

**OFFICIALS**  
Joe Stear, Mayor  
Greg McPherson, Council President  
Chris Bruce, Council Member  
Matt Biggs, Council Member  
John Laraway, Council Member



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

**City Council Meeting**  
**AGENDA**  
**Tuesday, March 7, 2023**

**6:00 P.M. REGULAR CITY COUNCIL**

*For questions, please call the Kuna City Clerk's Office at (208) 387-7726.*

ALL ITEMS ON THE KUNA CITY COUNCIL AGENDA ARE CONSIDERED ACTION ITEMS UNLESS OTHERWISE INSTRUCTED BY THE CITY COUNCIL.

**1. Call to Order and Roll Call**

**2. Invocation**

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

**4. Consent Agenda: ACTION ITEMS**

*All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.*

**A. Regular City Council Meeting Minutes Dated February 21, 2023**

**B. Accounts Payable Dated March 2, 2023, in the amount of \$517,055.24**

**C. Resolutions**

**1. Resolution R23-2023**

**A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AUTHORIZING THE ADOPTION OF THE 2022 ADA COUNTY MULTI-HAZARD MITIGATION PLAN; AND REPEALING KUNA CITY RESOLUTION NO. R05-2017.**

**2. Resolution R24-2023**

**A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE REAL ESTATE LEASE AGREEMENT WITH SILVER BUTTE HOLSTEINS, INC. FOR THE LEASE OF THE CITY OF KUNA'S PROPERTY LOCATED AT SWAN FALLS ROAD, KUNA, IDAHO.**

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.

3. Resolution R25-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING A PERFORMANCE BOND BY M3 ID FALCON CREST, LLC, FOR FALCON CREST CLUBHOUSE SUBDIVISION FOR UNCOMPLETED WORK INCLUDING LANDSCAPING PURSUANT TO THE TERMS OF THIS RESOLUTION.

4. Resolution R27-2023

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING THE “*PARK USE AGREEMENT*” WITH THE KUNA YOUTH SOFTBALL AND BASEBALL ASSOCIATION, INC., PURSUANT TO THE TERMS OF THE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

5. Resolution R28-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE DURRANT TEMPORARY CONSTRUCTION ACCESS AGREEMENT FOR THE CONSTRUCTION OF DANSKIN SEWER FORCE MAIN IN TEN MILE ROAD.

6. Resolution R29-2023

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

- SETTING FORTH FINDINGS; AND
- AUTHORIZING THE MAYOR TO SIGN AND CITY CLERK TO ATTEST FOR THE CITY OF KUNA THAT CERTAIN *FIRST AMENDED AND RESTATED PROJECT DEVELOPMENT AGREEMENT* WITH BRISBIE, LLC; AND
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

7. Resolution R30-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE PRESSURIZED IRRIGATION FACILITIES CONSTRUCTION REIMBURSEMENT AGREEMENT FOR RISING SUN IRRIGATION PUMP AND POND; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE; AND AUTHORIZING THE CITY TREASURER TO PAY M3 COMPANIES THE AMOUNT OF EIGHT HUNDRED NINETY-THREE THOUSAND, EIGHT HUNDRED AND THIRTEEN

DOLLARS AND FIFTY-THREE CENTS (\$893,813.53) PURSUANT TO THE TERMS OF SAID AGREEMENT.

## 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. 22-05-CPF & 22-05-ZC Recreation Subdivision – Jessica Reid, Associate Planner **ACTION ITEM**

Applicants request Combination Plat approval to subdivide 415 N Locust Grove Road (APN: S1419417928) into two (2) parcels with an R-2 (Low Density Residential) zone, and to Rezone the West parcel to C-3 (Service Commercial)

<http://kunacity.id.gov/DocumentCenter/View/8507/22-02-CPF--22-05-ZC-Recreation-Subdivision-Packet-CC-PDF>

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

- B. Consideration to approve Case No. 22-03-ZC (Rezone) – David Crawford with Centurion Engineers, Inc., requests approval to Rezone approximately (approx.) 24.17 acres currently zoned C-1 (Neighborhood Commercial) to R-20 (High Density Residential) zone. The applicant is not proposing any other land use applications at this time. The site is in Section 15, T 2 N, R 1 W, Boise Meridian (Parcel number; S131511075). – Troy Behunin, Senior Planner **ACTION ITEM**

<https://www.kunacity.id.gov/DocumentCenter/View/8516/22-03-ZC-Bodahl-Farms-CC-PACKET-PDF>

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

- A. Consideration to approve Case No. 22-14-S (Pre-Plat) – Boise Basin Development, LLC, requests Preliminary Plat approval to subdivide approximately 22.28 acres zoned as R-4 (Medium Density Residential) into 72 single-family lots, 14 common lots and two (2) shared driveway lots. The site is located near the southeast corner of Kuna and Eagle Roads, in Section 28, T 2 N, R 1 E (Parcel Number S1428223050). – Troy Behunin, Senior Planner **ACTION ITEM**

<https://www.kunacity.id.gov/DocumentCenter/View/8517/22-14-S-CC-PACKET-Griffons-Point-PDF>

*Open Public Hearing*

*Receive evidence*

*Consideration to close evidence presentation and proceed to deliberation*

## **7. Business Items:**

- A. Consideration to approve Case No. 23-01-TE (Time Extension) Ardell Estates Subdivision No. 6 – Jessica Reid, Associate Planner **ACTION ITEM**
- B. Finance update for Q1 of Fiscal Year 2023, Jared Empey. **DISCUSSION ITEM**

## **8. Ordinances:**

- A. Consideration to approve Ordinance 2023-11 **ACTION ITEM**

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO,

- AMENDING SECTION 2, OF CHAPTER 3 OF TITLE 12 KUNA CITY CODE ADDING A DEFINITION FOR “OWNER OF RECORD;” AND
- AMENDING SECTION 10 OF CHAPTER 3 OF TITLE 12 KUNA CITY CODE BY ADDING TWO SUBSECTIONS AND MAKING TECHNICAL CORRECTIONS PROVIDING A CITY OF KUNA POLICE DEPARTMENT IMPACT FEE REFUNDS BE PAID TO THE OWNER OF RECORD; PROVIDING THAT THE ADMINISTRATOR IS THE DECISIONMAKER KUNA POLICE DEPARTMENT IMPACT FEE WILL BE REFUNDS; PROVIDING A REFUND THE FEE WAS PAID IN ERROR; PROVIDING TIME FRAMES FOR WHEN A REFUND SHALL BE PAID AFTER IT IS DETERMINED TO BE DUE; PROVIDING THAT A REFUND WILL NOT BE PAID UNTIL ANY APPEAL TO THE CITY COUNCIL IS CONCLUDED OR THE TIME FOR APPEAL HAS PASSED; AND
- AMENDING SECTION 12 OF CHAPTER 3 OF TITLE 12 KUNA CITY CODE BY MAKING TECHNICAL CORRECTIONS AND CHANGING THE SUBSECTION LETTERING PROVIDING THAT AN OWNER OF RECORD MAY APPEAL A REFUND DETERMINATION AND MAKING MULTIPLE LANGUAGE ADDITIONS TO SUBSECTIONS TO DEFINE HOW AN OWNER OF RECORD MAY PARTICIPATE IN THE APPEAL AND MEDIATION PROCESS; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve Ordinance*

*Consideration to approve Summary Publication*

B. Consideration to approve Ordinance 2023-12 ACTION ITEM

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO

- AMENDING SECTION 2, OF CHAPTER 2 OF TITLE 12 KUNA CITY CODE ADDING A DEFINITION FOR “OWNER OF RECORD;” AND
- AMENDING SECTION 10 OF CHAPTER 2 OF TITLE 12 KUNA CITY CODE BY ADDING TWO SUBSECTIONS AND MAKING TECHNICAL CORRECTIONS PROVIDING THAT KUNA RURAL FIRE DISTRICT IMPACT FEE REFUNDS BE PAID TO THE OWNER OF RECORD; PROVIDING THAT THE ADMINISTRATOR IS THE DECISIONMAKER; PROVIDING A REFUND IF THE FEE WAS PAID IN ERROR; PROVIDING TIME FRAMES FOR WHEN A REFUND SHALL BE PAID AFTER IT IS DETERMINED TO BE DUE; PROVIDING THAT A REFUND WILL NOT BE PAID UNTIL ANY APPEAL TO THE CITY COUNCIL IS CONCLUDED OR THE TIME FOR APPEAL HAS PASSED; AND
- AMENDING SECTION 13 OF CHAPTER 2 OF TITLE 12 KUNA CITY CODE BY MAKING TECHNICAL CORRECTIONS AND CHANGING THE SUBSECTION LETTERING; PROVIDING THAT AN OWNER OF RECORD MAY APPEAL A REFUND DETERMINATION TO THE BOARD OF COMMISSIONERS; ADDING LANGUAGE PROVIDING INFORMATION ON THE RECORD OF PROCEEDINGS, SUBSEQUENT APPEAL TO THE CITY COUNCIL, AND CITY COUNCIL DECISION; AND MAKING MULTIPLE LANGUAGE ADDITIONS TO SUBSECTIONS TO DEFINE HOW AN OWNER OF RECORD MAY PARTICIPATE IN THE APPEAL AND MEDIATION PROCESS; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*

*Consideration to approve Ordinance*

*Consideration to approve Summary Publication*

C. Consideration to approve Ordinance 2023-13 ACTION ITEM

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO,

- AMENDING SECTION 2, OF CHAPTER 1 OF TITLE 12 KUNA CITY CODE BY ADDING A DEFINITION FOR “OWNER OF RECORD;” AND
- AMENDING SECTION 7 OF CHAPTER 1 OF TITLE 12 KUNA CITY CODE BY ADDING TWO SUBSECTIONS AND MAKING TECHNICAL CORRECTIONS (MULTIPLE SUBSECTIONS) PROVIDING DEVELOPMENT IMPACT FEE REFUNDS BE PAID TO THE OWNER OF RECORD; PROVIDING THAT THE

IMPACT FEE ADMINISTRATOR IS THE DECISIONMAKER ON DEVELOPMENT IMPACT FEE REFUNDS; PROVIDES A REFUND WHEN A FEE IS PAID IN ERROR; PROVIDING THAT A DEVELOPMENT IMPACT SHALL BE REFUNDED WITHIN EIGHT (8) YEARS AFTER THE DATE ON WHICH THE FEE WAS PAID; PROVIDING THAT THE CITY MAY HOLD DEVELOPMENT IMPACT FEES FOR UP TO ELEVEN (11) YEARS IN CERTAIN CIRCUMSTANCE; PROVIDING TIME FRAMES FOR WHEN A REFUND SHALL BE PAID AFTER IT IS DETERMINED TO BE DUE; PROVIDING THAT A REFUND WILL NOT BE PAID UNTIL ANY APPEAL TO THE CITY COUNCIL IS CONCLUDED OR THE TIME FOR APPEAL HAS PASSED; AND

- AMENDING SECTION 11 OF CHAPTER 1 OF TITLE 12 KUNA CITY CODE BY MAKING TECHNICAL CORRECTIONS AND CHANGING THE SUBSECTION LETTERING; PROVIDING THAT AN OWNER OF RECORD A REFUND DETERMINATION AND MAKING MULTIPLE LANGUAGE ADDITIONS TO SUBSECTIONS TO DEFINE HOW AN OWNER OF RECORD MAY PARTICIPATE IN THE APPEAL AND MEDIATION PROCESS; 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:**

**9. Mayor/Council Announcements:**

**10. Adjournment:**