

**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, October 21, 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 00:00:16)*

**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  
Michelle Covert, Economic Development Administrator  
Troy Behunin, Senior Planner  
Morgan Webb, Deputy Parks & Recreation Director  
Nancy Stauffer, Human Resources Director  
Nathan Stanley, City Clerk

**Mayor Stear** All right, we'll go ahead and call the 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 00:00:30)*

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

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

**Mayor Stear** Thank you.

### **Consideration to Amend the Agenda**

*(Council must move to amend the agenda per IC 74-204(4)(b))*

**\*Adding Item 9 A. Executive Session under IC 74-206 (1) (c) To acquire an interest in real property not owned by a public agency.**

*(Timestamp 00:00:51)*

**Mayor Stear** The first item is a consideration to amend the agenda.

**Council President Bruce** Mr. Mayor, I move we amend the agenda adding item 9.A., an executive session under IC 74-206(1)(C).

**Council Member McPherson** Second.

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

**All Council Members** Aye.

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

(Timestamp 00:00:57)

**Motion To:** Amend The Agenda By The Inclusion of Item 9.A. An Executive Session Pursuant To Idaho Code §74-206 (1)(C)

**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**

### **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 00:01:18)

- A. Regular City Council Meeting Minutes Dated October 07, 2025
- B. Accounts Payable Dated October 16, 2025, in the amount of \$975,219.88
- C. Decision and Reason Statement
  - 1. Case Nos. 22-07-ZC & 22-15-S Gallica Heights Subdivision
- D. Final Plats
  - 1. Case No. 25-25-FP (Final Plat) Valor West Subdivision No. 2
  - 2. Case No. 25-22-FP (Final Plat) Valor West Subdivision No. 1
  - 3. Case No. 25-23-FP (Final Plat) Valor Golf Village No. 6
- E. Resolutions
  - 1. Resolution R73-2025A
    - A RESOLUTION AMENDING RESOLUTION R73-2025 OF THE CITY COUNCIL OF KUNA, IDAHO:
      - MAKING CERTAIN FINDINGS OF AUTHORITY AND PURPOSE; AND
      - ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM POLICIES WHICH INCLUDE:
        - ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM CONNECTION, SERVICE, AND IRRIGATION SUPPLY FEES POLICY; AND
        - ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM UNIFORM

- IRRIGATION WATER SUPPLY ASSESSMENT METHOD POLICY; AND
- ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM CUSTOMER BILLING AND PAYMENT POLICY; AND
  - ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM CUSTOMER SERVICE CHARGES POLICY; AND
  - ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM LOT AND PARCEL WATER ALLOTMENT POLICY; AND
  - ESTABLISHING THE KUNA MUNICIPAL IRRIGATION SYSTEM IRRIGATION WATER USE AND ENFORCEMENT POLICY; AND
  - REPEALING PRIOR CITY AND/OR KUNA MUNICIPAL IRRIGATION SYSTEM RESOLUTIONS R68-2024; AND
  - PROVIDING A SEVERABILITY CLAUSE; AND
  - PROVIDING AN EFFECTIVE DATE.

2. Resolution R77-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY HAYDEN HOMES IDAHO, LLC, AN OREGON LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF IDAHO, FOR BELLARO SPRINGS SUBDIVISION PHASE NO. 1 FOR UNCOMPLETED WORK FOR STREETLIGHTING PURSUANTANT TO THE TERMS OF THIS RESOLUTION.

3. Resolution R78-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY HAYDEN HOMES IDAHO, LLC, AN OREGON LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF IDAHO, FOR BELLARO SPRINGS SUBDIVISION PHASE NO. 1 FOR UNCOMPLETED WORK FOR LANDSCAPING PURSUANTANT TO THE TERMS OF THIS RESOLUTION.

4. Resolution R79-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY HAYDEN HOMES IDAHO LLC, AN OREGON LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF IDAHO, FOR BELLARO SPRINGS SUBDIVISION PHASE NO. 1 FOR UNCOMPLETED WORK FOR FENCING PURSUANTANT TO THE TERMS OF THIS RESOLUTION.

5. Resolution R80-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY HAYDEN HOMES IDAHO, LLC, AN OREGON LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF IDAHO, FOR ASHTON ESTATES SUBDIVISION PHASE NO. 8 FOR UNCOMPLETED WORK FOR STREETLIGHTING PURSUANT TO THE TERMS OF THIS RESOLUTION.

6. Resolution R81-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY HAYDEN HOMES IDAHO, LLC, AN OREGON LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF IDAHO, FOR ASHTON ESTATES SUBDIVISION PHASE NO. 8 FOR UNCOMPLETED WORK FOR LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

7. Resolution R82-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY HAYDEN HOMES IDAHO, LLC, AN OREGON LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF IDAHO, FOR ASHTON ESTATES SUBDIVISION PHASE NO. 8 FOR UNCOMPLETED WORK FOR FENCING PURSUANT TO THE TERMS OF THIS RESOLUTION.

8. Resolution R83-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY CHALLENGER DEVELOPMENT INC, AN IDAHO GENERAL BUSINESS CORPORATION, FOR LINROCK SUBDIVISION PHASE NO. 1 FOR UNCOMPLETED WORK FOR LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

9. Resolution R84-2025

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A PERFORMANCE BOND BY M3 ID VALOR GOLF VILLAS LLC, AN ARIZONA LIMITED LIABILITY COMPANY AUTHORIZED TO DO BUSINESS WITHIN THE STATE OF IDAHO, FOR UNCOMPLETED WORK FOR STREETLIGHTING PURSUANT TO THE TERMS OF THIS RESOLUTION.

*(Timestamp 00:01:18)*

**Mayor Stear** And next we have the consent agenda.

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

**Council Member Biggs** Okay.

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

**Council Member McPherson** Second.

**Mayor Stear** Motion's made and seconded for approval of the consent agenda. Any discussion on that motion? Nathan, would you poll the council, please?

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

**Council Member McPherson** Yes.

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

**Council Member Biggs** Yes.

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

**Council Member Laraway** Yes.

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

**Council President Bruce** Yes.

**Mayor Stear** And that motion carries.

*(Timestamp 00:01:23)*

**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 00:01:47)*

**Mayor Stear** Next, we have public comment. David Wardell, if you would step to the podium and press the button on the base and state your name and address please.

**David Wardell** David Wardell, 2230 East Condor Lane, Kuna. Council Members, Mayor, I've been up here a few times before complaining about the efficiency of the building department and last two weeks ago, I was assured that there was going to be some changes made. And at that short, a couple days after that, I presented a paper to the Building Department showing that there was a building going up that was in violation of the code and explained why. Nothing was done. And in fact, they allowed them to continue on. And now the building is really in bad shape at least code-wise. And I realize that changes don't happen overnight, but when someone comes up and gives you a viable, pointed, direct information that

something is going wrong and it's not -- and the reasons why, I would expect the building department to do something about it. And they're not doing it. And it's -- I don't know how else to do it except to come in and drink it to your attention. But I have repeatedly sent them papers and with instructions, with not instructions, but comments on the plans. They're not, the plans are, buildings, *excuse me*, are not being structured and built to the plans. And the architectural, the architect's instructions and specifications are not being adhered to. And basically they're allowing these buildings to be put up however the builder feels like it -- They want to do it. And it's not to code and it's not structurally sound. It's not healthy. And the buildings, as far as I know, the building department does not check roofing. They don't really check attic ventilation adequately because it's not put in right. They don't check siding. They don't check stucco. They don't check masonry veneer. They're not really concerned about ventilation of the foundations. And I was told directly that checking for missing foundation bolts was just too much trouble.

I'm not sure what they do inspect. But that's an awful lot. The entire exterior envelope of the building is uninspected. And the code calls for these to be inspected. And so basically, in my opinion, at this point, As far as the building department, you guys are paying for a Cadillac and you're getting a Corvair. So, I would hope that something could be done and these buildings could be rectified. It's not really too late, but it would have been nicer to have done it back when it was notified. Thank you. And if I may, I've got a little document for each of you to look at if I pass them out.

**Mayor Stear** If you would, just let the Clerk have those and then we can go from there.

**Council President Bruce** Is that what was... Mr. Mayor?

**Mayor Stear** Yes.

**Council President Bruce** May I ask a question?

**Mayor Stear** Sure.

**Council President Bruce** Is that what was shared with the building department?

**David Wardell** Yeah.

**Council President Bruce** Okay, thank you.

**David Wardell** Yes, most of it.

**Mayor Stear** All right. Thank you. Michael Rocco.

**Michael Rocco** Michael Rocco, 1286 East Fort Erie Street in Kuna, Idaho. I guess one of the first questions I have is, what was the Council's objective with public comments that I'm participating in right now for three minutes? What was the objective? And then what has been the outcome? So, these are open-ended questions that I'm asking. Related to the consent agenda, can the city clarify whether the city attorney is on retainer or billed quarterly and what the current structure is to help residents understand professional service costs. Related to the regular agenda, when we talk, I've asked about this before, related to staff, when positions are added or reclassified, what metrics demonstrate these hires improve service delivery? Has the city benchmarked staffing against current population and workload trends? And lastly, would the council Consider quarterly public forums dedicated to infrastructure and capital project

updates for better transparency? So those are open-ended questions. I don't know if you want to field those, any of those questions.

**Mayor Stear** Okay. Yeah, we can talk about that if you want. Let me know what you're looking at as far as quarterly things and expand on that a little bit and then we'll see what we can do.

**Michael Rocco** And the attorney relationship?

**Mayor Stear** Sure.

**Michael Rocco** Is that something that you would not want to share right now?

**Mayor Stear** So, what actually is the question?

**Michael Rocco** The question is, what is the relationship? Is the Attorney on retainer? How is the Attorney billed?

**Mayor Stear** Well, I would have to let Marc or Jared answer exactly how that works. Sure.

**City Attorney Marc Bybee** Marc Bybee, City Attorney. We're on an hourly rate with the City. Our current rate is right around \$201.00 an hour.

**Michael Rocco** Okay. Thank you.

**Mayor Stear** Okay. And that's all I had signed up for public comment. Is there anybody else who wishes to that didn't get a chance? All right.

## **5. External Reports / Proclamations**

*(Timestamp 00:07:21)*

**A. Ada County CIP Partner Update. Justin Lucas, Chief of Operations + Infrastructure**  
*(Timestamp 00:07:21)*

**Mayor Stear** Next we have a presentation from Ada County Highway District, Justin Lucas.

**City Clerk Nathan Stanley** *Justin, you can control the slides with that mouse if they're on the podium.*

**Justin Lucas, Ada County Highway District** *Perfect. Thank you so much.* Mr. Mayor, Members of the Council, my name is Justin Lucas. I'm here representing the Ada County Highway District. Business address is -- I'll just give you our, we're moving, but it's 3775 Adams Street, Garden City, Idaho is our ACHD headquarters.

**Mayor Stear** When are you moving?

**Justin Lucas, Ada County Highway District** Part of us have moved, the rest of us are into this month, and we'll be at our new address in West Boise, right off Cloverdale by the old HP campus, the state facility area. So that's will be our new spot. Yep. Well, thank you so much for having me here tonight to provide an update on the ACHD Capital Improvements Plan and our impact fee program. ACHD has had a capital improvements plan, which is our 20-year essentially arterial roadway expansion plan and our

impact fee program since the '90s. As you're well aware, our impact fees are intended to pay for the roadway infrastructure that is generated by growth. Primarily roadway expansion projects and intersection widening projects are the uses that we have for impact fees within Ada County under the highway district model. So please just go ahead and interrupt me if you have questions as I'm going through the presentation. I'm glad to try and take those as they come to your mind. No need to wait till the end of the presentation. Ultimately, try to capture those when they come in your mind.

This update -- we update this plan approximately every four years. This update, we're considering a major update to our plan. The Commission directed us to do a pretty deep dive on the plan, the methodology, the different variables that we take into account. Also, really to ensure that we're in line with state code, impact fees in Idaho are governed by state law. We can't just make up our own program. We have to have a program that is in line with state law, especially as it relates to transportation infrastructure. The Commission, as part of this deep dive, had us look at a lot of different things. I'm going to talk about a few of those things tonight because there are some changes that are being recommended at least in this draft plan that we have out right now, related to primarily service areas and our updating of our cost estimates, which has a pretty big impact on the fee itself.

So, I'll jump straight into that. Historically, since 2012, ACHD has had a single service-area model for our impact fee program. So, you build a house anywhere in the county, you pay a single fee, it's all the same. And when you pay that fee, the fees are essentially aggregated into one pool of money. And then the Commission directs that funding to project needs anywhere within the county. That's certainly the most flexible method that we have within our area to expend those fees. But there have been times in the past, pre-2012, where we've had multiple service-areas and the commission this time around asked us to explore that again.

What you can see on the screen is the current draft proposal, which is included in the public draft that we have out right now. And it proposes 2 service-areas rather than the one that we are under today. The thing about service areas is the fees collected in those service-areas have to stay within those service-areas. And the service-areas have to be essentially created based on state code, which says the service areas have to kind of operate as a transportation unit, or the transportation characteristics within a service area have to show that the people and the travel characteristics within that service area are somewhat contained. A single service area in Ada County does that. In Ada County, over 90% of the trips that originate in Ada County stay in Ada County. So as a county, we're relatively self-contained from a transportation perspective. I highly doubt that number would be as that high in Canyon County. There's a lot more flow into Ada County from outside than there is flow from Ada County to other counties on a daily basis based on the data that we have available to us.

So the two service-areas have some of those characteristics also, where there is an attempt to capture areas within our county where the pretty much if you start that trip, you stay within that service-area. In the west service-area, that percentage, based on the data available, is over 70% of the trips within the west service-area stay within the west service-area. The east service-area is actually a little bit less. It's around 65% of the trips within the east service-area stay within the east service-area. And that and other metrics helped us to develop these two service-areas. What you'll see as we go forward is when you establish two different service-areas, you create a different fee structure for each service-area. I'll show you the map, but the west service-area has a lot more projects and a lot more growth anticipated than the east service-area, which means that the west service-area has a higher impact fee projected than the east service-area.

Let me show you how that plays out. To put this in context, our current single service-area impact fee is approximately \$3,900 for a single-family home based on the projections and the service-area model also based on updated cost estimates, which is probably the largest driver of the change rather than the service-areas. The proposed fee would be in the west service-area for a single-family home, approximately \$8,900, and in the east service area, a little over \$5,000. And that difference is based on the number of projects and the amount of growth projected in those two service-areas, which I can show you on this map here.

So, the lines on the map represent roadways that need to either be widened or some, the dashed lines represent new roadway connections. As you can see, the city of Kuna, quite a bit of roadway expansion needed over this 20-year period of this plan. There's a lot of projects, north-south, and some east-west, that are shown as a need based on all the growth in this area over the 20 years. And the purpose of this plan is to allow us to collect impact fees to support those roadway projects that are needed. Once again, you can see quite a bit of difference between the West and the East service-area when it comes to the number of projects that are indicated as a need. And I'll show you how that plays out for intersections. Once again, a lot of intersections show a need based on the traffic demand of needing improvement to go along with all those roadway widening projects. What we essentially do is take all those projects, get a cost estimate that gives us a number of how much project need we have. We then put that through a mathematical formula based on the amount of growth, the trip characteristics and projections, and come up with a fee that we can call, we call it a service unit, but it's basically a fee that we can say, 'okay, Mr. Developer, you're going to do this many houses per house in this area, you pay this amount of money and that's your portion of this growth on the arterial system that we charge.' Because it would be pretty atypical -- Most of the roadway expansion projects are built by ACHD, and they're funded partially by impact fees. Developers don't in general widen arterial roads. They those are projects managed by ACHD, and then the development community helps to support those through impact fees.

So this process has been underway now for a little over a year and a half. We've done a lot of research. We are working with a consultant. We're in a time right now where we're taking public comment from our community partners, the City of Kuna and all of our city partners in the county. Also, the development community is weighing in on the draft plan. And I'm here on behalf of the Commission. If the City of Kuna would like to weigh in or has questions about the two service areas, the increased fees, I would encourage you to put those comments or questions in writing to the ACHD Commission so they have those with them when they're deliberating on how to move forward ultimately with the adoption. We're hopeful that they'll look at some type of adoption in December, early December. So now is a good time if there's questions or comments or you'd like to provide those, to send those over to ACHD so we can provide those to the commission. I'll pause there, see if you have any questions or if I can provide any clarification.

**Mayor Stear** Yeah, Justin, so when I look at the dividing line, it kind of cuts our industrial zone off of our city zone and I wondered if you could kind of go over that some because it, I mean, I guess I understand that the east zone is going to have a smaller impact fee, but some of our larger projects being out in that east zone, that's my question as to what that actually looks like.

**Justin Lucas, Ada County Highway District** Yeah, thank you, Mr. Mayor. It's a really good question. So the line essentially is drawn based on travel characteristics, not just as they are today, but as they are projected in the future. And so, the line isn't really intended to identify which projects should or shouldn't

be on one side or the other. It's generated based on the data and what is the likelihood that the project in that area, the trips associated with that projects are going to stay in that area by some percentage, as I mentioned, versus not. And as we see in general, and whenever you do a big plan, it's a 20-year plan and the line has to be somewhere in general, development on the east side is intended essentially that there's a higher percentage of likelihood that the trips associated with that development will stay on that side, even though they may be in the same city and same thing for the west side. So that's kind of how it's developed. It's one of the difficulties of a two service-area model is once you create a line, you have to have a geographic area. There's probably going to be examples where maybe in the aggregate it works, but there may be specific examples where it's not quite perfect for that that exact example, and that's one of the critiques of the service-area model. When you have no service-area that you don't have that issue, because the single service-area allows the funds essentially to be spent They're collected in aggregate and they can be spent in the areas of the most need. And that's where we are today and that's the that's why this proposed change. We want to be totally transparent about the possibility of this change so that if, for example, Mr. Mayor, the City of Kuna disagrees with that and would prefer to keep it as a single service-area, this would be an opportunity to voice that to the ACHD commission.

**Mayor Stear** Okay, so kind of a follow up to that. Especially in our industrial zone, that's jobs and not residents. So, people are going to travel from the west side to the east side and go to work, and then from the east side to the west side to go home. So that doesn't really make sense with what you were saying there as far as staying in that area.

**Justin Lucas, Ada County Highway District** It's a fair point, Mr. Mayor, and I think it depends on what kind of jobs those turn out to be, what the development is around those areas. When it comes to employment rather than housing, it is a little bit more difficult to know where employers are going to draw from. You could use the Micron example. I think it's a relevant one, where you're likely going to have as Micron expands and builds, and I was just out there the other day, and it's amazing the size and scope of what they're doing. That will likely draw individuals from all over Ada County, all over Canyon County, and even out of Elmore County. And so when they pay that impact fee, when we have a two service area model, they'll pay the lower fee. But we don't really have a way because once you draw those geographic areas, we don't have a way to treat them any different than we would treat any other business.

within those areas, and that's based on state code, because what happens is when you start to get really, when you start to look too specifically at any individual business, you open yourself up to potentially being accused of, you know, Jerry rigging the system one way or the other. And so your point is well taken. And if that is a concern of the City of Kuna, certainly something to forward on to the Commission. I have notes tonight and I can. I'll make sure that's passed along. But once again, the weight comes from the Mayor and Council if you have those types of concerns.

**Mayor Stear** Okay, further questions for Justin?

**Council Member Biggs** I have a couple. So what was the driving force behind this and is there a precedent? So I guess that's my first question. Is it in the state? And then I'm sure there's something like this maybe, the one versus two. And then the other question I have is also, I guess it looks like it's skewed right now to the west, but if I'm not mistaken, isn't the Mayfield project... *Mayfield?*

**Council Member McPherson** *Mhm.*

**Council Member Biggs** That's going to be a massive project, and it's going to be Elmore and Ada County in the next several years, I guess. So, I think the scale would tip back a little bit because it's supposed to be at per 37,000 houses or something like that.

**Council Member McPherson** Phase 1 is 2512.

**Council Member Biggs** Yeah, it's going to just be, by the time it's all done, it's going to be its own city or something like that. So, I guess my question is, if it's going to eventually right itself, I guess, why are we going away from the one, the one, the single model?

**Justin Lucas, Ada County Highway District** Mr. Mayor, Councilman, it's a good question, and I'll take that question kind of in two parts. I think one of the primary drivers, what we've heard from our commission, from some of our partners and members of the community is kind of a perception of fairness related to the single service area model, a concern that a fee that's collected, for example, in Kuna, might be spent on a project in Eagle. We don't track the fees in that way. It's not like when we take in a fee that we put a little ticker on it and say, well, this fee is being spent there. It's a rotating system, right? The fees come in, they fund the projects essentially for the upcoming year or two, more fees come in and we just continue to build those projects. And those projects, if you look at our five-year plan, are typically spread across Ada County. So, what I'm trying to get to is I think in the two service-area model, you have a little bit more assurance that the fee you pay as a developer or that comes in if you perceive it coming in a certain area is going to stay within that geographic area. That's more of a policy decision that would be made by the Commission. I don't want to weigh in too deeply on that, because ultimately it's a decision that policymakers make, whether that variable or perception of fairness is an important enough consideration to create the two service-area model. That's why the Commission's thinking about it, and that's why they want feedback is to know, Do the communities agree with that? Is that something that you as a city potentially agrees with or not? Or is there a preference for maybe how it is today or maybe something else? The thing about service areas is, and we've looked at a lot of different things. You know, we've heard from the cities where each city should be a service area. And when you look at the data because we're a countywide highway district, we have to look at the county travel patterns. There's not a city really that exists in our community that has the ability to say that all the trips generated in that city stay within that city.

The data doesn't support it. And I think most of us, anecdotally, when we're driving around and you're looking at morning and evening commutes, there's a whole lot of people moving around this area and throughout various different trips or soccer practice. You know, I live in Northwest Meridian and I've had to take my kids south of, you know, I've been down here for a soccer game in Kuna. You know, the things happen, you know, it's just the way it is. Our community, there's a lot of people traveling all over for all kinds of different reasons, whether that's recreation or shopping. And so that's kind of why, if you break it down even into smaller zones, the data gets less and less supportive of those smaller impact fee areas. Getting to the two, I think we can get there. The single service-area, I think we can get there. But ultimately, from that point, it's more of a policy decision from the commission to decide if they want to move in this direction or not. I think you had another question about specifically *the, there we go, I touched* it. As of right now, the Mayfield town site is all approved within Elmore County. There's not a there's nothing approved within Ada County related to the Mayfield town site. Kind of an interesting fact about that. So, we don't have the ability to charge impact fees outside of Ada County, just the way it is based on state code.

**Council Member Laraway** Yes, a couple of things

**Mayor Stear** Yes, Council Member Laraway.

**Council Member Laraway** It seemed like, to me, it would be better if the line was perforated around the annexed area of the cities instead of segregating our annexed areas to another region. That's just an opinion. And I guess the second one is, stuff like this becomes dynamic, it's ever changing, and the next thing you know, we're going to go quarters. It makes no sense in the long run.

**Justin Lucas, Ada County Highway District** Yeah, Mr. Mayor, Councilman Laraway. I think it's a fair point. ACHD has had multiple service areas in the past. We had -- prior to 2012, we had four service areas. I think it was four, it may have been four or five, don't quote me on that. In 2012, the commission chose to move to a single service-area model. There were reasons why they did that then. Now we're looking at a two service-area model. And in the future, is it possible we could move back to one or add another? You're absolutely right. I think the simplicity of implementation is the strongest. If you're going to look at that variable as the most important variable, you could probably easily make the case that it's the single service area model from a simplicity of implementation. The two service-area model, there are other policy considerations that the commission is considering, feedback from the communities about perception of fairness, and those are other variables that you as policymakers have to consider. So, I have to be careful here. I'm a member of staff. I'm not trying to put my thumb on the scale one way or the other. I'm doing my best to describe some of the, you know, nuances related to how these decisions are made, and I would say that your position as a Council and any input formally you'd like to provide, I believe that has a real impact on our commissioners. And if there is a preference one way or the other, I would encourage you to submit that preference to the Commission for their consideration because it is impactful. It is impactful.

**Mayor Stear** Yes, Council Member Bruce.

**Council President Bruce** Thank you for the input. A couple of things. I won't get into all my complaints with ACHD now. I know you're just staff. But if the west side of this map are mostly families that have built here. Every time you raise an impact fee, it's gonna be higher in the west. That adds on to an additional cost of the house, which then makes it more unaffordable for families. Have you taken that thought process into play? The other thing is, I think it's valuable to track what we spend with the amount of growth that we've had here, what you've taken from a community and maybe put in the north side of the county. It's important to know where the bulk of those funds are coming from, because I think there is some we're probably spending more money in the north right now just because of the connector up there. And I think a lot of folks in our community would like to know that when we're paying impact fees or building houses, that that money stays within our district. So those are just the two things. I did have one other question. The Supreme Court ruling that came out in 2024 about the cost of impact fees, have they maybe take some consideration into that as well, because as all these fees go up, we're at some point going to get someone that's going to challenge them.

**Justin Lucas, Ada County Highway District** Mr. Mayor, Council President, thank you. On your first point about housing affordability, from the staff and the analysis perspective, that's not something that we take into account directly as part of the impact fee calculation. There's a state code-defined way that we calculate the impact fee. It's driven by project cost, travel characteristics, trip length, and all these other factors and we use that to generate the fee. We then present that fee, which is what we're doing tonight

and to our Commissioners over the coming month. And then if there is a sense from the decision-makers that the fee is too high based on other factors, that's certainly something that can be taken into consideration. And we have ways to reduce the fee, but -- it's pretty straightforward. We just kind of reduce projects or project elements within those projects. For example, some of the projects in the plan are already listed as for right-of-way preservation only. So, the construction costs have been removed from the plan, specifically for those projects, let's say, in the out years, 2045. So, the only thing we're going to put in the plan for those projects is right-of-way preservation, so we make sure that we're able to buy the right-of-way so that when we get to construction some day, we don't have to buy it at that point. So there's that as a method we can do to kind of, you know, have the fee go up and down. But what we're doing right now is throwing this in front of everybody. And if there is that perception, certainly something the city could weigh in on related to the affordability aspect. You'll have to remind me of your second question. I got excited about that one.

**Council President Bruce** I was just, the amount of fees that are collected within a city or an area and then being spent either in the north side of the county. I think Star and Kuna are growing at a rapid pace. But yet a lot of our project, a lot of the projects that have been approved for roadways are probably 10, 15 years out. So that money that you're collecting may be spent in a different part of the county. I just like to track it better. I know that's not you, but just food for thought.

**Justin Lucas, Ada County Highway District** Thank you very much. And I think we have some methods to track how that works. We certainly can provide an accounting of the fees that are collected through the development community in the City of Kuna. We do work closely with developers on all of that. How those fees end up being spent, we have tried over the years, for good or for bad, and there's probably a lot of criticism available to us about that. But we've tried to direct the fees to the projects of most need. So, where there's the most congestion, we try to direct the fees to projects to relieve that congestion. Ultimately, that's the point of the plan is to provide new capacity to relieve congestion developed by growth. Is there a somewhat of a lag in some communities where the fees you may be paying are addressing congestion issues that may not be within your city boundaries? That's very possible. I would say, though, that the data supports the idea that Kuna citizens are benefiting from those projects because they are traveling outside of the city of Kuna, almost -- most of them on a daily basis. And that's where, you know, from a technical perspective, that's how we would answer that concern. I know that doesn't wholly answer the concern, but that's essentially what the data represents.

**Council President Bruce** I understand. Thank you. And then the question about the maybe just a note about the Supreme Court ruling with fees and how they. Did you read the ruling? Have you heard about it?

**Justin Lucas, Ada County Highway District** Yes. So, we as part of our consultant support. We had Jeff Wardle, who's a local land use attorney and expert on impact fees, review our structure, our fee program in relation to current state law and any Supreme Court related issues. So, we have done that. But if that's something that you remain concerned about, I'll make sure I'll double back on that. I don't have that off the top of my head, but I'll double back and make sure that we have a look at that.

**Council President Bruce** Yeah, no, I just wanted to make sure it was in the forefront of thought. And I think a lot of times people say, want to say, 'make the developer pay for it.' And they do pay for a lot.

What is the threshold of where it's too much, right? And so that's just, you know, something I think about. So, thank you.

**Mayor Stear** Well, that's a good point you make, Council Member Bruce. I always worry about collecting impact fees and then having a lawsuit come back and say, no, you're going to spend, give some of that money back. So, being as sure as we possibly can with that going in is a great thing to do. And thank you, by the way, for getting that railroad crossing fixed. There's a lot of dentures that haven't fallen out anymore and things like that. So, I appreciate that.

**Justin Lucas, Ada County Highway District** Thank you, Mr. Mayor. There's a whole story behind that you know about, but ACHD was glad to get our forces out there to get that fixed. And if you have issues here in the city of Kuna, let me know. We're glad to address them.

**Council President Bruce** Well, if you find out any way to get Union Pacific to move a little faster, that's...

**Justin Lucas, Ada County Highway District** I don't have that. I don't have that trick in my bag.

**Council President Bruce** Thank you.

**Mayor Stear** Any further questions?

**Council President Bruce** Not for me, no sir.

**Mayor Stear** Well, thank you very much. We appreciate that.

**Justin Lucas, Ada County Highway District** Thank you, Mr. Mayor, Members of the Council.

**Mayor Stear** And then we'll make sure that we comment on that.

**Justin Lucas, Ada County Highway District** Yeah, that would be much appreciated. That's the commission's been very explicit that they want me to ask for your comments, and I'm doing that here tonight, so thank you very much.

**Council President Bruce** Is that -- Mr. Mayor?

**Mayor Stear** Yes.

**Council President Bruce** Is that comment section on your website or is it?

**Justin Lucas, Ada County Highway District** No, I think Mr. Mayor, Council President, I think the best thing to do would probably be to put together a formal letter from the city if that's if that's possible. It could be signed by the Mayor and just sent in. And it doesn't have it could be questions, it could be concerns, it could just be, you know, comments. It doesn't have to necessarily take strong positions, but if there are areas where you feel strongly, I think the commission would like to hear that.

**Council President Bruce** Thank you.

**Council Member McPherson** We got an e-mail about this, I'm pretty sure.

**Council President Bruce** I saw something, but I didn't know this.

**Justin Lucas, Ada County Highway District Yeah.**

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

## **6. Public Hearings:**

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

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

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

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

*(Timestamp 00:36:29)*

- A.** Case Nos. 25-01-OA (Ordinance Amendment) The City of Kuna Planning & Zoning Department requests a zoning text amendment application. The text changes include modifications to the Development Regulations Code for application submittal requirements and establishing a procedure to update application forms.

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

*(Timestamp 00:36:29)*

**Mayor Stear** Next, we have a public hearing on case #25-01-OA.

**Council President Bruce** *Mr. Mayor.*

**Mayor Stear** *Oh, I'm sorry.*

**Council President Bruce** *Oh, never mind. Yeah, sorry.*

**Mayor Stear** Okay. I guess, Doug, are you taking this one? Okay.

**Planning & Zoning Director Doug Hanson** Good evening, Mayor and Council.

**Mayor Stear** *I'm sorry. I forgot what we were doing here. Go ahead.*

**Planning & Zoning Director Doug Hanson** Good evening, Mayor and Council. For the record, Doug Hanson, Planning & Zoning Director, 751 W 4th St. Kuna, Idaho. The City of Kuna Planning & Zoning Department requests a zoning text amendment application for application submittal requirements and establishing a procedure to update application forms. Application submittal requirements are currently stated in multiple code sections, some with conflicting language. Staff believes that by limiting the application submittal requirements to one code section, confusion surrounding application submittals will be alleviated for both applicants and staff. This text amendment request also proposes to establish a procedure for updating Planning & Zoning application forms as no formal process currently exists. Should this application be approved, all Planning & Zoning application form updates will be heard by City Council as public meetings for their approval. And with that, I will stand by for any questions.

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

**Council President Bruce** Yes, Doug, do you want to give us the layman's terms on what you just said?

**Planning & Zoning Director Doug Hanson** For the record, Doug Hanson, Planning & Zoning Director. So right now, there's a bunch of different sections of code as far as how you would submit an application to staff for land use applications. This puts all of those requirements just in one code section, so you only need to find it in one place. And then when we're updating forms, for developers or applicants who want to submit an application, any of those material changes, we just want to have a formal process in place where you can approve those.

**Council President Bruce** That's what I thought you said.

**Mayor Stear** Okay, anything, any further questions? All right, this is a public hearing. I didn't have anybody sign up to testify. Is there anybody who wishes to testify in this matter? All right. Seeing none.

**Council President Bruce** I move we close evidence presentation and move to deliberation.

**Council Member McPherson** Second.

**Mayor Stear** Motion is made and seconded. All those in favor say 'aye.'

**All Council Members** Aye.

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

*(Timestamp 00:38:57)*

**Motion To:** Close Evidence Presentation 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** I'll kind of go first. When we updated our code, we knew that some of these things would still come up. So, these are some of the issues that were talked about when we first started the code rewrite, so.

**Council Member Biggs** If you chop it up, it's pretty bloody, I will say, but it makes it a lot easier to read, I think, when you take that out. It seems like it's simplifying in a lot of ways.

**Mayor Stear** Yeah, I appreciate the amount of work that's gone into that to help simplify the process and make things clearer and easier.

**Council President Bruce** Well, and that's for everyone to be able to understand it too.

**Council Member Biggs** Sure, not blood, I mean red text for the dictation.

**Council President Bruce** Do you have anything? Okay, I move we approve case #2025-01-OA.

**Council Member McPherson** Second.

**Mayor Stear** Motion's made and seconded for approval. Is there any further discussion on that motion? All those in favor say 'aye.'

**All Council Members** Aye.

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

*(Timestamp 00:39:55)*

**Motion To:** Approve Case #25-01-OA

**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**

## **7. Business Items:**

*(Timestamp 00:40:17)*

A. Determine the following objections to the Lodged Agency Record and Transcripts filed with the City related to the Layne Thornton, et. al. v. The City of Kuna (i.e. Ada County District Court Case No. CV01-25-15843) Judicial Review matter: Marc Bybee, City Attorney **ACTION ITEM**

A.1- Objection of the City of Kuna, filed by Deputy City Clerk Garrett Michaelson;

A.2- Objection of Gemstone Technology Park, LLC and D. Yamamoto Development, LLC, filed by Hethe Clark; and

A.3- Objection of Layne Thornton, Toledo Dairy I, LLC, and Toledo Land Holdings, LLC, filed by Doug Waterman.

<https://www.kunacity.id.gov/DocumentCenter/View/9821/Objections-to-Lodged-Record-and-Transcripts-PDF>

*(Timestamp 00:40:17)*

**Mayor Stear** That leads us to determine 7.A., determine the following objections as lodged agency record and transcripts filed, Marc Bybee.

**City Attorney Marc Bybee** Marc Bybee, City Attorney. So, I'm going to give a little background on this to hopefully help make it make sense. As you are aware, a neighboring landowner submitted a petition for judicial review challenging the city's decision on the data center rezone project. And I call it data center because that's the anticipated use, but it's a rezone project for the Diode and Yamamoto applicants. And this is about is once a petition for judicial review is filed, there's an Idaho Rule of Civil Procedure, it's Rule 84 that it actually requires the agency that issued the decision to settle the record, like what was the record of proceedings? In that rule the term 'agency' would refer to us as the city. And so, after that was the petition was filed, I worked with staff to do the first step of settling the record, which is called lodging the agency record, and transcripts as well, where you have to have the hearings transcribed. And all that 'lodging' means is it means we organize the record, we number it, meaning Bates numbering, which are those numbers on the bottom that you see law firms add in litigation, we Bates number it, we organize it, and when we lodge it, we just make it available to all the parties so that they can review what the record is.

Once it's lodged, they have the ability to object. And since the city is a party, the city has the ability to object. And so the city, after this was lodged, the city, through this Clerk's Office, reviewed the transcripts that have been prepared and identified some errors in the transcription. That's detailed in Garrett Michelson's objection letter that I helped him prepare that basically identifying what those errors were most often, I'll kind of summarize, is the transcriptionist struggled to tell which one of you was talking when you were talking. Garrett went through and identified those instances of error, and we've made recommended changes. And so that's one objection that we're asking the Council to approve is basically that those transcripts go back, get corrected, make the changes that Garrett identified on review, and then that we put correct updated amended transcripts into the settled record which is the settled record is different than the lodged record. The settled record is the one that will actually go to the court. The lodged record the court doesn't look at. That's for us to deal with.

As for Mr. Thornton and the other petitioners' challenge, their first two challenges are basically to say that we agree with what the City objected to, and we also agree with what the applicant, meaning Diode and the Yamamoto Development LLC, that they agree with both those objections so grant those objections. So they agreed with our transcript edits uh that we recommended and but they also identified that there were some letters I don't know if you remember during one of the Council Meetings that letters were handed to you during the hearing and those letters didn't make it into the original lodged record after some searching we found the letters and so um that's my opinion after looking that we should just make sure those get in the record, the settled record that will be done. And then also the applicant, he identified there was a document that was missing a final signature page.

Again, worked with staff, found it. We're recommending that be added to the record. And he also identified something called a closure report, which is a type of legal description document that's the purpose of it is to ensure that the boundaries of the parcel actually do close, meaning they connect. In full transparency on that, in talking to city staff, we couldn't tell that was ever actually made part of the record. But my position on this as your attorney is that if a party thinks something should be in the record that it arguably could have been and may have just gotten lost in the shuffle, I would say include it and add it to the record. And so I've drafted this draft decision with the intent that that be included. If it's something like a party going and adding something that clearly never came up, clearly had nothing to ever do in the proceedings was not brought forward, I'd have a different opinion for you on that. But this type

of document, one, it's not controversial. I don't think it'd significantly have done anything to the decision. They felt it was provided and should have been in there. So, my inclination is to say included in the record. And so this draft decision was drafted with that intent.

The reason it's come to you as the Council, again, going back to Rule 84, it says that the Council's supposed to determine objection, or not the Council, sorry, the agency is supposed to determine objections. In my mind, determinations of cities are made by the Council, so it felt appropriate to have the council issue the decision. I've heard countering opinions on that the Clerk's office could have issued this decision separately. I don't know that there's a right way. Rule 84 is not that specific. It just says the agency, the city's the agency, so I brought it forward to you and the important part is that there is a record of the decision and so I need some office of the city to make this decision and I felt the Council was appropriate. *Did I have that on the whole time or is that on?*

**Mayor Stear** Well I don't see anything that's really....

**Council President Bruce** I just have a question.

**Mayor Stear** That we would have a problem with. Council Member Bruce.

**Council President Bruce** So this exhibit C that you provided that you talked about, The boundaries would have been already in the packet or in the development packet that we received, right? Are they changing anything there or why would they add this?

**City Attorney Marc Bybee** No, not changing anything. That report was prepared some time ago. In communicating with staff, it sounds like the reason it's not, wasn't in the record, was because it appears Morgan Treasure was *maybe* the person who requested it. And normally on development applications, the proper channel for submitting documents is Planning & Zoning, not through economic development director's office. And so I think that's why it didn't end up in there. But again, it's simply like, yes, you're right. Would the legal description be in there? Yes. It's the applicant's position that they're saying that somebody at the city requested this be prepared so they got it prepared and sent it to the city and they were confused why it wasn't in the packet or in the record, sorry, not packet.

**Mayor Stear** Further questions for Marc?

**Council Member McPherson** No.

**Council Member Laraway** No, sir.

**Mayor Stear** As a matter of motion, do we need to list each one of these things within the motion or just make a motion to approve the objections as listed.

**City Attorney Marc Bybee** If the Council's comfortable with the decision that's been prepared, I think a motion to approve that decision would be appropriate. And I will apologize, the reason this came to you today, the first time you're seeing this draft decision, is simply because the time periods in Rule 84 are ridiculously tight. And it's very hard from the time we received the objections just to figure out what they were to go through and answer these questions. And it's hard to get this prepared. I was actually finalizing it today just because at the time turnaround was quick. I don't know how else to say it was a very quick turnaround. And so, I was doing my best to comply with and I just couldn't make the normal agenda deadline.

**Mayor Stear** Thank you.

**Council President Bruce** Anyone have any objection to loop it all into one?

**Council Member McPherson** No.

**Council Member Biggs** No.

**Council Member Laraway** On a side note, I'd like to thank the City Clerk's office for, I read most of that. I don't know how you guys went all through that translation and changes. It was a good job.

**City Clerk Nathan Stanley** Well, Garrett Michaelson deserves all the credit. He's a secret weapon of the Clerk's Office and He does amazing work, so it's all Garrett.

**Council Member Laraway** Tell him, thank you.

**Council President Bruce** And so, Marc, how do you want this motion to read?

**City Attorney Marc Bybee** I think a motion to approve the written decision as presented by staff would be appropriate.

**Council President Bruce** So, 'I move that we approve the written decision as presented by staff' ...Do I need to include the case number?

**City Attorney Marc Bybee** That would be a good idea, yes.

**Council President Bruce** So, I move that we approve the written decision as presented by staff in case number CV01-25-15843.

**Council Member Laraway** Second.

**Mayor Stear** We have a motion and a second for approval. 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 00:50:22)*

**Motion To:** Approve Written Decision As Presented By Regarding Case #CV01-25-15843

**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**

## 8. Ordinances:

(Timestamp 00:50:50)

**Mayor Stear** That takes us to ordinances.

**A. Consideration to approve Ordinance 2025-31 Idaho Power Franchise Agreement ACTION ITEM**

AN ORDINANCE IN ACCORDANCE WITH IDAHO CODE 50-328, 50-329 AND 50-329A GRANTING A FRANCHISE TO IDAHO POWER COMPANY, A CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, MAINTAIN AND OPERATE IN AND UPON THE PRESENT AND FUTURE STREETS, HIGHWAYS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, IDAHO, ELECTRIC UTILITY PROPERTY AND FACILITIES FOR SUPPLYING ELECTRICITY AND ELECTRIC SERVICE TO THE CITY, THE INHABITANTS THEREOF, AND OTHERS FOR A TERM OF 10 YEARS, INCLUDING THE NONEXCLUSIVE RIGHT TO PHYSICALLY LOCATE AND MAINTAIN TELEPHONE, CABLE, FIBER OPTICS OR OTHER COMMUNICATIONS FACILITIES; SETTING FORTH AN AGREEMENT NOT TO COMPETE, RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR THE PAYMENT OF FRANCHISE FEES; AND SPECIFYING OTHER LIMITATIONS, TERMS AND CONDITIONS GOVERNING THE EXERCISE OF SAID FRANCHISE.

*Consideration to approve Ordinance*

(Timestamp 00:50:54)

**Mayor Stear** Item 8.A. Consideration to approve ordinance 2025-31, Idaho Power Franchise Agreement. An ordinance in accordance with the Idaho Code 50-328, 50-329, and 50-329A, granting a franchise to Idaho Power Company, a corporation, and to its successors, and assigns to construct, maintain, and operate in and upon the present and future streets and highways and other public places within the corporate limits of the city of Kuna, Idaho, electric utility property and facilities for supplying electricity and electric service to the City and the inhabitants thereof and others for a term of 10 years, including a non-exclusive right to physically locate and maintain telephone, cable, fiber, optics, or other communication facilities; setting forth an agreement not to compete, reserving power of eminent domain; providing for the payment of franchise fees; and specifying other limitations, terms, and conditions governing the exercise of said franchise.

And we did do the full free readings on that, so it is before you as an action item tonight.

**Council Member Biggs** *Deja vu.*

**Council President Bruce** Any of you guys have any questions or concerns about it? I move we approve ordinance 2025-31.

**Mayor Laraway** Second.

**Mayor Stear** Motion is made and seconded for approval. Is there any further discussion on that motion?  
Nathan, would you poll the council?

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

**Council Member McPherson** Yes.

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

**Council Member Biggs** Yes.

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

**Council Member Laraway** Yes.

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

**Council President Bruce** Yes.

**Mayor Stear** And that motion carries.

*(Timestamp 00:52:31)*

**Motion To:** Approve Ordinance 2025-31

**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:** Roll Call Vote

**4-0-0**

**B. Consideration to approve Ordinance 2025-35 ACTION ITEM**

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

- MAKING CERTAIN FINDINGS; and
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S PATAGONIA DEVELOPMENT LLC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve Ordinance*

*(Timestamp 00:52:56)*

**Mayor Stear** Item 8.B., consideration to approve ordinance 2025-35, an ordinance of the City Council of the City of Kuna: making certain findings; and enlarging the boundaries of the Kuna Municipal Irrigation System by the inclusion of Ada County Assessors, Patagonia Development, LLC.; and declaring water rights appurtenant thereto are pooled for delivery purposes; and directing the city clerk to record this ordinance as provided by law, directing the city engineer to provide notice of this ordinance to the Boise~Kuna Irrigation District, the owners, and update the irrigation system map; and providing an effective date.

**Council President Bruce** I move we waive 3 readings of ordinance 2025-35.

**Council Member McPherson** Second.

**Mayor Stear** Motion is made and seconded to waive the three readings. All in favor say 'aye.'

**All Council Members** Aye.

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

*(Timestamp 00:53:44)*

**Motion To:** Waive Three Readings Of Ordinance 2025-35

**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**

**Council President Bruce** I move we approve ordinance 2025-35.

**Council Member Biggs** Second.

**Mayor Stear** Motion's made and seconded to approve the ordinance. Is there any further discussion on that motion? Nathan, would you poll the council, please?

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

**Council Member McPherson** Yes.

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

**Council Member Biggs** Yes.

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

**Council Member Laraway** Yes.

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

**Council President Bruce** Yes.

**Mayor Stear** Motion carries.

*(Timestamp 00:53:59)*

**Motion To:** Approve Ordinance 2025-35

**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:** Roll Call Vote

**4-0-0**

C. Consideration to approve Ordinance 2025-36 ACTION ITEM

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

- MAKING CERTAIN FINDINGS; and
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S MAGELLAN DEVELOPMENT LLC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE NEW YORK IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve Ordinance*

*(Timestamp 00:54:21)*

**Mayor Stear** Item C, consideration to approve ordinance 2025-36, an ordinance of the City Council of the City of Kuna: making certain findings; and enlarging the boundaries of the Kuna Municipal Irrigation System by the inclusion of Ada County Assessors Magellan Development, LLC.; and declaring water rights appurtenant thereto are pooled for delivery purposes; Directing the city clerk to record this ordinance as provided by law; Directing the city engineer to provide notice of this ordinance to the New York Irrigation District, the owners, and update the irrigation system map; and providing an effective date.

**Council President Bruce** I move to waive 3 readings of ordinance 2025-36.

**Council Member McPherson** Second.

**Mayor Stear** Motion is made and seconded to waive the three readings. All those in favor say 'aye.'

**All Council Members** Aye.

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

*(Timestamp 00:55:06)*

**Motion To:** Waive Three Readings Of Ordinance 2025-36

**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** I move we approve Ordinance 2025-36.

**Council Member McPherson** Second.

**Mayor Stear** Motion's made and seconded for approval. Is there any discussion on that motion? Nathan, would you poll the Council?

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

**Council Member McPherson** Yes.

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

**Council Member Biggs** Yes.

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

**Council Member Laraway** Yes.

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

**Council President Bruce** Yes.

**Mayor Stear** And that motion carries.

*(Timestamp 00:55:21)*

**Motion To:** Approve Ordinance 2025-36

**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**

## **9. Executive Session:**

*(Timestamp 00:55:45)*

### **A. Executive Session under IC 74-206 (1) (c) To acquire an interest in real property not owned by a public agency.**

*(Timestamp 00:55:45)*

**Mayor Stear** The only thing we have left now is an executive session. If we would get a motion on that.

**Council President Bruce** Did anyone have any? -- I move we adjourn to executive session under I.C. 74-206 (1) subsection C.

**Council Member Biggs** Second.

**Mayor Stear** Motion is made and seconded to adjourn to executive session. Nathan, would you poll the Council?

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

**Council Member McPherson** Yes.

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

**Council Member Biggs** Yes.

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

**Council Member Laraway** Yes.

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

**Council President Bruce** Yes. And who do we need?

**Mayor Stear** And that motion carries. And we need Michelle and Jared. And who else do we need for this? Doug. Yes, Doug. I know Doug wanted to run and then Marc might be.

**Council President Bruce** There's a train and the chief is driving it.

**Mayor Stear** Thanks everybody.

*(Timestamp 00:55:53)*

**Motion To:** Enter Executive Session Pursuant To Idaho Code Idaho Code §74-206(1)(c)

**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:** Roll Call Vote

**4-0-0**

*Clerk's Note: Executive Session Minutes, Required Pursuant To Idaho Code §74-205(2), May Be Found Attached To These Minutes.*

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

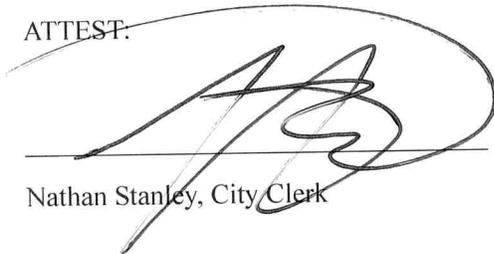
## **11. Adjournment:**

*Adjourned at 7:20 PM*



Joe L. Stear, Mayor

ATTEST:



Nathan Stanley, City Clerk

*Minutes prepared by Garrett Michaelson, Deputy City Clerk  
Date Approved: CCM 11.05.2025*





**CITY OF KUNA**  
 751 W 4<sup>th</sup> Street • Kuna, ID 83634  
 (208) 922-5546 • www.kunacity.id.gov



City Council Public Comment Sign-In Sheet  
**October 21, 2025**

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

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

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

Name <b>DAVID WARDELL</b>	Name	Name
Address <b>2230 E CONDOR LN</b>	Address	Address
City, State, ZIP <b>KUNA 83634</b>	City, State, ZIP	City, State, ZIP
Topic: <b>Bldg DEPT, FAULTS</b>	Topic:	Topic:
Name <b>Michael Rocco</b>	Name	Name
Address <b>1286 E. Fort Erie St</b>	Address	Address
City, State, ZIP <b>KUNA 83634</b>	City, State, ZIP	City, State, ZIP
Topic: <b>CONSENT AGENDA</b>	Topic:	Topic:
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
Topic:	Topic:	Topic:
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
Topic:	Topic:	Topic:





**CITY OF KUNA**

751 W 4<sup>th</sup> Street • Kuna, ID 83634  
 (208) 922-5546 • [www.kunacity.id.gov](http://www.kunacity.id.gov)

City Council Public Hearing Sign-In Sheet  
 October 21, 2025

**Case No.: 25-01-OA (Ordinance Amendment)**

**Case Name: DEVELOPMENT REGULATIONS CODE APPLICATION REQUIREMENTS**

<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
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Name	Name
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Name	Name
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Name	Name
Address	Address
City, State, Zip	City, State, Zip

# KUNA IDAHO

CITY OF KUNA | Kuna City Hall 751 W 4th Street | Kuna, Idaho 83634



## EXECUTIVE SESSION MINUTES Tuesday, October 21, 2025

### 1.) Executive Session

**Authority:** Idaho Code 74-206 (1)(c) To acquire an interest in real property not owned by a public agency

Start Time: 10 : 55

**Persons Present:**

**Title:**

<u>Greg McPherson</u>	<u>Council member</u>
<u>J. Styer</u>	<u>Mayor</u>
<u>Caraway</u>	<u>Council member</u>
<u>CHRIS BRUCE</u>	<u>Council President</u>
<u>Matt Bygg</u>	<u>Council Member</u>
<u>Jared Empey</u>	<u>Treasurer</u>
<u>Marc Ryber</u>	<u>City Attorney</u>
<u>TOU HANSON</u>	<u>RZ DIRECTOR</u>
<u>McCovert</u>	<u>Economic Development</u>
<u>Levin Dominick</u>	<u>Attorney</u>

Motion to Exit Executive Session By: Bruce

Second on Motion to Exit Executive Session By: Caraway

✓ All In Favor: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
All Opposed: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

End Time: 19 : 20

*Information Received; No Action Taken.*

Pursuant to Idaho Code §74-205 (2) Minutes pertaining to an executive session shall include a reference to the specific statutory subsection authorizing the executive session and shall also provide sufficient detail to identify the purpose and topic of the executive session but shall not contain information sufficient to compromise the purpose of going into executive session.