

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, August 18, 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 will be allowed in Council Chambers. All other persons may access the meeting via Live Streaming. Elected Officials and staff will be participating virtually. Those attending in person can watch the meeting on the Council Chambers screen.*

Live Streaming Instructions:

Members of the public may watch the August 18, 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

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.

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
 - ✓ 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

Two Council Members weren't logged in to Zoom at the start of the meeting. City Clerk Chris Engels asked everyone to standby while she got them into the meeting otherwise there was no quorum.

Mayor Stear called the meeting to order at 6:07 P.M. when all Council Members were in attendance.

(Timestamp 00:07:34)

COUNCIL MEMBERS PRESENT:

Mayor Joe Stear – In Person

Council President Briana Buban-Vonder Haar – Via Zoom

Council Member Richard Cardoza – In Person

Council Member Warren Christensen – Via Zoom

Council Member Greg McPherson – Via Zoom

CITY STAFF PRESENT:

Chris Engels, City Clerk – In Person

Jared Empey, City Treasurer – In Person
Bill Gigray, City Attorney – In Person
Lisa Holland, Economic Development Director – Via Zoom
Wendy Howell, Planning & Zoning Director – In Person
Nancy Stauffer, Human Resources Director – In Person
Bobby Withrow, Parks Director – Via Zoom
Troy Behunin, Planner III – In Person
Jace Hellman, Planner II – Via Zoom
Doug Hanson, Planner I – In Person

2. Invocation: None

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.
(Timestamp 00:08:20)

- A. Regular City Council Meeting Minutes Dated August 4, 2020
- B. Accounts Payable Dated August 13, 2020 in the amount of \$1,960,332.24
- C. Case No. 20-07-FP (Final Plat) for Cazador Estates Subdivision No. 1

Mayor Stear asked if there were any questions, comments, or anything anyone would like to pull for further discussion or a motion to approve or deny.

Motion To: Approve the Consent Agenda

Motion By: Council President 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. Spring Rock Subdivision (Timestamp 00:09:13)

- I. Consideration to reconsider denial of Case Nos. 19-10-AN (Annexation), 19-01-PUD (Planned Unit Development) & 19-06-S (Pre-Plat) & a DA (Development Agreement) ACTION ITEM

Mayor Stear asked City Attorney Bill Gigray to instruct everyone on how to proceed since this was new to Council.

Mr. Gigray thought it would be helpful to the Council and the Mayor to just deal with what procedure would be followed considering this matter. The City received a letter from Deborah Nelson on behalf of the applicant, Ten Mile, for a request to reconsider the deliberation action and direction of the Council from the last meeting in regards to the denial of the application for annexation. That letter, dated August 13, 2020, conferred with Mayor Stear as to whether or not, since he set the agenda, that would be allowed to be on the agenda. He consented to that which was why it was placed on the agenda. It was not a matter of right under law because the action taken by the Council was regarding the application for annexation which was not under the Local Land Use Planning Act. Pursuant to Statute 56-02 and Ordinance 153 of Kuna City Code, the Mayor presided over the meetings of the Council and, in that particular instance, since they didn't have a specific procedure, it was his advice the Mayor determine how they wanted proceed with regards to this request for reconsideration.

Mr. Gigray stated this was not a public hearing. There was no notice, no publication, and no State Statute on this. It was not advertised by the City as a public hearing. The record, which at that point would be the letter from Deborah Nelson, would be considered by Council for only the purpose of determining whether to grant or deny the motion. At that point it would not be considered part of the record of proceedings in the main application for annexation and accompanying applications. Their consideration of this information was only for purposes of whether to grant the motion for reconsideration or deny it. Any other documents the City received in the last week that were in any way associated with this, he did not believe any were part of the packet, if oral argument was allowed by the Mayor or not in this instance, that could be referenced at that point by the applicant, but it was not part of the record of proceedings in the main matter.

Mr. Gigray explained, with regards to a motion to reconsider, if the Council chose to grant that motion, as they were aware, the public hearing continuance for purposes of their consideration of the proposed Findings of Fact, Conclusions of Law, and Order of Decision, which was in the packet as the next agenda item, would, that point, require a motion to table the approval of those findings. Then that motion would include a motion to reopen the public hearing for the receipt of evidence and testimony for all of the applications that had been submitted and to continue the public hearing to a certain date and time. They could decide if they were going to limit testimony and evidence to specific issues or just open the matter back up for testimony and evidence on all matters. Then it would be important, and he thought required, since they closed the record for testimony and evidence, they direct the notice be republished for all matters as required by law for all applications including mailing, posting, and any requirements of notice of a public hearing on all of those matters. Then they would reset the matter for hearing at a date for which that notice could be accomplished. That was his advice to the Council with regards to the procedure that affected this particular item on the agenda. He stood for questions.

There were no questions.

Mayor Stear thought, since they had closed the case for receipt of evidence and testimony, if they opened this up for receipt of evidence and testimony that would intrude on that case. The matter before Council was whether or not, based on the letter included in the packet, they would entertain a reconsideration in this case. The next thing, as Mr. Gigray said, was, if they did want to do that, to table the Findings of Fact and Conclusions of Law. He opened the floor up to Council. It was stated in the Findings of Fact and Conclusion of Law, his main consideration in this was sprawling the city at a time when there were already issues with growth. The timing was bad for that. It was a great project and would eventually be a good thing but, at that time there were many issues with growth happening at the rate it was happening, a lot of which they had no control over. This one, if they didn't annex, they at least had that control in this case. In his mind, they didn't need to reconsider, but that was his opinion. He invited Council to chime in.

Council Member Cardoza stated he did some more research on this and wanted to site some exhibits he found. Exhibit B6 went said this proposal exceeded growth forecasted for this area. Coupled with the Falcon Crest proposal to the southwest, transportation infrastructure might not be able to support the new transportation demands. Exhibit B3, dated January 24, from Ada County Highway District went on to say ACDH might not be able to timely complete improvements to the north/south corridors that might be necessary to accommodate growth that Kuna had approved and any anticipated future growth in this area. It was signed by Mindy Walsh. Exhibit B2, which didn't have a date on it, the current CIP had roadway improvements planned through 2035 and only had planned improvements for six miles of

Cloverdale Road between Deer Flat and Overland. No other study area roadways were currently planned for improvement. Again, Ada County commented on the Capital Improvement Plan and the Five-Year Work Plan at the bottom. It said, due to current and future budget forecasts, ACHD might be unable to complete the improvements necessary to the north/south corridors. He thought that was enough to get started; Exhibits B2 and B6. There were some others that explained some of the west and east bound right turn lanes were not projected until 2031 to 2035. It sounded like Ada County had their hands full in the immediate future.

Council President Buban-Vonder Harr mentioned again that ACHD did approve the request. She still struggled with the idea that they were deciding the roads wouldn't be able to sustain the project when ACHD already signed off saying the project could continue and they could support it. Also, she noted they had heard testimony, or there had been submitted statements, from the applicant and ACHD indicating there would be \$10 million of additional improvements the applicant would need to do. There were additional check ins the applicant would need to do at each phase to see if additional infrastructure or improvements were needed and if they were clear to move forward. To the extent that ACHD had already set up this whole framework for dealing with the traffic impact and indicated any potential issues were not something that would prevent ACHD from signing off, she still had significant concern about that being the hook they would hang their hat on in terms of why they were saying no.

Mayor Stear asked City attorney Bill Gigray if they needed an actual motion or what the best way was to carry forward.

Mr. Gigray's opinion was, if nobody made a motion, at some point someone would need to call for order of the day and they would move on to the next agenda item which was the hearing and consideration of the Findings of Fact. If somebody made a motion to grant the motion and that was seconded, they would proceed to vote on whether they would authorize granting of the motion to reconsider or not. If somebody made a motion to deny the request for reconsideration and that was seconded, they could vote on that motion. At that point, he thought, there were three processes that could be followed.

Council President Buban-Vonder Haar wanted to hear from Council Member McPherson since, if everybody stuck with the comments they made last time, they were at a stalemate again and there would be no point in making a motion to reconsider the denial.

Council Member McPherson still held by what he had said the last time. He thought it was a great project. He thought the placement was wrong. It was too much too far out. He knew it kind of tied in with Falcon Crest but, as far as getting all the resources there for emergencies, police, fire, and EMS, yes it was right next door, but by road

travel it was still that much farther away. He knew in time it would self-sustain but getting to that point was a long way away. He thought the road overcrowding was already an issue on Cloverdale and adding other growth, Falcon Crest and this, he knew ACHD said one thing, but they also said Ten Mile wasn't a bad road and it was torn up every other week. He stood by his comments from the last meeting. He was in the same position.

Council Member Christensen thought it sounded like they were all in a position where they stood by their thoughts from the last meeting which brought them right back to a stalemate. There was not much more that needed to be added. He noted Council Member McPherson talked about the services when they both heard from the Police Chief and the Fire Chief that it wouldn't really impact them negatively. They also talked about a more direct path because Council Member McPherson had mentioned about a three-mile trip around to get to that neighborhood for services when there was actually a direct shot that got in there. He didn't know that there was anything that could be said to change what they all thought.

Mayor Stear asked, if they didn't want to make a motion on that, if someone would just call for order of the day and they could move on to the next item or they could entertain a motion.

Council Member Cardoza called for order of the day.

2. Consideration to approve Findings of Fact & Conclusion of Law for Case No. 19-10-AN (Annexation) – Troy Behunin, Planner III and Bill Gigray, City Attorney
ACTION ITEM
(Timestamp 00:26:41)

City Attorney Bill Gigray reviewed the hearing held at the last meeting. Council proceeded to close the record of proceedings for the receipt of testimony and evidence and directed Findings of Fact and Conclusions of Law and Order of Denial of the Annexation Application be prepared and submitted to the Council for their consideration. One had been prepared and was in the packet. He could overview how it was pieced together if they wanted. He reminded them it was their findings. The mere fact that the findings were submitted for their consideration by no means restricted their ability to change any of the items contained therein until they were satisfied these were, in fact, the findings they would adopt, which would take an action of the Council to approve. He asked Mayor Stear how he wanted him to overview it.

Mayor Stear asked if Council had anything they wanted Mr. Gigray to go through.

No one had anything.

Mayor Stear asked him to give a brief summary.

Mr. Gigray explained the first section was a record of proceedings to identify what exhibits were proposed in the matter, the hearings held, the history of the matter, the witness testimony, and staff reports. Those were detailed throughout Section 1. Section 2 was the beginning regarding the decision process. The findings of fact in that regard, first in Section 3 page 5, identified that notice had been provided for their hearings on this matter and what notice was given, the subject parcels for the subject applications and their use, ownership, findings with regards to the fact that this was a request for annexation with consent on the part of the owners of the property which made it a category A under Idaho State Code Section 50-222. They listed all of those items in Section 3 including staff recommendations and other testimony received.

Mr. Gigray said the Conclusions of Law started in Section 4. Those were the powers and duties of the City Council; their authority not only as a municipal corporation but, also with regards to their authority over plats and annexation approval and that they did not have any extra territorial jurisdiction. That was included in that finding because taking action in denial of the annexation made the other pending applications moot which dealt with zoning, PUD, and subdivisions. The property had not been included within the boundaries of the City so it was not subject to Kuna's ordinances.

Mr. Gigray further explained the finding in the Conclusions of Law portion Section 4.6 was the annexation. This was an important procedural matter in that it was not under the Local Planning Act. Annexation was under 50-222 and, specifically in this instance, under Part A of that. This was really, in a sense, a legislative act on their part. The others were quasi-judicial; all of the applications associated with it. The Findings and Conclusions of Law in Section 5 identified their authority for annexation under 50-222 (1). In 5.3, the conclusion this was a Category A annexation. Section 5.4 was an important conclusion and finding because it had to do with why they denied the application for annexation. Council would want to pay close attention to be sure they were comfortable with it. It dealt with what he heard at the last meeting, in a general discussion without getting into a lot of specifics, about whether or not this would be an orderly development or if it would contribute to urban sprawl of the city. They would see that in Section 5.4. The proposed Order of Denial included the denial of the application for annexation. In Section 6.2 the applications for the planned unit development, subdivision, and development agreement were rendered moot by the denial of the annexation application.

Mayor Stear asked if any Council Members had any comments or questions for Mr. Gigray.

There were none.

Mayor Stear thanked Mr. Gigray. He asked, if there was no further discussion, that someone make a motion to approve the Findings of Fact and Conclusions of Law for Case No. 19-10-AN.

Motion To: Approve Findings of Fact & Conclusion of Law for Case No. 19-10-AN (Annexation)

Motion By: Council Member McPherson

Motion Seconded: Council Member Cardoza

Further Discussion: None

Approved by the Following Roll Call Vote:

Voting Aye: Council Members Cardoza and McPherson, Mayor Stear

Voting No: Council Members Christensen and Buban-Vonder Haar

Absent: None

Motion Passed: 3-2

- B. Public Hearing tabled from July 21, 2020 and Consideration to Approve Northern Boundary Area of City Impact Expansion – Jace Hellman, Planner II ACTION ITEM (Timestamp 00:34:55)*

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.

Planner II Jace Hellman presented the application and stood for questions.

Mayor Stear noted this had been going on for a long time. He and Mayor Tammy de Weerd had gotten together, and had staff get together, to look at the boundaries to figure out what the best fit was. In the end, this was what they all agreed would be fine. This action concluded the battle of the boundaries between Kuna and Meridian. They could put that to rest and get them all filed with the County so everything was an official record. He had been in contact with Mayor Robert Simison. In fact, Mayor Simison contacted Mayor Stear first to make sure Mayor Stear was still on board with the same agreement. Mayor Simison was actually Mayor de Weerd's Chief of Staff at the time these discussions were going on so he was well versed on it. Basically, this aligned Kuna with the City of Meridian and their thoughts. He thanked Mr. Hellman for getting this put together so they could put a period at the end of this sentence finally.

Council Member Cardoza noted there were about five letters in the packet from people concerned about annexation by Kuna. He asked if a courtesy letter could be sent out to those people explaining they weren't being annexed but, rather, they were in the area impact.

Mayor Stear thought that was very appropriate. He asked Mr. Hellman to draft a letter of clarification for those folks.

Mr. Hellman explained in their last re-notice they put a line in the description of the project clarifying this was not an annexation attempt. They tried to reach out to almost everyone that provided comment to at least explain this was essentially an invisible boundary and, if it was approved that night, the next day those property owners wouldn't see any difference. However, they could certainly draft up something to send out as a follow up.

Council Member Cardoza thanked Mr. Hellman.

Mayor Stear thought that would be good so they would know the action occurred and it carried forward. They would have comfort in knowing they would not be forcibly annexed. He asked if there was any other comment.

Mayor Stear opened the public hearing. He didn't have anyone signed up to testify in this matter. He asked if there was anyone in the audience who wished to sign up.

There was none.

Support: None

Against: None

Neutral: None

Rebuttal: None

Motion To: Close the public hearing

Motion By: Council Member Cardoza

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.

Motion To: Approve Northern Boundary Area of City Impact Expansion and the Findings of Fact, Conclusions of Law and Order of Decision as presented

Motion By: Council Member Cardoza

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.

- C. *Public Hearing tabled from July 21, 2020 and Consideration to approve Ordinance No. 2020-23 – Jace Hellman, Planner II ACTION ITEM*
(Timestamp 00:43:00)

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.

Planner II Jace Hellman presented the ordinance and stood for questions.

Mayor Stear opened the public hearing. There was no one signed up to testify in this matter. He asked if there was anyone who wanted to testify that had not signed up.

Support: None

Against: None

Neutral: None

Rebuttal: None

Mayor Stear, seeing none, put the question before Council.

Council Member Cardoza asked if they needed to close the public hearing.

Mayor Stear said yes, if they were done with discussion and that type of thing.

Council Member Cardoza asked if there was any discussion.

Council Member McPherson said he had nothing.

Motion To: Close evidence presentation and proceed to deliberation

Motion By: Council Member Cardoza

Motion Seconded: Council Member McPherson

Further Discussion: None

Motion Passed: 4-0.

Motion To: Waive three readings of Ordinance No. 2020-23

Motion By: Council Member Cardoza

Motion Seconded: Council Member McPherson

Further Discussion: None

Motion Passed: 4-0.

Motion To: Approve Ordinance No. 2020-23

Motion By: Council Member Cardoza

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.

Motion To: Approve summary publication of Ordinance No. 2020-23

Motion By: Council Member Cardoza

Motion Seconded: Council Member McPherson

Further Discussion: None

Motion Passed: 4-0.

- D.** Public Hearing and consideration to approve Case No. 19-09-S (Preliminary Plat), Corbin's Cove Subdivision – Troy Behunin, Planner III ACTION ITEM
(Timestamp 00:48:25)

Applicant, Gary McAllister, requests to subdivide approximately 6.00 acres in Kuna City Limits with Medium Density Residential Zoning into 22 total lots and has reserved the name Corbin's Cove Subdivision. The site is near the Southwest Corner of Avalon St. and School Ave., Kuna, Idaho; in Section 26, T 2N, R 1W, APN #'s: R5080251061, R5070251161 and R5070251166.

Planner III Troy Behunin reviewed the application and staff report in the Council Packet. He stood for questions.

Mayor Stear opened the public hearing.

Gary McAllister, the applicant, 2115 E Bowstring Street, Meridian, Idaho 83642, said they thought the project was pretty varied in-home sizes and felt it would fit in nicely in the area. He had a couple side notes. They were told to speak to the irrigation district to find out if they wanted fences up. The irrigation district did not want fences in right away whatsoever. They also talked to the neighbor on the north coming in about connecting to the pressurized irrigation system. They would probably work that out. He stood for questions.

Mayor Stear asked if Mr. McAllister thought there would be an issue with getting hooked into the pressurized irrigation.

Mr. McAllister did not think so.

Mayor Stear said ok. That was one of the major issues in Kuna sometimes so they wanted to encourage that.

Council Member Cardoza asked if the Fire Department had a response about going in and coming back out.

Mr. McAllister said they wanted what he called a “hammerhead” or a “snoopy”. They were okay with the cul-de-sac but preferred the “snoopy”. ACHD wanted the cul-de-sac since it was going to be a public road.

Council Member Cardoza didn’t remember seeing a letter from the Fire Department. He might have missed it.

Mr. McAllister explained he had talked to him when the project first started. He wanted the “snoopy” and they designed that but, when they went to ACHD, with it being a public road, they wanted the cul-de-sac. He was okay with either one. He had just preferred the other and Mr. McAllister understood.

Mayor Stear had no one signed up to testify in this matter. He asked if there was anyone who wanted to testify that had not signed up.

Support: None

Against: None

Neutral: None

Rebuttal: None

Mayor Stear, seeing none, put the question before Council.

Council Member Christensen said they continued to push the Ten Mile Lift Station above service capacity with what was currently approved and being built. The report said this would bring the service capacity up from 121% to 124% and developer participation might be needed to expand. He asked if there was anyone who could speak to the pressure Ten Mile Lift Station was under.

Mayor Stear asked Mr. Behunin if he'd had discussions with Public Works on this matter.

Mr. Behunin said he knew there was a concern about the Ten Mile Lift Station and there were some significant water mains and sewer lines that ran adjacent to, or in back of, where these lots would go. Public Works kept reminding Planning & Zoning there was limited or no capacity. He didn't have anything to share officially beyond what was in the City Engineer's memo in the packet.

Council Member Christensen asked Council to think about how much they should continue to allow Public Works to say there was no more capacity or they were at capacity before things finally imploded.

Mayor Stear agreed that was definitely a valid concern. Public Works did letters to serve when they were ready to start these projects and, if they couldn't provide those letters to serve because they were over capacity, they needed to inform the owners of these developments.

City Attorney Bill Gigray said this would be an important consideration for the infrastructure of any subdivision in the City; the ability to provide sewer and water. If they felt the record before them was inadequate to address specific concerns they might have regarding the lift station and others, he recommended they continue the hearing for the purpose of receiving more specific information from the Public Works Department of the City in regards to the capacity of the City to serve this subdivision with sewer and the lift station and allow the applicant and other affected parties present to comment with regards to that issue. They did have that authority if they chose to take it.

Council Member Cardoza thought all the construction at that time was going from Crego Subdivision down to Ten Mile and they were increasing the capacity of Ten Mile. He thought that was what all the construction was down there.

Mayor Stear thought that was included as part of that. He remembered when that subdivision was approved it was going to put the City at 100% capacity. He thought they addressed the issue with the piping. He couldn't recall for sure, but he thought it was the lift station that was more of a problem. He thought it certainly would be appropriate to carry this forward if nothing else but to specifically get information from Public Works on sewer capacities and that type of thing. He thought it was important to not approve something and make it appear that the City could serve something it couldn't. He thought

it was a very good point Council Member Christensen brought up and they should follow through with that. He asked if there were any other concerns with this project.

Council Member Cardoza asked if the City Engineer was available by phone or internet.

Mayor Stear replied not that night.

Mr. Behunin had been reviewing the City Engineer memo and shared the second to last comment was, "Sewer and Water "Will Serve" commitments shall be based on available water and sewer capacities at the time of construction drawing approval." He believed that was a standard answer. At the same time, he did not come out and say no.

Mayor Stear said yeah but it was valid point. If they and the applicant were comfortable with that comment, they could certainly move forward. It was whatever the desire of the Council was.

Council Member Christensen wanted to hear more detail from Public Works regarding where the City was at with capacity and how much he thought the Ten Mile Lift Station could take moving forward. Those percentages were getting awfully high and for him to mention in the staff report that the developer might need to assist in extending the Ten Mile Lift Station; Council Member Christensen would be comfortable hearing from the engineer that even though the percentage looked high they were still confident they could support that.

Mayor Stear asked if Council would be interested in doing a workshop with Public Works. It was something he and Council Member Cardoza had talked with them about the other day. It might be wise, if Council was amenable to it, to put together a workshop that just covered that topic in general; not just south of the tracks but beyond that. It was a good idea if Council was willing. They could get it put together and have that discussion. They could also have City Engineer Paul Stevens comment on this when he was available, probably at the next meeting.

Council Member McPherson agreed. He wanted to do the workshop. He thought it would be very informative for all of them. His understanding was, when they gave a number such as 97% capacity, it was for plotted hook ups, not necessarily what was actually on the system. However, he still wanted deeper clarification from Public Works before proceeding.

Mayor Stear said they would see what they could do about getting that set up. Meanwhile, on this item, he asked what was Council's feeling; were there other items they wanted to talk about such as the density or anything like that. As he read through the minutes it appeared the Planning & Zoning Commission did a pretty comprehensive look at it and they agreed to more open space and that type of thing. He thought they met with

what the Planning & Zoning Commission asked. He asked if there were any concerns with any of that.

Council President Buban-Vonder Haar said none for her.

Council Member Christensen didn't have any other concerns.

Council Member McPherson didn't have any either.

Mayor Stear said if council would like they could entertain a motion to table this item to the September 1, 2020 meeting.

Motion To: Continue the Public Hearing to a September 1, 2020 to limit testimony to sewer capacity

Motion By: Council Member Cardoza

Motion Seconded: Council Member McPherson

City Clerk Chris Engels asked if the motion was limited to accepting testimony from Public Works as it pertained to capacity or would other testimony be taken.

Mayor Stear asked if Public Works' comment was the only thing they were looking for in the next meeting.

Mr. Gigray thought the best thing would be if they identified what they wanted Public Works to address but, in his opinion, they had to allow the applicant to respond to anything they came up with or any other affected party; limited to the issue Public Works information brought. He thought the lift station was the primary target.

Mayor Stear corrected it was sewer capacities.

Mayor Stear asked Council Member Cardoza if that sounded good for his motion.

Council Member Cardoza said yes.

Mayor Stear asked if that was still good for the second.

Council Member McPherson said he still seconded the motion.

Mayor Stear said they had a motion to continue this to the September 1, 2020 meeting to specifically identify Public Works information. The motion was from Council Member Cardoza. He asked if Ms. Engels got who had the second.

Ms. Engels said she had Council Member McPherson for the second. She asked if that was correct.

Council Member McPherson said he did second it. He thought he and Council Member Christensen did at the same time.

Mayor Stear also thought they had both seconded so as long as she had one, they were good.

Ms. Engels said she had one.

Further Discussion: None

Motion Passed: 4-0.

Mayor Stear thanked Council and said they would get with Public Works to make sure they could get those things clarified.

7. *Business Items:*

- A. Consideration to approve 20-01-LS (Lot Split) for Harry Knox – Doug Hanson, Planner I
ACTION ITEM
(Timestamp 01:09:47)

On behalf of Harry Knox (owner), James Hallingshead (applicant) is requesting to split an approximately 0.08-acre parcel into three new parcels. The property is located on the NEC of W Main Street and N Avenue D, Kuna, ID 83634 (APN: R5070001086).

Planner I Doug Hanson presented the application and stood for questions.

There were no questions.

Mayor Stear disclosed this gentleman got ahold of him to talk about some properties down there. Mayor Stear met with him and, when he figured out what he was asking to do, got Economic Development Director Lisa Holland to take over the conversation. He didn't really know too much about it other than it was something out of his wheel box he shouldn't be jumping into. Ms. Holland took over and he assumed she brought it down to Planning & Zoning to take over from there.

Council Member Cardoza said he would be abstaining from voting. This was a neighbor of his downtown.

Mayor Stear asked if there were any other questions from Council.

There were none.

Motion To: Approve 20-01-LS (Lot Split)

Motion By: Council President Buban-Vonder Haar

Motion Seconded: Council Member McPherson

Further Discussion: None

Motion Passed: 3-0-1. Council Member Cardoza abstained.

B. Consideration to approve Resolution No. R42-2020 – Chris Engels, City Clerk ACTION ITEM

(Timestamp 01:12:55)

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

- SETTING FORTH CERTAIN PURPOSES, AND
- ESTABLISHING A CITY OF KUNA IDAHO REBOUNDS SMALL BUSINESS GRANT MANAGEMENT POLICY; AND
- DIRECTING THE CITY CLERK; AND
- SETTING AN EFFECTIVE DATE.

City Clerk Chris Engels explained the City received COVID funds from the State from the Federal Government. In that process the Governor has allowed, with the Controller's permission, for cities to issue grant funds to small businesses in their community. She noted in the resolution there was what the plans and procedures would be and the total amount available that came to the City to address COVID funds. The funds were for businesses that suffered an impact based on actions by Central District Health, the State, or the City effective June 20, 2020. She stood for questions.

Mayor Stear added they spent quite a bit of time looking through this. City Attorney Bill Gigray looked at it. City Treasurer Jared Empey had his look in to it. They had some good conversations on how to best apply those funds and he thought they had come up with a pretty good plan. Basically, they just needed to make sure, since it was dollars coming through the City, that Council was agreeable with it. He asked if Mr. Empey had anything he wanted to add.

Mr. Empey reminded Council these were funds made available to them through the CARES act. As part of the CARES act there was a certain percentage of that \$3 trillion bill that was directed towards state and local entities. The City of Kuna was awarded \$714,300 that could be used to mitigate COVID-19 on the City's end and, as the City Clerk mentioned, it was allowable, under the Governor's plan, to offer grants to small businesses in the community that were essentially disrupted as a part of this.

Mr. Gigray appreciated being able to work with City Staff on this. They had done a fair amount of investigating with the Attorney General's Office, the State Controller's Office, and Association of Idaho Cities who were all involved with this program in the beginning. He pointed out, by the procedures outlined in the resolution, a committee would be in charge of the administration of this whole thing all the way through. Also, proposed in this resolution was the prohibition of any businesses owned by any employee or agent of the City from receiving a grant. That was because, the way this was structured, it would come through the City first and paid out of the General Fund. Then it

was reimbursed. He did not want to get anyone in the City into any ethical issues associated with the administration of these grant. That would be part of the application process.

Mayor Stear asked if there were any further questions.

Motion To: Approve Resolution No. R42-2020

Motion By: Council President Buban-Vonder Haar

Motion Seconded: Council Member McPherson

Further Discussion: None

Motion Passed: 4-0.

C. Review of proposed Employee Cooperative Tutoring Plan – Jared Empey, City Treasurer
ACTION ITEM

(Timestamp 01:17:52)

Program Goal: To assist city employees to avoid employment disruptions due to school scheduling or cancellation changes due to COVID-19. Due to the ongoing changes in online and in person learning in large groups at the schools, the potential to lose employees becomes a concern as they need to care and educate their children.

City Treasurer Jared Empey summarized this program was to help City employees maintain continuity of employment due to disruption from schools reshuffling their hours and when kids could go to school. Staff mentioned at least five or six employees that could be seriously disrupted by this. It would be hard for them to keep their jobs and educate their children. As part of the CARES act money the City was allotted, as mentioned earlier, they submitted to the State for pre-approval on this. There were two avenues for the CARES act money; either the City could pay for it up front and submit for reimbursement or they could submit for pre-approval if they wanted assurance before spending the money. In this case, since this was a little bit novel, they decided to submit for pre-approval. If approved, the City would be eligible for using CARES act money for that. If not, they would be approaching the Council for Contingency Funds. Again, this was so they could make sure a sizable portion of the City work force could remain employed and not have sizable disruptions due to school districts shuffling their hours. The City would bring on a qualified educator that could help students keep up with their work. They would provide adequate PPE and sneeze guards and have varying hours to accommodate everyone. He stood for questions.

Council Member Cardoza noted it looked like the Chambers would be used. He asked how they would keep control of the children and keep them from disrupting everyone by going to see their mom or dad.

Mr. Empey deferred to Ms. Engels and Human Resources Director Nancy Stauffer.

Ms. Stauffer explained a qualified instructor would be a certified teacher who was a trained professional to deal with the number of children in the room. They were looking at blinds for the windows so kids couldn't see mom and dad and mom and dad couldn't see the kids. It would be structured around a classroom environment. The same rules in the classroom would apply here. There would be masks, sneeze guards, temperatures taken and anyone with a fever would have to go home. They would follow the same protocols as the schools and daycares.

Council President Buban-Vonder Haar asked, at the risk of sounding snarky, what classroom protocols would be in place in a classroom with kindergarteners, ninth graders, and everything in between. It felt like it would be chaotic or challenging.

Ms. Engels said that was a good question. In reviewing the program with staff, they determined it would have to be a qualified instructor certified for K – 12 which was into high school. That would be an instructor that was familiar, certified, and trained to deal with the various ages. The curriculum would not be established by the instructor here. It would be the curriculum from the kids' regular school and teacher. The teacher on staff here would help them go through that curriculum on their electronic devices. She hoped that answered the question and was happy to answer more.

Council President Buban-Vonder Haar was struggling with a number of things. Essentially, 90-minute class times and, she was thinking, minutes per student that would even be available. Then with breaks and stuff built in, she assumed they would all be leaving the room at that point, she wasn't sure how to socially distance 32 people leaving the room, going to the bathroom, and coming back in a socially distanced way within fifteen minutes. Certainly, business would stop entirely in City Hall anytime there was a break and 32 kids come streaming out of Chambers.

Mayor Stear thought there would be a few issues they would have to work through. He didn't think they would be able to have 32 children leaving the room at the same time so he thought they would have to work that as part of the program when the educator came on board and let them come up with a plan on how these things should work. They knew there would be some issues. It was just one of those things they would have to work through.

Ms. Stauffer added, for the 32 kids, the way the school system was structuring, some children did Monday/Wednesday and some did Tuesday/Thursday. They wouldn't all be in the building at the same time. That would be the max they could have someone work with but they would be spread out so she did not anticipate it would be that many kids on a single day. Some days they would be at school and the others they would be here. She would say 15 – 17 would be in the building at one time.

Mayor Stear suggested doing age designations instead of letter designations. He thought that might work out better. He thought when they originally started talking about this it would be a cooperative where the City employees helped to fund a small portion.

Ms. Engels believed that was still the plan. They needed to finish going through the process for the pre-approval. Once that was determined, they would establish the contribution from the employees.

Mayor Stear clarified what they were looking for that night was permission to continue to pursue this avenue and then they would bring a final proposal to Council.

Council President Buban-Vonder Haar knew the intent was to look for CARES act money to cover this. Her concern was, if they did end up having to spend tax dollars, it felt unfair for it to be limited to only City employees if everybody in the city was having to pay for it to exist. She just had concerns about tax dollars going to fund it and how much of a disruption it would cause for the work place. It was always nice to be able to provide a benefit but if the benefit took over the intent of why they were there; she didn't want it to be difficult for people to come in and do whatever work they needed to do or for the work of City Hall to get done. Funding wasn't clear to her. It could cover through December but then it would be the City's responsibility to pay for it if it was still online schooling. She didn't know if they revisited it at that time if CARES act funding came through. Also, she didn't know if there would be any assurances that CARES act funding would be in place before the Council would have to say yes or no.

Mayor Stear said that was why they were looking for pre-approval. It wasn't one of the things necessarily listed in that way with the CARES act so they wanted to be sure it would be approved. They would work out some other details and bring it back to Council. At that point in time they could decide if they were unfairly spending money or if it was something that would be good and reasonable. It was just one of the ways staff was looking at to address having kids at home and keeping employees employed. It certainly wasn't meant to do more for City employees than the rest of the community. They did have the means to make it happen. It was possible, if this worked out right, they could make it happen. There were certainly a lot of issues to work through. He reiterated they were looking for permission to pursue and then bring it back to Council for final approval.

Council Member Cardoza noted this was an action item.

Ms. Engels replied yes, for giving direction.

Mayor Stear clarified it was basically to allow them to continue. If they wanted something specific, they could add that into the motion.

Council Member Cardoza definitely would not like to see City money being used for this. It wouldn't be fair to the tax payers to see City money going to a private school, so to speak. If the funds could be allocated and if the parents were willing to subsidize it, he would have no problem with it. He just didn't know that it would be fair to put on a private school here unless they opened it to everyone that wanted to bring in their child and he didn't think they wanted to do that.

Mayor Stear said he was right.

Council Members McPherson and Christensen echoed what Council Member Cardoza said.

Mayor Stear asked if there was any interest in staff continuing to pursue this avenue and bring it back to Council for a final decision.

Council Member Cardoza directed staff to pursue it.

D. Discussion on process for filling council vacancies – Mayor Stear
(Timestamp 01:32:50)

Mayor Stear explained the standard on that would be for him to make a choice and bring someone in, hoping Council would confirm that person. There were a few people who had expressed an interest. He introduced Tyson Garten from the audience. Mr. Garten had announced he would run for Council before this position even became available so there was nothing shady about that. Mayor Stear mostly wanted to give Council a chance to weigh in. If they wanted to see the list of people and if there was something particular they wanted to see him do while filling the position, he was open to whatever that might be. When he did make a choice, it would have to be confirmed by Council so they would still have that option at that time. He just wanted to get Council's direction to make sure he wasn't doing something beyond what they would expect.

Council Member Cardoza shared, in the past, when the Mayor made a suggestion, along with the individual there was usually a resume of qualifications for Council to look at. He suggested a resume.

Council Member Christensen echoed that. Mayor Stear was in the position to make that call and he appreciated him including Council. It would be great to see names as well as some standard of qualifications.

Council Member McPherson thought, if Mayor Stear had a list of people who had shown interest, or however the list was acquired, he trusted his judgement on who he brought forward as the best member of Council. They could discuss it from there but, having some sort of resume might be good to look at. He agreed with Council Members Cardoza and Christensen.

Mayor Stear said he would do that. He had a list of folks already. If they had other suggestions, they should get those to City Clerk Chris Engels to make sure they got their thoughts involved there too. He would ask for resumes and probably do interviews with the folks to get to know them a little bit. If that sounded good to Council, he would go with that.

Council agreed.

8. Ordinances:

(Timestamp 01:36:43)

Second Reading of Ordinance No. 2020-24

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.

Mayor Stear stated they had not had anyone contact the City with any comments on this. It would be on the next agenda for the third and final reading.

9. Executive Session: None

10. Mayor/Council Announcements:

(Timestamp 01:37:58)

Council Member McPherson announced baby boy Kason Charles McPherson was born Saturday just before noon. Mom and baby were both healthy, home, and doing great.

Council Members Christensen and Cardoza congratulated Council Member McPherson.

Mayor Stear updated Council on COVID and the meetings he'd been having with Central District Health and their MAC Policy Group. Again, that was mayors and commissioners meeting, through Ada County Emergency Management, with Central District Health, Southwest District Health, and hospitals to talk about where they were at, look at numbers and stats, and maybe directions Central District Health was looking at. There had been some efforts by some medical professionals asking to go back to phase one or stage one. He didn't think there was any immediate thoughts by anyone that they needed to at that point. The numbers were kind off leveling off. There would be a little peak and a drop and a peak and a drop. They were staying pretty steady. Local hospitals were still in pretty good shape. They had plenty of bed capacity and not a lot of people in ICU. Ventilators were over 90% unused. Although some of the treatment wasn't using ventilators as much as they originally were thinking they needed to be. He didn't see anything changing that way.

Mayor Stear noted they did limit personal parties down to ten or less. Enforcement on that of course was a tough one. He didn't think they were going to have police peeking over into peoples' backyards and that type of thing. They had been pretty lucky in the Kuna community. They didn't really have people causing problems one way or the other.

Mayor Stear summarized, with all of that, he didn't see any changes coming up any time soon. The numbers were kind of level but not dropping off to a point where Central District Health would want to back off on any of their orders at that point. He thought, from what he heard, Southwest District Health was still not going to put orders in place. That did create a little rub between Ada and Canyon Counties but they were working through all of that quite nicely. Basically, no changes. That was the report that day. They were still doing well. The numbers were always more than they wanted. If anyone was sick that was to many. At any rate, they were in pretty good shape.

City Clerk Chris Engels shared Economic Development Director Lisa Holland asked that they remind Council and anyone else that there was an Urban Renewal Workshop on August 27, 2020 and their feed back on the priorities was welcome. They would be at noon and 6:00 P.M. via Zoom.

City Attorney Bill Gigray mentioned he did an email to his clients regarding the legislative committee looking into property tax and long-term fixes. He tried to identify what he thought were some of the issues associated with the property tax law and how complicated it was. He hoped Association of Idaho Cities and other associations representing local government would have the opportunity to address what would come out of that and look at a more unified voice in that regard.

Mayor Stear noted he was actually the lead on a meeting with Representative Vander Woude and a group of three or four other elected in that group. Also, he was meeting with Representative Jason Monks and a different group for a meeting. They would talk through the issues and let them know what property taxes did for them.

Council thanked Council President Buban-Vonder Haar for all she had done.

Mr. Gigray congratulated Council Member McPherson again.

11. Adjournment: 7:45 P.M.



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



Minutes prepared by Ariana Welker, Deputy City Clerk
Date Approved: CCM 09.01.2020



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274

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SIGN-UP SHEET

August 18, 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.

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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SIGN-UP SHEET

August 18, 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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