



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
MINUTES
Tuesday, September 5, 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

(Timestamp 00:00:07)

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
Council President McPherson
Council Member Chris Bruce
Council Member Matt Biggs
Council Member John Laraway

CITY STAFF PRESENT:

Marc Bybee, City Attorney
Jared Empey, City Treasurer
Mike Fratusco, Kuna Police Chief
Doug Hanson, P & Z Director
Bobby Withrow, Parks Director
Morgan Treasure, Economic Development Director
Nancy Stauffer, Human Resource Director
Paul Stevens, City Engineer
Jessica Reid, Associate Planner

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.

(Timestamp 00:00:30)

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.

- A. Regular City Council Meeting Minutes Dated August 15, 2023
- B. Accounts Payable Dated August 31, 2023, in the amount of \$4,909,499.59
- C. Findings of Fact and Conclusions of Law
 - 1. Case Nos. 22-11-AN (Annexation) and 22-05-LS (Lot Split) Swanson/Weekes Applications.
- D. Resolutions

1. Resolution R61-2023

RESOLUTION AMENDING PORTIONS OF RESOLUTION R61-2022 THAT: SETS FORTH THE AUTHORITY FOR ADOPTING WATER CONNECTION FEES AND MONTHLY WATER SERVICE RATES; ESTABLISHES FEES FOR CONNECTING TO THE WATER SYSTEM; ESTABLISHES WATER USE FEES THAT ARE NOW AMENDED WITH WATER RATE CHANGES FOR ALL CUSTOMERS; PROVIDES FOR MISCELLANEOUS WATER CUSTOMER SERVICE POLICIES; SETS FORTH MINIMUM LINE SIZES; REPEALS FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETS AN EFFECTIVE DATE.

2. Resolution R62-2023

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO SETTING FORTH FINDINGS; AND SUPERSEEDING, AMENDING, AND REFORMING CITY COUNCIL RESOLUTION R60-2022; AND ESTABLISHING FEES FOR CONNECTING TO SANITARY SEWER SYSTEM; AND ESTABLISHING MONTHLY SEWER USE FEES; AND ESTABLISHING MINIMUM SEWER LINE SIZES; AND ESTABLISHING OTHER CHARGES; AND ESTABLISHING AN EFFECTIVE DATE.

3. Resolution R63-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO CORRECTING RESOLUTION NUMBER R60-2023 TO THE CORRECT RESOLUTION NUMBER R63-2023 SETTING FORTH CERTAIN PURPOSES, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY COUNCIL THAT CERTAIN AGREEMENT TITLED THE "*FIRST AMENDED AND REFORMED AGREEMENT FOR CITY ATTORNEY CIVIL LEGAL SERVICES*", DIRECTING THE CITY CLERK, AND SETTING AN EFFECTIVE DATE.

4. Resolution R65-2023

RESOLUTION AWARDING THE CONTRACT FOR THE KUNA WELL 12 PUMP HOUSE PROJECT TO IRMINGER CONSTRUCTION INC. IN THE AMOUNT OF \$1,345,598.00 FOR THE CONSTRUCTION OF THE KUNA WELL 12 PUMP HOUSE; DIRECTING EXPENDITURE OF FUNDS FROM THE WATER FUND FOR SAID PROJECT; AND AUTHORIZING THE MAYOR, CITY CLERK AND

CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID CONTRACTOR.

5. Resolution R66-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT WITH THE ADA COUNTY PROSECUTING ATTORNEY TO PROVIDE PROSECUTORIAL SERVICES FOR CITY MISDEMEANORS FOR THE FISCAL YEAR 2023-2024.

6. Resolution R67-2023

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO SIGN; AND AUTHORIZING THE MAYOR TO EXECUTE THE ANIMAL WELFFARE AND ENFORCEMENT AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

7. Resolution R68-2023

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO SIGN; AND AUTHORIZING THE MAYOR TO EXECUTE THE JOINT POWERS AGREEMENT BETWEEN THE ADA COUNTY SHERIFF'S OFFICE AND THE CITY OF KUNA RELATING TO LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2024 AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

8. Resolution R69-2023

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE VACATION OF A PORTION OF AN EXSTING UTILITY EASMENT IN LOT 45, BLOCK 1 OF FALCON CREST SUBDIVISION NO. 1; BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B".

Motion To: Approve the Consent Agenda

Motion By: Council President McPherson and recusing from 4C-1

Motion Seconded: Council Member Laraway

Further Discussion: None

Approved by the Following Roll Call Vote:

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

Voting No: None

Absent: None

Recused: McPherson from 4C1

Motion Passed: 4-0-0

5. 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 00:02:27)

- A.1. Consideration to approve Resolution R60-2023 Adopting new J&M Sanitation Fee Schedule. **ACTION ITEM -Staff requests item be tabled to September 19, 2023**

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO APPROVING A NEW FEE SCHEDULE FOR TRASH COLLECTION SERVICES THAT REFLECTS UPDATED RATES INCLUDING NEW FEES FOR COLLECTION SERVICES RELATED TO THE CITY'S COLLECTION, HAULING AND REMOVAL OF SOLID WASTE WITH ITS CONTRACTOR J&M SANITATION, WITH AN EFFECTIVE DATE OF AUGUST 1, 2023.

Motion To: Table 5A1, 5A2 and 5A3 to a date certain of September 19, 2023

Motion By: Council Member McPherson

Motion Seconded: Council Member Bruce

Voting Aye: Biggs, Bruce, Laraway, McPherson

Voting No: None

Absent: None

Motion Passed: 4-0-0

- A.2. Consideration to approve Ordinance 2023-21 Repealing and replacing KCC Title 8 Chapter 4. **ACTION ITEM -Staff requests item be tabled to September 19, 2023**

AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:

- REPEALING ORDINANCE NO. 2020-30; AND
- REPEALING CHAPTER 4 OF TITLE 8 KUNA CITY CODE; AND
- AMENDING TITLE 8 KUNA CITY CODE BY THE ADDITION THERETO OF A NEW CHAPTER 4 PROVIDING A SHORT TITLE, STATING AUTHORITY, PROVIDING DEFINITIONS, STATING FINDINGS OF PURPOSE AND INTENT, ESTABLISHING A SOLID WASTE COLLECTION SYSTEM AND SERVICE, PROVIDING FOR CONTRACTOR FRANCHISE AGREEMENT AND CONDITIONS FOR SOLID WASTE COLLECTION SYSTEM AND SERVICES, PROVIDING FOR CONTRACTOR SERVICES SCHEDULE AND FEES, ESTABLISHING COMPULSORY SOLID WASTE COLLECTION SYSTEM AND SERVICE USE BY PREMISES OWNERS AND OCCUPIERS, ALLOWANCE OF PERSONAL HAULING OF SOLID RECYCLABLE WASTE, PROVIDING FOR SOLID WASTE SANITARY CONTAINER REGULATIONS, PROVIDING FOR VOLUNTARY SUBSCRIPTION FOR COLLECTION OF RECYCLABLE WASTE, PROHIBITING AND DECLARING UNLAWFUL IDENTIFIED TYPES OF SOLID WASTE FROM COLLECTION, DEFINING AND DECLARING THEFT OF COLLECTION SERVICES AS UNLAWFUL, PROVIDING THAT THIS ORDINANCE APPLIES TO ALL CITY ANNEXATIONS, DECLARING DESCRIBING CIRCUMSTANCES WHERE THE PLACEMENT OF SOLID WASTE AND RECYCLABLE WASTE IS PUBLIC NUISANCE, PROVIDING FOR NOTICE TO VIOLATORS AND DECLARING A CONTINUED VIOLATION AS A MISDEMEANOR, PROVIDING FOR A PENALTY FOR VIOLATIONS OF CHAPTER 4 OF

TITLE 8; AND

- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

A.3. Consideration to approve Ordinance 2023-22 Granting Solid Waste Franchise Agreement with J&M Sanitation Inc **ACTION ITEM** -Staff requests item be tabled to September 19, 2023

- AN ORDINANCE OF THE CITY COUNCIL OF KUNA, IDAHO:
- FINDINGS OF HISTORY, AUTHORITY, PURPOSE AND INTENT; AND GRANTING TO J & M SANITATION, INC. A FRANCHISE FOR SOLID WASTE AND RECYCLEABLE WASTE COLLECTION SERVICE AND AUTHORIZING THE *FOURTH AMENDED AND REFORMED FRANCHISE AGREEMENT*; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

B. Consideration to approve Case No. 22-15-AN (Annexation) Rising Sun West Annex – Applicant, requests Annexation approval for Rising Sun West, on the East and West side of the Meridian Road Alignment directly south of Kuna Road in Section 30, Township 2 North, Range 1 East, also in Section 25, Township 2 North, Range 1 West – Troy Behunin, Senior Planner **ACTION ITEM**
(Timestamp 00:03:25)

Troy Behunin, Senior Planner, reviewed the application and stood for questions.

Mark Tate, M3 companies, reviewed the application and stood for questions.

Council Member Biggs asked about commercial development timeline.

Mark Tate responded.

Rebecca Simmons, Kuna Resident, testified neutral and expressed some concerns.

Eric Kulm, Kuna Resident, testified in favor of the application but expressed concerns about the project.

Mark Tate Rebuttal

Rebecca Simmons responded to Mark Tate.

Mark Tate responded to Rebecca.

Council Member Biggs asked about timeline on development.

Troy Behunin responded and explained multiple factors determine when that will happen.

Morgan Treasure comments on the importance of user types and impacts on traffic.

Council Member Biggs asked about the future land use map for Kuna.

Doug Hanson, P&Z Director responded.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Motion To: Close Evidence presentation and to close the public hearing and proceed to deliberation

Motion By: Council Member McPherson

Motion Seconded: Council Member Bruce

Voting Aye: Biggs, Bruce, Laraway, McPherson

Voting No: None

Absent: None

Motion Passed: 4-0-0

Motion To: Deny Case No. 22-15-AN

Motion By: Council Member Biggs

Motion Seconded: Council Member Laraway

Voting Aye: Biggs, Bruce, Laraway

Voting No: McPherson

Absent: None

Motion Passed: 3-1-0

- C. Consideration to approve Case No. 23-01-OA (Ordinance Amendment): The City of Kuna requests consideration from the City Council for an Ordinance Amendment to combine Title 5, Zoning Regulations and Title 6, Subdivision Regulations into one Development Regulation Title. Doug Hanson, Planning & Zoning Director **ACTION ITEM** – 1st Hearing.

(Timestamp 00:39:49)

Doug Hanson, Planning and Zoning Director, reviewed the request and stood for questions.

Council Members and Marc Bybee, City Attorney discuss the proposed changes.

Council Member Laraway asked about second notices and time delays if this were to pass.

Doug Hanson responded and clarified the purpose of the proposed changes.

Stephanie Wolf, resident of Kuna, expressed concerns of the proposed changes and testified in opposition.

Council discussed conditions they would like to see during the first hearing.

Doug Hanson, P&Z Director stated that the second notice of this hearing is on September 19, 2023 and a second hearing will take place on September 19, 2023 and no decision would need to be made.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

6. Business Items:

(Timestamp 01:07:54)

A. Constitution Week Proclamation.

B. Consideration to approve Resolution R47-2023 **ACTION ITEM**

(Timestamp 001:10:05)

NOW, THEREFORE, BE IT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, STATE OF IDAHO; MAKING CERTAIN FINDINGS AND PURPOSES; AUTHORIZING THE STAFF AND AGENTS OF THIS CITY TO EXERCISE THE CITY'S RIGHT OF EMINENT DOMAIN TO OBTAIN EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF A SEWER TRUNK LINE; AND AUTHORIZING ANY AND ALL NECESSARY ACTIONS RELATED THERETO AND PROVIDING AN EFFECTIVE DATE. – Tabled from 08.15.2023 meeting

The Durrant Family went over past issues with working with the City of Kuna and current concerns they have about the negotiations of this easement.

City Council, The Mayor, and the Durrants agreed to communicate directly and not through legal counsel.

Motion To: Table to October 17, 2023 Resolution R47-2023

Motion By: Council President McPherson

Motion Seconded: Council Member Bruce

Voting Aye: Bruce, Biggs, Laraway, McPherson

Voting No: None

Absent: None

Motion Passed: 4-0-0

C.1. Consideration to approve Case No. 23-03-LLA (Lot Line Adjustment): The City requests Lot line Adjustment (LLA) approval to remove the lot lines that bisect City Hall, reducing the number of Parcels from four (4) to one (1). The subject site is located at 751 W 4th Street, Kuna, ID 83634 (APNs: R5070001627, R5070001623, R5070001615, R5070001610) – Doug Hanson, P&Z Director **ACTION ITEM**

(Timestamp 01:51:47)

Doug Hanson, P&Z Director, reviewed the lot line adjustment and stood for questions.

Motion To: Approve Case No. 23-03-LLA
Motion By: Council President McPherson
Motion Seconded: Council Member Biggs
Voting Aye: Bruce, Biggs, Laraway, McPherson
Voting No: None
Absent: None
Motion Passed: 4-0-0

C.2. Consideration to approve Resolution R70-2023. Doug Hanson, P&Z Director ACTION ITEM

(Timestamp 01:53:14)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO APPROVING THE “PROFESSIONAL SERVICES AGREEMENT” WITH KELLER ASSOCIATES, INC. FOR THE CITY HALL RECORD OF SURVEY FOR THE CITY OF KUNA; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND THE CITY CLERK TO ATTEST TO SAID SIGNATURE.

Motion To: Approve Resolution R70-2023
Motion By: Council President McPherson
Motion Seconded: Council Member Bruce
Voting Aye: Bruce, Biggs, Laraway, McPherson
Voting No: None
Absent: None
Motion Passed: 4-0-0

7. Ordinances:

(Timestamp 01:53:52)

A. Consideration to approve Ordinance 2023-16A ACTION ITEM

A MUNICIPAL ANNEXATION AND ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ADA COUNTY ASSESSOR’S PARCEL NOS. R0615250410 AND R0615250402 OWNED BY ARTHUR SIDNEY & LAURA ANDERSON WITHIN UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND
- ESTABLISHING THE ZONING CLASSIFICATIONS OF SAID REAL PROPERTIES; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND

- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings
Consideration to approve Ordinance*

Motion To: Waive three readings of Ordinance 2023-16A

Motion By: Council President McPherson

Motion Seconded: Council Member Biggs

Further Discussion: None

Recused: None

Absent: None

Motion Passed: 4-0-0

Motion To: Approve Ordinance 2023-16A

Motion By: Council President McPherson

Motion Seconded: Council Member Biggs

Approved by the Following Roll Call Vote:

Voting Aye: Council Members McPherson, Biggs, Laraway

Voting No: None

Absent: None

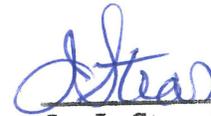
Motion Passed: 4-0-0

8. Executive Session:

9. Mayor/Council Announcements:

Oct 4 Ada County Commissioners Town Hall

10. Adjournment: 8:01



Joe L. Stear, Mayor



ATTEST
Chris Engels, City Clerk