendment) 24-01-ZC (Rezone) Gemstone Technology Park. The Request for Reconsideration asks the Council to reconsider the Decision and Reasoned Statement it entered in this case on 05.06.2025, which approved the applicant's request for a comprehensive plan map amendment changing the future land use designation of the subject site from agriculture to industrial and a rezone from the A (Agriculture) to M-1 (Light Industrial/Manufacturing) zone. The site is located at 3250 S Locust Grove Road, SEC 5, T1N, R1E. Doug Hanson, Planning and Zoning Director ACTION ITEM.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

**Mayor Stear** All right, that takes us to what was item 6.C. Now is item 7.A. It's a reconsideration hearing for case #24-01-CPM and 24-01-ZC, rezone, Gemstone Technology Park. So, this is a hearing, but it's not

a public hearing. So, we will hear evidence from the protestant... The petitioner, I guess, first and then we will hear presentation from the applicant next. If the...so those will be 10-minute time blocks. If the petitioner wishes time for rebuttal, you can shave a little time off of your presentation and save that for the end. So, for example, if you would like, you can take 7 minutes to present and then save 3 minutes for rebuttal. So first up, we have I believe Douglas Waterman.

**Douglas Waterman, HBHS Law** Good Evening, Mayor, and Council. If I could, I'm going to do 5 and 5. Yeah. Thank you much. Mayor, Council, my name is Douglas Waterman. My address is 1303 12th Ave. Rd. in Nampa, ID 83686. And I represent Mr. Thornton. While other individuals did join in this request for reconsideration tonight, I only represent specifically the Thornton's. With your permission, I will be addressing the primary argument in the request for reconsideration in my first 5 minutes. I will be reserving my remaining time for addressing the written comments and other comments from Mr. Clark following his remarks.

I want to start by resetting the scene here slightly, as I believe Mr. Clark's letter in response to this request has cast this request in somewhat inaccurate light. Mr. Clark referred to this request for consideration as a scorched earth tactical maneuver, which is not a fair way to characterize an interested person's request to review a land use hearing for conformity with the law. The applicable Idaho Code and Kuna City Code permit an interested person to request reconsideration following a land use hearing. Well, it may have been some time since the City of Kuna received such a request, these are relatively commonplace. The legislature has determined that it's advantageous to the State that the City Councils and County Commissions in Idaho would have an opportunity to identify issues with the hearing and to deliberate and decide whether those issues that were presented justified a rehearing. Requests for reconsideration of submitted regularly throughout the state to the various cities and counties. This particular request does not constitute an insult to the City of Kuna or an affront to its Council or staff. Mr. Thornton's attempt to draw this Council's attention to a statutory requirement is not outrageous, nor is it a slight to the City of Kuna Council, or the applicant.

The Idaho code on conflicts of interest and land use hearings is relatively plain. It states that an individual of the conflict should declare the conflict and refrain from participation. It includes in the definition of a conflict of an instance where an employee or employer has a financial interest in the procedure or action. Note it does not require a financial interest in the application itself. It's more broad than that. It simply requires an economic interest in the procedure or action. Lane Thornton owns the property to the West of the proposed Gemstone Technology Park, and he operates agricultural activities there. Again, as stated in the request reconsideration, he shares approximately 1.3 miles of boundary with the park. He isn't just a neighbor or an individual who lives in the vicinity. 1.3 miles of frontage of his 300 acres of property share an immediate family with the proposed park. A majority of those 1.3 of frontage include a road which sits between this property and the park. The Thornton's own the property personally and operate a significant part of their agricultural activities personally. Mr. Thornton has articulated at various hearings he has attended what his economic interests are that are directly impacted by the application. That testimony is part of the record in this matter, including, for example, the impact the significant land use change inherent in a rezone from agricultural or residential to industrial on the value of his property and the traffic impact to his property in agricultural operations, both in the short term from the significant construction traffic and of the long term with construction ceases. Also incorporated in the request reconsideration with the testimony of the other individuals owning property in that area, which are all part

of the record for this application. It's not necessary that the written request reconsideration re-enumerate all of those or that I do so now. Ultimately, the law does not require that Thornton own an actual interest in the application itself, and it's difficult to imagine a circumstance where a neighboring property owner could be more directly economically impacted by an application than the present case, given the length of the boundary between his property and the applicant's.

Councilor McPherson is employed by Mr. Thornton personally, which is to say he's employed by the same individual who owns the property that creates the present conflict of interest. Under the applicable Idaho Code at the beginning of the hearing on this application before the City Council, the conflict should have been identified and Councilor McPherson should have recused himself. By way of example, it's my understanding that when this application was before the Planning & Zoning Commission, Commissioner Dana Hennis recused himself because his property is also immediately adjacent to the property covered by the application and he wanted to avoid a conflict of interest. What Thornton is asserting is simply that Councilor McPherson should have done the same. No more, no less. Ultimately, Councilor McPherson didn't recuse himself, and there's no allegation that he did so maliciously or that he knowingly violated the statute. But the cause(*cost?*) for the error is not significant. What is significant is that his participation is prohibited by the applicable code. And as a consequence, the Council has set this matter for rehearing and Councilor McPherson should abstain from that rehearing. Again, no more, no less. For these reasons and all those set out in the request for reconsideration, I respectfully asked that the request for reconsideration be granted. Thank you very much.

**Mayor Stear** Okay.

**Council President Biggs** Thank you.

**Mayor Stear** Heathe Clark. Yes, Sir.

**Hethe Clark, Clark Wardle** Thank you, Mr. Mayor. Heathe Clark, 251 E Front St. in Boise, representing the applicant. I've been handling land use cases for about 20 years at this point, and over that time I've heard about everything that you can hear from neighbors who are trying to stop an application, and the Council is aware of all of that. You've... you hear that you're going to ruin my view. You hear that you're changing the area that the roads can't handle it. As times gone by I've tried to become empathetic to those folks, and you know, they're trying to defend the property that is oftentimes their primary asset. So, try to have it take all of that with a grain of salt and understand it with a little bit of empathy. Tonight you're confronted with something that I think is very different and something that I think is a lot uglier. Mr. Thornton opposed to this application at every step. Now, in a sudden reversal, he claims that the application would be a benefit to his property and as a result there's a conflict of interest and the motivations are obvious. He's not suddenly concerned about conflicts of interest generally in the city. He's not an ethics watchdog looking out for the community. This is self-interest. He was still even with that benefit that he now claims wants the application to be denied. This is not out of the goodness of anyone's heart. This is a tactical approach and what it is, it's an employer willing to accuse his employee of a misdemeanor in order to get what he wants, which is to intimidate someone into recusing himself from participating in these proceedings. It's as simple as that.

So, let's talk about the process and then let's talk about the law. As the Council is aware, this application was very thoroughly vetted. One of the main items was the development agreement that we are showing that we had satisfied that development agreement. That development agreement is applicable to Mr.

Thornton's property as well. This applicant went through all the hoops, entered agreements with the school, police, and fire, did everything that was requested of it. And this Council ultimately decided that the DA had been satisfied, and I think to decide otherwise would likely violate the DA. Now, in voting for the application, what we've learned is that Council Member McPherson put his community's interest above his own when he voted against what his employer desired. His reward is again now to be accused of a misdemeanor for benefiting Mr. Thornton by how? Voting contrary to his stated wishes. Now, there are all sorts of logical and evidentiary problems with this argument. Yes, the properties are adjacent, but that's the most we can say. Mr. Thornton failed to put any evidence in the record as to a monetary impact on his property, either positive or negative. Frankly, his opposition is the only thing that's in the record, which itself would disprove a benefit to the property.

But the primary point remains that there's no conflict of interest because Mr. Thornton does not have an immediate or direct interest in the outcome of the proceeding. Mr. Thornton's property is not part of this application. This application changes nothing in terms of the zoning or the potential uses of his property. It grants him no new entitlements. Any change in use or zoning requires new applications, new public hearings, and because that same DA is in place it requires agreements with all of those relevant agencies. None of that has happened. So put differently, if Mr. Thornton was negotiating with the potential purchaser, he couldn't look at that purchaser and say, 'hey, Gemstone got X, you're entitled to the same thing.' He would not be able to put that in the contract. In fact, what he would say is 'our neighbor did X. You're going to have to jump through the same hoops if you want to be able to have that same sort of increase in value in this property.' He as his buyer would certainly add in entitlement contingencies to that contract. So, what does that mean? That means that any potential change in the use or the value of Mr. Thornton's property is speculative. The most that he can say is that it's possible that there would be a change in value, and that's not enough for a conflict of interest.

Here's the difference. If our approval is upheld, we have an entitlement, we can go to work, we can start a data center. We can make money on this property. Mr. Thornton, meanwhile, has no rights and makes no money based on the direct or immediate results of our approval. Again, there are intervening factors between our approval and any benefit to him. And because there is no conflict of interest, there is no automatic recusal requirement. Instead, this should be handled just like any other situation where you talk about bias. If we have property that's somewhere in the near in the area of a... of an application, what we typically do is we say, 'hey, I live in the area. I think I can be unbiased on this. I'm just going to let everybody know that I'm there.' But that's not an automatic recusal situation. That question of bias has been answered emphatically, and if there was bias to be had, it would have gone the other way. It would have been Council Member McPherson folding to the pressure of his employer in voting against the application, not in voting for it.

So, in 20 years, you know, I'm not sure I've seen that kind of pressure put on someone. I would like to think that our Council Members all throughout the valley, all throughout the valley, excuse me. Would have that same kind of integrity to put the city's interests above their own, even in the face of pressure by folks who have that kind of interest in them. So, there was no wrongdoing, there was no conflict of interest. Council Member McPherson should be congratulated, not threatened. And this reconsideration should be denied. Thank you.

**Mayor Stear** Okay. Thank you. All right.

**Douglas Waterman, HBHS Law** Mayor, Council, thank you again. Again, my name is Douglas Waterman. My address is 1303 12th Ave. Rd. Nampa, ID 83686. First it's necessary for the purpose of the record for me, just to add the objection. As to the participation of Councilor McPherson in this request for reconsideration. So just so that's on the record.

Next, I want to address some of Mr. Clark's written comments and comments he just made here. Mr. Clark has alleged that Thornton has asserted that the decision benefits him, which is incorrect. However, more significantly, Mr. Clark has focused on the benefit or harm of the decision. As stated in the request, reconsideration, the applicable code doesn't permit a wait and see if the vote helps or harms to find out if conflict exists. Instead, thankfully for the elected officials sake, it just removes the necessity to speculate about what an employer may or may not want, and simply requires non-participation. Any other reading in that statute would create confusion and significant practical issues.

Next, Mr. Clark has asserted that Thornton has accused Councilor McPherson of a misdemeanor, which is incorrect. In order for a misdemeanor to be committed, a Council Member must know they are violating the code. Which has not been alleged. It's alleged that Councilor McPherson knew his employer was, but that's different from knowing that his employment created a formal conflict of interest under the applicable statute. Additionally, it's wasn't Mr. Thornton's decision that the State code includes a misdemeanor as a penalty and constrain Mr. Thornton's request arising out of a conflict of interest the way anyone else would raise a conflict-of-interest issue as tantamount to a criminal charge is false and unfair.

As the assertion, there's no evidence in the record of a direct economic interest in these matters that incorrect, and I refer you again to the full record, all the testimony written comments in this. To help clarify the point. If a Counselor, one of you, owned property sharing 1.3 miles of frontage with the Proposed Park, there'd be no confusion or doubt as to whether you would recuse yourself, just as Commissioner Hennis recused himself. That recusal wouldn't be based on how you might or might not vote, but based simply on the existence of the economic interest in the in the hearing. The applicable law treats Councilor McPherson as an employee of the landowner, as if he is the landowner for the purpose of the conflict of interest statute. It's just how that law operates.

As I stated during my opening remarks, the memorandum accompanying Thornton's request for consideration does not contain the malice that Mister Clark seems to be reading into it. It's difficult to imagine, or plain and simple statement of an alleged statutory violation, and the one you have before you and I hope you consider this on its merits and on the light that's been cast upon it. I also want to know that the primary case cited by Mr. Clark concerning the necessity for an immediate or direct economic conflict of interest was in the circumstance where the mayor was alleged to have a conflict based essentially on prior statements and actions about land use policy generally that obviously in that instance was over attenuated. That's not a conflict of interest, but that's very dissimilar from the present circumstance.

Mr. Clark seems to be arguing the only circumstance where a conflict can arise as one of the decision maker has a direct interest in the application, like owns the property of the application is for and that's just not what the law says. If the legislature had desired to limit the scope of the conflict-of-interest statute to that, it certainly could have done so. But it didn't. Instead, it requires only interest in the in the preceding or action. Most importantly, from the response from Mr. Clark, as well as his testimony here, I want to read a line from the bottom of the first page and from the second page of his written comments.

Quote 'with regard to Councilmember McPherson in particular, and given what has transpired, it's clear he put the interests of his community above his own personal interests.' End Quote. And reading at the bottom and second page. 'There's no conflict of interest and said this is an improper attack on the integrity of a Council Member who, as shown by this proceeding, was willing to put the city's interest above his own' End Quote. Setting aside, as I already have, that this is this is no way an attack on Councilor Mcpherson's integrity or not. He's not being accused of committing a misdemeanor. What is significant is that Mister Clark states that Mr. McPherson quote, 'was willing to put the city's interests above his own' End Quote. This is exactly the point, and it's the exact circumstance the law seeks to avoid, which is the Council Member weighing direct personal interest with the interest of the city. The law in the State of Idaho seeks to relieve Council Members from the uncomfortable situation of being asked to decide land use matters where they, or their parents, or their siblings, or their employees, or their employers have an interest in the outcome.

If we find ourselves analyzing whether the vote of the Council Member served or did not serve the interests of their parent or their employer or the city as a whole, we've already trod into the mess that the law protects us from mucking about in. Mr. Clark may have made that point better than I have, albeit inadvertently. But What's obvious is that may I. *May I have 10 seconds to wrap up? I don't believe you used all 5 minutes. Sorry, 30 seconds. I'll be very quick.* Councilor McPherson had a conflict of interest as defined in the statute from the outset and should not participated in the deliberations. The ultimate way in which he voted was motivated what motivated his choice, whether he behaved commendably, they're not at issue here. The law requiring recusal in the event of the conflict of interest doesn't have an exception for admirable behavior. It simply requires recusal and non-participation. For these reasons, I renew my appeal to you. The request for reconsideration be granted. Thank you.

**Mayor Stear** Thank you. All right, Council. So, we have three options here. One is if you take no action and you make no motion, then the reconsideration will be deemed denied after the expiration of the 60 days that it was submitted. Option 2 is you can move to deny the petition. At which point the staff will need to prepare a written decision for the reconsideration and that decision. And we will need to have a special meeting to meet that timeline that would happen on or before August 1st I believe. Your third option is to move to grant the petition... and same thing there as far as needing to have a meeting after a written decision is made, the other item on that one though is we would have to determine how far back we're reconsidering if it goes clear back to the Planning & Zoning public hearing, Planning & Zoning deliberation only, Council public hearing or Council deliberations only and I guess. I guess I would think that because of the complaint, the Council deliberations only would be how far we'd want to go back, but that's ultimately up to you. So that's our three options and time for deliberation from Council. I guess my thought is that we all are tasked with coming to these meetings and when we have a public hearing, we are supposed to come in with an open mind, listen to the evidence presented at the public hearing, and if we don't feel that we can make a fair and unbiased decision because of some circumstance, then we need to recuse ourselves. Council Member McPherson has done that in the past when he felt that there was something outstanding. And so, in my mind, unless there's actually something in your mind that makes you think that you can't be fair and unbiased, then I don't see the conflict of interest so... That's my thoughts. I think that Greg's always done a good job with that so.

**Council Member McPherson** Can I add?

**Mayor Stear** Yes.

**Council Member McPherson** Okay. So couple things never in 10 years that I had to shoulder so much, but here we go. First of all, I've never felt threatened, or bullied, by my employer just for the record for that it was brought up between those two going back and forth, that has never been the case. Probably 50% of the applications I've seen in 10 years has been a neighbor to a farm, my farm, or somebody I know selling their farm and to a development and going forward I mean...If there were, there'd be a conflict every single time I've known too many people in this town. And you know, I would have to recuse myself half the time on these meetings. I just will not be on Council if that were the case. I mean, I know the Yamamoto family very well and I am employed by the Thornton family. So you know. And...Let's see. I think I've always done best or done what I felt was best for the City. I mean, I've improved stuff that I didn't like, but it was a good fit. It met code, it met, you know, all the laws of land use and yadda' yadda' yadda' and it wasn't always the popular vote. And now with different city code, we're able to shut some things down because of overcapacity of schools, or whatever. But I felt like... I feel like I've always done. The best decision I could with the evidence that was given on the night of the meeting. Another... they brought up a point about one of the Planning & Zoning Commissioners recusing himself. I feel that's a lot different of a situation. He owns property next to the ground being purchased by Diode. I'm an employee and per Idaho code whatever it is, I'll get to it. Here. Give me a second, 76-6506. I don't have a conflict under this and it's case law. You can look it up later if you want, but in seeking private counsel, not through our city legal counsel. It was deemed by the attorney that I did not in fact have a conflict, and I did what I felt was in the best interest of the city and I moved forward. Again, I was never bullied by either side, especially my employer. That's I don't know where that came from, but that needs thrown out. That's ridiculous. Oh, also I need to include that. I guess I didn't ever feel there was an economic benefit one way or the other to my employer. He was never offered this ground for purchase or lease for that matter, so maybe this could have all been resolved if that would have happened back in time, but that was never an option. They just move forward with selling it potentially to Diode, and here we are, so chew on all that.

**Council Member Laraway** Well, I'll throw my \$0.02 in. I trust your integrity. I've known you for years and I don't think you would cross that line. That's my personal opinion and actually my professional opinion. Your integrity is beyond reproach. I don't believe from what I've heard that there is a conflict for you. You voted to do the best thing for the city. I would probably be more worried if you would have voted against it. Then it'd be interesting if there'd be somebody up there doing a reconsideration because the shoes on the other foot now. And just because I know there's, I know there's we've been using the word employee a lot. But I guess common sense also tells me that you can't vote for who you want for in elections. I know that's a far reach, but that's still this is your. This is a different form. You have a right as a citizen and part of this Council to make integrity decisions based on what's best for us, not an individual. Thank you.

**Council Member Biggs** I voted 'no' against the against the project originally. My basis for the for the 'No' was because it didn't feel like it was enough time. It was a huge project to take on with three days and two of the two of the days that we get to read and look on, this is was over a weekend. So it really had nothing to do with anything about Councilman McPherson and a conflict of interest. That's just kind of out of my mind. But going back to it, the project itself, there's so many people who have come forward and mentioned things that there were even people out in the hallway. There were we had standing room only and it wasn't even enough there. That was why I voted no originally. So it's going to state that and it has nothing to do with Councilman McPherson, I trust him.

**Council President Bruce** I can only look at, you know what I would do myself, right? We're all responsible for our own decisions. I probably would have recused myself just to not deal with the headache it would have been easier for me than having all this so.

**Council Member McPherson** If ever there was a meeting, I wish I would have been gone. That was it.

**Council President Bruce** Yeah and, you know, there's in my industry there comes up with developments and stuff with the, the job that I have in mortgage. So that that I would probably recuse myself. So, you know just. Just to make it easier down the road, that's I can only speak of what I would have done, so... What do you guys want to? What would you like to do? I mean 'cause I think it comes down to we'll be in the same decision if we vote again to give a reconsideration, it'd be a split vote. I'm assuming tie breaker. And then if you don't recuse yourself, again we'll be back in the same boat, you know, in a few weeks so. I don't know is...Can I phone a friend?

**Mayor Stear** Yes.

**Council President Bruce** Or phone, not a friend, but... well, I guess a friend. Whatever we decide going here, it wouldn't be a City issue if we decided to give it a rehearing and then or we just let it die and then whatever the two parties decided, if they pursued it another matter, they would deal with that on their own? Or I just don't want to get into the same loop to where we're doing This over and over again.

**City Attorney Marc Bybee** I mean, Mark Bybee, City Attorney. Council Member Bruce, are you asking kind of what the process looks like from this moment? Like depending on your Decision is that what you're getting at?

**Council President Bruce** Right. Because I think we're will probably be the same vote over and over again.

**City Attorney Marc Bybee** You, meaning if it would reconsider if you went back, reconsidered, voted.

**Council President Bruce** Right. Because we can't we require a Councilman to recuse himself.

**City Attorney Marc Bybee** No, you can't. You can't force a Council member to recuse themselves. That's a decision they have to make.

**Council President Bruce** Okay.

**City Attorney Marc Bybee** And you know, they should have paid advice on it. Sounds like I know. I Full disclosure, I think I told the mayor that I don't know if the board knows. I contacted Jared and also an attorney and asked that attorney to give advice. So the advice he received was from an attorney that the city contract with for specific purpose. But it was not with my office, but the attorney was Phil Harrington practices out of North Idaho, but yeah, I as far as procedure goes, I just Don't see a like if you vote again just to get back to this point. You don't want to get caught in that cycle if you, you know, let's say you took action to deny tonight or no action at all and is deemed denied by no action. At that point, the clock is going to start for either party to seek.... It's not reconsideration...judicial review. That's essentially the point at which it would leave the jurisdiction of the City for further process and become within the jurisdiction of the court, this is kind of the last... This reconsideration is kind of the last point at which the city would have, you know, jurisdiction to do something different with its decision than what it's already done. Does that make sense?

**Council Member Laraway** Well, I guess my question to you is. Are we hear about the project or are we hear about him not recusing himself or recusing himself. I mean that that seems like where we're at here. The letter is strictly about. Should he have recused himself? Not the project or the development.

**Council President Bruce** Yeah. That's what we're talking about, just whether he should recuse himself or not.

**Council Member Laraway** Okay.

**Council President Bruce** And that he's what he's saying is that's his decision. So if we were to hear it. Again, I'm assuming it would be 3, 2 and then we would get stuck in a cycle so.

**City Attorney Marc Bybee** I would agree with that. Yes, if I think I think if let's say you vote to approve this reconsideration and then you designated, we are going to go back to our Council deliberations. That happened after the public hearing and re-deliberate. I think the indication is here from what Councilman McPherson has done is that he would again participate in those deliberations. On whether or not you know you should change the reason to statement, a decision that you issued. And so the probability that and with no changed evidence, you know the sole issue on this reconsideration was conflict of interest. It wasn't an attack on the merits of the decision. I don't.... I think it's unlikely a decision would change in that circumstance. And so you'd go back do a process...Issue potentially the same decision and be back where we are. And I guess it is possible your decision could change in those circumstances. It just seems improbable.

**Mayor Stear** I think our best option is to take no action and let it die. That's my opinion

**Council Member Laraway** And let me clarify. When you say take no action. I believe we should deny the letter of reconsideration and move forward. If that's the same statement yes.

**City Attorney Marc Bybee** The difference in those two statements is that mayor is saying take no action and then they're by operation of law because the statute says after 60 days, if you take no action, it is deemed denied. The request for reconsideration. Whereas if you make a motion for denial, the process is that staff will prepare a decision on reconsideration that summarizes your decision or that basically puts into writing your decision and you will need to adopt that denial decision before the 60 day deadline. So that's the different things that would happen.

**Council President Bruce** And then if we were to vote, you know, on the motion to reconsider it, then we would decide where it goes back. And I would only vote for that because I were to recuse myself. But I think what we're saying is it would be in A 3-2 vote either way, so that's why the mayor is saying we should take no action because if we vote to deny it, we have to have a special meeting. Is that what you're saying?

**Mayor Stear** Yeah. I think August 1st would be our deadline to get this decided on. And so... because I think that's a 60-day period. So, it would have to be before August 1st or before.

**City Attorney Marc Bybee** Mark Bybee again city attorney, so I plugged it into the states calculator. I think the 60th day from the date that request for reconsideration was filed happens on a weekend. And so I recommended to Mayor if we were to do this, that we did enter a decision before that week. And I think it's August 2nd is actually the 60th day. So let's do the decision by August 1st essentially.

**Mayor Stear** Either way, I think it had the same results so. I agree with that. I just think no action is the best way to go.

**Council President Bruce** And I'll just put on the record I would rather see a reconsideration just and leave it at that. Because we'll just still have the same...Still have the same boat totals and anyone else can speak for themselves.

**Council Member Biggs** I would say the same.

**Council President Bruce** Mr. Marc, do you need anything from us? A motion or just to? We're just going to leave it at that and move on.

**City Attorney Marc Bybee** If you're going to let this die by operation of law, then don't make a motion. If somebody thinks you need to make a motion, make a motion. That's where you're at.

**Mayor Stear** So then just for the record, I'll ask, is there a motion and if you don't have one...

**Council Member Laraway** I make a motion that we take no action.

**City Attorney Marc Bybee** That's a weird motion. I just recommend just letting it die if that's your motion, Councilman Laraway.

**Mayor Stear** All right. That put that to sleep.

**B. Tentative Budget Presentation. Jared Empey, City Treasurer. ACTION ITEM  
MOVED FROM BUSINESS ITEMS 7.A TO BUSINESS ITEMS 7.B BY ACTION  
OF THE CITY COUNCIL**

*(Timestamp 01:13:44)*

**Mayor Stear** Item 7B is tentative budget presentation, Jared Empey.

**City Treasurer Jared Empey** Good evening, Mayor and Council. Jared Empey, City Treasurer. Tonight we have before you the tentative budget. So as you all know, over the past few meetings we've gone over budget considerations and workshop format, which we've been able to discuss many items related to our budget. Tonight is the tentative budget and then we have scheduled with the Ada County to have our budget hearing in the second meeting in August. So, before you, we do so every time we have a tentative budget, there's always some updates. And so, as you can see, there's a few updates from the Budget Workshop numbers. There was a total top line number change of about .57% just based on some true ups and a few other items.

And so going to Page 2. Some of those items that were trued up were payroll. So, we had four positions that we were able to fill that beforehand were just estimates. So we had a sewer one operator, a sewer technician and accounting specialist and then we hired an economic development administrator. So those were some good wins for the city and hopefully we'll do a great job. Also, we had an immaterial employee raise that came through since the Budget Workshop budget workshop. And we were able to

finalize the cost of living adjustment. We had estimated it would be 2.46%, but it came in at 2.41%, so pretty close.

Then some other items that we had were capital expenditures. So, one of those was found in fund 40. So that's called the Capital Projects Fund. This is essentially an extension of the General Fund and that these are the capital projects that governmental activities perform. So, one of those is the Council Chambers Building that will go in front of City Hall. As part of that, we had originally thought that the work would be done mainly over would basically be split about 50-50, between fiscal '25 and then fiscal '26. However, in meeting with the architecture team and the contractor on a weekly basis, it was pretty clear that we weren't going to get started as early as we thought and that as such. We should probably shift some more expense from '25 to '26 in order to make sure that we had budget capacity for the construction of that building. As such, at the workshop, we had estimated \$1.2 million in fiscal '26. However, due to some delays in at the various construction time lines, we put that at \$2.2 million. Again, this didn't change how much we were actually going to spend total on the construction of the of the building. It just shifted the timing of those cash flows.

Then a second item was that we had originally thought about buying a dump truck. The reason being is because we purchased a dump truck a couple years ago and the Parks guys had noticed that it wasn't getting enough power and it was determined that it had a fuel leak on it. And at first we thought, well, maybe we better buy a new one just to be safe. But in getting a second opinion, we were able to decide that for the time being, it was cheaper to repair the truck. And so, at the bug at the at the workshop, we had \$300,000 scheduled and for the tentative budget that goes down to \$0 because we decided to fix rather than buy new. We think that we could squeeze some more life out of the truck before we need to buy anything new and so that'll affect fund 40 and the park Impact fund because we were going to split it 50-50 on that.

Then three, property tax we got some better preliminary figures from Ada County. We won't have final numbers until the beginning of August. However, the numbers we have are pretty close. I think we've already received final new construction numbers and I can't remember if we received ending annexation numbers, but I think that we are pretty close and as such we're more comfortable with the figures that we received on property taxes. As an aside, we won't be hitting the 8% maximum this year due to where the levy rate has been eroded due to House Bill 389 and just some other factors that have come about.

Another item is that we were informed that many agencies within the state of Idaho are eligible for a judgment fund. Essentially what that's saying is that a court determined that certain agencies were eligible for an additional amount. Probably because they went back and did some estimation with some utility providers such as Idaho Power or Intermountain Gas. And so that was an extra \$17,000. And then there's an addition of the occupancy tax. So, the occupancy tax is for... is still property tax. However, it's for properties that come in after the initial assessment time.

And so then the final item is the police budget. So the police budget was originally. *Let's see... Looks like I flipped those numbers just in this outline*, but at the workshop it was \$5.2 million and at the tentative budget it's essentially \$5 million. So, with that I just wanted to see if you had any questions. I'll also we added some updated schedules for cash flows based on this. And we also added an updated schedule showing what the police services would be as a percentage of the property tax. As a reminder, before we

updated what the police budget was for fiscal '26, we were over 100%. Now we're at about 97%. So essentially a marginal improvement there.

Then we have transfer summary that the Council had requested a couple times back, just showing essentially where some of the funds would be transferred between funds, so one of those transfers is between the General Fund and government, and essentially the Capital Projects Fund. This is a standard accounting for the Capital Projects Fund. Then we have a reimbursement of the sewer fund for the Mason Creek work. And then we have reimbursement to the General Fund for the police station out of the Police impact fund.

So essentially those are the updates, not a whole lot. To address that we haven't already, but I guess the action point that we would have tonight would be to seek to be able to approve the tentative budget and for and also publish for our budget hearing. So I stand for any questions.

**Mayor Stear** Okay, and the public hearing on the budget was August.

**Council President Bruce** Second week of August.

**Mayor Stear** Second meeting in August.

**Council President Bruce** Yeah.

**City Treasurer Jared Empey** Yeah.

**Mayor Stear** So we need to get that advertised here real quick so.

**City Treasurer Jared Empey** Yeah, that'll be in the next week or so.

**Mayor Stear** Yeah, that sounds right.

**Council President Bruce** Well, I appreciate, Mr. Mayor, May I?... I appreciate going back in and updating all those and adding the transfer numbers that we requested. Did you guys have any other questions?

**Council Member McPherson** I can't question his numbers. He knows them way better than I do.

**Council Member Biggs** No, I just... I guess you know what at the end of the day, we just like we've been talking the last three times... I think the last three meetings is the that that bottom line number, the budget last year versus this year is such a big disparity that's kind of a hard pill to take for somebody who's uneducated. But that's where I'm also looking at the rate increases, the 3% max new construction makes definitely sense, but the others? I don't know I...It'd be nice to provide some extra relief other than what's coming from the state and property tax.

**Council President Bruce** Are we still? Are we still rolling over the same number from the end of the budget that we were before?

**City Treasurer Jared Empey** So if you're...Councilman Bruce, are you referring to...

**Council President Bruce** I think it was...

**City Treasurer Jared Empey** what was estimated carryover is going to be in each fund?

**Council President Bruce** Yeah.

**City Treasurer Jared Empey** Yeah, those haven't changed.

**Council President Bruce** And then what? We'll give that our... Hold on, I'll find it...I understand what you're saying. We'll still have once we have our public hearing, if any other numbers need to be adjusted, we can discuss that then? Or is this..?

**City Treasurer Jared Empey** Yeah. So essentially at the tentative budget, that's when, you know, we as staff say we're good essentially we we're not going to make any more changes on the staff end and we're just seeking approval to go out for publication for it.

**Council President Bruce** And if. I know we're taking the you said we're taking the 3% property tax?

**City Treasurer Jared Empey** Yes.

**Council President Bruce** And the 5% in new construction?

**City Treasurer Jared Empey** Correct. Well, this year we won't hit the 5% mark on... with new construction and with the.... With any annexation, the reason being is just because of the formula doesn't provide for it.

**Council President Bruce** And I know that and we kind of discussed this that we increased it 3% just because it compounds you know we're limited with House Bill 389 that if you... and I talked to other Commissioners as well, if you don't take it, it ends up hurting you in the long run. But with that amount of carryover, could we redistribute back that \$5 million that we're taking property tax back to people out of the \$22 that we're carrying over?

**City Treasurer Jared Empey** Councilman Bruce, so if I understand correctly, I mean we don't have what other agencies have in the sense that other agencies have essentially amounts that they haven't taken in the past and that they're they want to take now...

**Council President Bruce** Okay.

**City Treasurer Jared Empey** The carryover is simply cash that we have on hand or that we're estimating to have on hand at year-end that we're reserving for savings or for investment purposes, to essentially subsidize the activities of the City.

**Council President Bruce** And that... is that in addition to what we already have in those accounts?

**City Treasurer Jared Empey** So...

**Council President Bruce** Or is that just saying after all, it's all said and done you're including that cash, you know the cash that we have now in that \$22 million?

**City Treasurer Jared Empey** So essentially we expect the General Fund to have \$22 million at the end of fiscal '25 and then we expect that balance to roll over to fiscal '26. That we'd use for, essentially, asset replacement, we'd use it for earning interest in order to further our goals and aims. So, for instance, that \$22 million *if I scroll down to the general fund*. We have interest revenue that we've assumed would be about \$700,000. The reason being is because we expect interest rates to decline slightly in fiscal '26 due to statements made by the Federal Reserve.

**Council President Bruce** And you know, the reason I was asking is because, like, Councilman Biggs said is just the number and how it's increased. I would last year I didn't want to take the 3% and property tax increase. I'd rather not take it again this year, just with the nature of our economy. And now if we did take, we could essentially roll \$17,000,000 over and either take the 3% and give it back to them, in property tax. So, we wouldn't be collecting that. I mean, it's essentially up to us with what we want to roll over and carry. I know Biggs... Councilman Biggs, do you? And I'm posing this question to you as well. What's your thoughts? I know you had a problem with the numbers as well, as a whole and explaining it to the community, most of our income that we have is from other, not just property taxes from other revenue that we collect.

**Council Member Biggs** Yeah, the average person walking on the street that has mentioned this to me. You know when we talked about this. A couple people have talked to said 'wow, that's a huge increase. Why?' And I can't explain it as well as Jared can.

**Council President Bruce** Well, we have other revenues other than property tax, I just think that's one that hits our community the most is property tax continually.

**Council Member Biggs** And when they? See. Yeah, every year they come back and see.

**Mayor Stear** I think also when House Bill 389 of 2021 took effect, some cities were saying within three years, or within two years, that's really going to hit us hard. Jared had said it's probably going to be 5 or 6 years before we really feel the effect and that's because of our position at that time. But that's going to continue to compound. And so, in order to stay with Jared's projection of where House Bill 389 is going to really start pulling our teeth, we really need to keep on track with what Jared's been projecting and how we're getting there. So, we do have some carryover, but that's going to dwindle as each year progresses and this compounds. So, so that's the danger with not taking it said you can't and that's why we are where we are.

**Council President Bruce** . Yeah, and I wouldn't. Right. And I know that's what I was speaking about earlier is if we don't take the 3% then then next year when you increase that you're taking 3% of a lesser value. Because you didn't grow your budget that much. But if... we would essentially just be returning that that property tax increase back to the taxpayer, so you would still fall within that, that increment that we took, but that that may be for another discussion, so...

**Mayor Stear** Yeah.

**Council President Bruce** Anybody want to make a motion to approve the tentative budget?

**Council Member Biggs** I was going to ask one more thing. The KeyBank, but that's almost to an end, right?

**Mayor Stear** We've got another year and a half, I think.

**City Treasurer Jared Empey** Yeah. So, Councilman Biggs, so we're finalizing what everything will be for the for Q2 of 2025. This week, however, the preliminary number is that we owe about 750 EDU's to Key Bank and with our current growth rate, that will probably be extinguished within about a year. A year to two years maximum.

**Council Member Biggs** And that's all rolled into your projection for. Well, like we're saying, planning for the future?

**City Treasurer Jared Empey** Yeah, yeah, definitely. So that would most acutely affect 2 funds. That would most acutely affect the latecomers fund and would most acutely affect the sewer fund.

**Council Member Biggs** Thank you.

**Council Member McPherson** Anything, John? Nothing? No?

**Council Member Laraway** Numbers aren't my forte.

**Council Member McPherson** If we got you stumped. I'm making a motion. I got to get the right page to. Do it though I would move we approved the tentative budget as presented.

**Council President Bruce** You have a second? John?

*(Timestamp 01:32:18)*

**Motion To:** Approve The Tentative Budget As Presented

**Motion By:** Council Member McPherson

**Seconded By:** None

**Further Discussion:** None

**Members Voting Aye:** None

**Members Voting Nay:** None

**Members Absent:** None

**Via:** None

**0-0-0**

**MOTION DIES FOR LACK OF SECOND**

**Council Member Laraway** Well, not if you two having a big objection to it. I mean, that's it makes no sense.

**Council President Bruce** Yeah.

**Council Member Laraway** We're either okay with it, or we're not.

**Council President Bruce** Yeah, I mean I, yeah, I just... again we get back to the number that we're increasing from the time that you and I started on this Council. It's just a lot to me. It's a lot to process, I think we...

**Council Member McPherson** But we're growing as a city, we're not going down.

**Council President Bruce** Yeah, I get it. But...

**Council Member McPherson** You know, and everything costs more, a blower goes out at the treatment plant. That's \$300 grand. A lift station crashes you're at \$1,000,000 bucks.

**Council President Bruce** But you're talking \$150 million, that's what you're... \$150 million dollars...

**Council Member McPherson** What's the average age of the infrastructure in this town? Older than you, buddy.

**Council President Bruce** We spent...

**Council Member McPherson** It's a lot.

**Council President Bruce** \$112 million. We spent \$112 million last year and we were okay.

**Council Member McPherson** That was last year.

**Council President Bruce** How do we add? How do we add \$40 million?

**Council Member McPherson** You didn't get a speeding ticket last year. What about next year? You can't predict that.

**Council President Bruce** I mean, we can agree to disagree, right?

**Council Member McPherson** Absolutely.

**Council President Bruce** Because that a government can always find a way to spend money and that's the thing is, is at some point we should say, 'hey, let's not take the property tax increase for the from the people let's work with what we have' and I get what you're saying. But government can always find a way to spend money. And so we just have different, different differing opinions on it. That's all I'm saying.

**Council Member McPherson** And I think there's been years where we haven't taken increments and increases and stuff and then two years later, we're like, 'oh, we gotta catch up a little bit from that.'

**Council Member Biggs** Speaking from my experience, which is very limited, I've been near the least amount of time we've taken the max every time so. I can't speak. You know, you've been here a lot longer, so...

**Council President Bruce** And this is not to...

**Mayor Stear** My property taxes have gone down every year.

**Council President Bruce** It's because the State gets us.

**Council Member Biggs** Yeah, there has been from the State and even the County I think contributed to that is, I guess, what I was mentioning earlier.

**Mayor Stear** Well, if you guys have a different suggestion and bring it up, we don't want to wait till the very end to go backwards here, so...

**Council Member Biggs** Well, I think I mentioned it... I think I mentioned the last meeting, I mean some kind of relief would have been would have would be nice. I don't know if taking the entire property tax back but taking part... not taking the full 3%.

**Mayor Stear** What would you suggest?

**Council Member Biggs** I'm not making a motion, but I'm... I'm just say, what if we did 2% or what if we did 1 1/2 percent? I don't know. That's something.

**Council President Bruce** What are your thoughts? Because obviously, if it hinges on you.

**Council Member Laraway** Not really. I understand what I'm trying to... I know where we're at now, and I the projection is always a hit and miss, but with like you said, in three years from now, when some of these other things start to fall into place and we're start... we're going to start losing some of that budget money are we going to come out ahead or because the worst case scenario in three years from now we have to raise taxes because we're out of our funds.

**Council Member Bruce** We're raising taxes every year. We're raising taxes and we're raising utility rates every year for four years now. I get it, we're a growing city and I'm not arguing with you. I think we just... We just see it differently.

**Council Member Biggs** My original in my original argument back to the \$27 million, \$29 million difference between last year and this was percentage wise. Is that how much you grew? You know, or is there projected building that's going to equal about that, that percentage, that would and that's in my very, very basic layman?

**Council President Bruce** I think were growing 8% per year, which would account for what the three and the 3 and the 5.

**Mayor Stear** Well, so if you don't take... if you only take 2% instead of 3%. You can get back 1% if you change your mind next year and decide that we really should have taken it anything beyond that you can't take so.

**Council President Bruce** You can take the foregone the year after, right?

**Mayor Stear** If that works for you, we can go that way.

**Council Member Laraway** And I guess my last two sentence. He's got a motion on the floor. If you have a better one, I'm listening.

**Mayor Stear** I just assume that we go into the public hearing with some kind of a consensus. I don't want to get to the point where we get into a public hearing and then at the end of the public hearing, we're voting no on the entirety of a budget because there's one point we don't like, I think we need to get to that common ground here, so that we're all at least in someone of an agreeance, because I don't... I just don't like saying no to the entirety of an entire budget because we didn't want to take a full 3% or whatever the case is, because it's, it's a lot more complicated than just that one point. So, I think it's better if we're kind of together on this.

**Council President Bruce** One and a half, or two? What? What do you agree? And then that gives us next year, if you know, I don't know that we'll be here but you guys could take the foregone if you wanted.

**Council Member Biggs** Well, 1 1/2 we can't. We can't recoup 1 1/2 next year though, right?

**Council President Bruce** Yeah, whatever. You don't take up this.

**Council Member Biggs** Mr. Mayor. We can't... We can only recoup.

**Mayor Stear** I think the laws you can only recoup 1%.

**City Treasurer Jared Empey** So Jared Empey, City Treasurer. So what you can do is you can take a 1% increase the following year and add it to your budget as part of the base.

**Council President Bruce** As part of the foregone?

**City Treasurer Jared Empey** Yeah.

**Council President Bruce** So, then we'll keep it simple, then do it that way. We'll just take 2% of the property tax instead of the 3%. Are you okay with that?

**Council Member McPherson** I'm good with that.

**Council Member Laraway** Make the motion.

**City Attorney Marc Bybee** You can make competing motions and see which one gets a second. That's acceptable.

**Mayor Stear** Make a secondary motion and vote on it first.

**Council President Bruce** Now, would I state this motion, Mr. Council there?

**City Attorney Marc Bybee** Sorry, is your intended motion that you're trying to essentially amend the tentative budget to be like based on a 2% like?

**Council President Bruce** Property tax increase instead of the three.

**Mayor Stear** Just like that sounds good.

**City Attorney Marc Bybee** Yeah, I got because the only question I'd have is to Jared is, does that require more line item adjustment than needs to specify out or is that something you just as the Treasurer need to sort through if you're being told only budget for a 2% increase, is it just trickle-down effect essentially through the budget at that point?

**City Treasurer Jared Empey** Yeah so the way that would work is I just go back through the calculator that the county provides us and that would only change one line item it would change...*Hopefully I don't go to the wrong page.* So it would change this line item here. Basically, let's see. So prior year \$49 million. So that would essentially cut off. What is that? \$400,000 thousand in.. Yeah, it would cut off about \$40,000 in property tax on next year's levy amount and we could reserve that as foregone for the next year. And the other line item that would change is, it would change this schedule so that this number would be basically 98, maybe 98 1/2 percent.

**City Attorney Marc Bybee** So, thank you, Jared. So, Councilman Bruce, back to your question, I think the motion would probably take the form of you'd approve the tentative budget with the adjustment of only taking a 2% property tax increase for next year.

**Council President Bruce** I move we approve the tentative budget with only taking a 2% property tax increase for next year.

**Council Member McPherson** Second.

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

**All Council Members** Aye.

**Mayor Stear** Anyone opposed? Motion carries. Thank you very much.

**Council President Bruce** Thank you, Jared. Thank you for entertaining me there, gentlemen.

*(Timestamp 01:40:42)*

**Motion To:** Approve The Tentative Budget With the Adjustment Of Only Taking A 2% Property Tax Increase For Next Year

**Motion By:** Council Member Bruce

**Seconded By:** Council Member McPherson

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Voice Vote

**4-0-0**

## **8. Ordinances:**

## **9. Executive Session:**

## **10. Mayor/Council Announcements:**

*(Timestamp 01:41:05)*

**Council Member Biggs** Mr. Mayor, I'd like to make a motion of support and vote of confidence in he doesn't really need. You don't think that for Councilman McPherson.

**Council President Bruce** I'll second it.

**Mayor Stear** Motion is made and seconded for a vote of Confidence for Council Member McPherson. All those in favor say 'aye.'

**All Council Members** Aye.

**Mayor Stear** Any opposed? That motion carries.

*(Timestamp 01:40:42)*

**Motion To:** Express Support Of And Confidence In Council Member McPherson

**Motion By:** Council Member Biggs

**Seconded By:** Council Member Bruce

**Further Discussion:** None

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

**Members Voting Nay:** None

**Members Absent:** None

**Via:** Voice Vote

**4-0-0**

**Council President Bruce** Now the opposed, would have been bad day.

**Council Member Laraway** Should I work recuse myself because I like him?

*[Laughter]*

**Mayor Stear** I appreciate that. I appreciate you. I'm. I'm sorry you've had to go through that, that stuff. I know, but

**Council President Bruce** Thanks.

**Mayor Stear** So in other news we did hire someone for Economic Development. But because they haven't actually been in Economic Development before, I didn't want to hire them as a Director position. So, for now, tentatively, they'll be working under Doug. And then Jessica will be working for her. But she has every... when you look at economic development, there's so many things, so many aspects: Realtor, Banker...what else has she done? She's worked, actually. She's currently working with the Chamber. So, she has kind of all everything, all the pieces you need. Except for the fact that she hasn't actually done the Economic Development. I'm very confident that she can do the job very well, but I thought we ought to do this as a trial basis before we actually fill that Director position. So, we're going to try it and see how it goes. I think it should be fine but...

**Council Member Biggs** That's this person, the Economic Development Administrator, is that her title?

**Mayor Stear** Yes, that's why it says an administrator, not director. So that's why that one won't come before you for confirmation until we determine whether or not that's the right fit, so...

**Council Member Laraway** And it won't come before us. If you want to get rid of her...

**Council President Bruce** Right?

**Council Member Laraway** Correct.

**Mayor Stear** Right. That's true also.

**Council Member Laraway** I just want to know.

**Council President Bruce** Well, good luck with your meeting Friday.

**Mayor Stear** Yeah, thank you. I'm going to be meeting with the other Mayors in the Treasure Valley or Treasure Valley Partnership. So, the other mayors in Treasure Valley and then Ada and Canyon County

Commissioners will be there also. I doubt that Owyhee County will. They don't tend to come a lot anymore, but we're going to be talking about House Bill 389 of 2021 and kind of see what we can do to make recommendations to legislators for a way that we can see the fix that or make it better, or whatever the case may be. So, that's going to be an all-day event. I think we're doing that in Star, so Mayor Chadwick will have to provide me lunch, I guess, so...

**Council President Bruce** All day with Mayor Chadwick, that's...

**Mayor Stear** That's right. That's right.

**Council Member Laraway** Trevor.

**Mayor Stear** I thought we'd do down at the river house, but I guess not. We're doing it in Council Chambers.

**Council Member Laraway** You know that used to be a little psychological place.

**Mayor Stear** I know.

**Council Member Laraway** Counseling for troubled people.

#### **11. Adjournment:**

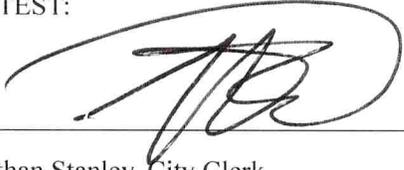
*(Timestamp 01:44:40)*

**Mayor Stear** All their trees broke off from that windstorm. Anyway, did anybody have anything else you want to announce? Okay. Well then with that meeting is adjourned. Thank you.



Joe L. Stear, Mayor

ATTEST:



Nathan Stanley, City Clerk



*Minutes prepared by Garrett Michaelson, Deputy City Clerk*

*Date Approved: CCM 08.05.2025*