

**OFFICIALS**  
Joe Stear, Mayor  
Greg McPherson, Council President  
Richard Cardoza, Council Member  
Warren Christensen, Council Member  
John Laraway, Council Member



**CITY OF KUNA**  
**Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho 83634**

**City Council Meeting**  
**AGENDA**  
**Tuesday, October 19, 2021**

**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***

**2. *Invocation:***

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

**4. *Consent Agenda:* ALL OF THE LISTED CONSENT AGENDA ITEMS ARE 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.*

**A. Regular City Council Meeting Minutes Dated October 5, 2021**

**B. Accounts Payable Dated October 14, 2021, in the amount of \$904,833.72**

**C. Findings of Fact and Conclusion of Law**

1. Findings of Fact and Conclusions of Law for Case No. 20-07-AN (Annexation), 20-16-S (Pre Plat) – Arrowwood Heights Subdivision

**D. Final Plat**

1. Case No 21-16-FP (Final Plat) Redcloud Subdivision No. 2
2. Case No. 21-17-FP (Final Plat) Sadie Creek Subdivision No. 2
3. Case No. 21-18-FP (Final Plat) Kern River Heights

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) 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

## E. Resolutions

### 1. Resolution R50-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA:

- SETTING FORTH CERTAIN PURPOSES;
- AUTHORIZING THE MAYOR TO EXECUTE THE SCHOOL RESOURCE OFFICER SERVICES COSTS INTERAGENCY AGREEMENT
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

### 2. Resolution R51-2021

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO REPEALING AND REPLACING RESOLUTION NO. R03-2021 AND REAPPOINTING A MEMBER OF THE PLANNING AND ZONING COMMISSION.

### 4. Resolution R52-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA;

- Setting Forth Findings; and
- Authorizing the Mayor to execute and the City Clerk to Attest that certain Falcon Crest Lift Station Grant Deed by and between Cloverdale Ranch, a partnership, and the Estate of Hansgeorg Borbonus and Terry Cook (collectively, Grantor and the City of Kuna, Idaho “Grantee”; and
- Directing the City Clerk; and
- Setting an Effective Date.

## 5. *External Reports or Requests:*

## 6. *Public Hearings:*

- A. 21-11-AN (Annexation) & 21-03-DA (Development Agreement)** – East Kuna Annexation: KC Gardner Company, LC, represented by The Land Group, Inc., requests approval to annex nine (9) properties totaling approx. 1,088 acres, into Kuna City Limits with M-1 (Light Manufacturing/Industrial) & M-2 (Heavy Manufacturing/Industrial) zoning district classifications. Additionally, a Development Agreement is proposed to accompany the Annexation request. The nine (9) properties are located generally north & south of Kuna-Mora Road & east of Cole Road (APNs: S1531233600, S1531300000,

S2006121115, S2006121150, S2006417205, S2006417265, S2006417500, S2007111100 and S2007111200). – Jace Hellman, Planning and Zoning Director **ACTION ITEM**

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

**B. 21-02-OA (Ordinance Amendment) – Power Transmission Line Regulations:** Jace Hellman, Planning and Zoning Director **ACTION ITEM.**

**Consideration to approve Ordinance 2021-31:**

An Ordinance of the City Council of the City of Kuna:

- Making Certain Findings
- Amending Subsection Q of Section 4 of Chapter 5 of Title 5 Kuna City Code Making Technical Changes to the Zoning Regulation of Electrical Energy Transmission Lines as Unique Land Uses; And
- Directing the City Clerk; And
- Providing an Effective Date

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

**7. Business Items:**

**A. 21-02-TE (Time Extension) Rising Sun Estates Final Plat:** Jessica Reid, Planning and Zoning **ACTION ITEM**

Wendy Shrief of JUB Engineers, on behalf of M3 ID Rising Sun, LLC, requests Time Extension approval for the Rising Sun Estates Subdivision Final Plat. The project is located on the southwest corner of E Kuna and S Stroebel Roads (APNs: R0615250567, R0615251201); Section 25, Township 2 North, Range 1 West.

**8. Ordinances:**

**A. Consideration to approve Ordinance 2021-30 **ACTION ITEM****

**-Second Reading**

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO,

- AMENDING SECTIONS 2 AND 3 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE BY MAKING TECHNICAL CORRECTIONS (BOTH SECTIONS); THE ADDITION, DELETION, AND AMENDMENT OF DEFINITIONS; PROVIDING ACTIVITY RELATED TO ANIMAL FIGHTS IS UNLAWFUL; PROVIDING THAT THE USE OF BODY GRIPPING TRAPS WITHIN CITY LIMITS IS UNLAWFUL; PROVIDING THAT RELEASING A STRAY CAT AFTER STERILIZATION FOR POPULATION CONTROL PURPOSES IS NOT ABANDONMENT;

- REPEALING THE EXISTING SECTION 4 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “WILD ANIMALS” AND ENACTING A NEW SECTION 4 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “PROHIBITED ANIMALS,” WHICH PROHIBITS POSSESSION AND OWNERSHIP OF CERTAIN ENUMERATED ANIMALS AND PROVIDE EXCEPTIONS TO PROHIBITIONS; AND
- AMENDING SECTIONS 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE BY MAKING TECHNICAL CORRECTIONS (MULTIPLE SECTIONS); PROVIDING FOR NONCOMMERCIAL KENNEL LICENSES; PROVIDING THAT DOGS RUNNING AT LARGE IS UNLAWFUL; PROVIDING THAT DOG ENCLOSURES BE MAINTAINED AND REPAIRED; PROVIDING AN EXCEPTION TO FOUND STRAY ANIMALS PROVISION FOR CATCHING AND LATER RELEASING STRAY CATS AFTER STERILIZATION; UPDATING STANDARDS AND PROCEDURES FOR MANAGING RABID ANIMALS, INCLUDING QUARANTINE PROCEDURES; PROVIDING FOR THE AUTHORITY TO RESTRAIN ATTACKING ANIMALS; PROVIDING IT IS UNLAWFUL TO DIRECT A DOG TO ATTACK OTHER ANIMALS; AND
- REPEALING THE EXISTING SECTION 15, CHAPTER 3, TITLE 10 KUNA CITY ENTITLED “DISEASED ANIMALS,” WHICH PROVIDES FOR THE MANAGEMENT OF DISEASED ANIMALS, AND ENACTING A NEW SECTION 15, CHAPTER 3, TITLE 10 KUNA CITY CODE ENTITLED “CRIMINAL RESPONSIBILITY FOR DOG BITES AND ATTACKS,” PROVIDING THAT AN OWNER MAY INCUR CRIMINAL CONSEQUENCES FOR DOG ATTACKS AND BITES, AS WELL AS CERTAIN COLLATERAL CIVIL CONSEQUENCES; AND
- AMENDING SECTIONS 16, 21, 22, 23, 24, AND 25 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE BY UPDATING PROVISIONS RELATED TO HABITUAL BARKING AND NOISEMAKING, PROVIDING EXCEPTIONS TO NOISEMAKING PROVISIONS, PROVIDING THAT ANIMAL NUISANCES ARE UNLAWFUL, AND PROVIDING FOR NUISANCE FERAL CAT PREVENTION; MAKING TECHNICAL CORRECTIONS (MULTIPLE SECTIONS); UPDATING PROVISIONS FOR IMPOUNDED ANIMALS THAT OWNERS REFUSE TO REDEEM AND REMOVING EXISTING IMPOUND APPEAL PROCEDURES; UPDATING HABITUAL ANIMAL CONTROL VIOLATOR PROVISIONS; AND
- REPEALING THE EXISTING SECTION 26 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “PENALTIES,” WHICH PROVIDES FOR INFRACTIONS AND MISDEMEANOR PENALTIES FOR VIOLATIONS OF CHAPTER 3 OF TITLE 10; ENACTING A NEW SECTION 26 OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE ENTITLED “RESPONSIBILITY FOR ANIMALS OWNED BY MINORS,” WHICH PROVIDES PARENTAL OR GUARDIAN RESPONSIBILITY FOR LEGAL CONSEQUENCES FOR ANIMALS OWNED BY MINORS UNDER THEIR CARE; AND
- ENACTING A NEW SECTION OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE NUMBERED SECTION 27 AND ENTITLED “DESIGNATION AND MANAGEMENT OF DANGEROUS OR AT-RISK DOGS,” WHICH PROVIDES

PROCEDURES AND STANDARDS FOR DESIGNATING DOGS AS AT-RISK OR DANGEROUS, AND PROVIDES RESTRICTIONS FOR THE KEEPING AND MANAGEMENT OF AT-RISK OR DANGEROUS DOGS WITHIN THE CITY; AND

- ENACTING A NEW SECTION OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE NUMBERED SECTION 28 AND ENTITLED “APPEAL PROCEDURE FOR AFFECTED PERSONS,” WHICH ESTABLISHES RIGHTS AND STANDARD PROCEDURES FOR APPEALING ENFORCEMENT DECISIONS MADE UNDER CHAPTER 3 OF TITLE 10 KUNA CITY CODE; AND
- ENACTING A NEW SECTION OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE NUMBERED SECTION 29 AND ENTITLED “PENALTIES,” WHICH PROVIDES INFRACTION AND MISDEMEANOR PENALTIES FOR VIOLATING PROVISIONS OF CHAPTER 3 OF TITLE 10 KUNA CITY CODE WHEN SPECIFIC PENALTIES ARE NOT PROVIDED FOR BY A PARTICULAR SECTION; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*  
*Consideration to approve Ordinance*  
*Consideration to approve summary publication*

#### **9. Executive Session:**

**Executive Session** request per IC 74-206(e) – To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. **ACTION ITEM**

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

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