

OFFICIALS
Joe Stear, Mayor
Briana Buban-Vonder Haar, Council President
Richard Cardoza, Council Member
Warren Christensen, Council Member
Greg McPherson, Council Member



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

City Council Meeting
MINUTES
Tuesday, July 21, 2020

6:00 P.M. REGULAR CITY COUNCIL

*Per the Order issued by Central District Health on July 14, 2020,
Social distancing and face masks will be required.*

*Due to social distancing protocol,
the **Council Chambers Audience Occupancy Capacity is 15.***

***The first 15 persons** who appear, in addition to Mayor, City Council, and staff, will be allowed
in Council Chambers. All other persons may access the meeting via Live Streaming.*

Live Streaming Instructions:

Members of the public may watch the July 21, 2020 Council Meeting via Facebook Live.
Live feed will start at **6:00 P.M.** on the City of Kuna Idaho Facebook page linked below:
<https://www.facebook.com/CityofKunaIdaho/>

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

***Public testimony will be received on the cases listed under Public Hearings within this Agenda.
The instructions and options available for public testimony are listed below.***

APPLICANT/PUBLIC ORAL PUBLIC HEARING TESTIMONY PROCESS:

Written – Up to noon the day of the Public Hearing

1. Submit any below stated option **prior to noon the day of the Public Hearing meeting**. Late submissions will not be included.
2. Submit testimony via our website on the [Public Testimony Form](#).
Kunacity.id.gov > Doing Business > Forms and Applications > Frequently Requested Applications and Forms > ONLINE Public Testimony Form
3. Submit testimony via email to PublicHearingTestimony@KunaID.gov
4. Submit via mail to:
City of Kuna
Attention: City Clerk's Office
PO Box 13
Kuna, ID 83634

Oral – Via electronic call during the Public Hearing

1. Submit request **no later than noon the day of the Public Hearing meeting**.
2. Email PublicHearingTestimony@KunaID.gov

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.

- ✓ Your name
 - ✓ Address
 - ✓ Phone Number you will be calling from to give testimony
 - ✓ Email Address
 - ✓ Date of Public Hearing
 - ✓ Case number or Identification of Public Hearing
3. Watch your email for a reply email with the information to join the meeting electronically. (Check your spam/junk folder as a precaution)
 4. Follow the dial in information.
 5. Call into the virtual lobby a minimum of 5 minutes prior to the meeting.

Oral – In Person Testimony during the Public Hearing.

All persons wishing to testify must, state their name and residential address. No person shall speak until recognized by the Mayor. A three (3) minute time limit will be placed on all testimonies.

PLEASE NOTE: Due to social distancing protocol, the Council Chambers Audience Occupancy Capacity is 15. The first 15 persons who appear, in addition to Mayor, City Council, and staff, will be allowed in Council Chambers.

*If you have questions regarding public testimony,
please call the Kuna City Clerk's Office at (208) 387-7726.*

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear
 Council President Briana Buban-Vonder Haar – Via Zoom
 Council Member Richard Cardoza
 Council Member Warren Christensen – Via Zoom
 Council Member Greg McPherson

CITY STAFF PRESENT:

Chris Engels, City Clerk
 Jared Empey, City Treasurer
 Bill Gigray, City Attorney
 Lisa Holland, Economic Development Director
 Wendy Howell, Planning & Zoning Director
 Nancy Stauffer, Human Resources Director
 Paul Stevens, Public Works Director – Via Zoom
 Bobby Withrow, Parks Director
 Troy Behunin, Planner III
 Jace Hellman, Planner II
 Jessica Reid, Customer Service Specialist III

Mayor Stear stated they were working through some difficulties with the audio but a new system would hopefully be up and running by the next Council Meeting. That would straighten some of that out. He asked that anyone Zooming in announce who they were before they spoke. Also, they were under Central District Health Orders for mask wearing where it was not possible to social distance. The chairs were set up at 6 feet so, if folks were more comfortable with it, they could lower their masks, as long as they weren't intermingling, and still be in compliance. He appreciated everyone doing their part.

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

4. Consent Agenda: ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS
(Timestamp 00:02:20)

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 July 7, 2020

B. Accounts Payable Dated July 16, 2020 in the amount of \$1,076,527.21

Motion To: Approve the Consent Agenda

Motion By: Council President Briana Buban-Vonder Haar

Motion Seconded: Council Member McPherson

Further Discussion: None

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Cardoza, Christensen, Buban-Vonder Haar, and McPherson

Voting No: None

Absent: None

Motion Passed: 4-0.

5. External Reports or Requests: None

6. Public Hearings:

Due to current health precautions associated with the Coronavirus, the City of Kuna is providing alternative ways for the community to submit comments at public hearings. To learn more about the process for written and oral testimony please follow the directions above or call the City of Kuna Clerk's Office at (208) 387-7726.

A. Public Hearing continued from June 16, 2020, and tabled from July 7, 2020, for additional public testimony and any comments or suggested changes to the Development Agreement from the City Attorney and Consideration to approve Case No. 19-10-AN

(Annexation), 19-01-PUD (Planned Unit Development) & 19-06-S (Pre-Plat) & a DA (Development Agreement) for Spring Rock Subdivision – Troy Behunin, Planner III & Dave Yorgason, Ten Mile Creek, LLC (Applicant) ACTION ITEM
(Timestamp 00:03:28)

Ten Mile Creek, LLC, requests approval for Annexation, Planned Unit Development (PUD), Preliminary Plat, and a Development Agreement. Applicant requests to annex approximately 761 ac. into Kuna City limits, with a variety of zones throughout the project; including R-6 (Medium Density Residential), R-12 (High Density Residential), R-20 (High Density Residential), C-1 (Neighborhood Commercial) and the C-2 (Area Commercial) zones. This is a multi-phased, Master-Planned Development proposing up to 2,274 dwelling units (Single Family [1,886] and Multi-Family [388]). Applicant requests Preliminary Plat approval in order to subdivide approximately 477 of the 761.44 acres into 757 Single family and 136 Multi-family lots, 34 common lots, 7 commercial lots, one school lot and two public facility lots. The remaining lands (approx. 284 ac.) will be developed in the future with separate applications. The project site is in Sections 14, 15, 23 & 24, all in T2N, R1E, near the northeast corner of Cloverdale and Kuna Roads.

Mayor Stear asked if City Attorney Bill Gigray had any comments to make on the Development Agreement.

Mr. Gigray appreciated the opportunity. He had a chance to review it and he could say the applicant was very cooperative. He only had a few comments. It looked like it had all been worked out fine. There were some minor edits needed; some numbering issues and he wanted to clarify who the trustees of the trusts were that were parties to the agreement so they were correctly reflected in the development agreement. The City would want to be sure they were dealing with the party involved in the agreement. Also, that those were current and there was verification they were registered and they were the current and acting trustees. Mr. Bower, the applicant's representative, was very cooperative in this regard. They provided the City with all of the updated affirmations of the trusts and trustees and they were updated and recorded. It was important to remember, when not dealing with LLCs or corporations or some entity that was registered with the Secretary of State, which trusts were not, the trustees were the ones that had to have the authority to act on behalf of the trust and in this instance it was a pretty significant situation with this development and property. They wanted to be sure they were identifying the trustees that had the authority to act on behalf of the trust and that they had, in fact, in the trust agreement the authority to take action in the development agreement which had all been verified and provided. He believed Planner III Troy Behunin, through the developer, worked out all the edits they talked about. He appreciated their cooperation and was comfortable with the agreement as it was now being presented. He stood for questions.

Mayor Stear asked if there were any questions and if there were any questions from Council on Zoom.

City Clerk Chris Engels reiterated Mayor's question for Zoom attendees.

Council Member Christensen said he did not have any questions.

Planner III Troy Behunin added Mr. Gigray and his team jumped on the edits for the development agreement. It was really great. There were just some minor changes from when Council last saw it. Dave Yorgason's team and Jeffrey Bower took care of those things. He knew the applicant had a discussion with the Kuna Police Department between the June 16, 2020 Council Meeting and that meeting. He believed the applicant wanted to present that discussion. Also, there were two additional exhibits added to the packet; a July 1, 2020 Spring Rock letter submitted by Dave Yorgason and his team and an economic development letter. Also, the Development Agreement final draft both sides agreed on was there as well. All of those items were frontloaded at the beginning of the packet. He stood for questions.

Mayor Stear re-opened the public hearing.

Support:

Dave Yorgason, the applicant, 14254 W Battenberg Drive, Boise, Idaho 83713, thanked the Council for tabling at the last meeting when he was unable to be there. He reiterated Mr. Gigray's and Mr. Behunin's statements regarding the Development Agreement. There were minor edits and they accepted all of them. They did a quick rush to get the trustee certifications in place. They were all submitted. They were comfortable with all of those. They did submit a letter but before touching on that he wanted to comment on the economic development letter that was provided and answer any questions. It focused primarily on CIDs. They had stated before a CID was not required for this development to move forward but it would enhance and allow some of the improvements potentially, specifically public improvements, to be built quicker. It was not a financial risk to the City and it was not a requirement for this development to be built. They appreciated that consideration and he was happy to answer any questions on CIDs. In regard to his letter, there were several items identified in the letter to address some of the comments made after their initial presentation. He did have the opportunity to speak with Police Chief Jon McDaniel a few weeks prior. He appreciated that opportunity and they talked about a couple things. Their intent had always been, whether police, fire, streets, or schools, to work with the associations and agencies. If there was a need they were there to help them. His track record was such that, he didn't advertise it publicly but since he was there to maybe sell the project he would do it, it was not uncommon once a school opened that they needed something, books, desks, something, and they didn't advertise it but they liked to go to the school and ask what they needed. It wasn't that they wanted public attention but rather they recognized the importance of being a community partner. Same for the police department, fire, and others. That was their intent; to work closely with the agencies as there was need. That was the conversation he had with Chief McDaniel. He was so thankful for the opportunity to be there. They worked really hard to get to that point. They decided to keep moving forward and requested approval. He stood for questions.

Mayor Stear asked if there were any questions for Mr. Yorgason.

Ms. Engels repeated Mayor Stear's question for Council President Buban-Vonder Haar and Council Member Christensen.

They did not have any questions.

Mayor Stear asked if they were able to hear okay.

Ms. Engels said they were not. They had both messaged that they were not able to hear very well. There was also a comment on social media that they were unable to hear as well. Audio was not cooperating.

Mr. Gigray stated that needed to be fixed or they would have an Open Meeting Law problem.

Mayor Stear knew Ms. Engels had worked on that but the new equipment wasn't there. He hoped it would be there by the next meeting but there was no way to get anything done by this meeting. She had tweaked a few things and they were hoping that would help.

Mr. Gigray wanted to be sure that even if it was hard to hear they were still hearing what was going on. That was the main thing.

Mayor Stear stated that was his concern too. They technically didn't have a quorum hearing what was happening.

Ms. Engels shared the comments she had. Kristi Inselman, ACHD, was having a hard time hearing people speak with the audio and the echo. She said if anyone had questions for her to let her know in the chat room. Council President Buban-Vonder Haar said she was holding her laptop up to her ear to try to hear when Ms. Engels asked if she could hear Mr. Behunin. Ms. Engels asked previously if they were able to hear. They were not able to hear clearly and indicated it was very hard to hear the Mayor. Council Member Christensen had agreed with that as well. She had tried a couple things during that process and it had not been effective.

Mayor Stear was not sure what to do.

Mr. Gigray suggested trying to speak a lot louder. That might help. As long as they could hear it was fine. He was just nervous about Council Members not being able to hear because of the Open Meeting Law. They didn't want to mess this up.

Mayor Stear agreed.

Planning & Zoning Director Wendy Howell commented they were able to get it to where everyone could hear in planning and zoning by having everyone wear headphones (*unintelligible*).

Ms. Engels explained the echo was on this end; the speakers for them to be able to hear. That was where the echo was coming from because she could hear the echo right there.

Mayor Stear said he moved his mic a little further away because that was where he thought he was starting to cause an echo. He asked if Council President Buban-Vonder Haar and Council Member Christensen could hear him speaking tight on the microphone.

Council President Buban-Vonder Haar said that was better. She had been having the biggest problem hearing the Mayor. She could hear the podium better but it still wasn't ideal. However, whatever Mayor had just done made it easier.

Council Member Christensen agreed.

Ms. Engels asked Mayor Stear to try again and she would move the mic.

Mayor Stear asked if that sounded any better.

Council Member Christensen said yes.

Council President Buban-Vonder Haar said as long as he was continuously talking it was fine but if there were breaks at all it gave the echo time to catch up and muddled it a bit. If there was going to be a break in speech it would need to be a pronounced break.

Mr. Yorgason asked if it would help if the Mayor muted himself when not speaking.

Ms. Engels said no.

Mayor Stear asked if Council President Buban-Vonder Haar and Council Member Christensen had been able to hear Mr. Yorgason's presentation.

Council Member Christensen said yes, it was tough at times but he was able to hear and understand what he was saying.

Council President Buban-Vonder Haar said same.

Mayor Stear asked if they were comfortable with moving on.

Council Member Christensen was okay to continue on with the conversation. He was able to hear it.

Council President Buban-Vonder Haar said they could proceed and she would speak up if they had any more audio issues.

Mr. Gigray asked if any of the people listening in could hear.

Mayor Stear asked the public listening in if they could hear better.

Ms. Engels relayed the comments from the public; someone in the back doesn't have a mic, no one can hear, they need to come to the podium, headphones for listeners helps, and Nancy Finley just commented yes to Mayor's question.

Mayor Stear asked Mr. Gigray what he thought.

Mr. Gigray said as long as they established the other Council Members could hear what Mayor was saying and what was being said from the podium, because they were not taking testimony from anywhere else, and the members of the public could hear what was being said there and by Mayor and the Council, he thought they were fine. He appreciated them taking the time to clarify this and make sure everyone was hearing. The record would be clear they had taken that extra precaution. His recommendation was if there was anyone listening in that needed a part repeated, they take the time to do that so it was clear they heard everything that was being presented and they could move on. He encouraged everyone to speak loudly.

Council Member Cardoza was having a hard time hearing Council President Buban-Vonder Haar and Council Member Christensen. He asked if everyone in the audience was able to hear them.

They were.

Ms. Engels explained when they spoke, she had to turn the speaker up for them to hear but she couldn't do that to much otherwise there was echo. She was trying to catch that.

Mayor Stear said that was all he had signed up to testify in this matter. He asked if there was anyone else that wished to testify that didn't get a chance to sign in. Seeing none he put the question rightfully before Council.

Against: None

Neutral: None

Rebuttal: None

Mayor Stear shared he had some major concerns with the ability to supply wastewater and that type of thing to the project because he didn't know that running lines that far to the City plant was reasonable. He had a real concern with a lot of times on these projects they wanted to get into the reimbursement programs and the City didn't really have funding at that point to do a lot of reimbursement on these types of things. That was one of his biggest concerns with this project.

Ms. Engels said Council President Buban-Vonder had a comment.

Council President Buban-Vonder Haar asked if that was a continuing concern. They were going to put in a new regional onsite sewer waste water treatment facility. She asked if

that was going to for sure be happening or if it would be possible to get an assurance that was the direction they would go instead of running lines.

Mayor Stear replied the problem with the regional lift station as far as he knew, and it was what they had been running into lately, was those were eligible for reimbursement. He didn't know that they would have a lot of projects between here and there and he certainly didn't want to force their hand in having to hurry up with projects between here and there so those projects could be reimbursed. He invited Mr. Yorgason to speak to that.

Mr. Yorgason explained they were not requesting reimbursement for the lift station; the waste water treatment plant. They were building it to the capacity of their site. They had looked at two different options for sewer. Both were allowed as options in the Development Agreement. However, over the past few months they'd had good discussion with the City Engineer, Paul Stevens, and they were moving that direction. That was their preferred direction and they were not requesting reimbursement because it would be designed for the capacity of their site. He hoped that answered Mayor Stear's question.

Mayor Stear asked about the piping to get it where it needed to go. He wanted to know if that would be funded by Mr. Yorgason.

Mr. Yorgason responded yes, it was their cost and their responsibility.

Mayor Stear asked Mr. Yorgason to elaborate on the conversation he'd had with Chief McDaniel.

Mr. Yorgason explained he'd met with Chief McDaniel about two weeks prior on a Monday. It was a good conversation. Specifically, discussion on the coordination north of this area by the Ada County Sheriff's Department that serviced this general area. However, it was also through the Kuna Police Department. One discussion was the possibility, and it would be a greater community benefit not just for Spring Rock and the police department, of building an accommodation facility for the City that would be a parks department and a public works facility as well as, the police chief asked if they had a need, could they have a room or two for police officers to check in and have a desk space to do some of their work out in that regional area. It wouldn't be a full police substation because that wasn't what was needed. They said if that was the need they were happy to serve and help in that way. Specific details were not identified. If there was need at a later date, they were happy to make that expansion to make it work for the City. He thought that captured the conversation and said, for the record, Chief McDaniel, who was present, was nodding his head yes. It was a great conversation. Their goal was to not only take care of the current needs. They recognized in five or ten years there could be further needs as the project was built and it was their commitment to do that.

Mayor Stear asked if Council Member Christensen had any questions.

Council Member Christensen did not.

Council President Buban-Vonder Haar felt a lot of the outstanding issues were addressed in the letter since the last public hearing. She knew this was a big edition but also thought this was the type of growth, if she could pick any it would be this, where there was a whole area planned with a mix of housing types and commercial interspersed. Dealing with road issues and all of that up front and planning it all out because they knew exactly how the whole area would be laid out. It looked like it complied with the comp plan and all the requirements had been met for City Code and that sort of thing. She noted they were providing significantly more open space than was required under City Code and that was great and school sites. It seemed like overall it would be a net benefit so she was inclined to approve it but wanted to hear if anyone else had any thoughts or comments.

Mayor Stear noted Ada County Highway District expressed some concerns. He asked if they were comfortable moving forward based on the comments. One of the things was Ada County Highway District was policy driven not a land use agency so they did not tend to make comments beyond what their policies were. This was the first time they made comment beyond what their policy needs were. They usually just accepted what Council gave them and were required to serve that. He asked if Council had given that some consideration. He knew one of the comments was, he couldn't remember if it was in this letter or not, but they had been talking with them and one of their concerns was their general fund budget and being able to match; impact fees being collected weren't keeping up with each other. The concern was being able to build projects if Kuna kept spreading out like they were. If Kuna built in a general direction and they only had to work on one set of roads at a time, obviously that made things easier for them. That was one of the biggest comments he got from the public in any of these discussions; the road capacities and getting from point A to point B. His concern with the comments made was if they didn't get some of these projects done, they would end up land locking themselves just because of traffic load and that type of thing. They were going north, south, east, and west and, at some point in time, they would need to get some projects caught up so people could even get out of town. That was one of the concerns he wanted to make sure they vetted very well.

Mr. Yorgason reviewed in their letter they had a paragraph addressing ACHD. He agreed with ACHD's letter that there should be some concerns, whether small, medium, or large projects, especially medium and large sized projects given if there were capacity issues or constraints. That was why they approved this project. In fact, ACHD approved it 4-1 because of the offsite improvements they were committing to do. He had never done a project this large in his career of development with this much offsite road improvement requirements. It would have more than \$10 million of impact fees in addition to all of the offsite improvements they would be doing. There were two main routes identified; east and west on Ten Mile Creek Road but once at the northwest corner the primary route north was Cloverdale as identified in the Traffic Impact Study. They had commitments to improve some sections of Hubbard as well as portions of Cloverdale road along with ACHD's existing capital improvements plan. So, there was a plan put in place. On top of all of that they would be doing additional traffic impact studies phased along the way as the development progressed. There would be requirements then and later all of which were outlined in the ACHD staff report and conditions of approval. They agreed with all of the conditions of approval. He hoped that addressed the question raised about general

growth because he knew they were concerned not just for Kuna but the entire Treasure Valley and how to keep up with growth and the limited dollars they had. That was why they made the commitment to agree to those offsite improvements. He hoped that helped.

Mayor Stear said yes.

Ms. Engels stated, for the record, Kristi Inselman from ACHD was on Zoom and indicated she was unable to hear or understand the comments; just picked up a few ACHD words. Also, she was continuing to have a couple other people indicate on Facebook they were unable to understand what was being said.

Council Member McPherson asked, while they were figuring out what to do, what was the projected final built out date, in years, for 100% completion of the whole project if they were to break ground tomorrow.

Mr. Yorgason replied approximately 20 years, plus or minus a couple, which lined up nicely with COMPASS Communities in Motion 2040 and others.

Mayor Stear thanked Mr. Yorgason then asked Mr. Gigray what he thought. He was concerned about having a public hearing where the public couldn't actually be there then further have them not able to hear. It concerned him deeply.

Mr. Gigray was concerned too. From his prospective it was his job to protect the interest of the City. He wanted to make sure they were complying with the Open Meeting Law and they were also complying with the hearing provisions and requirements of the Land Use Planning Act as it was associated with all of the hearings for the evening. If he were sitting in Mr. Yorgason's position, he would have a similar concern as well. Whatever action taken out of this would need to be defensible and not precipitate any unnecessary litigation. He thought, if they were having hearing problems and there were people listening in, ACHD, which would be a stakeholder in a sense of this particular matter, they might want to err on the side of caution and continue the public hearing. Then have the new system in place so they could continue the record and make sure everybody could hear and that everything that was said and was part of the record would not have someone later saying they didn't hear it, they weren't available, and they couldn't come in, and this denied their ability to attend the public hearing. He could see those arguments being raised. Whether they would be meritorious and the court would end up saying in the long run this was a significant legal interest on their part and could carry weight, he couldn't say for sure. He just knew it seemed like they could get into thousands of dollars for every issue that was raised. They obviously had on the record there were some hearing issues with this proceeding. He thought they were doing fine to that point in the deliberation process. If they could correct it so the ACHD person, as well as anyone else, could hear what was going on, they could continue; but if it was going to get worse, he was concerned because they were going to go in to deliberation which was part of the hearing.

Mayor Stear shared his concern. It seemed like they would kind of get there and then lose it. His biggest concern was they weren't hearing everything, only portions, so when

asking someone what they didn't hear; they don't know because they didn't hear it. He thought they were pretty confident they could have the new system up by the August 4, 2020 meeting. He thought that might be the best way to do this so they didn't end up with legal ramifications. It was a public hearing and there were three more. That concerned him.

Mr. Gigray said his opinion was if it was problematic for this hearing, unless it was cleared up, it would be problematic for the others. With most of the meeting that wasn't public hearing they were in the Open Meeting Law and Council needed to communicate. Although the argument could be made that people were denied the right to attend. That was what the Open Meeting Law statute said. An argument was raised with regards to when the Governor's March 13, 2020 proclamation suspending part of the Open Meeting Law regarding denial of attendance went off on June 24, 2020 and where that put things. His opinion was, as long as they followed the mandates coming down from Central District Health with regards to public health and safety and they opened the room up to as could be accommodated following those rules and they provided everybody the opportunity to hear what was being said through the virtual appearance process even though they weren't testifying because it wasn't a public hearing, they were in compliance with the Open Meeting Law because they were, in a sense, attending. There was no definition for attending in the Open Meeting Law but if they couldn't hear there was issue there as well. If there was a challenge on an Open Meeting Law question they could come back and claim there was a violation of the Open Meeting Law. Then Council would have to go through a process to correct it and redo it. This hearing thing could be a problem in both directions.

Mayor Stear explained it worked fine when they were just doing Zoom and Facebook but now the added element with having the public there created an issue. He didn't see that they had any choice. He didn't know what else they could do about it and still follow the law to make sure people could hear. His recommendation was to table the public hearings that night until they could get this resolved, hopefully by the August 4, 2020 meeting. He didn't think they could do anymore public hearings that night based on what they were experiencing so far.

Mr. Gigray commended City Clerk Chris Engels for advising them of the hearing issues. That was her job and she did a good job. It was important everyone was aware of that.

Mayor Stear said it was up to Council to have a motion to table it. That was his recommendation.

Council President Buban-Vonder Haar agreed. She asked if Council was interested in receiving additional testimony next time as well.

Mr. Gigray's recommendation was to leave this open. Then if someone wasn't able to hear they would be able to comment at the continued hearing where they would be able to hear. They could give the applicant a chance to repeat any information they provided so it would be very clear that everyone involved, the public as well as Council and Mayor, had the opportunity to hear what was said. He thought that was the safe play.

Mayor Stear asked if it would be reasonable to make minutes of what was discussed part of the record for the next meeting so they knew what had already been covered. That way people did get a chance to hear since it would be in the minutes. He thought it would clear that up so there wouldn't be that concern.

Mr. Gigray thought that was a good idea. It could be transcribed and put as part of the packet and available for people to see before the hearing was continued when it came out in the packet. That transcript could be provided to Council before the meeting. It would be available to the applicant and anyone else when the agenda notice was sent out.

Planning & Zoning Director Wendy Howell said they hadn't had any issues in Planning & Zoning meetings but they set up differently than Council. They could hear everyone and there hadn't been any problems with people hearing them online.

Mayor Stear said the last one he saw on Facebook people were saying they couldn't hear.

Ms. Howell said that was only until they changed it. They had it figured out. It was an art.

Mayor Stear said ok. He thought this was the safe play until the new system was set up.

Ms. Engels said, according to the people who handled the chambers system, the vendor indicated they were shipping out on July 28, 2020. She had asked them if it would be set up by August 4, 2020. They said they thought it would be. If anything changed, she would update Mayor Stear.

Mayor Stear asked if there was any further discussion.

Council Member Cardoza asked if they were still having problems. He asked if Ms. Engels was still getting messages they couldn't hear.

Mayor Stear said ACHD couldn't hear.

Ms. Engels said that was correct. She got the message from ACHD saying they couldn't hear. She got some messages saying they can hear, some saying they can't, some asking for captions, someone saying all Zoom was working well. There were people that hadn't been able to hear; including ACHD. She thought it wasn't as transparent as they would like it that go around.

Mayor Stear asked if Council President Buban-Vonder Haar was willing to make the motion.

Motion To: Continue the consideration to approve Case Nos. 19-10-AN (Annexation), 19-01-PUD (Planned Unit Development) & 19-06-S (Pre-Plat), a DA (Development Agreement) for Spring Rock Subdivision and the associated public hearing to the August 4, 2020 Council Meeting.

Motion By: Council President Briana Buban-Vonder Haar

Motion Seconded: Council Member McPherson

Mayor Stear clarified the motion was to continue the public hearing and leave it open for testimony.

Further Discussion: None

Motion Passed: 4-0.

Council Member Cardoza asked if the entire City Council Meeting should be tabled if people couldn't hear. He wondered if all the issues should be tabled.

Mr. Gigray said his preference would be that Mayor Stear open the other noticed public hearings and then continue them. That way they would not have to re-advertise them. If they decided to end the meeting his recommendation was the City re-advertise the new date of those hearings because it was advertised they would open those hearings that night.

Council Member Cardoza asked, with the Open Meeting Law, since they couldn't hear, were they actually...

Mr. Gigray interrupted saying it was problematic. There was no question about it. The safe play would be, if they ended the meeting because there was a hearing problem and the Open Meeting Law, to direct staff to re-notice those hearings. Not that he would want them to have to do that but he thought it was the safe play to do that. Then they would set a date and time. The question was would they have time to re-notice those hearings for August 4, 2020. They might need to run those later since they hadn't been opened.

Mayor Stear did not think they would have proper time to have them republished for August 4, 2020.

Council Member Cardoza felt, since it was a public meeting, it should be attainable to everybody listening.

Mr. Gigray said that was correct. That was the problem with virtual attendance. People could attend the meetings under the Open Meeting Law virtually. They had the right to do that under these circumstances but, if they couldn't hear the question, was it was really an open meeting. The main point of the Open Meeting Law was that people were able to hear what was going on. That would be the safe play on those as well.

Council Member McPherson clarified they would open them and then table them.

Mr. Gigray thought Council Member Cardoza had a good point. If there were hearing problems out there, continuing them would be an action. He thought they would just have to end the meeting and direct that they be re-noticed for the second meeting in August which he thought would be enough time. They could ask staff what they thought would be enough time.

Mayor Stear said the second meeting would be fine. He did not think they had anything. He thought Spring Rock was probably the only one they really wanted to get through that night that had to be done. He did not think the Area of City Impact was an emergency.

The other was an ordinance for signage. He asked if they needed to have the public hearing on the status on the CDBG funding grant; if there was a time on that.

Lisa Bachman, JUB Engineers, stated actually it needed to be done before construction was completed. She knew they would be getting close by August 17, 2020. She asked if it was possible for staff to write on Zoom and Facebook about the continuation of each one as a way to notify instead of re-advertising.

Mr. Gigray deferred to staff as to whether that could be done.

City Clerk Chris Engels clarified she was asking if she could put comment on the meeting on Facebook live saying each of these public hearings was being tabled to August 4, 2020 and if that would meet the publication obligation.

Mr. Gigray said that would be an approach. He looked at it from a conservative legal standpoint. Someone could make an argument that something was put on there but they still couldn't hear what was going on and were denied attendance of a public meeting. Then they would have an argument if they wanted to challenge whether or not there was an Open Meeting Law violation. That was one side. The remedy was to go to court, he thought within 180 days, and file an action trying to overturn the action or go to the prosecuting attorney claiming there was a violation. They would notify the City there was and the City would decide if they made a violation or not. That was the Open Meeting Law side. The public hearing law side, depended on each of these, under the local Land Use Planning Act with the land use matters it would be a judicial review where they would claim there was a denial of due process because they did not have an opportunity to hear the testimony presented. Then the question would be if it was a significant enough issue that the court would overturn it; who knows. It just invited issues.

Mayor Stear thought particularly on item 6D, it was just a short and sweet sentence stating "Public Hearing on the Status of CDBG Funded Grant Activities", it would be pretty easy to put out without creating a lot of confusion. He did not think there would be a lot of issue with that. Then they could still at least have that one on the August 4, 2020 meeting and meet that requirement for the grant funding. He thought if they tried to do a lot of those and confuse the issue it would be hard to say they had notice of that. He understood the concern on the others that were longer but that one seemed short and cut and dry. He didn't think there would be issue with that.

Mr. Gigray said the evidence and the circumstances were what they were and they had to decide and exercise their discretion and authority as to what to do.

Mayor Stear thought the issue with it was the time line. As Ms. Bachman had said, if they were done by the 17th and the next meeting was the 18th there would be a problem. They had to get that one through and he thought it was worth taking a chance on. It was just meeting a requirement and giving an update on the status. He thought it was reasonable and did not create a lot of issue.

Ms. Howell was wondering about considering a special meeting. If they didn't, and she had gotten yelled at before, there would be five to six public hearings just with P&Z on the next one.

Ms. Engels said there was no equipment to do a special meeting before August 4, 2020.

Ms. Howell said she could guarantee they could get this set up correctly.

Ms. Engels asked what was the option for setting things up correctly.

Ms. Howell said she would have to have Planner II Jace Hellman come in to explain the whole thing but they had been able to do it for P&Z.

Ms. Engels said she would not have equipment until August 4, 2020. That was her best hope but certainly at Mayor and Council's discretion.

Mayor Stear recommended they re-advertise items 6B and 6C and table item 6D, the public hearing on the status of CDBG funded grant activities, until the August 4, 2020 meeting and do their best to type in comment on the meeting for that night so that would be advertised. He didn't think they would get a lot of problems with that. He asked if they needed to do any action on the other two or just postpone them for re-advertisement.

Mr. Gigray thought at that point they would need to entertain a motion that due to the virtual appearance problems being experienced in the meeting there be a motion to end the meeting. In that regard, they had already made sure they made action to continue the hearing that night so they weren't re-advertising that and they would direct staff with regards to the other hearings that could not be heard that night to re-advertise those to a date future and then they could allow that for staff discretion. He thought staff could set those hearings they had before when they came to them to put on the agenda. He thought that was within their authority to do that. He thought they ought to be re-advertised since they were in this situation. If they decided they wanted to move forward with the one grant situation Ms. Bachman talked about then they could go ahead and proceed and it would be on their agenda; just continue it to cover that.

Mayor Stear said at the very end he had a few updates to give Council which he could do loudly. He asked for a motion and if Council President Buban-Vonder Haar heard that okay and if it made sense.

Council President Buban-Vonder Haar thought so. She asked if she was moving to continue the public hearing for 6D or if it needed to be opened first or were they just tabling it.

Mayor Stear said item 6D would be tabled to the August 4, 2020 meeting and the rest of the meeting would be cancelled and re-advertised.

Motion To: Table to the August 4, 2020 meeting the Public Hearing on the Status of CDBG Funded Grant Activities.

Motion By: Council President Briana Buban-Vonder Haar

Motion Seconded: Council Member McPherson

Further Discussion: None

Motion Passed: 4-0.

Planner III Troy Behunin wanted to clarify Spring Rock was continued to August 4, 2020 and no re-advertising was necessary.

Mayor Stear said that was correct. He said for further consideration, since they were having audio difficulties, the rest of the meeting with the remaining items, except item 7A which was going to be removed anyway, would be carried on to the August 4, 2020 meeting.

Mayor Stear gave a quick update to Council on the Governor's property tax proposal. The City of Kuna did not participate in the program because they did not qualify. It was for public safety and Kuna had a fire district that took care of fire and EMS and contracted through Ada County for police services. Kuna did not provide direct payroll for those officers. That left Kuna out of the ability to participate in those programs but with the budget proposal Council had been talking about they hadn't been including the 3%. That was what it was tied to. If Council didn't take the 3% the result would be the same for the tax payers as far as their property taxes went. This thing had kind of been misrepresented from what he had seen. They were saying there would be a possibility of a 10-20% tax savings on people's property taxes. There was no feasible way that was even possible. With Kuna not taking their 3% that was the maximum people could save there. They would be saving people property tax money even though Kuna was not participating in the program. The list was put out and Kuna was not on that list. They said Kuna could be on the list because Ada County was participating but that felt a little deceptive to him because Kuna was not participating. He didn't think it was proper to deceive the public by saying Kuna was participating in something they didn't qualify for. That was why he chose not to put Kuna's name on the list.

Mayor Stear also shared he and Council President Buban-Vonder Haar met with the Ada County Commissioners. They were letting Kuna know they going be starting the stages for doing a study for impact fees. That meant for the Coroner's Office and things like that they were having issues keeping up with on their projects. Their initial guess was that it would be somewhere around \$230. Council President Buban-Vonder Haar could correct him he was wrong but that number would not be set until they actually got through their study and came back to Council later. Basically, they just met with them to see if Kuna would absolutely say no or entertain the idea. They relayed to them Kuna had for the most part been pretty receptive to impact fees so growth would help pay for itself as much as possible. The Commission just wanted to give Council a heads up so they weren't shocked when they came down with something later. He asked if Council President Buban-Vonder Haar had anything she wanted to add to that.

Council President Buban-Vonder Haar said no, he covered it all. She thanked him.

Mayor Stear asked if anyone had anything else they wanted to announce. He added it was a blessing to live in the Kuna community as opposed to some others with the things going on in the world. The folks in this community had been, for the most part, pretty respectful and doing the best they could with things. He said go Kuna Strong and adjourned the meeting.

B. Public Hearing and Consideration to Approve Northern Boundary Area of City Impact Expansion – Jace Hellman, Planner II ACTION ITEM

The City of Kuna requests consideration from the City Council for the expansion of Kuna’s most northern boundary of its Area of City Impact (ACI) Boundary. This expansion, if approved, will align Kuna’s ACI with the City of Meridian’s ACI by extending the boundary from its current location at West Lake Hazel road to encompass previous annexed parcels south of Amity Road and West of Meridian Road.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Potential Motions:

Consideration to either:

Option 1: Approve or Deny Northern Boundary Area of City Impact Expansion and the Findings of Fact, Conclusions of Law and Order of Decision as presented in the packet and Close the Public Hearing.

Option 2: Continue the Public Hearing to a time and date certain and direct staff to prepare a draft Findings of Fact, Conclusions of Law and Order of Decision for consideration by the Council.

C. Public Hearing and Consideration to approve Ordinance No. 2020-23 – Jace Hellman, Planner II ACTION ITEM

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

- MAKING CERTAIN FINDINGS; AND
- AMENDING SUBSECTION 2 OF SECTION 6, CHAPTER 1, TITLE 5 ADDING DEFINITIONS ASSOCIATED WITH SIGNAGE; AND
- REPEALING CHAPTER 10 OF TITLE 5; AND
- AMENDING TITLE 5 BY THE ADDITION OF A NEW CHAPTER 10; AND
- PROVIDING A SEVERABILITY CLAUSE; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Open Public Hearing

Receive evidence

Consideration to close evidence presentation and proceed to deliberation

Potential Motions:

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve summary publication

- D. Public Hearing on the Status of CDBG Funded Grant Activities – Chris Engels, City Clerk

7. Business Items:

- A. Discussion on Old Town Pressure Irrigation and Gravity Irrigation Customers and consideration to waive certain connections fees – Mike Borzick, GIS Manager ACTION ITEM
- B. Consideration to approve 20-03-LLA (Lot Line Adjustment) for Kelleher Subdivision No. 2 – Jessica Reid, Customer Service Specialist III ACTION ITEM

On behalf of Open Door Rentals, LLC (Owner), Shawn Brownlee with Trilogy Development seeks Lot Line Adjustment approval to ensure proper building setback requirements. The subject properties are located at 1585 W. Hubbard Road and 1595 W. Hubbard Road, Kuna, ID, 83634 (APNS: R4865430140 and R4865430160).

8. Ordinances:

Consideration to approve Ordinance No. 2020-24 ACTION ITEM

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

- AMENDING CHAPTER 8, TITLE 3; AND
- PROVIDING FOR ADDITIONAL DEFINITIONS; AND
- MAKING TECHNICAL CHANGES; AND
- PROVIDING FOR SPECIAL EVENTS REGULATIONS AND PERMITS;
- AND PROVIDING FOR PARADE SPECIAL EVENT REGULATIONS AND PERMITS; AND
- PROVIDING FOR BLOCK EVENT REGULATIONS; AND
- PROVIDING FOR TECHNICAL CORRECTIONS TO THE ATTENDEE PROJECTION GOOD FAITH ESTIMATE SPECIAL APPLICATION REGULATIONS; AND
- PROVIDING FOR PERMIT DENIAL AND PROCEDURE; AND
- PROVIDING FOR LIBERAL CONSTRUCTION OF ADMINISTRATIVE REGULATORY POWERS AND AUTHORITY PROVIDED; AND
- DIRECTING THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to Waive Three Readings of Ordinance

Consideration to Approve Ordinance

Consideration to Approve Summary Publication

9. Executive Session: None

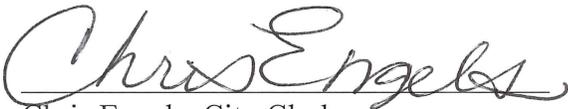
10. Mayor/Council Announcements:

11. Adjournment: 7:10 P.M.



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk

Minutes prepared by Ariana Welker, Deputy City Clerk

Date Approved: CCM 08.04.2020





CITY OF KUNA

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SIGN-UP SHEET

July 21, 2020 – City Council Public Hearing (TABLED)

Case Name: 19-10-AN (Annex.), 19-01-PUD (Planned Unit Develop.), 19-06-S (Prelim. Plat) And a DA (Development Agreement) –Spring Rock Subdivision

Case Type: Ten Mile Creek, LLC, requests approval for Annexation, a PUD, Preliminary Plat & a Development Agreement. Applicant requests to annex approximately 761 ac. into Kuna City limits, with a variety of zones throughout the project; including R-6 (Medium Density Residential), R-12 (High Density Residential), R-20 (High Density Residential), C-1 (Neighborhood Commercial) and the C-2 (Area Commercial) zones. This is a multi-phased, Master-Planned Project with up to 2,274 dwelling units (Single Family [1,886] and Multi-Family [388]). Applicant requests Preliminary Plat approval in order to subdivide approximately 477 of the 761.44 acres into 757 Single family and 136 Multi-family lots, 34 common lots, 7 commercial lots, two school lots 7 two public facility lots. The remaining lands (approx. 284 ac.) will be developed in the future with separate applications. The project is in Sections 14, 15, 23 & 24, all in T2N, R1E, near the NEC of Cloverdale and Kuna Roads.

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

Table with 3 columns: IN FAVOR, NEUTRAL, IN OPPOSITION. Each column has checkboxes for 'Testify' and 'Not Testify' and lines for 'Print Name', 'Print Address', 'City', 'State, Zip'. Includes handwritten entry for Dave Yorgason at 14254 W Battenberg Drive, Boise, ID 83713.

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SIGN-UP SHEET

July 21, 2020 – City Council Public Hearing

Case Name: Northern Boundary Area of City Impact Expansion

Case Type: The City of Kuna requests consideration from the City Council for the expansion of Kuna's most northern boundary of its Area of City Impact (ACI) Boundary. This expansion, if approved, will align Kuna's ACI with the City of Meridian's ACI by extending the boundary from its current location at West Lake Hazel road to encompass previous annexed parcels south of Amity Road and West of Meridian Road.

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SIGN-UP SHEET

July 21, 2020 – City Council Public Hearing

Case Name: 20-01-OA – Sign Ordinance Amendment

Case Type: Consideration from the City Council of an Ordinance for the City of Kuna, Idaho, making certain findings; and amending Subsection 2 of Section 6, Chapter 1, Title 5 Adding Definitions Associated with signage; and repealing Chapter 10 of Title 5; and amending Title 5 by the addition of a new Chapter 10; and providing a severability clause; and directing the City Clerk; and providing an effective date.

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

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