

**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, April 16, 2019**

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

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

**COUNCIL MEMBERS PRESENT:**

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

**CITY STAFF PRESENT:**

Bob Bachman, Public Works Director  
Jared Empey, City Treasurer  
Chris Engels, City Clerk  
Bill Gigray, City Attorney  
Wendy Howell, Planning & Zoning Director  
Nancy Stauffer, Human Resources Director  
Bobby Withrow, Parks Director  
Troy Behunin, Planner III  
Jace Hellman, Planner II

**2. Invocation:** None

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

**Consideration to Amend the Agenda**

*(Council must move to amend the agenda per IC 74-204(4)(b))*

*(Timestamp 00:00:50)*

**Add item 4C8 under the Consent Agenda – KJ’s Superstore Alcohol License Renewal**

**Council President Buban-Vonder Haar moved to accept the amended agenda as posted to include item 4C8 for KJ’s Superstore Alcohol License Renewal under the Consent Agenda pursuant to Idaho Code 74-204(4)(b). Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.**

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 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.

**4. Consent Agenda:** ALL OF THE LISTED CONSENT AGENDA ITEMS ARE ACTION ITEMS  
(Timestamp 00:01:27)

*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. City Council Meeting Minutes**

1. Regular City Council Minutes, April 2, 2019

**B. Accounts Payable Dated April 11, 2019 in the Amount of \$690,117.27**

**C. Alcohol Licenses**

1. Bi-Mart #688 1277 E Deer Flat Road – Off Premise Beer & Off Premise Wine
2. Fiesta Guadalajara 780 E Avalon Street – Liquor-by-the Drink & On Premise Beer
3. K & L Ventures dba Cowgirls 353 Avenue E – Liquor-by-the-Drink & On Premise Beer
4. Lima Limon Peruvian Restaurant 379 W Main Street - Liquor-by-the-Drink & On Premise Beer
5. Longhorn Lounge 458 W Main Street – Liquor-by-the-Drink & On Premise Beer
6. Ridley’s Food Corp 1403 N Meridian Road - Off Premise Beer & Off Premise Wine
7. Smoky Mountain Pizzeria Grill 1011 N Meridian Road – Liquor-by-the-Drink, On Premise Beer, Off Premise Beer & Off Premise Wine
8. **KJ’s Superstore 1565 E Deer Flat Road – Off Premise Beer & Off Premise Wine**

**D. Resolutions**

1. Consideration to approve Resolution No. R29-2019A

A RESOLUTION OF THE CITY OF KUNA, IDAHO AMENDING CITY OF KUNA, IDAHO RESOLUTION NO. R29-2019 AND THE AGREEMENT

WITH RIMI INC TO PROVIDE THE CITY WITH MECHANICAL PLAN REVIEW AND INSPECTION SERVICES FOR THE PURPOSE OF REFINING THE SCOPE OF SERVICES BY REMOVING RESIDENTIAL FROM EXHIBIT A, SECTION 1, PARAGRAPH 1, SECTION 2; AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED AGREEMENT.

2. Consideration to approve Resolution No. R30-2019

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE DEED OF PUBLIC UTILITIES EASEMENT, GRANT AND CONVEYANCE OF UTILITY PIPELINES, ASSIGNMENT OF PUBLIC UTILITY RIGHTS TO CONSENT TO USE AGREEMENT AND GRANTEE ACCEPTANCE FROM SDN, LLC.

*E. Final Plats*

1. Consideration to approve Case No. 18-21-FP (Final Plat) for Winfield Springs No. 3 Subdivision.

*F. Findings of Fact and Conclusions of Law*

1. Consideration to approve Findings of Fact and Conclusions of Law for Case No. 18-04-ZC (Rezone) for Caspian Addition.

**Council President Buban-Vonder Haar moved to approve the consent agenda as amended. Seconded by Council Member McPherson. Approved by the following roll call vote:**

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

**Voting No: None**

**Absent: Council Member Cardoza**

**Motion carried 3-0-1.**

**5. Community Reports or Requests:**

*None*

**6. Public Hearings: (6:00 p.m. or as soon thereafter as matters may be heard.)**

- A. Public Hearing and consideration to approve 18-09-S (Preliminary Plat) – Jace Hellman, Planner II ACTION ITEM  
(Timestamp 00:01:59)

Victor Clark requests to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

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

Mayor Stear opened the public hearing.

Support: None

Against:

Glenda Sanders, 260 Cedar Avenue, Kuna, Idaho 83634, lived right next door to the proposed subdivision. Pictures she provided were in the Council Packet. They showed how close the property line was to the back of her home. Her house was within 3 feet of their proposed fence. She requested the fence be moved maybe 3 feet into the project's side. She also wanted an 8-year-old tree relocated to somewhere else on her property. Last, she noted her dad spent \$2,000, with the consent of the neighbor who owned the lot before, when the driveway was put in. Now it was going to have to be moved over from where the fence was going and would cost them a lot. She was hoping the developers could move the materials of the existing driveway for them.

Council President Buban-Vonder Haar asked if they put pavers or something down.

Ms. Sanders explained it was a rock driveway. It was graded out and smoothed out and driveway rock was smashed down.

Council President Buban-Vonder Haar clarified it was on the applicant's property.

Ms. Sanders replied it wasn't the applicant's property when it was put in. It was the previous owners and they both used it.

Council President Buban-Vonder Haar asked if they had any kind of easement.

Ms. Sanders said no.

Mayor Stear asked if she had talked to the new owner about any of this stuff. It looked like it was brought up in meetings before.

Ms. Sanders responded yes; it was brought up but it didn't seem to matter. It mattered to her. She understood it was his property line but the thing was her house was within 3 feet of it and she didn't put it there. She just bought it. They moved everything else that was back there around to the other side of the house, a patio, hot tub, and gazebo, because they knew the property line was right there. The tree stayed but the house was just too close to a fence and driveway.

Jeff Marler, 260 Cedar Avenue, Kuna, Idaho 83634, clarified a little bit of what his wife, Ms. Sanders said. Ms. Sanders' father had a verbal agreement with the

previous owner for him to put the driveway in and for them to share it. At the previous meeting the developer agreed to put a few extra feet between the house so they could at least get a lawn mower in there. Emergency access was also brought up about that. Their other concern was the irrigation. They relied on that irrigation as everybody did. They were worried about interruptions and design changes. Also, at the end of Park there used to be a dirt easement or access type of road that had since grown over. Cedar Avenue was considered an alleyway. There was only 1 way in and 1 way out. It made it difficult, especially for the garbage men. When they got to the end of Park, they had to back 1,000 plus feet into someone's driveway to turn around and get out of there. He asked if that easement could be turned into an access point so there would be 2 access points for that road. He understood they were wanting to subdivide into 3 lots. He asked if the owner was maintaining partial ownership of part of the property for the driveway and front area and then subdivide into 3 houses. To him that added up to 4 subdivided properties not 3. He didn't understand how that worked and it was all happening on .5 acres. It seemed to be a little crowded.

Neutral: None

Rebuttal:

Eric Anderson, 1119 East State Street, Eagle, Idaho 83616, represented the new owner. They had actually gone through a lot of these issues a few times. Regarding the setbacks around the house, they agreed to jog the fence around the house to the required setbacks that the City maintained. They had not discussed jogging the property line and they wouldn't do that. That was where the property line was and if the neighbors ever sold their house there would be a big jog in the property line. They offered to work with them with the fencing and give them access. They offered to move the tree and relocate it out to the street side. They agreed to these terms already. In regards to the irrigation, their engineer had to work through that and it had to be approved by the city engineer before they could do anything so they covered that as well. The other access was not usable. They had to take access where they were taking it. It was what ACHD required as well. Regarding the material, that was up to the 2 owners. Someone put a driveway on the property years ago. He was not sure what to do with that. He hoped they could work together and make it beneficial to both. He knew the new owner, Victor Clark, had been very helpful and willing to work with the neighbors. He stood for questions.

Mayor Stear asked Planner II Jace Hellman about the property being subdivided before and that this process wasn't really necessary except the owners wanted to do extra things and have extra requirements.

Mr. Hellman asked if he was referring to the Special Use Permit Process they applied to the previous year.

Mayor Stear replied it was already in 3 parcels. He asked how they got to where they were.

Mr. Hellman explained the previous year they came in for a Special Use Permit for 1 triplex. Following the public hearings, which were for a special use permit that went to Planning & Zoning and was approved, there was a lot of distaste with the community around the area. They came back through with a preliminary plat because this lot was only half of an acre so in order to get their 3 buildable lots, they were dividing it into 3 lots. It was part of the amendable Kuna Orchard tracts. They were re-subdividing to create 3 separate buildable lots. The driveway and the landscaping were all a part of the proposed 3 lots except they were all easements that would be maintained by the people living within the subdivision.

Mayor Stear asked about the owner keeping the entrance and the driveway so it would be separate from the properties.

Mr. Hellman replied the owner had a condition as the developer for the first year of the landscaping that they keep the rights to the landscaping to maintain it. After that it went to the mini HOA they were creating. The driveway was again a part of what was developer maintained and once the year passed it would also go into the hands of the HOA. The driveway was crossing all 3 lots and a part of all 3 lots just separated by an easement.

Mayor Stear clarified it was similar to the way most subdivisions were done.

Council President Buban-Vonder Haar stated it was common area.

Mayor Stear thanked Mr. Hellman.

Council President Buban-Vonder Haar appreciated that folks came and testified. They didn't always get people coming to provide input on their decisions so it was always appreciated when people did take that time. She wanted to make sure they knew they heard what they said but also to explain why some of the concerns they had were not things Council had the authority to fix or interfere with. In terms of where the property line was, they did not have the ability to order them to give up a portion of their property. Certainly they would have the ability to negotiate if they wanted to try to purchase that if they were willing to do any sort of the adjustment. It sounded like, based on the layout, that might not be an option but Council's hands were tied in that regard. The property lines were wherever the deeds said they were. With regard to the driveway and the tree, they were items that were on another person's property and Council did not have the ability to say they couldn't use that

part of their property for the benefit of somebody else. In terms of the access, the streets being narrow and so forth, ACHD had to approve how the streets were maintained including the access to this. She knew in the packet it mentioned needing to improve Park and add sidewalk, curb, and gutter. To the extent the roads were insufficient at that point, she was hopeful they would be happier with how they looked and some of those narrowness concerns were addressed. Besides that, they were asking for a rezone and density that still complied with the overall zoning that was already on the property. In that regard, she wasn't sure what authority they would have to say they couldn't use it that way. She asked if anyone else had thoughts or feedback.

Mayor Stear asked about 1 of the site-specific conditions of approval. He read, "Provide written fire departmental approval for reduced access to the site via Cedar Avenue" and asked if that was something that had to be done ahead of time or if they had to have a letter from the fire department before they could build.

Mr. Hellman asked if that was from ACHD.

Mayor Stear replied that was ACHD.

Mr. Hellman explained it would be before they could get their final plat recorded. Since there were roadway improvements they didn't qualify for the short plat, the pre-plat/final plat combo, so before the plat could be recorded, they would have to get approval from the fire department to see if they were wide enough.

Council President Buban-Vonder Haar stated her preference not to proceed to close the evidence presentation before proceeding to deliberation because they have had to reopen so many evidence presentations when doing it that way.

Mayor Stear agreed.

Council President Buban-Vonder Haar said everything appeared to comply with Kuna City Code and met all the relevant portions of the comp plan.

Mayor Stear disclosed his brother owned the property directly to the south of this property. It would not affect his decision making so he would not abstain. He just wanted it on the record.

**Council President Buban-Vonder Haar moved to approve Case No. 18-09-S (Preliminary Plat) with the conditions of approval as listed, close the public hearing, and direct staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by Council on the next Council Meeting Consent Agenda. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.**

## 7. **Business Items:**

- A. 2019 Grange Month Proclamation – Mayor Stear  
(Timestamp 00:22:58)

Mayor Stear read the proclamation and mentioned the Grange suffered a big loss recently with the loss of Don Johnson. He was a staple in the community and the Grange. He would certainly be missed.

Council President Buban-Vonder Haar stated they were having the Grange Month Program that Thursday night at 6:30 at the Grange Hall and a little birdie told her someone up there would be recognized and it wasn't her. Everyone was invited and there would be refreshments.

- B. Consideration to approve 19-01-TE (Time Extension) – Jace Hellman, Planner II  
**ACTION ITEM**  
(Timestamp 00:26:50)

B&A Engineers is requesting time extension approval for the Caspian Subdivision Preliminary Plat (Ada County Assessor Parcel Nos. S1235346610, R848870305, S1235449215, S1235347051 and S1235438411).

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

Council Member Christensen confirmed this extension would reset the 2-year period.

Mr. Hellman replied that was correct. It would reset the 2-year timeclock. That didn't mean they would take the 2 years to get it done. It just meant that if they didn't hit the 2 years then their pointer plat expired and they would come back to Public Hearing.

Council President Buban-Vonder Haar stated as noted in the packet there seemed to be good cause for the extension.

**Council President Buban-Vonder Haar moved to approve Case No. 19-01-TE (Time Extension). Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.**

City Attorney Bill Gigray request Council rescind the motion and make a new motion that included direction for staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by Council on the next Council Meeting Consent Agenda.

**Council President Buban-Vonder Haar moved to rescind her last motion. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.**

**Council President Buban-Vonder Haar moved to approve Case No. 19-01-TE (Time Extension) and direct staff to prepare Findings of Fact, Conclusions of Law and Order of Decision for approval by Council on the next Council Meeting Consent Agenda. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.**

## **8. Ordinances:**

- A. Consideration to approve Ordinance No. 2019-09 ACTION ITEM  
(Timestamp 00:32:30)**

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

- MAKING CERTAIN FINDINGS; and
- ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S CHALLENGER DEVELOPMENT INC.; AND
- DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and
- DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and
- DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings  
Consideration to approve ordinance*

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-09. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-09. Seconded by Council Member McPherson. Approved by the following roll call vote:**

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

**Voting No: None**  
**Absent: Council Member Cardoza**  
**Motion carried 3-0-1.**

- B.** Consideration to approve Ordinance No. 2019-10 ACTION ITEM  
(Timestamp 00:32:52)

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

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NOS. S1418120755 OWNED BY JRL PROPERTIES LLC AND S1418121130 OWNED BY JRL PROPERTIES LP SITUATED WITHIN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND
- RESPECTIVELY ESTABLISHING R-8 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTIES; AND
- AMENDING THE OFFICIAL ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

*Consideration to waive three readings*  
*Consideration to approve ordinance*

**Council President Buban-Vonder Haar moved to waive three readings of Ordinance No. 2019-10. Seconded by Council Member McPherson. Motion carried 3-0-1. Council Member Cardoza was absent.**

**Council President Buban-Vonder Haar moved to approve Ordinance No. 2019-10. Seconded by Council Member McPherson. Approved by the following roll call vote:**

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

**Voting No: None**

**Absent: Council Member Cardoza**

**Motion carried 3-0-1.**

**9. Mayor/Council Announcements:**

*(Timestamp 00:35:41)*

Council Member McPherson reminded everyone that Saturday was Kuna Clean Up Day and it was also the Easter Egg Hunt at the High School.

City Clerk Chris Engels reminded everyone the website would change over to the new site that Thursday at 1:00 P.M. Staff would spend the week get everything updated and checking for glitches. The big “Ta-Dah” would be about May 1, 2019.

Public Works Director Bob Bachman shared the rate study was complete and they wanted to go over it with Council at a workshop. They would send some ideas on that and look for their responses. They would accommodate Council’s schedules as best as possible.

Economic Development Director Lisa Holland updated Council on plans for workshops on tools for Economic Development. She would be working with JUB to come in for a third-party workshop. She needed to find a date that worked for all of them and then they could get it set up. They were aiming for a 1 ½ to 2-hour workshop.

Parks Director Bobby Withrow gave an update on the Splash Pad. They were looking good for Memorial Day. They spoke with Idaho Power who should be working with them on getting the extra service hopefully by the end of the week. Next week they would put all the toys up on the splash pad.

City Attorney Bill Gigray updated Council on House Bill 217 which was signed by the Governor on April 9, 2019 and would become law.

**10. Executive Session:**

*None*

**11. Adjournment: 6:40 P.M.**



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



*Minutes prepared by Ariana Welker, Deputy City Clerk  
Date Approved: CCM 05.07.2019*



# CITY OF KUNA

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

Fax: (208) 922-5989 • www.Kunacity.Id.gov

## SIGN-UP SHEET

**April 16, 2019 – City Council Public Hearing**

**Case Name: 18-09-S (Preliminary Plat) – Sapphire Ranch Sub.**

**Case Type:** Victor Clark requests to subdivide approximately 0.508-acres into three (3) single family buildable lots. The subject site is located on West Park Avenue, Kuna, ID 83634, within Section 23, Township 2 North, Range 1 West; (APN# R5070002532).

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.

IN FAVOR		NEUTRAL		IN OPPOSITION	
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_____ Print Address		_____ Print Address		260 Cedar Ave Print Address	
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_____ Print Name		_____ Print Name		Jeff Marler Print Name	
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