



# **CITY OF KUNA**

**P. O. BOX 13  
KUNA, ID 83634**

**Telephone (208) 922-5546 Fax (208) 922-5989**  
[www.kunacity.id.gov](http://www.kunacity.id.gov)

**TUESDAY, APRIL 7, 2015**

**7:00 P.M. CITY COUNCIL MEETING**

**KUNA CITY COUNCIL CHAMBER  
763 W. AVALON ST.  
KUNA, IDAHO**

## **CITY OFFICIALS**

**W. Greg Nelson, Mayor  
Richard Cardoza, Council President  
Briana Buban-Vonder Haar, Council Member  
Pat Jones, Council Member  
Joe Stear, Council Member**

**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 to make inquiry concerning the nature of the item described on the agenda.

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.

**CITY OF KUNA  
REGULAR CITY COUNCIL MEETING  
AGENDA**

**TUESDAY, APRIL 7, 2015**

**Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

**7:00 P.M. REGULAR CITY COUNCIL**

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

**2. Invocation:** Marcus Omdahl, New Beginnings Christian

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

**4. Consent Agenda:**

*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 Old Business or as instructed by the City Council.*

**A. City Council Meeting Minutes:**

1. Board of Correction Minutes of March 17, 2015
2. Council Workshop Minutes of March 17, 2015
3. Regular Meeting Minutes of March 17, 2015
4. Board of Correction Minutes of March 19, 2015
5. Special Council Meeting Minutes of March 31, 2015

**B. Accounts Payable Dated April 2, 2015 in the Amount of \$155,059.14**

**C. Alcohol Licenses:**

1. Jacksons #26 – Off Premise Beer and Wine
2. PSL Inc (Cowgirls) – Liquor by the Drink and On Premise Beer
3. ConPaz Inc. dba El Gallo Giro – Liquor by the Drink and On Premise Beer
4. Z-Inc dba Paul's Market – Off Premise Beer and Off Premise Wine
5. PacWest Bars LLC (Red Eye) – Liquor by the Drink and On Premise Beer
6. Lima Limon Peruvian Restaurant – Liquor by the Drink and On Premise Beer
7. Fiesta Guadalajara – Liquor by the Drink and On Premise Beer
8. Grantura LLC dba Kuna Event Center – Liquor by the Drink and On Premise Beer
9. The Arlene – Liquor by the Drink and On Premise Beer
10. Kuna Chevron – Off Premise Beer and Off Premise Wine

**D. Findings of Facts and Conclusions of Law:**

## 5. Citizen's Reports or Requests:

- A. Kuna Farmers Market, Quency Murphey – Request for fee reduction for Bernie Fisher Park for May 9, 2015 thru September 26, 2015
- B. Young Marines – Request to change schedule for Senior Center from 1<sup>st</sup> and 3<sup>rd</sup> Saturday mornings of the month to 1<sup>st</sup> and 2<sup>nd</sup> Saturday mornings of the month
- C. VFW – Request to change schedule for Senior Center from 2<sup>nd</sup> Wednesday evening of the month to 2<sup>nd</sup> Saturday morning of the month

## 6. Public Hearings: (7:00 p.m. or as soon thereafter as matters may be heard.)

**14-05-SUB** (Subdivision) and **05-05-SUP** (Amended- Special Use Permit)- Laren Bailey – LEI Engineers and Planners: Applicant requests amending the Special Use Permit and approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. Applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant proposes five (5) lots for multi-family units and two (2) common lots which will be under the responsibility and maintenance of a Homeowners Association (HOA).

Consideration to Approve **14-05-SUB** (Subdivision) and **05-05-SUP** (Amended-Special Use Permit) – Crimson Point Villas No. 2 – Troy Behunin, Senior Planner

## 7. Business Items:

- A. Consideration to Approve Resolution R19-2015 Authorizing Lease Agreement with Boise Disc Golf LLC– Richard Roats, City Attorney

A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE LEASE AGREEMENT WITH BOISE DISC GOLF, LLC TO LEASE THE CITY OWNED PROPERTY LOCATED AT 415 W. 2<sup>ND</sup> STREET, KUNA, IDAHO FOR THE OPERATION OF A CONCESSION STAND PURSUANT TO THE TERMS OF THE LEASE; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

- B. Public Works Construction Report, No Action Required – Gordon Law, City Engineer
- C. Penelope Riley, Riley Planning Services, LLC, on behalf of Tom Nicholson. Request for *letter of support* from Kuna City Council to vacate a small existing piece of the Public Rights-of-Way (ROW) within the previously approved Merlin Pointe Subdivision (Kuna Curve). This letter is a necessary element to requesting ROW vacation from Ada County Highway District (ACHD). – Troy Behunin, Senior Planner

- D. Discussion for Council Direction on Idaho Power Franchise Agreement – Richard Roats, City Attorney
- E. Discussion to set Workshop for Kuna City Personnel Manual – Richard Roats, City Attorney
- F. Discussion for Council Direction to proceed forward with Park Impact Fee – Richard Roats, City Attorney
- G. Discussion on Franchise Fee for Cable One – Richard Roats, City Attorney
- H. Appointment of Kuna City Clerk – Richard Roats, City Attorney and Mayor Nelson

## 8. Ordinances:

### A. ***Second Reading of Ordinance No. 2015-07 Police Regulations***

*Consideration to waive third reading*

*Consideration to approve ordinance*

*Consideration to approve a summary publication of the ordinance*

AN ORDINANCE OF THE CITY OF KUNA, IDAHO STRIKING AND AMENDING CERTAIN SECTIONS OF CHAPTER 1, TITLE 10, KUNA CITY CODE- ENTITLED POLICE REGULATIONS, AS FOLLOWS: STRIKING 10-1-1 DISTURBING THE PEACE; AMENDING AND RENUMBERING 10-1-2 BY CHANGING THE TITLE FROM WINDOW PEEPING TO INVASION OF PRIVACY AND ADDING LANGUAGE MAKING IT UNLAWFUL TO LOOK THROUGH AN OPENING TO VIEW THE INTERIOR OF A SPACE WHERE A PERSON HAS AN EXPECTATION OF PRIVACY AND MAKING IT PUNISHABLE BY AN INFRACTION; AMENDING AND RENUMBERING 10-1-3 ENTITLED FAILING TO DISPERSE BY MAKING SEVERAL GRAMMATICAL CORRECTIONS; STRIKING SECTION 10-1-4 AND 10-1-5; AMENDING AND RENUMBERING 10-1-6 ENTITLED PUBLIC ELIMINATION OF HUMAN WASTE AND MAKING IT PUNISHABLE BY AN INFRACTION; AMENDING AND RENUMBERING 10-1-7 ENTITLED FIGHTING BY MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-1 ENTITLED CURFEW BY CLARIFYING THAT A VIOLATION IS A MISDEMEANOR; AMENDING 10-2-2 TO RETITLE IT TO JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS AND MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-3 ENTITLED PARENTAL RESPONSIBILITY BY MAKING SEVERAL GRAMMATICAL CHANGES AND STRIKING SEVERAL SECTIONS; AMENDING AND RENUMBERING 10-3 ET SEQ.- ENTITLED ANIMAL CONTROL AND MAKING CERTAIN SECTIONS PUNISHABLE BY AN INFRACTION; AMENDING 10-4 ET SEQ. – ENTITLED FALSE ALARM ORDINANCE MAKING SEVERAL GRAMMATICAL CHANGES AND MAKING A VIOLATION AN INFRACTION; AMENDING 10-5 ET SEQ. – ENTITLED DISCHARGE OF WEAPONS MAKING SEVERAL GRAMMATICAL CHANGE, REORDERING AND RENUMBERING SEVERAL PARAGRAPHS

AND MAKING A VIOLATION OF SUBSECTION B AN INFRACTION; AND PROVIDING AN EFFECTIVE DATE.

**9. Mayor/Council Discussion Items:**

**10. Announcements:**

**11. Executive Session:**

**12. Adjournment:**

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**CITY OF KUNA**  
**BOARD OF CORRECTION MEETING**  
**MINUTES**  
**TUESDAY, MARCH 17, 2015**  
**Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

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**5:30 P.M. BOARD OF CORRECTION**

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**Call to Order and Roll Call:**

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**COUNCIL MEMBERS PRESENT:** Mayor W. Greg Nelson  
Council President Richard Cardoza  
Council Member Briana Buban-Vonder Haar  
Council Member Pat Jones  
Council Member Joe Stear

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**CITY STAFF PRESENT:** Gordon Law, City Engineer  
Richard Roats, City Attorney  
Chris Engels, Interim City Clerk  
Mike Borzick, GIS Manager

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*(Timestamp 00:00:30)*

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Gordon Law, City Engineer explained the Board of Corrections is an opportunity for citizens to bring items for consideration. The information included is an accounting of how the water was used in the last season as well as the prior. It shows the usage and trends in response to conditions. 2013 had drought conditions however 2014 was better. Potable water usage was decreased in 2014 by one hundred and eleven million gallons. Amount wasted is listed and Mr. Law explained that a certain amount of water is ordered into each pump station, the pumps send it into the system, the portion that can't go into the pipe goes into drainage ways and is wasted or lost.

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Council President Cardoza asked if there was a large change in connections between 2013 and 2014.

Mr. Law indicated that there wasn't an out of the ordinary increase but there had been a few from Butler subdivision.

Mr. Law also noted that one property has reached the end of the grace period for not paying their assessment which is listed in item 1 below. They have been notified of their delinquency and on July 1 collection must be made or the property will be seized. In the upcoming year, there is one property owner that may be in a similar situation but it will be monitored.

**The following items are proposed for consideration or decision:**

1. **2012 Tax Deed List (See Attachment) – Provided for information purposes to allow questions or comments. The delinquent property is:**

47 **OASIS PROPERTIES, LLC – S1326428020 – c/o Marty Pieroni, 475 S. Thornwood Way,**  
 48 **Meridian, Idaho 83642**

49  
 50 **2. Water Supply Balance – For the information of the Board, the following Table shows**  
 51 **the quantity of water provided to the pressure irrigation system and the usage, non-**  
 52 **usage and wastage of canal water in 2014. Wastage is computed as the difference**  
 53 **between canal water delivered to a pump station and the amount actually pumped.**  
 54 **Water “not used” is the difference between available canal water allotment (including**  
 55 **carryover) and the amount the City requested to be delivered.**

	<u>2013</u>	<u>2014</u>
58 CANAL WATER PUMPED	666 MG	905 MG
59 POTABLE WATER USED	345 MG	234 MG
60 CANAL WATER DELIVERED	901 MG	1057 MG
61 CANAL WATER WASTED	235 MG	152 MG
62	4,633 Connections (2014)	
63	0.75 acre-feet/connection (2014)	

64  
 65 **3. Scheduled Protestants – supporting documents, if any, provided at meeting**

- 66  
 67 **A. Dave Splzett**  
 68 **B. Paul Beckman**

69  
 70 Mr. Law stated Dave Splzett has asked to have Council consider his issue and Mr. Splzett  
 71 would like to make his presentation.

72  
 73 Mr. Splzett provided his home is at 970 Ashwood Ct. Mr. Splzett explained there is a waste  
 74 ditch in his back yard and if he sprinkles his lawn, it is a waste of water. He would like his  
 75 assessment reduced by the area that is in the Mora Wasteway. He asks for the credit for next  
 76 year.

77  
 78 Mayor Nelson explained he let Mr. Splzett know prior to the meeting that there will be a  
 79 Bureau of Reclamation easement decision along the Mora Wasteway that needs reviewed and  
 80 the 30 foot easement could be from 1890. A townhall meeting won't be held but each  
 81 individual will be handled individually. The FBI notified law enforcement that the militia has  
 82 been interested in the situation. Mayor Nelson indicated he would like to have further  
 83 information from the Bureau of Reclamation before a decision was made.

84  
 85 Mr. Splzett was agreeable to waiting to see if the Bureau of Reclamation intended to claim  
 86 the easement.

87  
 88 Mr. Law stated that city staff was in agreement with Mr. Splzett and would like to see the  
 89 results of the Bureau of Reclamation. Adjustments to the assessments can be made at a later  
 90 date with a 5 day meeting notice.

91  
 92 Council was in agreement to wait.

93  
 94 Mr. Splzett thanked Council for their consideration.

95 **4. Un-scheduled Protestants**

96 *(Timestamp 00:19:30)*

97  
98 **A. Continue Board of Correction**

99  
100 Mr. Law asked for City Attorney Richard Roats to explain the meetings for this week and the  
101 schedule. He explained there was a calendaring delay and the second publication was not  
102 made. A second meeting needs to be held tomorrow and Thursday. It is likely that there will  
103 not be any attendance. The meeting can be reset to Thursday from Wednesday because of  
104 lack of quorum.

105  
106 Mayor Nelson asked about Paul Beckman.

107  
108 Mr. Roats said Mr. Beckman will probably attend next year.

109  
110 Mr. Law explained the change in the vacant lot assessment as well as a settlement on cost  
111 recovery was done by agreement with Mr. Beckman. Since then, Mr. Beckman has not paid  
112 either of them. There are a large number of vacant lot assessment that are delinquent. They  
113 become eligible for seizure for next year. Mr. Beckman is also questioning the interceptor fee  
114 and thinks he shouldn't have to pay it because he prepaid sewer connections. Mr. Law doesn't  
115 think it is a matter for Board of Corrections.

116  
117 Council agreed to meet Thursday for the next meeting.

118  
119 **5. Adjournment: 6:00 p.m.**

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121 **Council Member Stear moved to adjourn the meeting at 6:00 p.m. Seconded by Council**  
122 **Member Jones, all voting aye. Motion carried 4-0.**

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129 W. Greg Nelson, Mayor

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131 ATTEST:

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135 Chris Engels, Interim City Clerk

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137 *Minutes prepared by Chris Engels*

138 *Date Approved: CCM 04.07.2015*

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**CITY OF KUNA  
CITY COUNCIL WORK SHOP  
MINUTES**

**TUESDAY, MARCH 17, 2015**

**Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

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**6:30 P.M. CITY COUNCIL WORKSHOP**

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**COUNCIL MEMBERS PRESENT:** Mayor W. Greg Nelson  
Council President Richard Cardoza  
Council Member Briana Buban-Vonder Haar  
Council Member Pat Jones  
Council Member Joe Stear

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**CITY STAFF PRESENT:** Gordon Law, City Engineer  
Wendy Howell, Planning & Zoning Director  
Richard Roats, City Attorney  
Chris Engels, Interim City Clerk  
Bobby Withrow, Parks Supervisor

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**1. Discussion on Meridian - Kuna Area of Impact line**

*(Timestamp 00:00:01)*

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Mayor Nelson explained the purpose of the meeting was to consider the Kuna Impact Area in light of recent developments. Council received a map that has a line that Mayor Nelson is recommending and that Meridian may be amenable to. He noted the Kuna Planning and Zoning Director, Wendy Howell, is not in agreement with his recommendation. The map shows the route goes along Amity until the crest of the canal is reached, following down to the highway, taking the west corner of Lake Hazel and remove the Taysom property and then include the properties already annexed. The ending location is the half mile mark on Columbia.

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City Attorney Richard Roats and Ms. Howell handed out maps to Council of the area with Mayor Nelson's proposed line.

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Mayor Nelson stated this was being done with full knowledge there were property owners on the Meridian line that would like to come into Kuna. As long as the law allows for it, he doesn't see it makes a difference. The impasse with Meridian needs to be resolved to get the city area established.

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Council Member Buban-Vonder Haar is frustrated as the previous meetings have laid out the proposed areas for Kuna are area's that can be serviced by the city. Meridian hasn't given any idea of what their motivation is for the area. She understands the line is to make things clear but there are a good number in the area that intend to come into Kuna that is across the proposed line.

46 Mayor Nelson said the county has threatened nothing will be done for Kuna if an agreement isn't  
47 made and could cause issues with future development. He doesn't see that keeping the fight  
48 going is worth it in the long term. The County Commissioners offered to attend a meeting with  
49 Council but Mayor Nelson thought the Council could make their decision.

50  
51 Council Member Jones is under the impression the Ada County Commissioners are indicating it  
52 is Meridian's way or no way and are not giving Kuna any support.

53  
54 Mayor Nelson agreed and said it is specifically Commissioner David Case.

55  
56 Council Member Buban-Vonder Haar asked if Mr. Case is getting the false narrative about force  
57 annexations from Meridian or is he getting both sides. She isn't sure if Meridian has a goal or if  
58 they are just doing a land grab. There doesn't appear to be any logic.

59  
60 Mayor Nelson said the county has accused Kuna of doing a land grab. He isn't sure how the  
61 previous line was recognized without the City Council signature and only had Mr. Case's when  
62 he was on the Planning and Zoning Commission for Kuna. It is recognized as a done deal but it  
63 can't be. No one appears to be listening to Kuna's disagreement with Meridian's previous  
64 submission. He thinks the new proposal is a good concession.

65  
66 Council Member Buban-Vonder Haar is still concerned that Kuna has a clear intent to annex  
67 beyond the proposed line because the landowners want to annex within the next 8 months. She  
68 thinks it could cause more harm than good to do both.

69  
70 Mr. Roats indicated the area has been discussed with David Case and Mr. Case would discuss the  
71 proposed area with Meridian but he isn't sure that Mr. Case has followed through. Mr. Roats  
72 showed Council Member Buban-Vonder Haar the area's on the map that include the properties  
73 that are interested in annexing. The proposed line does follow the area of interest as it stands  
74 now. He agrees that the property owners should have the option of their choice if they decide to  
75 obtain services from Kuna.

76  
77 Mayor Nelson acknowledged that some property owners want to stay in Meridian but re-iterated  
78 some owners are receiving conflicting and inaccurate information from Meridian and Kuna will  
79 not forcibly annex.

80  
81 Council Member Stear said that at a previous joint meeting that Kuna offered to leave an area  
82 open to let the property owners decide but Meridian refused because they wanted a line.

83  
84 Council President Cardoza asked about the area at the lateral, wouldn't that become Meridian  
85 even though they committed to Kuna?

86  
87 Mr. Roats said the property owner wants to keep his options open. As long as the category A  
88 annexation options were left open, a property owner could still come into Kuna. His concern is  
89 legislation next year could come around again next year which would force property owners to  
90 make a decision they don't want to make in the next year or two.

91

92 Council Member Stear said that he spoke with Seth from Association of Idaho Cities that there  
93 are still discussions about modifying Meridian's proposed legislation.

94  
95

96 Council President Cardoza thinks Meridian would be open to Lake Hazel and leaving the  
97 individual decisions but thinks they want a defined line.

98

99 Mr. Roats added that Kuna has the services available whereas Meridian does not and doesn't  
100 have any scheduled plan to provide services.

101

102 Council Member Buban-Vonder Haar agreed and said much of it makes sense for Kuna to  
103 service the area because of the slope of the land.

104

105 Council President Cardoza asked which was the original line that was approved in the Comp  
106 plan? Ms. Howell explained the Kuna planning area on the map and planning area doesn't have  
107 to go through the county.

108

109 Mayor Nelson said that Meridian is will to come to Amity Road.

110

111 Council Member Buban – Vonder Haar restated she doesn't understand why Meridian wants the  
112 area or if it is purely for SH 69 and the economic development piece, it has been explained to  
113 them that it is more than an 8 times impact for Kuna versus Meridian at less than 1 percent.

114

115 Mr. Roats explained that the County Commissioners are holding up the approval of their  
116 approvals including the area east for Kuna until the line between Meridian and Kuna agree.

117

118 Council discussed that if Meridian is agreeable, it could be considered to change the proposed  
119 line.

120

121 Council Member Buban-Vonder Haar asked if the survey from 8 years ago that Meridian did,  
122 could be re-created for current owners with input from both cities since many property owners  
123 don't reside in the area.

124

125 Mr. Roats has spoken with a number of property owners and said that many of them don't want  
126 to be in either city or wish to remain in the county.

127

128 Council Member Buban – Vonder Haar commented that out of the 6 commercial corners in  
129 contention, Meridian is getting 4 of them. Meriden would get the 2 at Amity and another 2 at  
130 Lake Hazel. That will impact Kuna's economic expansion.

131

132 Council Member Stear said the offer could be made with a no man's land.

133

134 Ms. Howell said that the green line on the map was the last line proposed by Meridian.

135

136 Council was agreeable to review of their proposal by Meridian and Kuna wouldn't go north of  
137 Amity and want to follow the lateral. Council also expressed a desire for a split of the

138 commercial corners with Meridian by Kuna receiving the 4 corners at Lake Hazel and preserve  
139 the right of the property owners to make their choice.

140

141 **Adjournment:**

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143 **Council Member Stear moved to adjourn the meeting at 7:08 p.m. Seconded by Council**  
144 **Member Jones, all voting aye. Motion carried 4-0.**

145 *(Timestamp 00:39:13)*

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ATTEST:

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Chris Engels, Interim City Clerk

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*Minutes prepared by Chris Engels*

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*Date Approved: CCM 04.07.2015*

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W. Greg Nelson, Mayor

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**CITY OF KUNA**  
**REGULAR CITY COUNCIL MEETING**  
**MINUTES**  
**TUESDAY, MARCH 17, 2015**  
**Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

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**7:00 P.M. REGULAR CITY COUNCIL**

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**1. Call to Order and Roll Call at 7:12 p.m.:**

**COUNCIL MEMBERS PRESENT:** Mayor W. Greg Nelson  
Council President Richard Cardoza  
Council Member Briana Buban-Vonder Haar  
Council Member Pat Jones  
Council Member Joe Stear

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**CITY STAFF PRESENT:** Gordon Law, City Engineer  
John Marsh, City Treasurer  
Wendy Howell, Planning & Zoning Director  
Richard Roats, City Attorney  
Chris Engels, Interim City Clerk  
Bobby Withrow, Parks Supervisor  
Bob Bachman, Bldg. Maint & Insp. /Fleet Mgt.

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**2. Invocation:** None

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**3. Pledge of Allegiance:**

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**4. Consent Agenda:**

*(Timestamp 00:01:00)*

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*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 Old Business or as instructed by the City Council.*

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**A. City Council Meeting Minutes:**

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- 1.** Minutes of March 3, 2015

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**B.** Accounts Payable Dated March 12, 2015 in the Amount of \$340,635.44

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**C. Alcohol Licenses:**

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- 1.** Ridley's Food Corp DBA Ridley's Family Market – Off Premise Beer and Wine

47 **D. Findings of Facts and Conclusions of Law:**

48  
49 Council Member Jones asked about plural lunches and confirmed there were 3.

50  
51 John Marsh, City Treasurer confirmed he was correct.

52  
53 Council Member Jones thanked Bob Bachman, Bldg. Maint & Insp. /Fleet Mgt.  
54 for his frugality. Council Member Jones asked about the Kendall Ford bill for oil  
55 and filter in Meridian and if auto parts could be obtained in Kuna or kept on hand to  
56 reduce shopping time.

57  
58 Mr. Bachman said it was an oversight on his part by running low but 55 gallons of  
59 oil was currently on the way.

60  
61 Council Member Jones thanked Mr. Bachman.

62  
63 **Council Member Stear moved to approve the consent agenda as presented. Seconded by**  
64 **Council Member Buban-Vonder Haar, all voting aye. Motion carried 4-0.**

65  
66 **5. Citizen's Reports or Requests:**

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68 **6. Public Hearings:** (7:00 p.m. or as soon thereafter as matters may be heard.)

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70 **7. Business Items:**

71  
72 **A. Introduction from Jan M. Bennetts, new Ada County Prosecutor**

73  
74 Ms. Bennetts introduced herself and thanked Council for having her. She indicated  
75 the criminal division is hard at work for Kuna. She has been with the office for 20  
76 years. She started in magistrate and has worked in all the departments except civil  
77 division and had been the chief of staff for 2 years prior to accepting this new  
78 position. She is confident in being able to serve the community well.

79  
80 Mayor Nelson and Council thanked Ms. Bennetts for attending and the introduction.  
81 Council appreciates the monthly reports.

82  
83 Ms. Bennetts let Mayor and Council know that Brian Naugles is now trying cases  
84 and Tamara Kelly is the magistrate division supervisor now.

85  
86 **B. Public Works Construction Report, informational only, no action required – Gordon**  
87 **Law, City Engineer**

88  
89 Mr. Law stood for questions.

90  
91 Council Member Stear asked how the trenches that are collapsing are going.

92  
93 Mr. Law said the road surface was hard to hold because of the sand pockets but it is  
94 being worked on. He mentioned Ave E construction starts tomorrow for ACHD.

95 Mayor Nelson commented the fence coming down around the old school gym looks  
96 nice but was sad to see the trees go.  
97

- 98 C. Consideration to Approve Resolution R12-2015 Authorizing Execution of  
99 Reimbursement Agreement with Ridley's Family Markets – Gordon Law, City  
100 Engineer  
101

102 Mr. Law indicated this is similar to the other reimbursements with nothing different  
103 and is recoverable over a ten year time frame.  
104

105 RESOLUTION AUTHORIZING EXECUTION OF A REIMBURSEMENT  
106 AGREEMENT IN THE AMOUNT OF \$41,387.46 WITH RIDLEY'S FAMILY  
107 MARKETS, INC.  
108

109 **Council Member Stear moved to approve Resolution R12-2015 Seconded by Council**  
110 **Member Buban-Vonder Haar with the following roll call vote:**

111 **Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear**

112 **Voting No: None**

113 **Absent: None**

114 **Motion carried 4-0.**  
115

- 116 D. Consideration to Approve Resolution R13-2015 Authorizing Execution of Amended  
117 Discharge Permit with Brass Guys, LLC – Gordon Law, City Engineer  
118

119 Mr. Law explained a few months ago a permit was entered into to discharge with  
120 Brass Guys LLC. They wash brass casings and then recycle them. Wash water  
121 contains heavy metals, in particular contains high concentration of lead. They  
122 developed a process with a consultant to remove the lead and other metals. A few  
123 weeks ago they asked to remove from the testing requirements in the permit; some of  
124 the metals that are far below the contamination level because it was a waste of funds.  
125 Mr. Law reviewed the matter and agreed. The proposed new permit removes testing  
126 for core metals that are far below the limits and will change to annual testing. They  
127 have been as low as a tenth of a percent and recommends approval of the resolution.  
128

129 Council President Cardoza asked Mr. Roats about the contract about including Texas  
130 and Federal Law and why would Texas be interested. Mr. Roats said it should be  
131 Idaho and will make the change.  
132

133 RESOLUTION APPROVING SIGNING OF A PERMIT TO DISCHARGE TO  
134 THE KUNA SOUTH WASTE WATER TREATMENT PLANT BY BRASS GUYS,  
135 LLC AND SETTING FORTH FEES FOR THE SAME.  
136

137 **Council Member Stear moved to approve Resolution R13-2015 Seconded by Council**  
138 **Member Buban-Vonder Haar with the following roll call vote:**

139 **Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear**

140 **Voting No: None**

141 **Absent: None**

142 **Motion carried 4-0.**

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- E. March for Meals on Wheels Proclamation – Mayor Nelson  
(Timestamp 00:15:23)

Mayor Nelson read the Proclamation.

- F. Consideration for additional \$2,500 toward Bernie Fisher Power Upgrades – Bob Bachman, Building/Conservation Manager  
(Timestamp 00:18:23)

Mr. Bachman stood for questions.

Council Member Stear commented that the low lying power lines bother him with people throwing footballs and such and appreciates the project is being done.

Mr. Marsh confirmed there are funds available in the contingency fund.

**Council Member Stear moved to approve the expense of up to \$2,500 for Bernie Fisher Power Upgrades from the Contingency Fund Seconded by Council President Cardoza, all voting aye. Motion carried 4-0.**

- G. Consideration to Approve Resolution R14-2015 Approving Award of Bid to Hess Construction, Inc. for NWWTP Parking Project – Gordon Law, City Engineer  
(Timestamp 00:20:26)

Mr. Law noted there were 3 bids and Hess is considerably lower than the others. When this bid is combined with the consultant work in preparing plans and specifications, the total exceeds the amount budgeted and is requesting funds from contingency from sewer, water and irrigation funds to be directed to the project to be sure it is completed.

Council Member Jones asked about the amounts of \$38,100 set up in the budget, the bid is \$30,000, \$6,000 for JUB paid in the accounts payable approved today and asked where the other \$18,000 comes from that totals \$53,000.

Mr. Law said there are other invoices coming from the consultant. There was an allocation of \$15,000 for them, which added to the \$30-\$31,000 exceeds the \$38,000. The allowance from contingency is to cover that shortage, plus a small amount for any change order that might occur.

Council Member Jones isn't sure where the \$53,000 is coming from and it is costing half of what is spent on consultation.

Mr. Law said to prepare the plans and specifications are costing about half of the project amount. The smaller the project gets, the more the percentage for consultant fees are. As the project gets larger, the percentage drops.

190 Council Member Jones said he was troubled by the fence and the cost of \$6,000 but  
191 there are lesser bids. Could the fence be pulled to save the city some money?  
192

193 Mr. Law responded the fence bid could be pulled out and that will be discussed. Bids  
194 are done the same to this point to get consistency and changes can be made later into  
195 the process.  
196

197 RESOLUTION AWARDDING BID TO HESS CONSTRUCTION, INC. IN THE  
198 AMOUNT OF \$30,154.00 FOR THE NORTH WASTE WATER TREATMENT  
199 PLANT PARKING PROJECT; DIRECTING EXPENDITURE OF FUNDS FROM  
200 THE SEWER, WATER AND IRRIGATION FUNDS FOR SAID WORK; AND  
201 AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO  
202 EXECUTE CONTRACT DOCUMENTS WITH SAID BIDDER.  
203

204 **Council Member Stear moved to approve Resolution R14-2015 Seconded by Council**  
205 **Member Buban-Vonder Haar with the following roll call vote:**

206 **Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear**

207 **Voting No: None**

208 **Absent: None**

209 **Motion carried 4-0.**  
210

211 **H.** Consideration to Approve Resolution R15-2015 Approving Award of Bid to Knife  
212 River Corporation – Northwest for Deerhorn Sewer Project-Gordon Law, City  
213 Engineer  
214 (*Timestamp 00:26:09*)  
215

216 Mr. Law indicated there are no exceptions and recommends approval.  
217

218 RESOLUTION AWARDDING BID TO KNIFE RIVER CORPORATION –  
219 NORTHWEST IN THE AMOUNT OF \$136,424.50 FOR THE DEERHORN  
220 SEWER MAIN PROJECT; DIRECTING EXPENDITURE OF FUNDS FROM THE  
221 SEWER FUND FOR SAID WORK; AND AUTHORIZING THE MAYOR, CITY  
222 CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS  
223 WITH KNIFE RIVER CORPORATION – NORTHWEST.  
224

225 **Council Member Stear moved to approve Resolution R15-2015 Seconded by Council**  
226 **Member Buban-Vonder Haar with the following roll call vote:**

227 **Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear**

228 **Voting No: None**

229 **Absent: None**

230 **Motion carried 4-0.**  
231

232 **I.** Consideration to Approve Resolution R16-2015 Approving Award of Bid to Knife  
233 River for Schedule A, Hi-Grade Underground for Schedule B and Titan Technologies  
234 for Schedule C for the 2015 Pressure Irrigation Project – Gordon Law, City Engineer  
235 (*Timestamp 00:26:09*)  
236

237 Mr. Law said the bid was split into 3 schedules in case something had to be delayed.  
238 There was a protestant on the bids. He has asked Mr. Roats to explain further. On the  
239 parking bid, Mr. asks for contingency amounts in the resolution and not the memo.  
240 He asked the council to consider the protest of the bid and the disposition, then the  
241 resolution and award of bid could be considered.  
242

243 Mr. Roats asked Council to review the protest letter from Paul Construction. Mr.  
244 Roats responded in the time line required. He read the letter into the record.  
245

246 James L. Paul, President  
247 Peggy S. Paul, Vice President  
248 Paul Construction, Inc.  
249 P.O. Box 1117  
250 Meridian, Idaho 83680  
251

252 Re: *City of Kuna, Idaho Pressure Irrigation Pipelines, Engineer's Project No 214112*  
253 *Bid Package B Letter of Protest*  
254

255 Dear Mr. and Mrs. Paul:  
256

257 I write as attorney for the city of Kuna in response to your *Letter of Protest* filed on March 12,  
258 2015.  
259

260 In your protest you make two (2) claims.  
261

- 262 1. The Bid Form that is in Bid Documents for projects is the required paper that is to be  
263 submitted for the bid opening and the Advertisement to Bid is not in the Documents  
264 section, nor is it considered a Bid Document. (I would note that you submitted your  
265 Bid Form to the City of Kuna, 763 W. Avalon, Kuna Idaho 83634 and not at the City  
266 of Kuna, Office of the City Engineer, 6950 South Ten Mile Road, Meridian, Idaho  
267 83642); and
- 268 2. Paul Construction, Inc. was the only responsive bidder for Schedule B and actually the  
269 entire project and the other bidders should be considered non-responsive.  
270

271 The city responds as follows:  
272

273 You obtained from the city of Kuna, Idaho the document entitled "*Bid Documents &*  
274 *Specifications, City of Kuna, Idaho Pressurized Irrigation Pipelines, Bid Package A Ten Mile*  
275 *Road (Ingo Street to Heartland Drive), Bid Package B Kuna Canal (Near Ardell Road), Bid*  
276 *Package C Downtown Area (N Avenue B and W 2<sup>nd</sup> Street), February 15, 2015 Engineer's Project*  
277 *No. 214112*", hereinafter referred to as the "Bid Documents".  
278

279 Relevant to the city's response, the Bid Documents contains, in part, both the *Advertisement for*  
280 *Bids* and the *Instruction to Bidders*, therefore these documents are necessary documents to the Bid  
281 Documents and they must be complied with in submitting your Bid.  
282

283 In regards to your claim that you submitted your documents to the city at 763 W. Avalon Street,  
284 Kuna, Idaho as per the Bid Form, the Bid Form provides that Bids can be submitted by mail to

285 City of Kuna, Public Works Department, 763 W. Avalon, Kuna, ID 83634, or deliver to City of  
286 Kuna, Public Works Department, 763 W. Avalon, Kuna, ID 83634. (Emphasis added). In this  
287 context “deliver” means either by Federal Express, United Parcel Service, or other courier, and  
288 applies in the situation that a Bid is delivered via one of the two methods prior to the Bid Opening.  
289 This interpretation is confirmed in *Article 15.02* wherein “other delivery system” is compared to a  
290 Bid being sent by mail.

291  
292 Contrary to your assertion, the Bid Documents clearly provide in 1) the *Advertisement for Bids*  
293 and 2) the *Article 15- Submittal of Bid*, the Bids that Bids are required to be submitted to the City  
294 of Kuna Wastewater Treatment Plant, Office of the City Engineer, 6950 South Ten Mile Road,  
295 Meridian, Idaho 83642.

296  
297 Significantly, 15.02 of *Article 15* provides:

298  
299 A Bid shall be submitted no later than the date and time prescribed and at the place indicated in  
300 the *Advertisement for Bids* . . . . The Bid shall be submitted to City of Kuna Wastewater Treatment  
301 Plant, Office of the City Engineer, 6950 South Ten Mile Road, Meridian, Idaho 83642. The  
302 *Advertisement for Bids* provides that Bids . . . shall be received by the City of Kuna Wastewater  
303 Treatment Plant, Office of the City Engineer, 6950 South Ten Mile Road, Meridian, Idaho 83642  
304 until 4:00 pm local time on March 11, 2005.

305  
306 Additionally, 4.07 of Article 4 provides:

307  
308 It is the responsibility of each Bidder before submitting a Bid to:

309  
310 (A) examine and carefully study Bidding Documents, including any addenda and the other related  
311 data identified in the Bidding Documents;

312 . . .

313  
314 (I) promptly give the Engineer written notice of all conflicts, errors, ambiguities, or discrepancies  
315 that the Bidder discovers in the Bidding Documents and confirm that the written resolution thereof  
316 by Engineer is acceptable to Bidder[.]

317  
318 According to the Bidding Documents, you were required to object to the conflict, error, ambiguity  
319 or discrepancy. As you failed to do so, you have waived any claim. See, *FieldTurf, Inc. v. State*,  
320 140 Idaho 385, 94 P.3d 690 (Idaho 2004).

321  
322 Therefore, your Bid was not submitted to the City of Kuna, Wastewater Treatment Plant, Office of  
323 the City Engineer, 6950 South Ten Mile Road, Meridian, Idaho 83642 as required by the Bid  
324 Documents. As a side note, the only place that the 4:00 pm time requirement is mentioned is the  
325 *Advertisement to Bid*, and you appeared at the 763 W. Avalon Street, Kuna, Idaho location by this  
326 time.

327  
328 In your second claim, you assert that you were the only responsive bidder for Schedule B and  
329 actually the entire project. Based upon the city’s determination that you did not submit your Bid  
330 as required by the Bid Documents, and the other Bids were received as required by the Bid  
331 Document, your second claim is without merit.

332

333 Finally, I would also point out that your Bid was not the low responsive bid. Therefore, you lack a  
334 constitutional claim. See, *SE/Z Construction, L.L.C. v. Idaho State University*, 140 Idaho 8, 89  
335 P.3d 848 (Idaho 2004).

336  
337 For the foregoing reasons, your protest is denied.

338  
339 On behalf of the city of Kuna, we are sorry that your Bid was not in compliance with the  
340 requirements of the Bid Documents when you appeared at the City of Kuna, 763 W. Avalon  
341 Street, Kuna, Idaho. If you have any additional questions, please call at your convenience.

342

343

344

Sincerely,

345

346

347

Richard T. Roats

348

City of Kuna, City Attorney

349

350

*(Timestamp 00:37:50)*

351

Mr. Roats summarized Paul Construction was at the wrong location for physical drop  
352 off of the documents and was not the low bidder. He recommends council deny the  
353 protest.

354

355

Mayor Nelson asked if a contractor comes into city hall, are they redirected to the  
356 treatment plant.

357

358

Mr. Law said that he was notified by the delivery but Paul Construction was so close  
359 to the deadline that he couldn't be redirected to the treatment plant.

360

361

Council Member Buban-Vonder Haar asked about the time discrepancy that was  
362 stamped on the envelope.

363

364

Interim City Clerk Chris Engels explained the respondent was given the option of  
365 taking the bid to the treatment plant but they declined and requested it be checked in  
366 and stamped.

367

368

Council President Cardoza said he thought the bid documents were confusing about  
369 the delivery location options.

370

371

Mr. Roats said the documents needed to be read in their entirety to establish the  
372 delivery.

373

374

Mayor Nelson said the point was the responder was not the low bid.

375

376

Mr. Roats and Mr. Law clarified that this has been the form that has been  
377 successfully used for the last five years. Mr. Law wasn't sure why the contractor  
378 didn't call him with any questions. The bidder was actually at the plant at 3:00 p.m.  
379 and left to drop off the bid at city hall. Some clarification needs to be cleared up in

380 the documents but doesn't conclude that they are the only valid bidder and even  
381 including their bid, they are still the highest.

382  
383 Mr. Roats responded to Council President Cardoza that there isn't any ambiguity and  
384 the responsibility is the bidders as it is stated in the bidding document. It is very clear  
385 in several locations in the document where the documents can be hand delivered.

386  
387 Mayor Nelson stated that the bidder may have a point if they were the low bidder but  
388 since they are the high bidder, they wouldn't have received the bid anyway.

389  
390 **Council Member Stear moved to deny the protest with the bidding, Seconded by**  
391 **Council Member Buban-Vonder Haar with the following roll call vote:**  
392 **Voting Aye: Council Members Jones, Buban-Vonder Haar and Stear**  
393 **Voting No: Council President Cardoza**  
394 **Absent: None**  
395 **Motion carried 3-1.**

396  
397 RESOLUTION AWARDING BID FOR THE 2015 PRESSURE IRRIGATION  
398 PROJECT TO KNIFE RIVER CORPORATION-NORTHWEST IN THE AMOUNT  
399 OF \$342,475.50 FOR SCHEDULE A OF THE PROJECT; AWARDSING BID TO  
400 HI-GRADE UNDERGROUND, INC. IN THE AMOUNT OF \$52,120.55 FOR  
401 SCHEDULE B OF THE PROJECT; AWARDSING BID TO TITAN  
402 TECHNOLOGIES, INC. IN THE AMOUNT OF \$211,705.00 FOR SCHEDULE C  
403 OF THE PROJECT; DIRECTING EXPENDITURE OF FUNDS FROM THE  
404 SEWER FUND FOR SAID PROJECT; AND AUTHORIZING THE MAYOR,  
405 CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT  
406 DOCUMENTS WITH SAID BIDDERS.

407  
408 Mr. Law said a bidder on schedule B made a significant and material bid by writing  
409 out \$52, \$217 and didn't want to take the bids because of the error. The bidder was  
410 informed that when there is a significant and material bid mistake, they can be  
411 excluded by request without sacrificing their bid bond. It was Cascade Pipeline Inc.  
412 Mr. Law recommends the withdrawal be accepted as valid.

413  
414 **Council Member Stear moved to accept the withdrawal of bid for Cascade Pipeline**  
415 **Inc, Seconded by Council Member Buban-Vonder Haar, with the following roll call**  
416 **vote:**  
417 **Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear**  
418 **Voting No: None**  
419 **Absent: None**  
420 **Motion carried 4-0.**

421  
422 **Council Member Stear moved to approve Resolution R16-2015 Seconded by Council**  
423 **Member Buban-Vonder Haar with the following roll call vote:**  
424 **Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar and Stear**  
425 **Voting No: None**  
426 **Absent: None**  
427 **Motion carried 4-0.**

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## 8. Ordinances:

*(Timestamp 00:57:00)*

### A. **First Reading of Ordinance No. 2015-07 Police Regulations**

*Consideration to approve ordinance.*

*Consideration to approve a summary publication of the ordinance*

AN ORDINANCE OF THE CITY OF KUNA, IDAHO STRIKING AND AMENDING CERTAIN SECTIONS OF CHAPTER 1, TITLE 10, KUNA CITY CODE- ENTITLED POLICE REGULATIONS, AS FOLLOWS: STRIKING 10-1-1 DISTURBING THE PEACE; AMENDING AND RENUMBERING 10-1-2 BY CHANGING THE TITLE FROM WINDOW PEEPING TO INVASION OF PRIVACY AND ADDING LANGUAGE MAKING IT UNLAWFUL TO LOOK THROUGH AN OPENING TO VIEW THE INTERIOR OF A SPACE WHERE A PERSON HAS AN EXPECTATION OF PRIVACY AND MAKING IT PUNISHABLE BY AN INFRACTION; AMENDING AND RENUMBERING 10-1-3 ENTITLED FAILING TO DISPERSE BY MAKING SEVERAL GRAMMATICAL CORRECTIONS; STRIKING SECTION 10-1-4 AND 10-1-5; AMENDING AND RENUMBERING 10-1-6 ENTITLED PUBLIC ELIMINATION OF HUMAN WASTE AND MAKING IT PUNISHABLE BY AN INFRACTION; AMENDING AND RENUMBERING 10-1-7 ENTITLED FIGHTING BY MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-1 ENTITLED CURFEW BY CLARIFYING THAT A VIOLATION IS A MISDEMEANOR; AMENDING 10-2-2 TO RETITLE IT TO JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS AND MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-3 ENTITLED PARENTAL RESPONSIBILITY BY MAKING SEVERAL GRAMMATICAL CHANGES AND STRIKING SEVERAL SECTIONS; AMENDING AND RENUMBERING 10-3 ET SEQ.- ENTITLED ANIMAL CONTROL AND MAKING CERTAIN SECTIONS PUNISHABLE BY AN INFRACTION; AMENDING 10-4 ET SEQ. – ENTITLED FALSE ALARM ORDINANCE MAKING SEVERAL GRAMMATICAL CHANGES AND MAKING A VIOLATION AN INFRACTION; AMENDING 10-5 ET SEQ. – ENTITLED DISCHARGE OF WEAPONS MAKING SEVERAL GRAMMATICAL CHANGE, REORDERING AND RENUMBERING SEVERAL PARAGRAPHS AND MAKING A VIOLATION OF SUBSECTION B AN INFRACTION; AND PROVIDING AN EFFECTIVE DATE.

Mr. Roats indicated there was a change for Chief Dusseau for invasion of privacy which was window peeping to a misdemeanor not an infraction. Other items were cleaned up such as Disturbing the Peace and Alcohol because they are covered by state code. He explained the basis for the changes and the costs associated with the charges for public defenders such as misdemeanors and may not be appropriate to charge at that level versus an infraction.

Council Member Buban-Vonder Haar, asked about the impounding of animals and wanted to double check the provisions for cats. Perhaps it could say in accordance with the policy of the Idaho Humane Society.

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Mr. Roats, Mayor and Council members were agreeable.

Council President Cardoza asked about 10-1-3, as it pertains to private property, what is the clarification for private yards without a fence or property extending to back alleys.

Mr. Roats indicated it is private property that is open to the public.

Council Member Buban – Vonder Haar responded to Council President Cardoza that if a person urinated on a private fence while standing in public area or private area that they could be seen, it could fall under indecent exposure.

Chief Dusseau, Kuna Police Chief, said the situations can be handled with the ordinance with the new changes. Things could be changed if the problems persist and indecent exposure is used. He will bring any concerns back to council if the new changes don't take care of the concerns.

Council Member Jones asked if the alarm portion is known by the companies and why blow guns are included in the weapon section.

Mr. Roats said it has been sent out to the providers but he will ensure alarm companies are notified again and blow guns are included because it is a common description to cover everything.

Mr. Roats responded to Mayor Nelson that he would bring back a revised version for a second and third reading at the next meeting.

## **9. Mayor/Council Discussion Items:**

Council Member Stear asked how much longer to fill the Clerk's and Deputy Clerk position.

Mayor Nelson will be asking to open the Deputy Clerk position at the next meeting. He indicated Ms. Engels is swamped and everyone is, and it isn't fair to hold it open much longer to try to make up the difference on the former City Clerk's leave time. There will also be a new policy coming forward to correct accrual of vacation and comp time.

Mr. Roats asked Council if they want to announce the City Clerk position as in house or to go expanded. The Clerk position recommendation could be put up at the next meeting then put the Deputy position after that.

Council Member Buban-Vonder Haar said that she is not opposed to a wider net and would like someone local.

Mayor Nelson wants to open it and review internal employees.

524 Mr. Roats confirmed that would be the policy for both the City Clerk and Deputy  
525 City Clerk.

526  
527 Mr. Roats addressed the Senior Center scheduling. Typically revenue for the Senior  
528 Center comes from the weekends of private events. Requests for fee waivers from  
529 organizations are increasing and are asking to move to the weekends. That could  
530 cause no revenue from the facility. He asked for guidance or direction.

531  
532 Council Member Buban - Vonder Haar likes to let those who provide activity for the  
533 entire community. That is her criteria for approving a fee waiver. In order to keep the  
534 facility open, there has to be some people that pay to use and would like to find a  
535 balance.

536  
537 Council President Cardoza mentioned that the Lions Club uses it for Thanksgiving  
538 that is open to the public but prefers the weekends are used for paying customers.  
539 The city incurs the costs for the building and utilities and would like to cover them.

540  
541 Council Member Jones asked Ms. Engels the cost to rent the Senior Center.

542  
543 Ms. Engels answered it is \$50 for the first hour and \$10 for every hour thereafter.  
544 The current situation is that the Young Marines were granted a fee waiver and the use  
545 of the facility on Saturdays until noon on the first and third Saturdays and want to  
546 change it to the first and second Saturdays. There are some conflicts with private  
547 events. In addition, the VFW wants to vacate their Wednesday nights and move to  
548 the second Saturday of the month. The renters on Saturday's have been cutback  
549 because Bingo wanted to come in earlier at 3:00. In response to Council Member  
550 Jones, the Senior Association benefits from the Bingo revenue.

551  
552 Council Member Jones agreed with Council Member Buban – Vonder Haar and  
553 Council President Cardoza but to balance.

554  
555 Council Member Buban – Vonder Haar asked if the city keeps a list of other meeting  
556 room options in the city.

557  
558 Ms. Engels confirmed information of other options was given to requesters.

559  
560 **10. Announcements:**

561  
562 **11. Executive Session:**

563  
564 **12. Adjournment: 8:42 p.m**

565  
566 **Council Member Stear moved to adjourn the meeting at 8:42 p.m. Seconded by Council**  
567 **President Cardoza, all voting aye. Motion carried 4-0.**

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ATTEST:

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W. Greg Nelson, Mayor

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Chris Engels, Interim City Clerk

*Minutes prepared by Chris Engels*  
*Date Approved: CCM 04.07.2015*

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**CITY OF KUNA  
BOARD OF CORRECTION MEETING  
MINUTES  
TUESDAY, MARCH 19, 2015  
Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

10  
11

**6:00 P.M. BOARD OF CORRECTION**

12  
13

**Call to Order and Roll Call:**

14  
15  
16  
17

**COUNCIL MEMBERS PRESENT:** Mayor W. Greg Nelson  
Council Member Briana Buban-Vonder Haar  
Council Member Pat Jones  
Council Member Joe Stear

18  
19

Council President Richard Cardoza - Absent

20  
21  
22  
23  
24

**CITY STAFF PRESENT:** Gordon Law, City Engineer  
Richard Roats, City Attorney  
Chris Engels, Interim City Clerk  
Mike Borzick, GIS Manager

25  
26  
27

No Business to be conducted. City Engineer, Gordon Law has not received any requests nor has any request to come to City Hall

28  
29

**Adjournment:** 6:01p.m.

30  
31  
32

**Council Member Stear moved to adjourn the meeting at 6:00 p.m. Seconded by Council Member Jones, all voting aye. Motion carried 3-0. Cardoza absent**

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W. Greg Nelson, Mayor

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ATTEST:

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Chris Engels, Interim City Clerk

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*Minutes prepared by Chris Engels  
Date Approved: CCM 04.07.2015*

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**CITY OF KUNA  
SPECIAL CITY COUNCIL MEETING  
MINUTES**

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**TUESDAY, MARCH 31 2015**

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**Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho**

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**9:30 A.M. SPECIAL CITY COUNCIL**

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

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**COUNCIL MEMBERS PRESENT:** Mayor W. Greg Nelson  
Council President Richard Cardoza  
Council Member Pat Jones  
Council Member Joe Stear

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Council Member Briana Buban-Vonder Haar - Absent

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**CITY STAFF PRESENT:** Gordon Law, City Engineer  
Chris Engels, Interim City Clerk

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**2. Business Items:**

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- A.** Consideration to Approve Resolution R17-2015 Authorizing Execution of an Agreement with Bureau of Reclamation for the Pressure Irrigation Water Pipeline Crossing, Teed Lateral – Gordon Law, City Engineer

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A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE  
CONSENT TO USE AGREEMENT WITH THE UNITED STATES  
DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION AND  
AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

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**Council Member Stear moved to approve Ordinance Resolution R17-2015,  
Seconded by Council Member Jones with the following roll call vote:**

**Voting Aye: Council Members Cardoza, Jones, and Stear**

**Voting No: None**

**Absent: Council Member Buban – Vonder Haar**

**Motion carried 3-0.**

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- B.** Consideration to Approve Resolution R18-2015 Authorizing Execution of an Agreement with Bureau of Reclamation for the Pressure Irrigation Water Pipeline Easement Encroachment, Kuna Canal – Gordon Law, City Engineer

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A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE  
CONSENT TO USE AGREEMENT WITH THE UNITED STATES  
DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION AND  
AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

49 **Council Member Stear moved to approve Ordinance Resolution R18-2015,**  
 50 **Seconded by Council Member Jones with the following roll call vote:**  
 51 **Voting Aye: Council Members Cardoza, Jones, and Stear**  
 52 **Voting No: None**  
 53 **Absent: Council Member Buban – Vonder Haar**  
 54 **Motion carried 3-0.**

56 **3. Adjournment**

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 58 **Council Member Stear moved to adjourn the meeting at 9:33 a.m. Seconded by**  
 59 **Council Member Jones, all voting aye. Motion carried 3-0. Council Member**  
 60 **Buban – Vonder Haar absent.**

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 67 W. Greg Nelson, Mayor

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 69 ATTEST:

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 73 Chris Engels, Interim City Clerk

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 75 *Minutes prepared by Chris Engels*  
 76 *Date Approved: CCM 04.07.2015*



City of Kuna

## Payment Approval Report - City Council Approval

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Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
				P&Z, MAR 15	03/13/2015	10.67	.00	01-6255 TELEPHONE	1003	3/15		
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211931		MOVED PATCH CABLE FROM OLD EQUIPMENT TO NEW INTEGRA EQUIPMENT. TESTED REMOTE ACCESS AND LINES, WATER, MAR 15	03/13/2015	26.17	.00	20-6255 TELEPHONE EXPENSE	0	3/15		
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211931		MOVED PATCH CABLE FROM OLD EQUIPMENT TO NEW INTEGRA EQUIPMENT. TESTED REMOTE ACCESS AND LINES, SEWER, MAR 15	03/13/2015	34.17	.00	21-6255 TELEPHONE EXPENSE	0	3/15		
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211931		MOVED PATCH CABLE FROM OLD EQUIPMENT TO NEW INTEGRA EQUIPMENT. TESTED REMOTE ACCESS AND LINES, PI, MAR 15	03/13/2015	11.09	.00	25-6255 TELEPHONE EXPENSE	0	3/15		
Total 00211931:						114.10	.00					
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211932		HUB LOCATION UPGRADE, TESTED PHONES ONCE NEW VPN WAS ESTABLISHED, ADMIN, MAR 15	03/13/2015	37.47	.00	01-6255 TELEPHONE	0	3/15		
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211932		HUB LOCATION UPGRADE, TESTED PHONES ONCE NEW VPN WAS ESTABLISHED, P&Z, MAR 15	03/13/2015	12.50	.00	01-6255 TELEPHONE	1003	3/15		
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211932		HUB LOCATION UPGRADE, TESTED PHONES ONCE NEW VPN WAS ESTABLISHED, WATER, MAR 15	03/13/2015	30.66	.00	20-6255 TELEPHONE EXPENSE	0	3/15		
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211932		HUB LOCATION UPGRADE, TESTED PHONES ONCE NEW VPN WAS ESTABLISHED, SEWER, MAR 15	03/13/2015	40.03	.00	21-6255 TELEPHONE EXPENSE	0	3/15		
1566	ADVANCED COMMUNICATIONS, INC. dba DATATE	00211932		HUB LOCATION UPGRADE, TESTED PHONES ONCE NEW VPN WAS ESTABLISHED, PI, MAR 15	03/13/2015	12.99	.00	25-6255 TELEPHONE EXPENSE	0	3/15		

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Total 00211932:						133.65	.00					
Total ADVANCED COMMUNICATIONS, INC. dba DATATE:						247.75	.00					
<b>ARGO INTERNATIONAL CORPORATION</b>												
1738	ARGO INTERNATIONAL CORPORATION	SI-0176855	2688	<u>1 EA. DIAPHRAM PUMP REPAIR KIT FOR THE HYPO SKID, M.NADEAU, MAR.'15 - SEWER</u>	03/13/2015	202.71	.00	<u>21-6142 MAINT. &amp; REPAIRS - EQUIPMENT</u>	0	3/15		
Total SI-0176855:						202.71	.00					
Total ARGO INTERNATIONAL CORPORATION:						202.71	.00					
<b>ASSN. OF IDAHO PUBLIC WORKS PROFESSIONAL</b>												
1474	ASSN. OF IDAHO PUBLIC WORKS PROFESSIONAL	2015-095		<u>ANNUAL MEMBERSHIP DUES FOR G LAW, WATER, MARCH 15</u>	03/26/2015	16.80	.00	<u>20-6075 DUES &amp; MEMBERSHIPS</u>	0	3/15		
1474	ASSN. OF IDAHO PUBLIC WORKS PROFESSIONAL	2015-095		<u>ANNUAL MEMBERSHIP DUES FOR G LAW, SEWER, MARCH 15</u>	03/26/2015	16.80	.00	<u>21-6075 DUES &amp; MEMBERSHIPS</u>	0	3/15		
1474	ASSN. OF IDAHO PUBLIC WORKS PROFESSIONAL	2015-095		<u>ANNUAL MEMBERSHIP DUES FOR G LAW, PI, MARCH 15</u>	03/26/2015	6.40	.00	<u>25-6075 DUES &amp; MEMBERSHIPS EXPENSE</u>	0	3/15		
Total 2015-095:						40.00	.00					
Total ASSN. OF IDAHO PUBLIC WORKS PROFESSIONAL:						40.00	.00					
<b>AUTOZONE, INC.</b>												
1606	AUTOZONE, INC.	4126709309 04	2692	<u>1 PAIR BRAKE PADS FOR TRUCK #13, B.GILLOGLY, MAR.'15 - PARKS</u>	03/13/2015	20.92	.00	<u>01-6305 VEHICLE MAINTENANCE &amp; REPAIRS</u>	1004	3/15		
Total 4126709309 04:						20.92	.00					
1606	AUTOZONE, INC.	4126712744 03	2703	<u>WINDOW WASH FLUID FOR THE FLEET AND 1 EA. DOOR HANDLE FOR TRUCK #13, B.GILLOGLY, PARKS, MAR.'15</u>	03/17/2015	23.83	.00	<u>01-6305 VEHICLE MAINTENANCE &amp; REPAIRS</u>	1004	3/15		

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total 4126712744 03:						23.83	.00					
Total AUTOZONE, INC.:						44.75	.00					
<b>B &amp; A ENGINEERS</b>												
347	B & A ENGINEERS	CK02-4		<u>DEERHORN SEWER MAIN PROJECT, ROCK PROFILE, G LAW, MAR 15</u>	03/13/2015	1,145.66	.00	<u>21-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
Total CK02-4:						1,145.66	.00					
Total B & A ENGINEERS:						1,145.66	.00					
<b>BOISE CALIBRATION SERVICE, INC.</b>												
1636	BOISE CALIBRATION SERVICE, INC.	18779	2735	<u>(2) BACKFLOW CALIBRATION TEST DONE ON BACKFLOW PREVENTERS, T SHAFER, WATER, MAR 15</u>	03/26/2015	90.00	.00	<u>25-6142 MAINT. &amp; REPAIRS - EQUIPMENT</u>	0	3/15		
Total 18779:						90.00	.00					
Total BOISE CALIBRATION SERVICE, INC.:						90.00	.00					
<b>BRADY INDUSTRIES OF IDAHO LLC</b>												
1240	BRADY INDUSTRIES OF IDAHO LLC	4717731	2680	<u>1 CS TOILET PAPER, CITY HALL, MAR 15</u>	03/10/2015	54.90	.00	<u>01-6025 JANITORIAL</u>	0	3/15		
Total 4717731:						54.90	.00					
1240	BRADY INDUSTRIES OF IDAHO LLC	4719843	2683	<u>1 CS PAPER TOWELS, 1 CS TOILET PAPER, 1 CS LARGE TRASH LINDERS, SENIOR CENTER, MAR 15</u>	03/12/2015	139.14	.00	<u>01-6025 JANITORIAL</u>	1001	3/15		
Total 4719843:						139.14	.00					

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total BRADY INDUSTRIES OF IDAHO LLC:						194.04	.00					
<b>BSN SPORTS, LLC</b>												
1739	BSN SPORTS, LLC	96786313	2697	<u>BACKBOARD FOR BERNIE FISHER PARK BASKETBALL COURT WITH SHIPPING. HIGH FIVE GRANT - PARK INVENTORY - BOBBY WITHROW</u>	03/19/2015	701.99	.00	<u>03-6360 EXPEND.- BLUE CROSS HIGH FIVE</u>	0	3/15		
Total 96786313:						701.99	.00					
Total BSN SPORTS, LLC:						701.99	.00					
<b>BUREAU OF OCCUPATIONAL LICENSE</b>												
1091	BUREAU OF OCCUPATIONAL LICENSE	04012015TF		<u>RENEWAL OF LICENSE #DWD1 -14724, T. FLEMING, SEWER, APR.'15</u>	04/01/2015	30.00	.00	<u>21-6075 DUES &amp; MEMBERSHIPS</u>	0	4/15		
Total 04012015TF:						30.00	.00					
Total BUREAU OF OCCUPATIONAL LICENSE:						30.00	.00					
<b>BURKS TRACTOR COMPANY</b>												
1736	BURKS TRACTOR COMPANY	NI79378	2717	<u>12 EA. FILTERS FOR THE KUBOTA, STOCK, B.BACHMAN, MAR.'15</u>	03/06/2015	119.70	.00	<u>01-6305 VEHICLE MAINTENANCE &amp; REPAIRS</u>	1004	3/15		
Total NI79378:						119.70	.00					
Total BURKS TRACTOR COMPANY:						119.70	.00					
<b>BUSY BEE SAND &amp; GRAVEL</b>												
10	BUSY BEE SAND & GRAVEL	0005404	2730	<u>SAND FOR THE VOLLEYBALL COURTS, HIGH 5 GRANT, C.ENGELS, MAR.'15</u>	03/26/2015	646.86	.00	<u>03-6360 EXPEND.- BLUE CROSS HIGH FIVE</u>	0	3/15		
Total 0005404:						646.86	.00					

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total BUSY BEE SAND & GRAVEL:						646.86	.00					
<b>CAMPBELL TRACTOR &amp; IMPLEMENT COMPANY</b>												
135	CAMPBELL TRACTOR & IMPLEMENT COMPANY	N01877	2682	<u>OIL FILTER FOR MOWER AT LAGOONS, B. GILLOGLY, SEWER, MAR 15</u>	03/09/2015	33.98	.00	<u>21-6142 MAINT. &amp; REPAIRS - EQUIPMENT</u>	0	3/15		
Total N01877:						33.98	.00					
Total CAMPBELL TRACTOR & IMPLEMENT COMPANY:						33.98	.00					
<b>CAPITAL PAVING CO</b>												
20	CAPITAL PAVING CO	58629		<u>HOT PATCH, PERMANENT, AT 590 BLACK OAK, SEWER, MAR 15</u>	03/18/2015	395.00	.00	<u>21-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
Total 58629:						395.00	.00					
Total CAPITAL PAVING CO:						395.00	.00					
<b>CASELLE INC</b>												
1239	CASELLE INC	040115C		<u>MONTHLY SOFTWARE SUPPORT FOR APRIL 15, ADMIN</u>	04/02/2015	287.41	.00	<u>01-6052 CONTRACT SERVICES</u>	0	4/15		
1239	CASELLE INC	040115C		<u>MONTHLY SOFTWARE SUPPORT FOR APRIL 15, P&amp;Z</u>	04/02/2015	95.84	.00	<u>01-6052 CONTRACT SERVICES</u>	1003	4/15		
1239	CASELLE INC	040115C		<u>MONTHLY SOFTWARE SUPPORT FOR APRIL 15, WATER</u>	04/02/2015	235.13	.00	<u>20-6052 CONTRACT SERVICES</u>	0	4/15		
1239	CASELLE INC	040115C		<u>MONTHLY SOFTWARE SUPPORT FOR APRIL 15, SEWER</u>	04/02/2015	307.00	.00	<u>21-6052 CONTRACT SERVICES</u>	0	4/15		
1239	CASELLE INC	040115C		<u>MONTHLY SOFTWARE SUPPORT FOR APRIL 15, PI</u>	04/02/2015	99.62	.00	<u>25-6052 CONTRACT SERVICES</u>	0	4/15		

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total 040115C:						1,025.00	.00					
Total CASELLE INC:						1,025.00	.00					
<b>CESCO</b>												
437	CESCO	R19999		<u>RENTAL BACKHOE WITH HAMMER. RENTAL FROM 02-19 -15 TO 02-25-15, NEW GREENBELT, PI, MAR 15</u>	03/05/2015	1,677.88	.00	<u>25-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
Total R19999:						1,677.88	.00					
Total CESCO:						1,677.88	.00					
<b>D &amp; B SUPPLY</b>												
75	D & B SUPPLY	001 43918 001	2724	<u>BIB RAIN PANTS FOR M NADEAU, SEWER, MAR 15</u>	03/25/2015	27.99	.00	<u>21-6285 UNIFORMS EXPENSE</u>	0	3/15		
75	D & B SUPPLY	001 43918 001	2724	<u>AUTOCUT C25-2, 2 CYCLE ULTRA OL, SEWER, MAR 15</u>	03/25/2015	45.85	.00	<u>21-6142 MAINT. &amp; REPAIRS - EQUIPMENT</u>	0	3/15		
75	D & B SUPPLY	001 43918 001	2724	<u>GRASS BLADE ATTACHMENT, 110 R KOMBI WEED EATER, SEWER, MAR 15</u>	03/25/2015	449.90	.00	<u>21-6175 SMALL TOOLS</u>	0	3/15		
75	D & B SUPPLY	001 43918 001	2724	<u>1 PR SAFETY BOOTS FOR M NADEAU, SEWER, MAR 15</u>	03/25/2015	195.99	.00	<u>21-6230 SAFETY TRAINING &amp; EQUIPMENT</u>	0	3/15		
Total 001 43918 001:						719.73	.00					
75	D & B SUPPLY	003 18110 001		<u>IRRIGATION BOOTS, JOSE AT FARM, SEWER, MAR 15</u>	03/30/2015	74.99	.00	<u>21-6090 FARM EXPENDITURES</u>	0	3/15		
Total 003 18110 001:						74.99	.00					
75	D & B SUPPLY	004 63966 001		<u>SAFETY BOOTS FOR T DEYOUNG, SEWER, MAR 15</u>	03/30/2015	195.99	.00	<u>21-6230 SAFETY TRAINING &amp; EQUIPMENT</u>	0	3/15		

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Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total 004 63966 001:						195.99	.00					
Total D & B SUPPLY:						990.71	.00					
<b>DLT SOLUTIONS, LLC</b>												
109	DLT SOLUTIONS, LLC	4413715A		<u>RENEW AUTOCAD SUBSCRIPTION/DESIGN SUITE, 2015 - WATER</u>	03/09/2015	490.82	.00	<u>20-6052 CONTRACT SERVICES</u>	0	3/15		
109	DLT SOLUTIONS, LLC	4413715A		<u>RENEW AUTOCAD SUBSCRIPTION/DESIGN SUITE, 2015 - SEWER</u>	03/09/2015	490.82	.00	<u>21-6052 CONTRACT SERVICES</u>	0	3/15		
109	DLT SOLUTIONS, LLC	4413715A		<u>RENEW AUTOCAD SUBSCRIPTION/DESIGN SUITE, 2015 - PI</u>	03/09/2015	186.97	.00	<u>25-6052 CONTRACT SERVICES</u>	0	3/15		
109	DLT SOLUTIONS, LLC	4413715A		<u>RENEW AUTOCAD SUBSCRIPTION/DESIGN SUITE, 2015 - PARKS</u>	03/09/2015	171.02	.00	<u>01-6175 SMALL TOOLS</u>	1004	3/15		
Total 4413715A:						1,339.63	.00					
Total DLT SOLUTIONS, LLC:						1,339.63	.00					
<b>EDMARK GM SUPERSTORE</b>												
357	EDMARK GM SUPERSTORE	477485	2693	<u>WORK DONE ON TRUCK #1, CLUTCH REPAIR. B.GILLOGLY, MAR.'15 - SEWER</u>	03/13/2015	188.27	.00	<u>21-6305 VEHICLE MAINTENANCE &amp; REPAIRS</u>	0	3/15		
Total 477485:						188.27	.00					
Total EDMARK GM SUPERSTORE:						188.27	.00					
<b>EUROFINS EATON ANALYTICAL, INC</b>												
1735	EUROFINS EATON ANALYTICAL, INC	L0207715	2651	<u>MANDATORY 10 EA. DSMRT, 10 EA. LIST 1 WATER SAMPLE SUPPLIES/CHEMS., WELL #8, R.JONES, WATER, FEB.'15</u>	03/31/2015	100.00	.00	<u>20-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total L0207715:						100.00	.00					
1735	EUROFINS EATON ANALYTICAL, INC	L0207955	2651	<u>MANDATORY 10 EA. DSMRT. 10 EA. LIST 1 WATER SAMPLE SUPPLIES/CHEMS., WELL #6. R.JONES. WATER. FEB.'15</u>	03/31/2015	100.00	.00	<u>20-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
Total L0207955:						100.00	.00					
1735	EUROFINS EATON ANALYTICAL, INC	L02084029	2651	<u>MANDATORY 10 EA. DSMRT. 10 EA. LIST 1 WATER SAMPLE SUPPLIES/CHEMS., WELL #6. R.JONES. WATER. FEB.'15</u>	03/31/2015	425.00	.00	<u>20-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
Total L02084029:						425.00	.00					
1735	EUROFINS EATON ANALYTICAL, INC	L0208424	2651	<u>MANDATORY 10 EA. DSMRT. 10 EA. LIST 1 WATER SAMPLE SUPPLIES/CHEMS., WELL #8. R.JONES. WATER. FEB.'15</u>	03/31/2015	425.00	.00	<u>20-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
Total L0208424:						425.00	.00					
1735	EUROFINS EATON ANALYTICAL, INC	L0209515	2651	<u>MANDATORY 10 EA. DSMRT. 10 EA. LIST 1 WATER SAMPLE SUPPLIES/CHEMS., WELL #10. R.JONES. WATER. FEB.'15</u>	03/31/2015	100.00	.00	<u>20-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
Total L0209515:						100.00	.00					
Total EUROFINS EATON ANALYTICAL, INC:						1,150.00	.00					
<b>FASTENAL COMPANY</b>												
1507	FASTENAL COMPANY	IDBOS191297	2764	<u>STAINLESS BOLTS, WASHERS, AND LOCK WASHERS FOR THE CONTACT CHAMBER LID - CHLORINATORS AT THE FARM. M.NADEAU. APR.'15</u>	04/01/2015	8.12	.00	<u>21-6090 FARM EXPENDITURES</u>	0	4/15		

City of Kuna

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Total IDBOS191297:						8.12	.00					
Total FASTENAL COMPANY:						8.12	.00					
<b>FERGUSON WATERWORKS #1701</b>												
219	FERGUSON WATERWORKS #1701	0607933		<u>REPAIR BACKFLOW, C DEYOUNG, PI, MAR 15</u>	03/24/2015	765.50	.00	25-6150 MAINT. & REPAIRS - SYSTEM (PI)	0	3/15		
Total 0607933:						765.50	.00					
219	FERGUSON WATERWORKS #1701	0608037	2710	<u>6 EA. METER PITS, 4 EXTENSIONS, FOR STOCK, J.WEBB, WATER, MAR.'15</u>	03/20/2015	975.52	.00	20-6150 MAINT. & REPAIRS - SYSTEM	0	3/15		
Total 0608037:						975.52	.00					
Total FERGUSON WATERWORKS #1701:						1,741.02	.00					
<b>G &amp; R AG PRODUCTS, INC.</b>												
376	G & R AG PRODUCTS, INC.	1192801-0001-	2714	<u>TRACER DYE FOR PARKS, N. PURKEY, MAR.'15</u>	03/23/2015	187.35	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	3/15		
Total 1192801-0001-01:						187.35	.00					
Total G & R AG PRODUCTS, INC.:						187.35	.00					
<b>HACH COMPANY</b>												
157	HACH COMPANY	9300097	2722	<u>PHOTOCELL ASSY, PLUS FREIGHT, T.SHAFER, SEWER, MAR.'15</u>	03/25/2015	424.83	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	3/15		
157	HACH COMPANY	9300097	2722	<u>PIPET TIPS, PLUS FREIGHT, T.SHAFER, SEWER, MAR.'15</u>	03/25/2015	154.84	.00	21-6150 MAINT. & REPAIRS - SYSTEM	0	3/15		

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Total 9300097:						579.67	.00					
Total HACH COMPANY:						579.67	.00					
<b>HD SUPPLY WATERWORKS LTD</b>												
63	HD SUPPLY WATERWORKS LTD	D602798	2675	<u>1 EA. HYDRANT METER, FOR RECONSTRUCTION SO THEY CAN MONITOR THE WATER USAGE, T.FLEMING, WATER, MAR.'15</u>	03/05/2015	502.43	.00	<u>20-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
63	HD SUPPLY WATERWORKS LTD	D602798	2675	<u>1 EA. HYDRANT METER, FOR RECONSTRUCTION SO THEY CAN MONITOR THE WATER USAGE, T.FLEMING, SEWER, MAR.'15</u>	03/05/2015	502.43	.00	<u>21-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
63	HD SUPPLY WATERWORKS LTD	D602798	2675	<u>1 EA. HYDRANT METER, FOR RECONSTRUCTION SO THEY CAN MONITOR THE WATER USAGE, T.FLEMING, PI, MAR.'15</u>	03/05/2015	191.39	.00	<u>25-6150 MAINT. &amp; REPAIRS - SYSTEM (PI)</u>	0	3/15		
Total D602798:						1,196.25	.00					
63	HD SUPPLY WATERWORKS LTD	D663131	2696	<u>24 METERS (12 PLOTTED, AND 12 NON PLOTTED), J.WEBB, WATER - MAR.'15</u>	03/17/2015	5,987.52	.00	<u>20-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
Total D663131:						5,987.52	.00					
Total HD SUPPLY WATERWORKS LTD:						7,183.77	.00					
<b>HOCOCHAN HOLDINGS, INC. dba</b>												
1619	HOCOCHAN HOLDINGS, INC. dba	AR366178		<u>MONTHLY COPIER LEASE, MX411ON, MXM503N, 03-01-15 TO 03-31-15, ADMIN, MAR 15</u>	03/11/2015	66.10	.00	<u>01-6142 MAINT. &amp; REPAIR - EQUIPMENT</u>	0	3/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366178		<u>MONTHLY COPIER LEASE, MX411ON, MXM503N, 03-01-15 TO 03-31-15, P&amp;Z, MAR 15</u>	03/11/2015	66.10	.00	<u>01-6142 MAINT. &amp; REPAIR - EQUIPMENT</u>	1003	3/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366178		<u>MONTHLY COPIER LEASE, MX411ON, MXM503N, 03-01-15 TO 03-31-15, WATER, MAR 15</u>	03/11/2015	81.09	.00	<u>20-6142 MAINT. &amp; REPAIRS - EQUIPMENT</u>	0	3/15		

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1619	HOCOCHAN HOLDINGS, INC. dba	AR366178		<u>MONTHLY COPIER LEASE, MX4110N, MXM503N, 03-01-15 TO 03-31-15, SEWER, MAR 15</u>	03/11/2015	105.87	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	3/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366178		<u>MONTHLY COPIER LEASE, MX4110N, MXM503N, 03-01-15 TO 03-31-15, P.I, MAR 15</u>	03/11/2015	34.34	.00	25-6142 MAINT. & REPAIRS - EQUIPMENT	0	3/15		
Total AR366178:						353.50	.00					
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, B&amp;W, MX4110N, MXM503N, 02-01-15 TO 02-28-15, ADMIN, FEB 15</u>	03/11/2015	.00	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	0	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, B&amp;W, MX4110N, MXM503N, 02-01-15 TO 02-28-15, P&amp;Z, FEB 15</u>	03/11/2015	9.70	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	1003	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, B&amp;W, MX4110N, MXM503N, 02-01-15 TO 02-28-15, WATER, FEB 15</u>	03/11/2015	11.90	.00	20-6142 MAINT. & REPAIRS - EQUIPMENT	0	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, B&amp;W, MX4110N, MXM503N, 02-01-15 TO 02-28-15, SEWER, FEB 15</u>	03/11/2015	15.54	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, B&amp;W, MX4110N, MXM503N, 02-01-15 TO 02-28-15, P.I, FEB 15</u>	03/11/2015	5.04	.00	25-6142 MAINT. & REPAIRS - EQUIPMENT	0	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, COLOR, MX41101, MXM503N, 02-01-15 TO 02-28-15, ADMIN, FEB 15</u>	03/11/2015	11.60	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	0	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, COLOR, MX41101, MXM503N, 02-01-15 TO 02-28-15, P&amp;Z, FEB 15</u>	03/11/2015	11.60	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	1003	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, COLOR, MX41101, MXM503N, 02-01-15 TO 02-28-15, WATER, FEB 15</u>	03/11/2015	14.23	.00	20-6142 MAINT. & REPAIRS - EQUIPMENT	0	2/15		

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1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, COLOR, MX41101, MXM503N, 02-01-15 TO 02-28-15, SEWER, FEB 15</u>	03/11/2015	18.58	.00	<u>21-6142 MAINT. &amp; REPAIRS - EQUIPMENT</u>	0	2/15		
1619	HOCOCHAN HOLDINGS, INC. dba	AR366180		<u>MONTHLY COPIER CARE, COLOR, MX41101, MXM503N, 02-01-15 TO 02-28-15, PI, FEB 15</u>	03/11/2015	6.03	.00	<u>25-6142 MAINT. &amp; REPAIRS - EQUIPMENT</u>	0	2/15		
Total AR366180:						104.22	.00					
Total HOCOCHAN HOLDINGS, INC. dba:						457.72	.00					
<b>IDAHO DEPT OF ENVIRONMENTAL QU</b>												
128	IDAHO DEPT OF ENVIRONMENTAL QU	5748505	2728	<u>DEQ 2015 WATER REUSE CONFERENCE, REGISTRATION FOR G.LAW, MAY '15</u>	03/25/2015	38.75	.00	<u>01-6265 TRAINING &amp; SCH00LING</u>	0	5/15		
128	IDAHO DEPT OF ENVIRONMENTAL QU	5748505	2728	<u>DEQ 2015 WATER REUSE CONFERENCE, REGISTRATION FOR G.LAW, MAY '15 - WATER</u>	03/25/2015	53.63	.00	<u>20-6265 TRAINING &amp; SCH00LING EXPENSE</u>	0	5/15		
128	IDAHO DEPT OF ENVIRONMENTAL QU	5748505	2728	<u>DEQ 2015 WATER REUSE CONFERENCE, REGISTRATION FOR G.LAW, MAY '15 - SEWER</u>	03/25/2015	53.63	.00	<u>21-6265 TRAINING &amp; SCH00LING EXPENSE</u>	0	5/15		
128	IDAHO DEPT OF ENVIRONMENTAL QU	5748505	2728	<u>DEQ 2015 WATER REUSE CONFERENCE, REGISTRATION FOR G.LAW, MAY '15 - P.I</u>	03/25/2015	8.99	.00	<u>25-6265 TRAINING &amp; SCH00LING EXPENSE</u>	0	5/15		
Total 5748505:						155.00	.00					
Total IDAHO DEPT OF ENVIRONMENTAL QU:						155.00	.00					
<b>IDAHO FIRST AID &amp; SAFETY, INC. DBA</b>												
1576	IDAHO FIRST AID & SAFETY, INC. DBA	53324	2695	<u>MEDICAL SUPPLIES FOR THE PLANT, MISC FIRST AID REFILLS, D.CROSSLEY, MAR.'15</u>	03/23/2015	81.52	.00	<u>21-6230 SAFETY TRAINING &amp; EQUIPMENT</u>	0	3/15		
1576	IDAHO FIRST AID & SAFETY, INC. DBA	53324	2695	<u>MEDICAL SUPPLIES FOR THE PLANT, MISC FIRST AID REFILLS, D.CROSSLEY, SEWER, MAR.'15</u>	03/23/2015	81.52	.00	<u>20-6230 SAFETY TRAINING &amp; EQUIPMENT</u>	0	3/15		

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1576	IDAHO FIRST AID & SAFETY, INC. DBA	53324		<u>MEDICAL SUPPLIES FOR THE PLANT, MISC FIRST AID REFILLS, D CROSLLEY, MAR 15</u>	03/23/2015	31.17	.00	<u>25-6230 SAFETY TRAINING &amp; EQUIPMENT</u>	0	3/15		
1576	IDAHO FIRST AID & SAFETY, INC. DBA	53324		<u>MEDICAL SUPPLIES FOR THE PLANT, MISC FIRST AID REFILLS, D CROSLLEY, PARKS, MAR 15</u>	03/23/2015	45.53	.00	<u>01-6230 SAFETY TRAINING &amp; EQUIPMENT</u>	1004	3/15		
Total 53324:						239.74	.00					
Total IDAHO FIRST AID & SAFETY, INC. DBA:						239.74	.00					
<b>IDAHO POWER CO</b>												
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - CITY HALL - ADMIN</u>	03/24/2015	361.20	.00	<u>01-6290 UTILITIES</u>	0	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - SENIOR CENTER</u>	03/24/2015	337.28	.00	<u>01-6290 UTILITIES</u>	1001	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - STREET LIGHTS</u>	03/24/2015	6,180.25	.00	<u>01-6290 UTILITIES</u>	1002	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - CITY HALL - P &amp; Z</u>	03/24/2015	96.18	.00	<u>01-6290 UTILITIES</u>	1003	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - PARKS</u>	03/24/2015	759.10	.00	<u>01-6290 UTILITIES</u>	1004	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - WATER</u>	03/24/2015	8,041.53	.00	<u>20-6290 UTILITIES EXPENSE</u>	0	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - SEWER</u>	03/24/2015	19,674.44	.00	<u>21-6290 UTILITIES EXPENSE</u>	0	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - FARM</u>	03/24/2015	241.94	.00	<u>21-6090 FARM EXPENDITURES</u>	0	3/15		
38	IDAHO POWER CO	03242015I		<u>ELECTRIC SERVICE FOR MARCH - P.I</u>	03/24/2015	796.21	.00	<u>25-6290 UTILITIES EXPENSE</u>	0	3/15		
Total 03242015I:						36,488.13	.00					







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				03-12-15, MAR15	03/19/2015	520.28	.00	01-6290 UTILITIES	0	3/15		
Total 021915-031215C:						520.28	.00					
37	INTERMOUNTAIN GAS CO	022415-03161		NATURAL GAS CONSUMPTION SR CENTER, 02-24-15 TO 03-16 -15, SR CENTER, MAR 15	03/19/2015	343.71	.00	01-6290 UTILITIES	1001	3/15		
Total 022415-031615SC:						343.71	.00					
Total INTERMOUNTAIN GAS CO:						863.99	.00					
<b>J &amp; M SANITATION, INC.</b>												
230	J & M SANITATION, INC.	03132015-031		SANITATION RECEIPT TRANSFER 3/13/15-3/19/15	03/20/2015	49,386.91	49,386.91	26-7000 SOLID WASTE SERVICE FEES	0	3/15	03/20/2015	
230	J & M SANITATION, INC.	03132015-031		SANITATION RECEIPT TRANSFER LESS FRANCHISE FEE, 3/13/15-3/19/15	03/20/2015	-4,879.43	-4,879.43	01-4170 FRANCHISE FEES	0	3/15	03/20/2015	
Total 03132015-03192015:						44,507.48	44,507.48					
230	J & M SANITATION, INC.	03202015-032		SANITATION RECEIPT TRANSFER 03-20-2015 TO 03- 26-2015, MAR 15	03/27/2015	16,372.02	16,372.02	26-7000 SOLID WASTE SERVICE FEES	0	3/15	03/27/2015	
230	J & M SANITATION, INC.	03202015-032		SANITATION RECEIPT TRANSFER LESS TRANSFER FEE, 03-20-2015 TO 03-26-2015, MAR 15	03/27/2015	-1,617.56	-1,617.56	01-4170 FRANCHISE FEES	0	3/15	03/27/2015	
Total 03202015-03262015:						14,754.46	14,754.46					
230	J & M SANITATION, INC.	032715		DISPOSAL/REMOVAL OF SLUDGE, 03-03-15 TO 03-23-15, MAR 15	03/27/2015	888.00	.00	21-6150 MAINT. & REPAIRS - SYSTEM	0	3/15		
Total 032715:						888.00	.00					

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Total J & M SANITATION, INC.:						60,149.94	59,261.94					
<b>J-U-B ENGINEERS, INC.</b>												
1236	J-U-B ENGINEERS, INC.	0092565		<u>PROFESSIONAL SERVICES FOR PETITION FOR KUNA REC DISTRICT BALLOT, FEB 15</u>	02/16/2015	860.00	.00	<u>03-6368 EXPEND-KUNA POOL/FITNESS FAC.</u>	0	3/15		
Total 0092565:						860.00	.00					
1236	J-U-B ENGINEERS, INC.	0092807		<u>PROFESSIONAL SERVICES FOR BLOWER REPLACEMENT, 2015, G LAW, SEWER, MAR 15</u>	03/11/2015	7,458.00	.00	<u>21-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
Total 0092807:						7,458.00	.00					
1236	J-U-B ENGINEERS, INC.	0092966		<u>PROFESSIONAL SERVICES FROM FEB 01 TO FEB 28, 2015, WATER, MAR 15</u>	03/17/2015	1,267.90	.00	<u>20-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
1236	J-U-B ENGINEERS, INC.	0092966		<u>PROFESSIONAL SERVICES FROM FEB 01 TO FEB 28, 2015, SEWER, MAR 15</u>	03/17/2015	1,267.90	.00	<u>21-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
1236	J-U-B ENGINEERS, INC.	0092966		<u>PROFESSIONAL SERVICES FROM FEB 01 TO FEB 28, 2015, PI, MAR 15</u>	03/17/2015	483.00	.00	<u>25-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
Total 0092966:						3,018.80	.00					
Total J-U-B ENGINEERS, INC.:						11,336.80	.00					
<b>KELLER ASSOCIATES, INC.</b>												
429	KELLER ASSOCIATES, INC.	0000005		<u>PROFESSIONAL SERVICES 02-01-15 TO 02-28-15, DESIGN SERVICES 2015 PI PROJECT, G LAW, MAR 15</u>	03/20/2015	4,877.50	.00	<u>20-6020 CAPITAL IMPROVEMENTS</u>	0	3/15		
Total 0000005:						4,877.50	.00					

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Total KELLER ASSOCIATES, INC.:						4,877.50	.00					
<b>KUNA LUMBER</b>												
499	KUNA LUMBER	A72901	2700	<u>SCREWS AND WASHERS FOR THE BRIDGE PROJECT, B.GILLOGLY, PARKS, MAR.'15</u>	03/17/2015	28.15	.00	01-6150 <u>MAINTENANCE &amp; REPAIRS - SYSTEM</u>	1004	3/15		
Total A72901:						28.15	.00					
499	KUNA LUMBER	A72905	2701	<u>1 EA. DRILL BIT TO USE ON THE BRIDGE PROJECT. FLAT WASHERS AND TAPCON HEX WAS RETURNED ON THIS INVOICE. B.GILLOGLY, PARKS, MAR.'16</u>	03/17/2015	7.86	.00	01-6150 <u>MAINTENANCE &amp; REPAIRS - SYSTEM</u>	1004	3/15		
499	KUNA LUMBER	A72905	2701	<u>1 EA. DRILL BIT TO USE ON THE BRIDGE PROJECT, B.GILLOGLY, PARKS, MAR.'16</u>	03/17/2015	6.29	.00	01-6150 <u>MAINTENANCE &amp; REPAIRS - SYSTEM</u>	1004	3/15		
Total A72905:						14.15	.00					
499	KUNA LUMBER	A73066	2716	<u>1 EA. DIAMOND GRINDER BLADE FOR BARREL CUTTING, J.COX, WATER, MAR.'15</u>	03/23/2015	7.01	.00	20-6150 MAINT. & REPAIRS - SYSTEM	0	3/15		
Total A73066:						7.01	.00					
Total KUNA LUMBER:						49.31	.00					
<b>KUNA TRUE VALUE HARDWARE</b>												
43	KUNA TRUE VALUE HARDWARE	134323	2658	<u>LIGHTER, WIRE NUTS, SEWER, FEB.'15</u>	02/27/2015	3.99	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	2/15		
43	KUNA TRUE VALUE HARDWARE	134323	2658	<u>2 BATHTUB STRAINERS, WIREBRUSH, WIRE WHEEL BRUSH, SEWER, FEB.'15</u>	02/27/2015	21.95	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	2/15		
43	KUNA TRUE VALUE HARDWARE	134323	2658	<u>2 SILICONE, FOR GRIT SNAIL TO HELP LEAKS, SEWER, FEB.'15</u>	02/27/2015	14.98	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	2/15		



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				EQUIPMENT, AND TFE PASTE, B.WITHROW, PARKS, APR.'15	03/31/2015	55.43	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	3/15		
43	KUNA TRUE VALUE HARDWARE	135508	2755	STAKES & STRING LINE, HIGH FIVE GRANT, B.WITHROW, MAR.'15	03/31/2015	27.98	.00	03-6360 EXPEND.- BLUE CROSS HIGH FIVE	0	3/15		
Total 135508:						83.41	.00					
43	KUNA TRUE VALUE HARDWARE	135509	2754	BRASS VALVE, CLOSE NIPPLE, GALV. TEE FOR THE R.V, DUMP, BATTERIES, ELBOW AND NIPPLE FOR THE GREENBELT BREAK, B.WITHROW, PARKS, MAR.'15	03/31/2015	77.21	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	3/15		
43	KUNA TRUE VALUE HARDWARE	135509	2754	SLIME FOR TIRES, PAINT TO MARK TOOLS, B.WITHROW, PARKS, MAR.'15	03/31/2015	20.77	.00	01-6142 MAINT. & REPAIR - EQUIPMENT	1004	3/15		
Total 135509:						97.98	.00					
Total KUNA TRUE VALUE HARDWARE:						358.29	.00					
<b>KUNA WELDING</b>												
46	KUNA WELDING	2052	2733	BASE MADER FOR SEWER CLEANOUT AT WASTE STATION AT PARK C DEYOUNG, PARKS, MAR 15	03/26/2015	59.52	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	3/15		
Total 2052:						59.52	.00					
Total KUNA WELDING:						59.52	.00					
<b>MASTER ROOTER SERVICES INC.</b>												
834	MASTER ROOTER SERVICES INC.	168676	2702	SEWER SERVICE - UNPLUGGING AT 456 BOISE ST., T.FLEMING, SEWER, MAR.'15	03/17/2015	678.08	.00	21-6150 MAINT. & REPAIRS - SYSTEM	0	3/15		

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Total 168676:						678.08	.00					
Total MASTER ROOTER SERVICES INC.:						678.08	.00					
<b>MISCELLANEOUS VENDORS</b>												
285	MISCELLANEOUS VENDORS	11000478		<u>REFUND FEE PARK RENTAL; NO TABLES SET UP/ PARK CONFLICT, MAR 15</u>	03/09/2015	10.00	10.00	<u>01-4195 RENTAL INCOME</u>	0	3/15	03/30/2015	
Total 11000478:						10.00	10.00					
Total MISCELLANEOUS VENDORS:						10.00	10.00					
<b>PACIFIC PUBLISHING COMPANY INC</b>												
1732	PACIFIC PUBLISHING COMPANY INC	70221-A		<u>AD#153420. AGENCY TRANSMITTAL, FILE#15-01-SUP (FOR J.MOORE), T.KESNER, P &amp; Z, FEB.'15</u>	02/28/2015	45.08	.00	<u>01-6125 LEGAL PUBLICATIONS</u>	1003	2/15		
Total 70221-A:						45.08	.00					
1732	PACIFIC PUBLISHING COMPANY INC	70221-B		<u>AD#153657.LEGAL PUBLICATION, SUMMARY OF ORDINANCE #2015-01, PUBLISHED 2/11/15, C.ENGELS, FEB.'15</u>	02/28/2015	49.68	.00	<u>01-6125 LEGAL PUBLICATIONS</u>	0	2/15		
Total 70221-B:						49.68	.00					
1732	PACIFIC PUBLISHING COMPANY INC	70221-C	2604	<u>AD#153658. QUARTERLY FINANCIAL PUBLICATION, Q1 FYE 2015 (J.MARSH)</u>	02/28/2015	42.65	.00	<u>01-6125 LEGAL PUBLICATIONS</u>	0	2/15		
1732	PACIFIC PUBLISHING COMPANY INC	70221-C	2604	<u>AD#153658. QUARTERLY FINANCIAL PUBLICATION, Q1 FYE 2015 (J.MARSH)</u>	02/28/2015	26.17	.00	<u>20-6125 LEGAL PUBLICATIONS</u>	0	2/15		
1732	PACIFIC PUBLISHING COMPANY INC	70221-C	2604	<u>AD#153658. QUARTERLY FINANCIAL PUBLICATION, Q1 FYE 2015 (J.MARSH)</u>	02/28/2015	34.16	.00	<u>21-6125 LEGAL PUBLICATIONS EXPENSE</u>	0	2/15		

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1732	PACIFIC PUBLISHING COMPANY INC	70221-C	2604	<u>AD#153658. QUARTERLY FINANCIAL PUBLICATION. Q1 FYE 2015 (J.MARSH)</u>	02/28/2015	11.09	.00	<u>25-6125 LEGAL PUBLICATIONS</u>	0	2/15		
Total 70221-C:						114.07	.00					
1732	PACIFIC PUBLISHING COMPANY INC	70221-D		<u>AD#153659. ADVERTISEMENT FOR BIDS. DEERHORN SEWER MAIN PROJECT 2015, G.LAW, SEWER, FEB.'15</u>	02/28/2015	73.59	.00	<u>21-6125 LEGAL PUBLICATIONS EXPENSE</u>	0	2/15		
Total 70221-D:						73.59	.00					
1732	PACIFIC PUBLISHING COMPANY INC	70221-E		<u>AD#153664. ADVERTISEMENT FOR BIDS, P.I. PIPELINES PROJECT 2015, G.LAW, P.I., FEB.'15</u>	02/28/2015	82.79	.00	<u>25-6125 LEGAL PUBLICATIONS</u>	0	2/15		
Total 70221-E:						82.79	.00					
1732	PACIFIC PUBLISHING COMPANY INC	70221-F		<u>AD#153704. COMPREHENSIVE PLAN TEXT AMENDMENT, FILE #15-01-CPA, P &amp; Z, FEB.'15</u>	02/28/2015	29.44	.00	<u>01-6125 LEGAL PUBLICATIONS</u>	1003	2/15		
Total 70221-F:						29.44	.00					
1732	PACIFIC PUBLISHING COMPANY INC	70221-G		<u>AD#153705. COMPREHENSIVE PLAN PLANNING AREA AMENDMENT, FILE#14-01-CPM, P &amp; Z, FEB.'15</u>	02/28/2015	29.44	.00	<u>01-6125 LEGAL PUBLICATIONS</u>	1003	2/15		
Total 70221-G:						29.44	.00					
Total PACIFIC PUBLISHING COMPANY INC:						424.09	.00					
<b>PARTS, INC.</b>												
470	PARTS, INC.	080065	2711	<u>OIL FILTERS FOR THE FLEET, FOR STOCK AND IMMEDIATE REPLACEMENT, B.GILLOGLY, MAR.'15 - PARKS</u>	03/20/2015	31.14	.00	<u>01-6305 VEHICLE MAINTENANCE &amp; REPAIRS</u>	1004	3/15		

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470	PARTS, INC.	080065	2711	<u>OIL FILTERS FOR THE FLEET, FOR STOCK AND IMMEDIATE REPLACEMENT, B.GILLOGLY, MAR.'15 - WATER</u>	03/20/2015	41.10	.00	<u>20-6305 VEHICLE MAINTENANCE &amp; REPAIRS</u>	0	3/15		
470	PARTS, INC.	080065	2711	<u>OIL FILTERS FOR THE FLEET, FOR STOCK AND IMMEDIATE REPLACEMENT, B.GILLOGLY, MAR.'15 - SEWER</u>	03/20/2015	41.10	.00	<u>21-6305 VEHICLE MAINTENANCE &amp; REPAIRS</u>	0	3/15		
470	PARTS, INC.	080065	2711	<u>OIL FILTERS FOR THE FLEET, FOR STOCK AND IMMEDIATE REPLACEMENT, B.GILLOGLY, MAR.'15 - P]</u>	03/20/2015	11.21	.00	<u>25-6305 VEHICLE MAINTENANCE &amp; REPAIR</u>	0	3/15		
Total 080065:						124.55	.00					
470	PARTS, INC.	080847	2738	<u>1 CASE GREASE FOR THE FARM'S WHEEL LINES, T.FLEMING, MAR.'15</u>	03/30/2015	35.10	.00	<u>21-6090 FARM EXPENDITURES</u>	0	3/15		
Total 080847:						35.10	.00					
470	PARTS, INC.	080894	2745	<u>HOSES AND SPARK PLUGS FOR THE WHEEL LINES, T.FLEMING, MAR.'15</u>	03/30/2015	101.51	.00	<u>21-6090 FARM EXPENDITURES</u>	0	3/15		
Total 080894:						101.51	.00					
Total PARTS, INC.:						261.16	.00					
<b>PEAK ALARM COMPANY, INC</b>												
1021	PEAK ALARM COMPANY, INC	654999		<u>ALARM MONITOR FOR CEDAR, SNOWHAWK, SEGO PRAIRIE, BUTLER, EL CAJON AND BEST BATH WELLS, 4/1/15-4/30/15 - WATER</u>	04/01/2015	197.18	.00	<u>20-6140 MAINT. &amp; REPAIR BUILDING</u>	0	4/15		
1021	PEAK ALARM COMPANY, INC	654999		<u>ALARM MONITOR FOR CEDAR, SNOWHAWK, SEGO PRAIRIE, BUTLER, EL CAJON AND BEST BATH WELLS, 4/1/15-4/30/15 - P.]</u>	04/01/2015	49.29	.00	<u>25-6140 MAINT &amp; REPAIR BUILDING</u>	0	3/15		



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				COMMUNITY GARDEN, B.GILLOGLY, PARKS, MAR.'15	03/27/2015	172.00	.00	01-6166 PP&E PURCHASES - OPERATIONS	1004	3/15		
Total 36635:						172.00	.00					
Total RENTAL CONNECTION:						768.55	.00					
<b>RICOH USA, INC.</b>												
1716	RICOH USA, INC.	5034954202		<u>BLACK AND WHITE COPIES, NWWTP, 01/26/15-3/2/15 - WATER</u>	03/04/2015	6.29	.00	20-6165 OFFICE SUPPLIES	0	3/15		
1716	RICOH USA, INC.	5034954202		<u>BLACK AND WHITE COPIES, NWWTP, 01/26/15-3/2/15 - SEWER</u>	03/04/2015	8.21	.00	21-6165 OFFICE SUPPLIES	0	3/15		
1716	RICOH USA, INC.	5034954202		<u>BLACK AND WHITE COPIES, NWWTP, 01/26/15-3/2/15 - P.I</u>	03/04/2015	2.66	.00	25-6165 OFFICE SUPPLIES	0	3/15		
1716	RICOH USA, INC.	5034954202		<u>COLOR COPIES, NWWTP, 01/26/15-3/2/15 - WATER</u>	03/04/2015	38.13	.00	20-6165 OFFICE SUPPLIES	0	3/15		
1716	RICOH USA, INC.	5034954202		<u>COLOR COPIES, NWWTP, 01/26/15-3/2/15 - SEWER</u>	03/04/2015	49.80	.00	21-6165 OFFICE SUPPLIES	0	3/15		
1716	RICOH USA, INC.	5034954202		<u>COLOR COPIES, NWWTP, 01/26/15-3/2/15 - P.I</u>	03/04/2015	16.15	.00	25-6165 OFFICE SUPPLIES	0	3/15		
Total 5034954202:						121.24	.00					
Total RICOH USA, INC.:						121.24	.00					
<b>SPECIALTY PLASTICS &amp; FABRICATI, INC.</b>												
1477	SPECIALTY PLASTICS & FABRICATI, INC.	62567	2689	<u>BUSHINGS, COUPLERS, TEES, AND NIPPLES TO REPAIR SKIDS, WASH STATION, AND FOR STOCK, M.NADEAU, MAR.'15 - SEWER</u>	03/12/2015	33.52	.00	21-6142 MAINT. & REPAIRS - EQUIPMENT	0	3/15		
Total 62567:						33.52	.00					



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				D.CROSSLEY, MAR.'15 - SEWER	03/14/2015	71.67	.00	21-6165 OFFICE SUPPLIES	0	3/15		
1292	STAPLES ADVANTAGE	3260082359	2694	2 CS COPIER PAPER, PENS, SHEET PROTECTORS, FILE FOLDERS FOR SUPPLIES AT TREATMENT PLANT, D.CROSSLEY, MAR.'15 - P.I.	03/14/2015	27.30	.00	25-6165 OFFICE SUPPLIES	0	3/15		
1292	STAPLES ADVANTAGE	3260082359	2694	PLASTIC FILE HOLDERS, B WITHROW, MAR 15 - PARKS	03/14/2015	25.98	.00	01-6165 OFFICE SUPPLIES	1004	3/15		
Total 3260082359:						196.62	.00					
1292	STAPLES ADVANTAGE	3260082361		1 DZ RED FINE POINT PENS TO REFILL AT TREATMENT PLANT, D.CROSSLEY, MAR.'15 - WATER	03/14/2015	7.69	.00	20-6165 OFFICE SUPPLIES	0	3/15		
1292	STAPLES ADVANTAGE	3260082361		1 DZ RED FINE POINT PENS TO REFILL AT TREATMENT PLANT, D.CROSSLEY, MAR.'15 - SEWER	03/14/2015	7.69	.00	21-6165 OFFICE SUPPLIES	0	3/15		
1292	STAPLES ADVANTAGE	3260082361		1 DZ RED FINE POINT PENS TO REFILL AT TREATMENT PLANT, D.CROSSLEY, MAR.'15 - P.I.	03/14/2015	2.93	.00	25-6165 OFFICE SUPPLIES	0	3/15		
Total 3260082361:						18.31	.00					
Total STAPLES ADVANTAGE:						284.96	.00					
<b>SUBURBAN PROPANE</b>												
118	SUBURBAN PROPANE	13025		CLOSE OUT FEE, TANK PICKED UP, SERVICE DISCONTINUED, MAR.'15 - PARKS	03/02/2015	40.50	.00	01-6290 UTILITIES	1004	3/15		
118	SUBURBAN PROPANE	13025		CLOSE OUT FEE, TANK PICKED UP, SERVICE DISCONTINUED, MAR.'15 - WATER	03/02/2015	40.50	.00	20-6290 UTILITIES EXPENSE	0	3/15		
118	SUBURBAN PROPANE	13025		CLOSE OUT FEE, TANK PICKED UP, SERVICE DISCONTINUED, MAR.'15 - P.I.	03/02/2015	9.00	.00	25-6290 UTILITIES EXPENSE	0	3/15		

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Total 13025:						90.00	.00					
Total SUBURBAN PROPANE:						90.00	.00					
<b>TATES RENTS, INC.</b>												
59	TATES RENTS, INC.	749770-14	2708	<u>AIR FILTERS FOR THE CONCRETE SAW. B.GILLOGLY, WATER, MAR.'15</u>	03/20/2015	53.98	.00	<u>20-6142 MAINT. &amp; REPAIRS-EQUIPMENT</u>	0	3/15		
Total 749770-14:						53.98	.00					
Total TATES RENTS, INC.:						53.98	.00					
<b>TOM SHAFFER</b>												
1168	TOM SHAFFER	032515		<u>REIMBURSE FOR 6V BATTERIES FOR SAFETY FLASHING LIGHTS FOR SERVICE BREAK (WATER) ON ASH &amp; AVALON, T SHAFER, MAR 15</u>	03/25/2015	12.70	12.70	<u>20-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15	03/30/2015	
Total 032515:						12.70	12.70					
Total TOM SHAFFER:						12.70	12.70					
<b>TREASURE VALLEY COFFEE</b>												
992	TREASURE VALLEY COFFEE	2160:03979879	2758	<u>WATER COOLER RENTAL @ MAINTENANCE SHOP, MAR.'15</u>	03/31/2015	4.50	.00	<u>20-6165 OFFICE SUPPLIES</u>	0	3/15		
992	TREASURE VALLEY COFFEE	2160:03979879	2758	<u>WATER COOLER RENTAL @ MAINTENANCE SHOP, MAR.'15</u>	03/31/2015	1.00	.00	<u>21-6165 OFFICE SUPPLIES</u>	0	3/15		
992	TREASURE VALLEY COFFEE	2160:03979879	2758	<u>WATER COOLER RENTAL @ MAINTENANCE SHOP, MAR.'15</u>	03/31/2015	4.50	.00	<u>25-6165 OFFICE SUPPLIES</u>	0	3/15		
Total 2160:03979879:						10.00	.00					
992	TREASURE VALLEY COFFEE	2160:03997180	2719	<u>1 BOX COFFEE, 4 EA. CREAMERS, CITY HALL, MAR.'15</u>	03/24/2015	62.30	.00	<u>01-6165 OFFICE SUPPLIES</u>	0	3/15		

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Total 2160:03997180:						62.30	.00					
Total TREASURE VALLEY COFFEE:						72.30	.00					
<b>UNIVAR USA, INC.</b>												
1410	UNIVAR USA, INC.	NA364685		<u>CREDIT MEMO ON RETURNABLE CONTAINERS, SEWER, MAR.'15</u>	03/20/2015	-2,700.00	.00	<u>21-6097 DEPOSITS ON ACCOUNT</u>	0	3/15		
Total NA364685:						-2,700.00	.00					
1410	UNIVAR USA, INC.	NA563243	2706	<u>2 CONTAINERS OF CHLORINE FOR MEMBRANE CLEANING, T.SHAFER, SEWER, MAR.'15</u>	03/20/2015	1,541.80	.00	<u>21-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
1410	UNIVAR USA, INC.	NA563243	2706	<u>RETURNABLE DEPOSIT FOR CHLORINE CONTAINERS, T.SHAFER, SEWER, MAR.'15</u>	03/20/2015	1,400.00	.00	<u>21-6097 DEPOSITS ON ACCOUNT</u>	0	3/15		
Total NA563243:						2,941.80	.00					
1410	UNIVAR USA, INC.	NA563254	2706	<u>48 PL HYPOCHLORITE FOR LAGOONS DISINFECTION, T.SHAFER, SEWER, MAR.'15</u>	03/20/2015	5,208.50	.00	<u>21-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
Total NA563254:						5,208.50	.00					
1410	UNIVAR USA, INC.	NA563270	2706	<u>2800 LBS CITRIC ACID FOR MEMBRANE CLEARING, T.SHAFER, SEWER, MAR.'15</u>	03/20/2015	1,974.00	.00	<u>21-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
1410	UNIVAR USA, INC.	NA563270	2706	<u>RETURNABLE DEPOSIT FOR AN ACID CONTAINER, T.SHAFER, MAR.'15</u>	03/20/2015	1,000.00	.00	<u>21-6097 DEPOSITS ON ACCOUNT</u>	0	3/15		
Total NA563270:						2,974.00	.00					
Total UNIVAR USA, INC.:						8,424.30	.00					

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<b>USA BLUE BOOK</b>												
265	USA BLUE BOOK	584105	2679	<u>2 BOXES MEDIUM DISPOSABLE GLOVES, 10 BOXES LARGE DISPOSABLE GLOVES, 6 BOXES X-LARGE DISPOSABLE GLOVES, T.SHAFER, SEWER, MAR.'15</u>	03/06/2015	270.22	.00	21-6230 SAFETY TRAINING & EQUIPMENT	0	3/15		
265	USA BLUE BOOK	584105	2679	<u>2 EA. ORION SEALED TRIODE ELECTRODES, 1 EA. HACH PH BUFFER, T.SHAFER, SEWER, MAR.'15</u>	03/06/2015	602.90	.00	21-6150 MAINT. & REPAIRS - SYSTEM	0	3/15		
Total 584105:						873.12	.00					
Total USA BLUE BOOK:						873.12	.00					
<b>VICTORY GREENS</b>												
364	VICTORY GREENS	346890	2732	<u>CHIPS FOR THE PLAYGROUND, B.WITHROW, PARKS, MAR.'15</u>	03/27/2015	655.20	.00	01-6150 MAINTENANCE & REPAIRS - SYSTEM	1004	3/15		
Total 346890:						655.20	.00					
Total VICTORY GREENS:						655.20	.00					
<b>WATER DEPOSIT REFUNDS #9</b>												
1737	WATER DEPOSIT REFUNDS #9	10600.01		<u>LLOYD F STUBBS, 10600.01, 256 N LINDER AVE, WATER OVERPAYMENT</u>	03/27/2015	8.55	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 10600.01:						8.55	.00					
1737	WATER DEPOSIT REFUNDS #9	121495.01		<u>JEFFREY R CARTER, 121495.01, WATER OVERPAYMENT</u>	03/31/2015	74.50	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 121495.01:						74.50	.00					

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1737	WATER DEPOSIT REFUNDS #9	150960.01		<u>DANIEL R HOEHNE, 150960.01, WATER OVERPAYMENT</u>	03/27/2015	63.30	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 150960.01:						63.30	.00					
1737	WATER DEPOSIT REFUNDS #9	160210.01		<u>SCOTT M BOWMAN, 160210.01, WATER OVERPAYMENT</u>	03/31/2015	8.91	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 160210.01:						8.91	.00					
1737	WATER DEPOSIT REFUNDS #9	165060.02		<u>TREVOR JENSEN, 165060.02, WATER OVERPAYMENT</u>	03/23/2015	2.52	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 165060.02:						2.52	.00					
1737	WATER DEPOSIT REFUNDS #9	173530.01		<u>CBH HOMES, 173530.01, 1947 W STONY DESERT ST, WATER OVERPAYMENT</u>	03/27/2015	17.16	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 173530.01:						17.16	.00					
1737	WATER DEPOSIT REFUNDS #9	182370.01		<u>GAGE W BURLINGAME, 182370.01, 1584 N HAREM WAY, WATER OVERPAYMENT</u>	03/13/2015	147.32	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 182370.01:						147.32	.00					
1737	WATER DEPOSIT REFUNDS #9	182510.01		<u>JACK &amp; MONICA CHILDRESS, 182510.01, 1304 W CRENSHAW ST, WATER OVERPAYMENT</u>	03/31/2015	97.97	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 182510.01:						97.97	.00					
1737	WATER DEPOSIT REFUNDS #9	201020.01		<u>SEMSUDIN KONJUHOVAC, 201020.01, 394 E WOOD OWL DR., WATER OVERPAYMENT</u>	03/23/2015	11.18	.00	99-1075 Utility Cash Clearing	0	3/15		

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Total 201020.01:						11.18	.00					
1737	WATER DEPOSIT REFUNDS #9	210070.03		<u>RYAN BUNN, 210070.03, WATER OVERPAYMENT</u>	03/27/2014	72.43	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 210070.03:						72.43	.00					
1737	WATER DEPOSIT REFUNDS #9	210135.01		<u>TIM ALDERMAN, 210135.01, WATER OVERPAYMENT</u>	03/24/2015	2.55	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 210135.01:						2.55	.00					
1737	WATER DEPOSIT REFUNDS #9	210380.01		<u>MARK JOHNSON, 210380.01, 359 E HARRIS HAWK DR., WATER OVERPAYMENT</u>	03/31/2015	97.05	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 210380.01:						97.05	.00					
1737	WATER DEPOSIT REFUNDS #9	220265.01-A		<u>ROBERT MILLER, 220265.01-A, 606 E HUCKLEBERRY CT - WATER OVERPAYMENT</u>	03/24/2015	75.50	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 220265.01-A:						75.50	.00					
1737	WATER DEPOSIT REFUNDS #9	220460.03		<u>INES ROSE, 220460.03, 605 E WILD LILAC ST, WATER OVERPAYMENT</u>	03/24/2015	60.48	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 220460.03:						60.48	.00					
1737	WATER DEPOSIT REFUNDS #9	220500.01		<u>DOUGLAS L DOWNUM, 220500.01, WATER OVERPAYMENT</u>	03/19/2015	25.49	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 220500.01:						25.49	.00					

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1737	WATER DEPOSIT REFUNDS #9	264005.01		<u>CBH HOMES, 264005.01, 2346 W GAINSBORO DR, WATER OVERPAYMENT</u>	03/19/2015	61.55	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 264005.01:						61.55	.00					
1737	WATER DEPOSIT REFUNDS #9	264235.01		<u>CBH HOMES, 264235.01, 1956 W FELTSON ST, WATER OVERPAYMENT</u>	03/19/2015	130.15	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 264235.01:						130.15	.00					
1737	WATER DEPOSIT REFUNDS #9	264340.01-A		<u>CBH HOMES, 264340.01, 1734 N ROSEDUST DR, WATER OVERPAYMENT</u>	03/24/2015	55.50	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 264340.01-A:						55.50	.00					
1737	WATER DEPOSIT REFUNDS #9	264660.01		<u>CBH HOMES, 264660.01, 2085 N ROSEDUST DR, WATER OVERPAYMENT</u>	03/13/2015	164.01	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 264660.01:						164.01	.00					
1737	WATER DEPOSIT REFUNDS #9	266047.01		<u>CBH HOMES, 266047.01, 2958 W NAVY ST, WATER OVERPAYMENT</u>	03/19/2015	123.07	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 266047.01:						123.07	.00					
1737	WATER DEPOSIT REFUNDS #9	271030.01		<u>TREVOR COOK C/O COLDWELL BANKER, 271030.01, 9444 S KELSAN AVE, WATER OVERPAYMENT</u>	03/27/2015	6.87	.00	99-1075 Utility Cash Clearing	0	3/15		
Total 271030.01:						6.87	.00					
1737	WATER DEPOSIT REFUNDS #9	300670.01		<u>HUBBLE HOMES, 300670.01, 988 E WHITBECK DR, WATER OVERPAYMENT</u>	03/31/2015	18.24	.00	99-1075 Utility Cash Clearing	0	3/15		

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Report dates: 3/13/2015-4/1/2015

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
Total 300670.01:						18.24	.00					
Total WATER DEPOSIT REFUNDS #9:						1,324.30	.00					
<b>WATER ENVIRONMENT FEDERATION</b>												
1031	WATER ENVIRONMENT FEDERATION	9000300733	2727	<u>MEMBER RENEWAL AND DUES. MEMBER ID1761196, T.SHAFFER, SEWER, MAR.'15</u>	03/18/2015	161.00	.00	<u>21-6075 DUES &amp; MEMBERSHIPS</u>	0	3/15		
Total 9000300733:						161.00	.00					
Total WATER ENVIRONMENT FEDERATION:						161.00	.00					
<b>WESCHEM, INC</b>												
464	WESCHEM, INC	2015-197	2687	<u>2 BARRELS OF POLYMER FOR WASHING SOLIDS BLDG, T.SHAFFER, SEWER, MAR.'15</u>	02/27/2015	1,575.00	.00	<u>21-6150 MAINT. &amp; REPAIRS - SYSTEM</u>	0	3/15		
Total 2015-197:						1,575.00	.00					
Total WESCHEM, INC:						1,575.00	.00					
<b>WESTERN BUILDING MAINTENANCE, INC.</b>												
1499	WESTERN BUILDING MAINTENANCE, INC.	0083766-IN		<u>MONTHLY JANITORIAL SERVICES, SENIOR CENTER, MARCH</u>	03/25/2015	330.33	.00	<u>01-6025 JANITORIAL</u>	1001	3/15		
Total 0083766-IN:						330.33	.00					
1499	WESTERN BUILDING MAINTENANCE, INC.	0083767-IN		<u>MONTHLY JANITORIAL SERVICES, CITY HALL, MARCH</u>	03/25/2015	212.34	.00	<u>01-6025 JANITORIAL</u>	0	3/15		
Total 0083767-IN:						212.34	.00					
1499	WESTERN BUILDING MAINTENANCE, INC.	0083768-IN		<u>MONTHLY JANITORIAL SERVICES, NWWTP, MARCH, WATER</u>	03/25/2015	31.50	.00	<u>20-6025 JANITORIAL</u>	0	3/15		

City of Kuna

Payment Approval Report - City Council Approval  
Report dates: 3/13/2015-4/1/2015

Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
1499	WESTERN BUILDING MAINTENANCE, INC.	0083768-IN		MONTHLY JANITORIAL SERVICES, NWWTP, MARCH, SEWER	03/25/2015	31.50	.00	21-6025 JANITORIAL	0	3/15		
1499	WESTERN BUILDING MAINTENANCE, INC.	0083768-IN		MONTHLY JANITORIAL SERVICES, NWWTP, MARCH, P.I.	03/25/2015	12.00	.00	25-6025 JANITORIAL	0	3/15		
Total 0083768-IN:						75.00	.00					
Total WESTERN BUILDING MAINTENANCE, INC.:						617.67	.00					
Grand Totals:						155,059.14	59,284.64					

Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Treasurer: \_\_\_\_\_

City of Kuna

Payment Approval Report - City Council Approval  
Report dates: 3/13/2015-4/1/2015

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Vendor #	Vendor Name	Invoice Number	PO #	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Account and Title	GL Activity #	GL Period	Date Paid	Voided
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Report Criteria:

- Detail report.
  - Invoices with totals above \$0.00 included.
  - Paid and unpaid invoices included.
-



**City of Kuna**  
**Alcohol Beverage License**  
 763 W. AVALON  
 P.O. BOX 13  
 KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK (Includes On Premise Wine)	\$ 562.50	_____
OFF PREMISE BEER	\$ 50.00	<del>_____</del>
OFF PREMISE WINE	\$ 200.00	<del>_____</del>
ON PREMISE BEER	\$ 200.00	_____
ON PREMISE WINE	\$ 200.00	_____
CHANGE IN LOCATION OF LICENSE (15% OF THE ANNUAL FEE)		_____

**\*\*\* OFFICE USE ONLY \*\*\***

Date 3/16/15 City License No. 28

New \_\_\_ Renewal  Modification \_\_\_ Transfer \_\_\_

LICENSE: Council meeting 4/7/15

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ MAYOR

Date Fee Paid and Receipt No.: 3/16/15  
11,000.482

TOTAL \$ 250.00

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
 New applications also Include: Copy of ABC stamped approved Foot Print  
 All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: Jacksons #26 PHONE: 208-922-5616

BUSINESS LOCATION: 330 W 3rd St Kuna ID 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: 3450 Commercial Ct Meridian ID 83642  
(City, State, Zip Code)

APPLICANT NAME: Cory Jackson PHONE: 884-6658

RESIDENCE ADDRESS 1416 S. Heron Pointe Lane Eagle, ID 83642  
(City, State, Zip Code)

**IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS**

NAME see attachment ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

[Signature]  
 Applicant Signature

3-10-15  
 Date

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

**RECEIVED**  
**MAR 16 2015**  
**CITY OF KUNA**

# State of Idaho

Cycle Tracking Number: 78232

## Idaho State Police Retail Alcohol Beverage License

Premise Number: 1A-758

License Year: 2016

License Number: 1646

This is to certify, that  
doing business as: Jackson's Food Stores Inc  
Jacksons Food Store #26

is licensed to sell alcoholic beverages as stated below at:  
330 W 3rd St, Kuna, Ada County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.  
County and city licenses are also required in order to operate.

Liquor	No
Beer	Yes <u>\$50.00</u>
On-premise consumption	No
Kegs to go	No
Restaurant	No
Wine by the bottle	Yes <u>\$100.00</u>
Wine by the glass	No
Multipurpose arena	No
Growlers	No

TOTAL FEE: \$150.00

License Valid: 05/01/2015 - 04/30/2016

Expires: 04/30/2016



Director of Idaho State Police

Signature of Licensee: Corporate Officer, LLC Member or Partner

JACKSON'S FOOD STORES INC  
 JACKSON'S FOOD STORE #26  
 3450 COMMERCIAL CT  
 MERIDIAN, ID 83642  
 Mailing Address



2015-2016  
RETAIL ALCOHOL BEVERAGE LICENSE  
ADA COUNTY, IDAHO  
STATE OF IDAHO

2016113

*This is to certify, that Jackson's Food Stores Inc.  
dba: Jacksons Food Store # 26*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 330 W 3rd St., Kuna, ID 83634



License valid from May 1, 2015 to April 30, 2016

Beer	Bottled or canned, consumed OFF premises	\$25.00
Wine	WINE Retail: (This is for OFF premises consumption only)	\$100.00

Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 10th day of March, 2015

Christopher D. Rich, Clerk

Chairman

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)



**City of Kuna**  
**Alcohol Beverage License**  
**763 W. AVALON**  
**P.O. BOX 13**  
**KUNA, ID 83634**

**Phone: 208-922-5546 Fax: 208-922-5989**

**\*\*\* OFFICE USE ONLY \*\*\***

Date 3/31/15 City License No. 154

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

\_\_\_\_\_  
MAYOR

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK \$ 562.50 \_\_\_\_\_  
 (Includes On Premise Wine)

OFF PREMISE BEER \$ 50.00 50<sup>00</sup> \_\_\_\_\_  
 OFF PREMISE WINE \$ 200.00 200<sup>00</sup> \_\_\_\_\_  
 ON PREMISE BEER \$ 200.00 \_\_\_\_\_  
 ON PREMISE WINE \$ 200.00 \_\_\_\_\_  
 CHANGE IN LOCATION OF LICENSE \_\_\_\_\_  
 (15% OF THE ANNUAL FEE) \_\_\_\_\_

Date Fee Paid and Receipt No. 3/31/15

TOTAL \$ 250<sup>00</sup> 11,000492

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
 New applications also Include: Copy of ABC stamped approved Foot Print  
 All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: KUNA CHEVRON PHONE: 922-3884

BUSINESS LOCATION: 150 W. DEER FLAT RD. Kuna, Idaho 83634

BUSINESS MAILING ADDRESS: SAME (City, State, Zip Code)

APPLICANT NAME: TERRY CRAWFORD PHONE: \_\_\_\_\_

RESIDENCE ADDRESS 4243 E. SWITZER WAY Nampa, IDAHO 83686  
 (City, State, Zip Code)

**IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS**

NAME TERRY CRAWFORD ADDRESS 4243 E. SWITZER WAY Nampa ID

NAME WANDA CRAWFORD ADDRESS SAME

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Applicant Signature Terry G. Crawford Date 3/12/2015

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

# State of Idaho

## Idaho State Police

Cycle Tracking Number: 77846

Premise Number: 1A-956

Retail Alcohol Beverage License

License Year: 2016

License Number: 5286

This is to certify, that **Kuna Chevron Inc**  
doing business as: **Kuna Chevron**

is licensed to sell alcoholic beverages as stated below at:  
**150 West Deer Flat Road, Kuna, Ada County**

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license. County and city licenses are also required in order to operate.

Signature of Licensee, Corporate Officer, LLC Member or Partner

- Liquor  No
- Beer  Yes \$50.00
- On-premise consumption  No
- Kegs to go  No
- Restaurant  No
- Wine by the bottle  Yes \$100.00
- Wine by the glass  No
- Multipurpose arena  No
- Growlers  No

TOTAL FEE: \$150.00

**KUNA CHEVRON INC**  
**KUNA CHEVRON**  
**150 WEST DEER FLAT RD.**  
**KUNA, ID 83634**  
 Mailing Address

License Valid: 05/01/2015 - 04/30/2016

Expires: **04/30/2016**

Director of Idaho State Police



2015-2016

RETAIL ALCOHOL BEVERAGE LICENSE  
ADA COUNTY, IDAHO  
STATE OF IDAHO

2016316

*This is to certify, that Kuma Chevron Inc  
dba: Kuma Chevron*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 150 West Deer Flat Road, Kuna, ID 83634



License valid from May 1, 2015 to April 30, 2016

Beer-	Bottled or canned, consumed OPF premises	\$25.00
Wine	WINE Retail: (This is for OPF premises consumption only)	\$100.00

*[Signature]*  
Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 1st day of May, 2015

*[Signature]*  
Christopher D. Rich, Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

*[Signature]*  
Chairman



**City of Kuna**  
**Alcohol Beverage License**  
**763 W. AVALON**  
**P.O. BOX 13**  
**KUNA, ID 83634**

**Phone: 208-922-5546 Fax: 208-922-5989**

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK (Includes On Premise Wine)	\$ 562.50	<u>  X  </u>
OFF PREMISE BEER	\$ 50.00	<u>      </u>
OFF PREMISE WINE	\$ 200.00	<u>      </u>
ON PREMISE BEER	\$ 200.00	<u>  X  </u>
ON PREMISE WINE	\$ 200.00	<u>      </u>
CHANGE IN LOCATION OF LICENSE (15% OF THE ANNUAL FEE)		<u>      </u>

**\*\*\* OFFICE USE ONLY \*\*\***

Date 3/19/15 City License No. 163

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

\_\_\_\_\_  
MAYOR

\$ 762.50

Date Fee Paid and Receipt No.: 3/20/15 11.000483

**TOTAL \$** \$762.50

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
New applications also Include: Copy of ABC stamped approved Foot Print  
All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: Psk Lic PHONE: 340-0020

BUSINESS LOCATION: 353 Ave E

BUSINESS MAILING ADDRESS: 1577 N. Lindbergh #275 Kuna, ID  
(City, State, Zip Code)

APPLICANT NAME: Shirley Lettler PHONE: 340-0020  
(City, State, Zip Code)

RESIDENCE ADDRESS 5125 Roy Drive Nampa, ID  
(City, State, Zip Code)

**IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS**

NAME <u>Perry Lettler</u>	ADDRESS <u>5125 Roy Dr. Nampa, ID 83686</u>
NAME <u>Shirley Lettler</u>	ADDRESS <u>5125 Roy Dr. Nampa, ID 83686</u>
NAME _____	ADDRESS _____

[Signature]  
Applicant Signature

3-19-15  
Date

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

2015-2016 RETAIL ALCOHOL BEVERAGE LICENSE 2016155  
 ADA COUNTY, IDAHO  
 STATE OF IDAHO

*This is to certify, that PSL Inc.*

*dba: Cowgirls Kuna*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 347 & 353 Ave. E, Kuna, ID 83634



License valid from May 1, 2015 to April 30, 2016

Beer	DRAFT, bottled or canned, ON or OFF premises consumption	\$100.00
Liquor	Kuna City	\$125.00

*[Signature]*  
 Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 10th day of March, 2015

*[Signature]*  
 Christopher D. Rich, Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

*[Signature]*  
 Chairman

# State of Idaho Idaho State Police

Premise Number: 1A-834  
Incorporated City

Retail Alcohol Beverage License

Cycle Tracking Number: 78202  
ISLD ID: 5534  
License Year: 2016

License Number: 4777

This is to certify, that PSL Inc  
doing business as: Cowgirls Kuna

is licensed to sell alcoholic beverages as stated below at:  
347 & 353 Ave E, Kuna, Ada County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.  
*County and city licenses are also required in order to operate.*

Liquor	Yes	<u>\$750.00</u>
Beer	Yes	<u>\$50.00</u>
On-premise consumption	Yes	<u>\$0.00</u>
Kegs to go	No	
Restaurant	Yes	<u>\$0.00</u>
Wine by the bottle	Yes	<u>\$0.00</u>
Wine by the glass	Yes	<u>\$0.00</u>
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$800.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

PSL INC  
COWGIRLS KUNA  
1577 N LINDER #275  
KUNA, ID 83634  
Mailing Address

License Valid: 05/01/2015 - 04/30/2016

Expires: **04/30/2016**





**City of Kuna RECEIVED**  
**Alcohol Beverage License**  
 763 W. AVALON **MAR 23 2015**  
 P.O. BOX 13 **CITY OF KUNA**  
 KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

**\*\*\* OFFICE USE ONLY \*\*\***

Date 3/23/15 City License No. 176

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

\_\_\_\_\_  
MAYOR

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK (Includes On Premise Wine)	\$ 562.50	<u>562.50</u>
OFF PREMISE BEER	\$ 50.00	_____
OFF PREMISE WINE	\$ 200.00	_____
ON PREMISE BEER	\$ 200.00	<u>200-</u>
ON PREMISE WINE	\$ 200.00	_____
CHANGE IN LOCATION OF LICENSE (15% OF THE ANNUAL FEE)	_____	_____

Date Fee Paid and Receipt No.: 11,000487  
3/23/15

**TOTAL \$ 762.50**

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
 New applications also Include: Copy of ABC stamped approved Foot Print  
 All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: CONPAZ INC. dba EL GALLO GIRO PHONE: 922-5169

BUSINESS LOCATION: 482 W. MAIN ST., KUNA ID 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: PO Box 444, KUNA ID 83634  
(City, State, Zip Code)

APPLICANT NAME: ENRIQUE F. CONTRERAS PHONE: 922-5169

RESIDENCE ADDRESS 1922 W. ARDELL RD, KUNA ID 83634  
(City, State, Zip Code)

**IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS**

NAME ENRIQUE F. CONTRERAS ADDRESS 1922 W. Ardell Rd., KUNA

NAME ANA M. PAZ ADDRESS 1922 W. Ardell Rd., KUNA

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

*Enrique F. Contreras*  
 Applicant Signature

3/17/18  
 Date

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

2015-2016 RETAIL ALCOHOL BEVERAGE LICENSE 201692  
ADA COUNTY, IDAHO  
STATE OF IDAHO

*This is to certify, that Compaz Inc.*

*dba: El Gallo Giro*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 482 W. Main St., Kuna, ID 83634



License valid from May 1, 2015 to April 30, 2016

Beer DRAFT, bottled or canned, ON or OFF premises consumption \$100.00  
Liquor Kuna City \$125.00

*[Signature]*  
Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 10th day of March, 2015

*[Signature]* Christopher D. Rich, Clerk  
*[Signature]* Chairman  
(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

*State of Idaho*

**Idaho State Police**

Cycle Tracking Number: 77896

ISLD ID: 7094

Premise Number: 1A-16090

**Retail Alcohol Beverage License**

License Year: 2016

Incorporated City

License Number: 16090

This is to certify, that **Conpaz Inc**

doing business as: **El Gallo Giro**

is licensed to sell alcoholic beverages as stated below at:

**482 West Main Street, Kuna, Ada County**

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license. County and city licenses are also required in order to operate.

*Camille Colombari*  
Signature of Licensee, Corporate Officer, LLC Member or Partner

- Liquor Yes \$750.00
- Beer Yes \$50.00
- On-premise consumption Yes \$0.00
- Kegs to go No
- Restaurant Yes \$0.00
- Wine by the bottle Yes \$0.00
- Wine by the glass Yes \$0.00
- Multipurpose arena No
- Growlers No

TOTAL FEE: \$800.00

**CONPAZ INC**  
**EL GALLO GIRO**  
**PO BOX 444**  
**KUNA, ID 83634**  
 Mailing Address

License Valid: 05/01/2015 - 04/30/2016

**Expires: 04/30/2016**

*[Signature]*

Director of Idaho State Police



RECEIVED

MAR 23 2015



City of Kuna  
Alcohol Beverage License  
763 W. AVALON  
P.O. BOX 13  
KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

\*\*\* OFFICE USE ONLY \*\*\*

Date 3/23/15 City License No. 93

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

\_\_\_\_\_  
MAYOR

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK \$ 562.50 \_\_\_\_\_  
 (Includes On Premise Wine)

OFF PREMISE BEER \$ 50.00 50.00

OFF PREMISE WINE \$ 200.00 200.00

ON PREMISE BEER \$ 200.00 \_\_\_\_\_

ON PREMISE WINE \$ 200.00 \_\_\_\_\_

CHANGE IN LOCATION OF LICENSE  
 (15% OF THE ANNUAL FEE) \_\_\_\_\_

Date Fee Paid and Receipt No.: 11,000 488

TOTAL \$ 250.00 3/23/15

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
 New applications also Include: Copy of ABC stamped approved Foot Print  
 All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: 2- Inc dba Paul's Market PHONE: 208 922-9834

BUSINESS LOCATION: 700 E Avalon Kuna ID 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: PO Box 937 Homedale, Id 83628  
(City, State, Zip Code)

APPLICANT NAME: Steven P. Zatica PHONE: 208 337-3999

RESIDENCE ADDRESS 12 N. Main St Homedale, ID 83628  
(City, State, Zip Code)

IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS

NAME Steven P. Zatica, Pres ADDRESS 12 N. Main Homedale, Id 83628

NAME Stanley J. Zatica, V.P. ADDRESS "

NAME Ferri Pearson, Sec. ADDRESS "

Steven P. Zatica  
 Applicant Signature

Date 3/19/15

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

# State of Idaho Idaho State Police

Cycle Tracking Number: 77961

Premise Number: 1A-57

Retail Alcohol Beverage License

License Year: 2016

License Number: 1479

This is to certify, that Z Inc

doing business as: Paul's Markets

is licensed to sell alcoholic beverages as stated below at:  
700 E Avalon, Kuna, Ada County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license. County and city licenses are also required in order to operate.

*[Signature]*  
Signature of Licensee, Corporate Officer, LLC Member or Partner

- Liquor No
- Beer Yes \$50.00
- On-premise consumption No
- Kegs to go No
- Restaurant No
- Wine by the bottle Yes \$100.00
- Wine by the glass No
- Multipurpose arena No
- Growlers No

TOTAL FEE: \$150.00

Z INC  
PAUL'S MARKETS  
P O BOX 937  
HOMEDALE, ID 83628  
Mailing Address

License Valid: 05/01/2015 - 04/30/2016

Expires: 04/30/2016

*[Signature]*

Director of Idaho State Police







City of Kuna  
Alcohol Beverage License  
763 W. AVALON  
P.O. BOX 13  
KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

\*\*\* OFFICE USE ONLY \*\*\*

Date 3/23/15 City License No. 165

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

\_\_\_\_\_  
MAYOR

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK (Includes On Premise Wine)	\$ 562.50	<u>X</u>
OFF PREMISE BEER	\$ 50.00	_____
OFF PREMISE WINE	\$ 200.00	_____
ON PREMISE BEER	\$ 200.00	<u>X</u>
ON PREMISE WINE	\$ 200.00	_____
CHANGE IN LOCATION OF LICENSE (15% OF THE ANNUAL FEE)	_____	_____

Date Fee Paid and Receipt No.: 11.000486  
3/23/15

TOTAL \$ 762.50

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
New applications also Include: Copy of ABC stamped approved Foot Print  
All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: PacWest Bars LLC PHONE: 2089229797

BUSINESS LOCATION: 414 W. Main Street, Kuna Id 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: Po Box 463 Kuna Id 83634  
(City, State, Zip Code)

APPLICANT NAME: Gary Packard PHONE: 922-4342

RESIDENCE ADDRESS 2354 S. BlackCat Kuna Id 83634  
(City, State, Zip Code)

IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Applicant Signature

3-20-15

Date

APPLICANT: Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

2015-2016

RETAIL ALCOHOL BEVERAGE LICENSE  
ADA COUNTY, IDAHO  
STATE OF IDAHO

2016219

*This is to certify, that Pacwest Bars LLC*

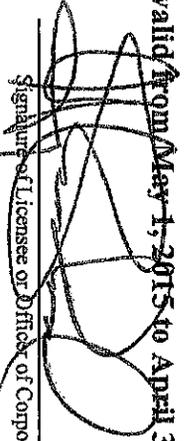
*dba: Red Eye Saloon*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 414 Main St, Kuna, ID 83634



License valid from ~~May 1, 2015~~ to April 30, 2016

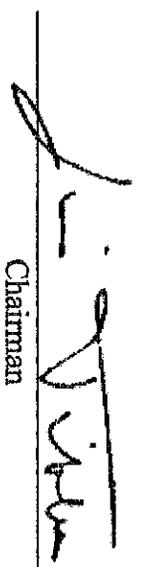
Beer	DRAFT, bottled or canned, ON or OFF premises consumption	\$100.00
Liquor	Kuna City	\$125.00

  
 Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 17th day of March, 2015

  
 Christopher D. Rich, Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

  
 Chairman

# State of Idaho

## Idaho State Police

Premise Number: 1A-239  
Incorporated City

Retail Alcohol Beverage License

Cycle Tracking Number: 78328  
ISLD ID: 6411  
License Year: 2016  
License Number: 3540

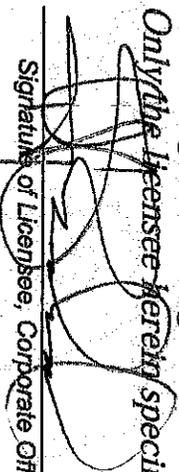
This is to certify, that **Pacwest Bars LLC**  
doing business as: **Red Eye Saloon**

is licensed to sell alcoholic beverages as stated below at:  
**414 Main St, Kuna, Ada County**

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee hereby specified shall use this license. County and city licenses are also required in order to operate.

Liquor	Yes	<u>\$750.00</u>
Beer	Yes	<u>\$50.00</u>
On-premise consumption	Yes	<u>\$0.00</u>
Kegs to go	No	
Restaurant	Yes	<u>\$0.00</u>
Wine by the bottle	Yes	<u>\$0.00</u>
Wine by the glass	Yes	<u>\$0.00</u>
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$800.00

  
Signature of Licensee, Corporate Officer, LLC Member or Partner

PACWEST BARS LLC  
RED EYE SALOON  
PO BOX 463  
KUNA, ID 83634  
Mailing Address

  
Director of Idaho State Police

License Valid: 05/01/2015 - 04/30/2016  
Expires: **04/30/2016**





City of Kuna  
Alcohol Beverage License  
763 W. AVALON  
P.O. BOX 13  
KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

**\*\*\* OFFICE USE ONLY \*\*\***

Date 3/25/15 City License No. 192

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

\_\_\_\_\_  
MAYOR

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK (Includes On Premise Wine)	\$ 562.50	<input checked="" type="checkbox"/>
OFF PREMISE BEER	\$ 50.00	_____
OFF PREMISE WINE	\$ 200.00	_____
ON PREMISE BEER	\$ 200.00	<input checked="" type="checkbox"/>
ON PREMISE WINE	\$ 200.00	_____
CHANGE IN LOCATION OF LICENSE (15% OF THE ANNUAL FEE)	_____	_____

Date Fee Paid, and Receipt No.: 11.000489  
\$ 762.50 3/25/15  
TOTAL \$

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
New applications also Include: Copy of ABC stamped approved Foot Print  
All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: Lima Limon Peruvian Restaurant PHONE: 208-922-3144

BUSINESS LOCATION: 751 W 4th St Kuna, ID 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: 751 W 4th St Kuna, ID 83634  
(City, State, Zip Code)

APPLICANT NAME: Agustin Contreras PHONE: 208-850-0538

RESIDENCE ADDRESS 1009 E Kuna Rd Apt 109 Kuna, ID 83634  
(City, State, Zip Code)

**IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS**

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Agustin Contreras  
Applicant Signature

3-25-15  
Date

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

# State of Idaho

## Idaho State Police

Premise Number: 1A-17182  
Incorporated City:

Retail Alcohol Beverage License

Cycle Tracking Number: 78686  
ISLD ID: 7291

License Year: 2016

License Number: 17182

This is to certify, that

Agustin C Contreras

Lima Limon Peruvian Restaurant

is licensed to sell alcoholic beverages as stated below at:  
751 W 4th, Kuna, Ada County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.  
County and city licenses are also required in order to operate.

*Signature of Licensee, Corporate Officer, LLC Member or Partner*

AGUSTIN C CONTRERAS  
LIMA LIMON PERUVIAN RESTAURANT  
1009 E KUNA RD  
KUNA, ID 83634  
Mailing Address

Liquor	Yes	\$750.00
Beer	Yes	\$50.00
On-premise consumption	Yes	\$0.00
Keqs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$800.00

License Valid: 05/01/2015 - 04/30/2016

Expires: 04/30/2016

*Signature of Director of Idaho State Police*

Director of Idaho State Police



2015-2016 RETAIL ALCOHOL BEVERAGE LICENSE 2016287  
 ADA COUNTY, IDAHO  
 STATE OF IDAHO

*This is to certify, that Agustin C Contreras*

*dba: Lima Limon Peruvian Restaurant*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 751 W 4th, Kuna, ID 83634



License valid from May 1, 2015 to April 30, 2016

Beer	DRAFT, bottled or canned, ON or OFF premises consumption	\$100.00
Liquor	Kuna City	\$125.00

Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 1st day of May, 2015

Christopher D. Rich, Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

Chairman



**City of Kuna**  
**Alcohol Beverage License**  
**763 W. AVALON**  
**P.O. BOX 13**  
**KUNA, ID 83634**

**Phone: 208-922-5546 Fax: 208-922-5989**

**\*\*\* OFFICE USE ONLY \*\*\***

Date: 3/26/15 City License No. 35

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

MAYOR

**RECEIVED**  
**MAR 26 2015**  
**CITY OF KUNA**

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK (Includes On Premise Wine)	\$ 562.50	<input checked="" type="checkbox"/>
OFF PREMISE BEER	\$ 50.00	<input type="checkbox"/>
OFF PREMISE WINE	\$ 200.00	<input type="checkbox"/>
ON PREMISE BEER	\$ 200.00	<input checked="" type="checkbox"/>
ON PREMISE WINE	\$ 200.00	<input type="checkbox"/>
CHANGE IN LOCATION OF LICENSE (15% OF THE ANNUAL FEE)		<input type="checkbox"/>

Date Fee Paid and Receipt No.: 3/26/15  
11.000490

**TOTAL \$ 762.50**

**All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE**  
**New applications also Include: Copy of ABC stamped approved Foot Print**  
**All Licenses will expire annually on May 1 at 2:00 a.m.**

BUSINESS NAME: FIESTA GUADAJARA PHONE: 541.889.3656

BUSINESS LOCATION: 780 E AVALON KUNA IDAHO 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: PO BOX 70, ONTARIO, OR 97914  
(City, State, Zip Code)

APPLICANT NAME: SAWADOR SANCHEZ PHONE: 541.889.3656

RESIDENCE ADDRESS 1145 LUCKY LANE ONTARIO, OR 97914  
(City, State, Zip Code)

**IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS**

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Sawador Sanchez  
Applicant Signature

2015.3.5  
Date

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED

# State of Idaho

## Idaho State Police Retail Alcohol Beverage License

Cycle Tracking Number: 77877  
ISLO ID: 5386

Premise Number: 1A-10497  
License Year: 2016  
License Number: 10497

This is to certify, that Salvador Sanchez  
doing business as: Fiesta Guadalajara  
is licensed to sell alcoholic beverages as stated below at:  
780 E Avalon, Kuna, Ada County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.  
*County and city licenses are also required in order to operate.*

Liquor	Yes	\$750.00
Beer	Yes	\$50.00
On-premise consumption	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	
Growlers	No	

Signature of Licensee, Corporate Officer, LLC Member or Partner

SALVADOR SANCHEZ  
FIESTA GUADALAJARA  
PO BOX 70  
ONTARIO, OR 97914  
Mailing Address

TOTAL FEE: \$800.00

License Valid: 05/01/2015 - 04/30/2016  
Expires: 04/30/2016



*Pat Powell*  
Director of Idaho State Police

SEE REVERSE SIDE FOR SALE OR TRANSFER OF THIS LICENSE

ISS: 7/08/14 400 ABE: 25

2015-2016

RETAIL ALCOHOL BEVERAGE LICENSE

2016194

ADA COUNTY, IDAHO

STATE OF IDAHO

*This is to certify that Salvador Sanchez*

*dba: Fiesta Guadalupe*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 780 E. Avalon, Kuna, ID 83634



License valid from May 1, 2015 to April 30, 2016

Beer	DRAFT, bottled or canned, ON or OFF premises consumption	\$100.00
Liquor	Kuna City	\$125.00

Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 17th day of March, 2015

*Christopher D. Rich*  
Christopher D. Rich, Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

*Salvador Sanchez*  
Chairman



City of Kuna  
Alcohol Beverage License  
763 W. AVALON  
P.O. BOX 13  
KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

\*\*\* OFFICE USE ONLY \*\*\*

Date 3/26/15 City License No. 183

New  Renewal  Modification  Transfer

LICENSE:

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK (Includes On Premise Wine)	\$ 562.50	<u>562.50</u>
OFF PREMISE BEER	\$ 50.00	_____
OFF PREMISE WINE	\$ 200.00	_____
ON PREMISE BEER	\$ 200.00	<u>200.00</u>
ON PREMISE WINE	\$ 200.00	_____
CHANGE IN LOCATION OF LICENSE (15% OF THE ANNUAL FEE)	_____	_____

Date Fee Paid and Receipt No.: 3/26/15  
11,000 491

TOTAL \$ 762.50

◆ All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE  
 ◆ New applications also Include: Copy of ABC stamped approved Foot Print  
 ◆ All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: GRANTURA LLC dba KUNA EVENT CENTER PHONE: 761-3005

BUSINESS LOCATION: 321 W. 4th ST., KUNA ID 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: PO BOX 444 KUNA ID 83634  
(City, State, Zip Code)

APPLICANT NAME: ENRIQUE F. CONTRERAS PHONE: 761-3004

RESIDENCE ADDRESS 1922 W. ARDELL RD., KUNA ID 83634  
(City, State, Zip Code)

IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS

NAME ENRIQUE F. CONTRERAS ADDRESS 1922 W. ARDELL RD, KUNA ID 83634

NAME ANA M. PAZ ADDRESS 1922 W. ARDELL RD, KUNA ID 83634

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Enrique F. Contreras  
Applicant Signature

3/26/15  
Date

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

# State of Idaho

## Idaho State Police

Cycle Tracking Number: 77893  
ISLD ID: 7122

Premise Number: 1A-7705  
Incorporated City

Retail Alcohol Beverage License

License Year: 2016

This is to certify, that Grantura LLC

License Number: 7705

doing business as: Kuna Event Center

is licensed to sell alcoholic beverages as stated below at:  
321 W 4th St, Kuna, Ada County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license. County and city licenses are also required in order to operate.



Signature of Licensee, Corporate Officer, LLC Member or Partner

GRANTURA LLC  
KUNA EVENT CENTER  
PO BOX 444  
KUNA, ID 83634  
Mailing Address

Liquor	Yes	\$750.00
Beer	Yes	\$50.00
On-premise consumption	Yes	\$0.00
Kegs to go	No	
Restaurant	Yes	\$0.00
Wine by the bottle	Yes	\$0.00
Wine by the glass	Yes	\$0.00
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$800.00



Director of Idaho State Police

License Valid: 05/01/2015 - 04/30/2016

Expires: 04/30/2016



2015-2016

RETAIL ALCOHOL BEVERAGE LICENSE  
ADA COUNTY, IDAHO  
STATE OF IDAHO

2016273

*This is to certify, that Grantura LLC*

*dba: Kuna Event Center*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 321 W 4th St, Kuna, ID 83634



License valid from May 1, 2015 to April 30, 2016

Beer DRAFT, bottled or canned, ON or OFF premises consumption \$100.00  
Liquor Kuna City \$125.00

*[Signature]*  
Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 1st day of May, 2015

*[Signature]*  
Christopher D. Rich, Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

*[Signature]*  
Chairman



City of Kuna  
Alcohol Beverage License  
763 W. AVALON  
P.O. BOX 13  
KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

\*\*\* OFFICE USE ONLY \*\*\*

Date 4/1/15 City License No. 173

New  Renewal  Modification  Transfer

LICENSE:

APPROVED  DENIED

\_\_\_\_\_  
MAYOR

**ALL FEES ARE NON-REFUNDABLE**

LIQUOR-BY-THE-DRINK \$ 562.50 562.50  
(Includes On Premise Wine)

OFF PREMISE BEER \$ 50.00 \_\_\_\_\_

OFF PREMISE WINE \$ 200.00 \_\_\_\_\_

ON PREMISE BEER \$ 200.00 200.00

ON PREMISE WINE \$ 200.00 \_\_\_\_\_

CHANGE IN LOCATION OF LICENSE  
(15% OF THE ANNUAL FEE) \_\_\_\_\_

Date Fee Paid and Receipt No.: 4/1/15

TOTAL \$ 762.50

RECEIVED  
APR 01 2015  
CITY OF KUNA

11.000493

All applications Include: Copy of the IDAHO STATE LICENSE and ADA COUNTY LICENSE

New applications also Include: Copy of ABC stamped approved Foot Print

All Licenses will expire annually on May 1 at 2:00 a.m.

BUSINESS NAME: THE ARLENE PHONE: 922-2018

BUSINESS LOCATION: 459 W. MAIN KUNA, ID. 83634  
(City, State, Zip Code)

BUSINESS MAILING ADDRESS: P.O. Box 905 KUNA, ID. 83634  
(City, State, Zip Code)

APPLICANT NAME: LARRY O'LEARY PHONE: 870-5961

RESIDENCE ADDRESS 2610 W. IRVING ST. BOISE, ID. 83702  
(City, State, Zip Code)

IF APPLICANT IS A PARTNERSHIP OR CORPORATION, LIST NAMES AND ADDRESSES OF PARTNERS OR OFFICERS

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

Larry O'Leary  
Applicant Signature

3/30/15  
Date

**APPLICANT:** Please be advised that bars, nightclubs, lounges, taverns and other permanent locations where alcoholic beverages are sold, not including restaurants where the principle business is serving food, are required to procure a Special Use Permit along with an application for a liquor license permit, provided the zone in which the use is located affords the sale of alcohol. The Special Use Application may be acquired from the City's Planning Department. If there is any doubt or uncertainty whether the principle business is food, that determination will be made by the Planning Department.

# State of Idaho Idaho State Police

Premise Number: 1A-8411  
Incorporated City:

Retail Alcohol Beverage License

License Year: 2016

License Number: 84111

Cycle Tracking Number: 78434  
ISLD ID: 5438

This is to certify, that **Larry O'Leary**  
doing business as: **The Arlene**

is licensed to sell alcoholic beverages as stated below at:  
**459 W Main St, Kuna, Ada County**

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.  
*County and city licenses are also required in order to operate.*

Liquor	Yes	<u>\$750.00</u>
Beer	Yes	<u>\$50.00</u>
On-premise consumption	Yes	<u>\$0.00</u>
Kegs to go	No	
Restaurant	No	
Wine by the bottle	Yes	<u>\$0.00</u>
Wine by the glass	Yes	<u>\$0.00</u>
Multipurpose arena	No	
Growlers	No	

TOTAL FEE: \$800.00

*Larry O'Leary*  
Signature of Licensee/Corporate Officer, LLC Member or Partner

**LARRY O'LEARY**  
**THE ARLENE**  
**2610 IRENE ST**  
**BOISE, ID 83702**  
Mailing Address

License Valid: 05/01/2015 - 04/30/2016

Expires: **04/30/2016**

*Steve Towell*

Director of Idaho State Police



2015-2016

RETAIL ALCOHOL BEVERAGE LICENSE

2016325

ADA COUNTY, IDAHO  
STATE OF IDAHO

*This is to certify, that Larry O'Leary  
dba: The Arlene*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 459 W Main St, Kuna, ID 83634

License valid from May 1, 2015 to April 30, 2016

Beer	DRAFT, bottled or canned, ON or OFF premises consumption	\$100.00
Liquor	Kuna City	\$125.00

APPROVED by the Board of County Commissioners this 1st day of May, 2015

*Larry O'Leary*  
Signature of Licensee or Officer of Corporation

*Christopher D. Rich*  
Christopher D. Rich, Clerk

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)

*Jim Tivnan*  
Chairman



**CITY OF KUNA**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
[www.cityofkuna.com](http://www.cityofkuna.com)

Telephone (208) 922-5546

Email: [chris@cityofkuna.com](mailto:chris@cityofkuna.com)

---

## MEMORANDUM

TO: Mayor Nelson and Members of City Council

FROM: Chris Engels, Interim City Clerk

RE: Fee Waivers and Fee Reduction Requests for City facilities

DATE: April 7, 2015

---

### Bernie Fisher Park:

Kuna Farmers Market requests a fee reduction:  
20 Saturdays from May 9, 2015 – September 26, 2015 (excludes Kuna Days)  
Regular Fees 20 x \$100 = \$2,000  
**Reduced Rate requested - \$250**

### Kuna Senior Center:

**Kuna VFW requests to move from 2<sup>nd</sup> Wednesday evening of the month to the 2<sup>nd</sup> Saturday morning of the month**

Regular Fees \$60 per meeting  
Fee Waiver in place with no end date indicated for renewal  
(Conflict with Young Marines Request and some reservations with private parties)

**Young Marines requests to move from 1<sup>st</sup> and 3<sup>rd</sup> Saturdays from 8:00 a.m. – 12:00 p.m.**

Regular Fees \$80 per meeting  
Fee Waiver in place with no end date indicated for renewal  
(Conflict with Kuna VFW Request and some reservations with private parties)



# City of Kuna

## Rental Request & Rental Agreement

763 W. AVALON

P.O. BOX 13

KUNA, ID 83634

Phone: 208-922-5546 Fax: 208-922-5989

*April 7, 2015*  
*Requesting fee Reduction*

**Date:**

*May 9 - Sept 26, 2015*

**Time:**

Daytime *9* to *12*  
 After Hours to

**Location:**

- Bernie Fisher Park- Bandshell
- Bernie Fisher Park-Gazebo
- Senior Center
- Greenbelt: no park fees East side by restrooms
- Greenbelt: no park fees North side by baseball diamonds

**Event Type:**

- Private
- Public

**Amenities:**

- Electricity
- Tables

**Fees:**

Bernie Fisher

Bandshell or Gazebo

- \$10 up to 15 people
- \$25 up to 35 people
- \$50 up to 100 people
- \$100 over 100 people
- Cleaning/damage deposit in addition and in the amount of the reservation fee.
- \$10 Electricity

Picnic Tables for parks other than Bernie Fisher Park

- \$25 up to 10 tables
- \$50 over 10 tables

Senior Center

- \$50 first hour
- \$10 additional hour or fraction thereafter
- \$150 cleaning and damage deposit

After Hours Permit

- \$10 up to 15 people
- \$25 up to 35 people
- \$50 up to 100 people
- \$100 over 100 people

ARE YOU SEEKING PERMISSION TO DRIVE ON PARK GRASS?

*\$250.00* Fee Total

*0* Deposit Total

*\$250.00* Grand Total

Receipt #

Refund of deposits will be processed as soon as possible

Date: *March 20, 2015*

Contact person: *Quency Murphey*

Type of Event: *Kuna Farmers Market*

Organization: *Kuna Farmers Market*  
(If applicable)

Address: *P.O. Box 162 Kuna, ID 83634*  
(City, State, Zip Code)

Telephone: *922-5929*

Senior Center Rules:

- No alcohol without a State and County approved liquor licensee with a valid catering permit issued by the City.
- No Smoking allowed in the building.
- No use of the kitchen, dishes or utensils. Furnish your own supplies.
- Building shall be left in clean and serviceable condition. Furnish your own trash bags.
- Return tables and chairs in original locations.
- Keys must be picked up before 5 p.m. on the day of the event or last business day prior to the event.
- Return keys in the drop box located at City Hall.

Park Rules:

- No alcohol without a State and County approved liquor licensee with a valid catering permit issued by the City.
- Area shall be left in clean and serviceable condition.
- Electrical or other issues contact the Parks Supervisor at 573-7668.

After Hours Permit Requires:

- A safety plan reviewed by local law enforcement prior to issuance.

Public Events Requires:

- Special Event Plan (Contact Clerks Office)

*Quency Murphey*  
Applicant Signature of Acceptance and Responsibility

*3/20/15*  
Date

Kuna City Clerk

Seal

Date

(City Clerk signature required for after hours permits only)

Burke

Bobby Withrow

3-20-15

W

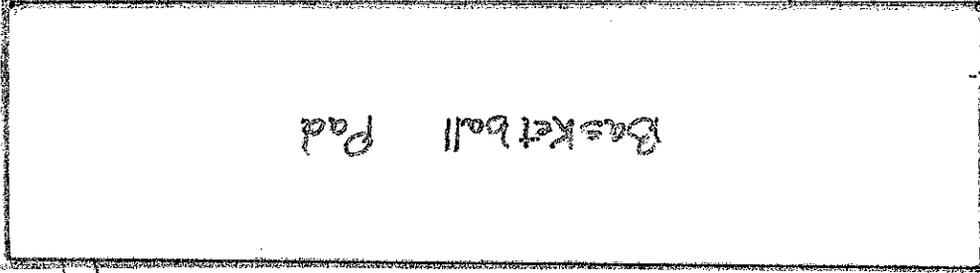
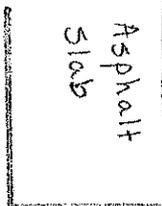
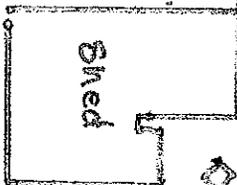
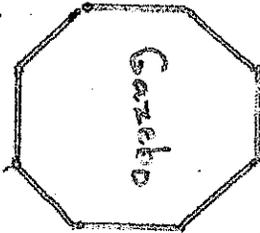
N

Main Street

Sidewalk

Ave A

Bernie Fisher Park



S

E



# City of Kuna

## Staff Report

P.O. Box 13  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
Kunacity.id.gov

**To:** City Council

**Case Numbers:** **14-05-Sub** (Subdivision) and **05-05-SUP** (Amended- Special Use Permit) for **Crimson Point Villas Subdivision No. 2**

**Location:** Northwest corner of Ten Mile and Deer Flat Roads. Kuna, Idaho 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** April 7, 2015

**Applicant:** **Corey Barton Homes**  
1977 E Overland Road  
Meridian, ID. 83642  
208.286.0520

**Engineer:** **LEI Engineering and Planning - Laren Bailey**  
3023 E. Copper Pt. Drive Ste. 201  
Meridian, ID. 83642  
208.846.9600  
[Lbailey@lei-eng.com](mailto:Lbailey@lei-eng.com)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
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- D. Site History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- K. Recommendation By The Planning and Zoning Commission
- L. Proposed Conditions of Approval

### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states Special Use Permit amendments and subdivisions are designated as public hearings, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

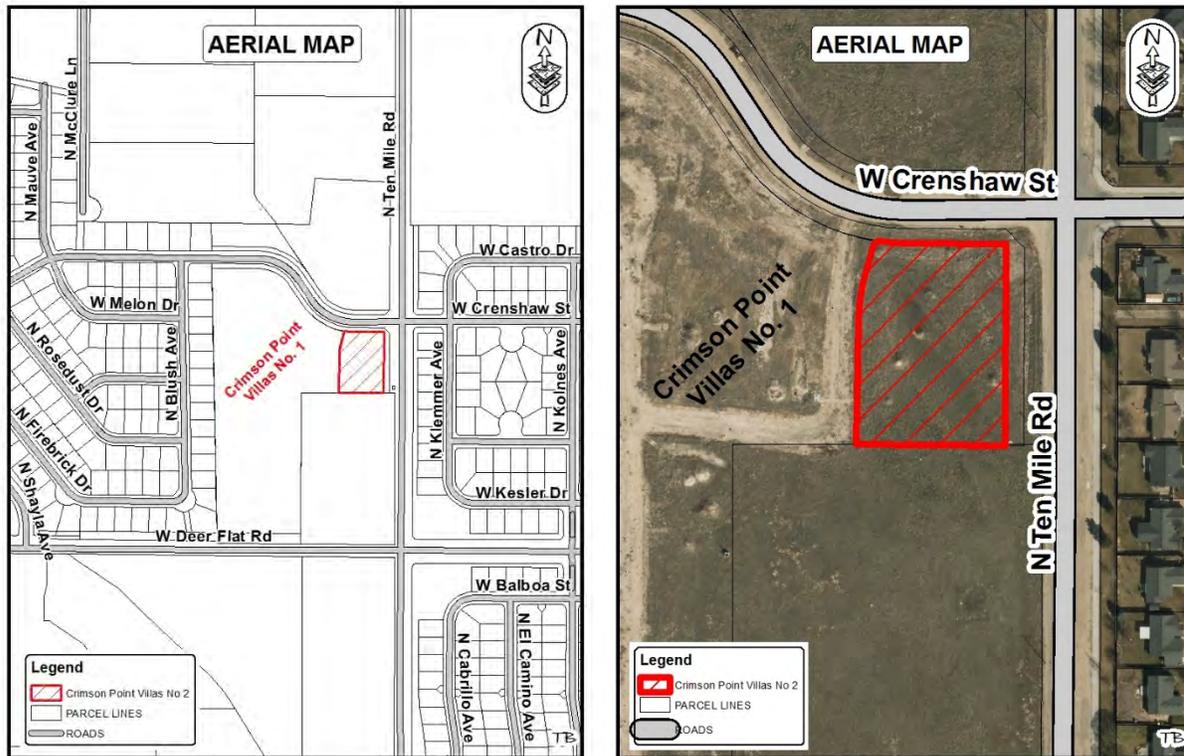
- |                           |                   |
|---------------------------|-------------------|
| i. Neighborhood Meeting   | February 24, 2014 |
| ii. Agencies              | December 4, 2014  |
| iii. 300' Property Owners | March 26, 2015    |
| iv. Kuna, Melba Newspaper | March 11, 2015    |
| v. Site Posted            | March 27, 2015    |

**B. Applicants Request:**

**1. Request:**

Applicant requests amending the original Special Use Permit (SUP) and three of the conditions from that action. Applicant also seeks approval for a new preliminary plat creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. Applicant proposes five (5) lots for multi-family units and two (2) common lots and will be under the responsibility and maintenance of a Homeowners Association (HOA).

**C. Vicinity and Aerial Maps:**



**D. History:** The subject parcel is in City limits and currently zoned C-1 (Neighborhood Commercial District), and is adjacent to Crimson Point Villas No 1. This parcel was originally farmed. Seven (7) years ago, many public utilities were installed for its development and it has been idle since that time.

**E. General Projects Facts:**

**1. Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Mixed-Use General, which allows for residential and commercial uses. Staff views this land use request to be consistent with the approved FLU map.

**2. Surrounding Land Uses:**

<b>North</b>	C-1	Neighborhood Commercial District – Kuna City
<b>South</b>	RUT	Rural Urban Transition – Ada County
<b>East</b>	R-6	Medium Density Residential – Kuna City
<b>West</b>	C-1	Neighborhood Commercial District – Kuna City

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- Approx. 1.24 total acres
- C-1; Neighborhood Commercial District
- Parcel No. - S1315449455 and R1610610240

4. **Services:**

Sanitary Sewer– City of Kuna  
Potable Water – City of Kuna  
Irrigation District – Boise-Kuna Irrigation District  
Pressurized Irrigation – City of Kuna (KMID)  
Fire Protection – Kuna Rural Fire District  
Police Protection – Kuna City Police (Ada County Sheriff’s office)  
Sanitation Services – J&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:** Currently the land is vacant, except for the utility improvements previously installed. Vegetation on site is consistent with a vacant parcel. The topography for the site is generally flat.

6. **Transportation / Connectivity:** The applicant proposes two access points; one on Deer Flat Road and the second on the north side of the project, from Crenshaw Street.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Ada County Highway District (ACHD), the Department of Environmental Quality (DEQ), the Idaho Transportation Department (ITD), and Ada County Engineer – Angela Gilman. The responding agency comments are included as exhibits with this case file. The following agencies did not send in comments; Kuna School District, Kuna Police Department, Central Dist. Health Dept., Ada County Planning and Zoning, Idaho Power, J&M Sanitation, or the US Post Office.

**F. Staff Analysis:**

This site is located near the northwest corner (NWC) of Ten Mile & Deer Flat Roads. The applicant proposes a seven (7) lot multi-family subdivision on 1.24 acres, creating five (5) buildable lots. The application includes two (2) lots for common space and will be owned and maintained by an HOA. This project will be a part of Crimson Point Villas No.1 to the west and is a smaller part of the greater Crimson Point PUD project.

The applicant requests amending the Special Use Permit (SUP). This will include allowing for multi-family units where the Council had approved “Limited Office” *uses* in 2006. Applicant also seeks to amend the conditions of approval from 2005 and is outlined in a letter (Dated Feb. 2, 2015), The applicants letter is included as an exhibit with this report.

In 2005 the Planning and Zoning Commission recommended denial of the SUP and preliminary plat for the Crimson Point Villas project. The 2005 site plan showed “multi-family” over the north part of the site, “area business” over the southern part and “Limited Office” over the eastern tip of the site (the site in this application). In early 2006, City Council approved the SUP (allowing for multi-family in a C-1 zone), but denied the preliminary plat. The applicant then reduced the number of units and requested

reconsideration by the Council, who then re-heard the application (with the new layout) and approved it with conditions. The March 2006 staff report is included as an exhibit with this request. Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No.'s 14-05-Sub, 05-05-SUP, subject to the recommended conditions of approval.

**G. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. City of Kuna Landscape Regulations, Title 5, Chapter 17, Section 1 thru 26,
5. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

**H. Comprehensive Plan Analysis:**

The City Council accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

**GOALS AND POLICY – Property Rights**

**Goal 1: *Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.***

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

**GOALS AND POLICY – Land Use**

**Goal 2: *Encourage a balance of land uses to ensure that Kuna remains a desirable, stable, and self-sufficient community.***

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**GOALS AND POLICY – Housing**

**Goal 1: *Provide a wide-range of housing to meet the needs of the current and future population. Ensure that housing is available throughout the community for people of all income levels and for those with special needs.***

Objective 1.3: Encourage mixed-use development that includes town centers, single-family, multi-family, accessory units, and other types of residential development.

**Goal 2: *Encourage logical and orderly residential development.***

Objective 2.1: Ensure that development proceeds in a logical and orderly manner so that public services are provided in a cost efficient manner.

Policy 2.6: *Encourage infill housing development to reduce urban sprawl.*

**Goal 3: Encourage high-quality residential development.**

Objective 3.1: Encourage the development of safe and aesthetically-pleasing neighborhoods.

**I. Proposed Findings of Fact:**

1. This request appears to be consistent and in compliance with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for a multi-family subdivision.
4. The proposed uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. This application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The City Council accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-05-Sub and 05-05-SUP, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The City Council has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No.s 14-05-Sub and 05-05-SUP, the City Council finds Case No.s 14-05-Sub and 05-05-SUP, comply with Kuna City Code.
2. Based on the evidence contained in Case No's 14-05-Sub and 05-05-SUP, the City Council finds Case No.s 14-05-Sub and 05-05-SUP, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Recommendation by the Planning and Zoning Commission:**

On February 10, 2015, the Commission voted 3-0 to recommend approval for Case No.s 14-05-Sub and 05-05-SUP, based on the facts outlined in staff's report and the public testimony at the public hearing. The Planning and Zoning Commission hereby recommends *approval* for Case No.s 14-05-Sub and 05-05-SUP, a request by CBH Homes for preliminary plat, Design Review and Special Use Permit (amended), *with* the following conditions of approval to City Council:

- *Follow conditions of approval as stated in the staff report,*
- *Adopt the letter dated February 2, 2015 (from applicant).*

**L. Proposed Decision by the Council:**

**14-05-Sub and 05-05-SUP (Amended), Note:** *This proposed motion is to approve, conditionally approve, or deny this request. If the Council wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

Based on the facts outlined in staff's report and the public testimony at the public hearing, The Council hereby (*approves/conditionally approves/denies*) Case No.s 14-05-Sub and 05-05-SUP, a request by CBH Homes for a

seven lot (7) preliminary plat and amending the previously approved Special Use Permit, (*with or without*) the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
  - a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise Project and Board of Control* shall approve any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District, and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
  - 2.1- Dedicate rights-of-way in sufficient amounts to follow Kuna City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2-W.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. Street lighting shall be LED lights and meet the approval of the City.
6. Parking within the site shall comply with Kuna City Code, unless specifically approved otherwise.
7. Fencing within and around the site shall comply with Kuna City Code unless specifically approved otherwise.
8. Signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
9. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within seven (7) days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
11. The land owner/applicant/developer and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Council, or seek amending them through public hearing processes.
12. The applicant's proposed preliminary plat (dated 9.25.14) and landscape plan (dated 4.28.2014) shall be considered binding site plans, or as modified and approved.
13. Applicant shall follow all Staff, city Engineer and other agency recommended requirements as applicable.
14. Developer shall comply with all local, state and federal laws.

**DATED:** This \_\_\_\_ day of \_\_\_\_\_, 2015.

# VICINITY MAP



W Ardell Rd

N McClure Ln

N Ten-Mile Rd

N Rosebud Dr

N Mauve Ave

W Castro Dr

W Melon Dr

W Crenshaw St

**CRIMSON POINT  
VILLAS PHS I**

N Blush Ave

N Klemmer Ave

N Kolnes Ave

W McHenry St

N Firebrick Dr  
N Shayla Ave

W Feltson St

W Kesler Dr

## Legend

-  Villas Phase II
-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES

W Deer Flat Rd

**KUNA CAVES  
SELF-STORAGE**

W Balboa St

TB

# AERIAL MAP



W Crenshaw St

Crimson Point  
Villas No. 1



N Ten Mile Rd

## Legend



Crimson Point Villas No 2



PARCEL LINES



ROADS



ENGINEERS

SURVEYORS

PLANNERS

October 21, 2014

City of Kuna  
Planning and Zoning Department  
PO Box 13  
Kuna, ID 83634

RE: Letter of Intent, The Villas at Crimson Point – Phase II Preliminary Plat/Special Use Permit Application

To Whom It May Concern:

LEI Engineers and Surveyors, on behalf of Corey Barton Homes, Inc., is seeking approval of a preliminary plat and special use permit to subdivide 1.24 acres of land, located at the southwest corner of North Ten Mile Road and West Crenshaw Road, into five (5) multi-family residential lots and one (1) open space lot. Each multi-family residential lot will contain one four-unit apartment building, resulting in a total of 20 dwelling units and a gross density of 16 dwelling units per acre. The proposed use and development density is consistent with the subject property's existing C-1 zoning designation.

All lots will take access from Alizarin Avenue, which is currently under construction as part of The Villas at Crimson Point – Phase 1. The internal circulation system will consist of a 22-foot-wide looped drive aisle connecting to Alizarin Avenue at two locations, and a six-foot-wide paved pedestrian walkway. A central 35-stall parking area, located primarily on proposed Lot 3, will serve the five buildings. A reciprocal parking/cross access easement will ensure that the parking stalls and drive aisles are accessible to all of the buildings.

The proposed development will comply with all requirements of the C-1 zone and with applicable public works standards. Open space constituting 17 percent of the site area will buffer the development from North Ten Mile Road and West Crenshaw Road. Landscape islands will be constructed within the parking area. Storm drainage will be retained on site. The buildings will be connected to the city of Kuna water and sewer systems, which have capacity to serve the number of dwelling units proposed. Frontage improvements will be provided consistent with Ada County Highway District standards.

Thank you for considering the attached preliminary plat application. Please contact me if you need additional information.

Sincerely,

Laren Bailey  
Principal, LEI

- Civil Engineering
- Structural Engineering
- Surveying
- Land Planning
- Landscape Architecture



ENGINEERS  
SURVEYORS  
PLANNERS

June 24, 2014

City of Kuna  
Planning and Zoning Department  
PO Box 13  
Kuna, ID 83634

RECEIVED  
JUN 26 2014  
CITY OF KUNA

RE: Letter of Intent, The Villas at Crimson Point – Phase II Preliminary Plat

To Whom It May Concern:

LEI Engineers and Surveyors, on behalf of Corey Barton Homes, Inc., is seeking approval of a preliminary plat to subdivide 1.24 acres of land, located at the southwest corner of North Ten Mile Road and West Crenshaw Road, into five (5) multi-family residential lots and one (1) open space lot. Each multi-family residential lot will contain one four-unit apartment building, resulting in a total of 20 dwelling units and a gross density of 16 dwelling units per acre. The proposed use and development density is consistent with the subject property’s existing C-1 zoning designation.

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Thank you for considering the attached preliminary plat application. Please contact me if you need additional information.

Sincerely,

Laren Bailey  
Principal, LEI

- Civil Engineering
- Structural Engineering
- Surveying
- Land Planning
- Landscape Architecture

February 2, 2015

City of Kuna  
Planning and Zoning Department  
PO Box 13  
Kuna, ID 83634

RE: The Villas at Crimson Point – Phase II Preliminary Plat/Special Use Permit  
Application - Addendum

To Whom It May Concern:

As an addendum to our October 21, 2014 letter, LEI Engineers and Surveyors, on behalf of Corey Barton Homes, Inc., is respectfully requesting that some of the requirements of the original preliminary plat and special use permit approved in 2006 for the Crimson Point Villas Subdivision be amended. The items in particular are listed under the Standard Conditions of approval item no. 18.

Due to the changing economics of development and a renewed understanding of how burdensome ownership and maintenance activities for facilities such as these can be for home owner associations we ask that the following items be removed from the required list of amenities: Construct a full basketball court, construct a volleyball court, and construct a picnic area with BBQ pits.

The Crimson Pont Villas Phase 1 includes a community pool and club house that will serve this development as well. The development also includes a large amount of open green spaces. Sidewalks and pathways within the greater Crimson Point Development provide access to Crimson Point Elementary, neighborhood parks and Indian Creek.

It is the opinion of the developer that the removal of these conditions will provide for a more cost effective and efficient development from both a construction and long term maintenance stand point.

Thank you for considering this request. Please contact me if you need additional information.

Sincerely,



Laren Bailey  
Principal, LEI

JUN 26 2014

CITY OF KUNA



City of Kuna  
 Planning & Zoning  
 Department  
 P.O. Box 13  
 Kuna, Idaho 83634  
 208.922.5274  
 Fax: 208.922.5989  
 Website: www.kunacity.id.gov

**Commission & Council Review Application**

Note: Engineering fees shall be paid by the applicant if required.

\*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	14-05-SUB 14-12-DEC
Project name	CRIMSON POINT VILLAS #2
Date Received	6.26.14 & 10.21.2014 (NEW LOI)
Date Accepted/Complete	
Cross Reference Files	
Commission Hearing Date	01.27.2015
City Council Hearing Date	

**Type of Review (check all that apply):**

- Annexation
- Appeal
- Comprehensive Plan Amendment
- Design Review
- Development Agreement
- Final Planned Unit Development
- Final Plat
- Lot Line Adjustment
- Lot Split
- Planned Unit Development
- Preliminary Plat
- Rezone
- Special Use
- Temporary Business
- Vacation
- Variance

**Contact/Applicant Information**

Owners of Record: COREY BARTON HOMES, INC	Phone Number: 208-286-0520
Address: 1977 E OVERLAND RD	E-Mail: _____
City, State, Zip: MERIDIAN, ID 83642	Fax #: _____
Applicant (Developer): LAREN BAILEY / LEI	Phone Number: 208-846-9600
Address: 3023 E COPPER PT DR #201	E-Mail: _____
City, State, Zip: MERIDIAN, ID 83642	Fax #: _____
Engineer/Representative: SAME AS ABOVE	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____

**Subject Property Information**

Site Address: NO STREET ADDRESS - <sup>N</sup> TEN MILE RD, KUNA, ID 83634	
Site Location (Cross Streets): SW CORNER OF TEN MILE RD & CRENSHAW	
Parcel Number (s): S1315449455	
Section, Township, Range: S15, T2N, R1W	
Property size: 1.24 acres	
Current land use: VACANT	Proposed land use: MF
Current zoning district: <del>C-1</del> C-1	Proposed zoning district: N/A

**Project Description**

Project / subdivision name: THE VILLAS AT CRIMSON POINT - PHASE II

General description of proposed project / request: SUBDIVISION OF 1.24 ACRES INTO 5 MULTI-FAMILY RESIDENTIAL LOTS AND 1 OPEN SPACE TRACT

Type of use proposed (check all that apply):

Residential 4-PLEXES

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

Amenities provided with this development (if applicable): 35 OFF-STREET PARKING SPACES, INTERNAL WALKWAYS, AND LANDSCAPING

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: N/A

Any existing buildings to remain?  Yes  No

Number of residential units: 20 Number of building lots: 5

Number of common and/or other lots: 1

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family 4 DU PER BLDG

Other \_\_\_\_\_

Minimum Square footage of structure (s): \_\_\_\_\_

Gross density (DU/acre-total property): 16.12 Net density (DU/acre-excluding roads): 16.12

Percentage of open space provided: 17 Acreage of open space: 91006 SF (0.22 ACRE)

Type of open space provided (i.e. landscaping, public, common, etc.): LANDSCAPING

**Non-Residential Project Summary (if applicable)**

Number of building lots: \_\_\_\_\_ Other lots: \_\_\_\_\_

Gross floor area square footage: \_\_\_\_\_ Existing (if applicable): \_\_\_\_\_

Hours of operation (days & hours): \_\_\_\_\_ Building height: \_\_\_\_\_

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

Fencing type, size & location (proposed or existing to remain): \_\_\_\_\_

Proposed Parking: a. Handicapped spaces: 5 Dimensions: \_\_\_\_\_

b. Total Parking spaces: 35 Dimensions: \_\_\_\_\_

c. Width of driveway aisle: 22 FT

Proposed Lighting: \_\_\_\_\_

Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): \_\_\_\_\_

Applicant's Signature: [Signature] Date: 6-26-14



City of Kuna  
 Planning & Zoning  
 Department  
 P.O. Box 13  
 Kuna, Idaho 83634  
 208.922.5274  
 Fax: 208.922.5989  
 Website: www.kunacity.id.gov

### Preliminary Plat Checklist

Preliminary Plats require public hearings with both the Planning & Zoning Commission and City Council. Public hearing signs will be required to be posted by the applicant for both meetings. Sign posting regulations are available online.

<b>Project name:</b>	<b>Applicant:</b>
----------------------	-------------------

**All applications are required to contain one copy of the following:**

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
✓	Vicinity map showing relationship of the proposed plat to the surrounding area with a 2-mile radius.	✓
Scan	Homeowner's maintenance agreement for the care of landscaped common areas.	✓
✓	Legal description of the preliminary plat area: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	✓
✓	Proof of ownership—A copy of your deed <u>and</u> Affidavit of Legal Interest (for all interested parties involved).	✓
✓	Letter of Intent indicating reasons and details for preliminary plat.	✓
✓	Commitment of Property Posting form signed by the applicant/agent.	✓
N/A	If preliminary plat includes 100 lots or more, please submit a traffic impact study. If preliminary plat includes 50 lots or more, please submit an estimate of tax revenue generation and an estimate of the public service costs to provide adequate service to the development.	N/A
N/A	A letter from Ada County Engineer with the Subdivision Name reservation. <b>ANY</b> name change(s) needs to be submitted and approved by the Planning & Zoning Director and Ada County Engineer.	—
N/A	Phasing Plan	—
N/A	Include Large Scale Development Requirements. KCC 6-5-4	—
✓	Landscape Plan— (in color)	✓
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓
✓	8 1/2 x 11 proposed preliminary plat.	✓
✓	Preliminary plat drawing on 24x36 quality paper drawn to scale of 1 to 100' or more. The following information shall be contained on the preliminary plat: <ul style="list-style-type: none"> <li>◇ Topography at two foot (2') intervals</li> <li>◇ Land uses (location, layout, types &amp; dimensions): residential, commercial &amp; industrial land uses.</li> <li>◇ Street right-of-ways: dimensions of right-of-way dedication for all roadways, street sections, improvements, etc.</li> <li>◇ Easements/common space: utility easements, parks, community spaces</li> <li>◇ Lots: layout and dimensions of lots</li> <li>◇ Preliminary improvement drawing: show water, sewer, drainage, electricity, irrigation, telephone, natural gas, proposed street lighting, proposed street names, proposed subdivision name, fire hydrant placement, storm water disposal, underground utilities, and sidewalks..</li> </ul>	✓

*Note: Only one copy of the above items need to be submitted when applying for multiple applications. This application shall not be considered complete (nor will a Public Hearing be set) until Staff has received all required information. Once the application is deemed complete, Staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.*



**CITY OF KUNA**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
[www.cityofkuna.com](http://www.cityofkuna.com)

GORDON N. LAW  
CITY ENGINEER

**Telephone (208) 287-1727; Fax (208) 287-1731**

**Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)**

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## MEMORANDUM

**TO:** Director of Kuna Planning and Zoning

**FROM:** Gordon N. Law  
Kuna City Engineer

**RE:** Crimson Villas 2 Subdivision PUD, Preliminary Plat  
14-05-S, 05-05-SUP (amendment)

**DATE:** December 8, 2014

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The City Engineer has reviewed the Preliminary Plat request of the above applicant dated December 4, 2014. It is noted that the request and application do provide a detailed narrative description or plan for development of the site and comments will be structured accordingly. Please note that staff has recommended the re-platting the portion of the common lot fronting Ten Mile, Crenshaw and this project (known as Lot 40, Block 1, Crimson Point Subdivision Phase 5) as part of this subdivision. The re-platting will remedy a right-of-way conflict on Alizarin Avenue.

### 1. Sanitary Sewer System

- a) The City has sufficient sewer treatment capacity to serve this site. The Sewer Master Plan for disposal of wastewater from this area proposes discharge to the Crimson Point Lift Station for ultimate treatment at the North Wastewater Treatment facility. This site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) This property was included in Local Improvement District 2006-1 but never satisfied its obligations to the District and consequently does not have reserved treatment capacity. Treatment capacity may be secured for this site only from those who have reserved capacity or from capacity not reserved and upon payment of appropriate fees.
- c) The nearest gravity main (8-inch) is located in Alizarin Avenue adjacent to the project.
- d) Specific recommendations of note are as follows:
  - 1) City Code (6-4-20) requires connection to the City sewer system for all sanitary sewer needs.

- 2) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan.
- 3) At all reasonable locations where sewer service could be extended to adjoining properties, sewer mains should be stubbed to the property line or extended in right-of-way adjacent to the project. This requirement does not appear to affect the project.
- e) For assistance in locating existing facilities and understanding issues associated with the Master Plan and connection, please contact the City Engineer.

## **2. Potable Water System**

- a) The City has sufficient potable water supply to serve this site. This site is not connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) The nearest available water main (8-inch) is located in Alizarin Avenue adjacent to the project.
- c) Water supply capacity is available for this site upon payment of appropriate fees. Specific recommendations of note are as follows:
  - 1) City Code (6-4-2X) requires connection to the City water system for all potable water needs.
  - 2) For any connected load, it is recommended this application be conditioned to conform to the water master plan.
  - 3) 8-inch water mains should be installed by developer in internal subdivision streets (no internal streets required).
  - 4) At all reasonable locations where water service could be extended to adjoining properties, water mains should be stubbed to the property line or extended in right-of-way adjacent to the project. This requirement does not appear to affect the project.
- d) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- e) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer.
- f) Please verify there is adequate separation between potable water service lines and all non-potable water lines (storm drains, sewer services, etc.).

## **3. Pressure Irrigation**

- a) The applicant's property is not connected to the City pressure irrigation system. The nearest pressure main (12-inch) is located in Ten Mile Road adjacent to the project.
- b) The development is subject to connection fees based on number of dwellings and lot size for the residential area and based on ultimate landscaped area for the common lots, as provided in City Resolutions.
- c) Irrigation supply capacity is available for this site upon payment of appropriate fees. Specific recommendations of note are as follows:
  1. Relying on drinking water for irrigation purposes is contrary to City Code (6-4-2I) and the public interest and is not accounted for in the approved Water Master Plan. It is recommended this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development.
  2. For any connected load, it is recommended this application be conditioned to conform to the Pressure Irrigation Master Plan. The Master Plan designates the

providing of a 10-inch trunk line in the Ten Mile Road frontage – a 12-inch is already provided.

3. It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
4. It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal loop lines.

#### **4. Grading, Gravity Irrigation, Drainage**

- a) Runoff from public right-of-way is regulated by ACHD or ITD, depending on the agency responsible for the right-of-way. Plans are required to conform to the appropriate agency standards.
- b) Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions of disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of any private disposal system.
- c) The city is now requiring with every new development, a documentation map that illustrates the surface and sub-surface water irrigation supply as well as drainage ways that exist in the applicant's property and in the right-of-way adjacent to the proposed development to be submitted with construction plans. The map must include 2-foot contours, a layout and essential features of existing irrigation ditches, drainage ditches and pipelines within and adjacent to the proposed development. Open and piped facilities should be noted. The map should include any proposed changes to the systems.
- d) All upstream drainage rights and downstream water delivery rights are to be preserved as a condition of development.

#### **5. General**

At the time of, or prior to redevelopment:

- a) Plan approvals and license agreements from any affected irrigation District will be required.
- b) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- c) Verify that existing and proposed elevations match sufficiently at property boundaries to not impose a slope burden on adjacent properties.
- d) State the vertical datum used for elevations on all plans.
- e) Provide engineering certification on all final engineering drawings.

#### **6. Inspection Fees**

An inspection fee will be required for any **public** water, sewer and irrigation construction work associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to DEQ the project was completed in accordance with approved plans and specifications and to provide accurate

as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as possible. The current City inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation pipe and payment is due and payable prior to City's scheduling of a pre-construction conference.

## **7. Right-of-Way**

Sufficient full and half right-of-way on section and quarter lines for arterial and collector streets shall be provided and developed pursuant to City, ITD and ACHD standards. In this instance, the site fronts on Ten Mile Road - which is considered a classified street. The recommendations or conclusions of the City Engineer are as follows:

- a) The right-of-way for Alizarin is to be platted in an earlier phase of Crimson Villas and has been approved by the City.
- b) The right-of-way for Crenshaw was platted as part of Crimson Point Subdivision Phase 5 and has been approved by the City.
- c) The right-of-way for Ten Mile Road, a classified street, was platted as part of Crimson Point Subdivision Phase 5 and has been approved by the City.
- d) Residential Easements – City Code (6-3-8) requires the providing of 10-foot front and back lot line easements and side-lot easements, as necessary. The City Engineer recommends the following:
  1. 10-foot minimum subdivision boundary easement;
  2. 10-foot minimum street frontage easement;
  3. 10-foot back lot line easement as required in code;
  4. 5-foot side lot line easements;
  5. Parking/cross access easements.
- d) It is recommended approaches onto local, section line and quarter line streets comply with ACHD approach policies and generally are as far as practical from adjacent intersections.
- e) Curb and Gutter – City Code (6-4-2C) requires the installation of curb and gutter: vertical curb on classified streets (Ten Mile) and either rolled or vertical elsewhere. The documents submitted with the application show an intent to construct curb and gutter as required. The City Engineer recommends compliance with City Code.
- f) Street Drainage – The application includes some facilities for handling storm drainage from local streets. The documents submitted with the application show an intent to construct storm drainage facilities as required. The City Engineer recommends compliance with ACHD policies.
- g) Sidewalk - City Code (6-4-2Q) requires the installation of sidewalk on all local and classified streets. The documents submitted with the application show an intent to construct sidewalk as required. The City Engineer recommends compliance with City Code.
- h) Entrances/Approaches – The application proposes two entrances to Alizarin Avenue. The City Engineer concurs with the entrances proposed.

## **8. As-Built Drawings**

As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings will be required as a condition of final platting.

## **9. Property Description**

- a) A metes and bounds description prepared by a licensed surveyor has been provided by the applicant.



Jim D. Hansen, President  
Sara M. Baker, Vice President  
Rebecca W. Arnold, Commissioner  
Kent Goldthorpe, Commissioner  
Paul Woods, Commissioner

Date: January 21, 2015  
To: Laren Bailey  
LEI Engineering and Planning  
3023 E. Copper Pt. Drive, STE 201  
Meridian, ID 83642  
Subject: KPP15-0001/14-05-S/05-05-SUP  
Southwest corner of Ten Mile and Crenshaw  
Re-plat a portion of The Villas at Crimson Point to allow for  
multi-family development.

On July 20, 2005, the Ada County Highway District approved a development application The Villas Subdivision K05-10-S/K05-05-SUP for 40 4-plex lots, 3 office lots and 5 common lots on 11.24 acres. The conditions and requirements also apply to KPP15-0001/14-05-S/05-05-SUP The applicant may be required to update any existing non-compliant pedestrian improvements adjacent to the site to meet current ADA (Americans with Disabilities Act) requirements.

- The applicant shall be required to meet all of the ACHD Standard Conditions of Approval as well as all ACHD Policies and requirements that may apply as noted below.

If you have any questions or concerns please feel free to contact this office at (208) 387-6178.

Sincerely,

Mindy Wallace, AICP  
Planner III  
Development Services

CC: Project File  
City of Kuna

## Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements). Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
2. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
3. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
4. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
5. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
6. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
7. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
8. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
9. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
10. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
11. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.



This application requires Commission action due to the size of the development. This item is scheduled to be on the consent agenda on July 20, 2005. Tech Review for this item was held with the applicant on Friday, July 8, 2005. This application was approved by the commission on July 20, 2005. Please refer to the attachment for request for reconsideration guidelines. Staff contact: Lisa Bachman, 208-387-6174-phone, 208-387-6393-fax, [lbachman@achd.ada.id.us](mailto:lbachman@achd.ada.id.us)

**File Numbers:** The Villas Subdivision / K05-10-S / K05-05-SUP

**Site address:** The southwest corner of Ten Mile Road and Crenshaw Road

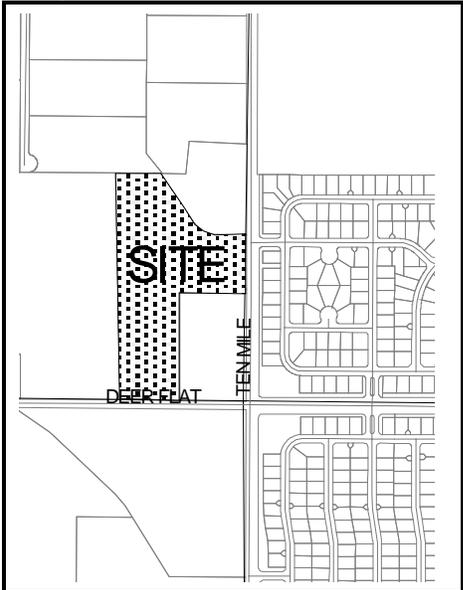
**Owner/Applicant:** JLJ Enterprises, Inc.  
516 S. Capitol Blvd.  
Boise, Idaho 83702

**Representative:** W.H. Pacific, Inc.  
3130 S. Owyhee St.  
Boise, Idaho 83705

**Application Information:**

Acreage:	11.24-acres
Current Zoning:	C-1
Proposed Zoning:	C-1
Buildable Lots:	48 lots
	40 4-plex lots / 3 office lots
Common Lots:	5 lots

**Vicinity Map**



## A. Findings of Fact

1. **Trip Generation:** This development is estimated to generate 1,116 additional vehicle trips per day (0 existing) based on the Institute of Transportation Engineers Trip Generation Manual.
2. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of a building permit. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
3. **Traffic Impact Study:** A traffic impact study was not required with this application.
4. **Site Information:** The site is currently vacant.
5. **Description of Adjacent Surrounding Area:**
  - a. North: 2 five (5)-acre parcels zoned RUT, with single-family residences.
  - b. South: A vacant 6-acre parcel zoned RUT and 17.8-acres zoned C-1, with 1 single-family dwelling and some outbuildings.
  - c. East: Palomar Heights Subdivision zoned R-6 with single-family residences.
  - d. West: Future Crimson Point Subdivision zoned R-3.

### 6. Impacted Roadways

Street Name: Ten Mile Road  
Frontage: 270-feet  
Functional Street Classification: Minor Arterial  
Traffic count: 3,968 south of Columbia on 04-07-04  
Level of Service: Better than C  
Speed limit: 50 MPH  
*An acceptable Level of Service for this segment of roadway is a level of Service D.*

Street Name: Deer Flat Road  
Frontage: 376-feet  
Functional Street Classification: Minor Arterial  
Traffic count: 96 west of Ten Mile on 02-18-03  
Level of Service: Better than C  
Speed limit: 30 MPH  
*An acceptable Level of Service for this segment of roadway is level Service D.*

Street Name: Crenshaw Road  
Frontage: 790-feet  
Functional Street Classification: Local  
Traffic count: Not constructed  
Speed limit: 20 MPH

### 7. Roadway Improvements Adjacent To and Near the Site

Ten Mile Road is improved with two (2) traffic lanes, with no curb, gutter or sidewalks. Deer Flat Road is improved with two (2) traffic lanes, with no curb, gutter or sidewalks. Crenshaw Road is currently not constructed and is anticipated to be constructed with a 36-foot street section with curb, gutter and sidewalks.

### 8. Existing Right-of-Way

Ten Mile Road has a total of 58-feet of right-of-way (25-feet from centerline). Deer Flat Road has a total of 50-feet of right-of-way (25-feet from centerline). Crenshaw Road has a total of 50-feet of right-of-way (25-feet from centerline).

9. **Existing Access to the Site**

There is no delineated access to the Public Transportation System at this time.

10. **Site History**

The District has not previously reviewed a development application for this site.

11. **Capital Improvements Plan/Five Year Work Program**

The surrounding roadways are not included in the District's Five Year Work Program or Capital Improvements Plan.

**B. Findings for Consideration**

1. **Ten Mile Road**

*Right-of-Way and Improvements*

District policy requires 96-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 5-lane roadway with curb, gutter, 5-foot concrete detached sidewalks and bike lanes.

- Ten Mile Road is not listed as a proposed project in the District's currently adopted Five-Year Work Program or in the currently adopted 20-year Capital Improvements Plan. ACHD has purchased this right-of-way from the developer. The developer is required to construct a 5-foot wide concrete sidewalk on Ten Mile Road located a minimum of 41-feet from the centerline.

2. **Deer Flat Road**

*Right-of-Way and Improvements*

District policy requires 96-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 5-lane roadway with curb, gutter, 5-foot concrete detached sidewalks and bike lanes. Deer Flat Road is an arterial; however, with previous development applications, ACHD has noted that this segment of Deer Flat Road will only be 3-lanes because it is presently a dead end road. The total right-of-way width for a 3-lane roadway is 70-feet.

- Deer Flat Road is not listed as a proposed project in the District's currently adopted Five-Year Work Program or in the currently adopted 20-year Capital Improvements Plan. As such, the applicant cannot receive reimbursement for dedicated right-of-way from available collected impact fees. The applicant shall do one of the following:
  - a. Dedicate by donation a total of 35-feet of right-of-way along Deer Flat Road, and construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way.
  - b. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way, in an easement provided to the District.
  - c. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located at the back edge of the existing right-of-way. Accomplish all necessary adjustments to properly accommodate existing drainage and utilities.

3. **Right-of Way and Improvements**

Crenshaw Road

District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

#### 4. **Street Sections**

District policy 72-F1A, allows local residential public roads with a 33-foot street section with parking on both sides of the roadway, if the amount of vehicle trips per day on the street does not exceed 1,000 and the appropriate fire department reviews and approves the street section. The proposed density of the development that will utilize the internal local residential streets is anticipated to generate less than 1,000 vehicle trips per day.

District policy 7203.4.2 states “if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-foot wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way.”

- **Wasabi Avenue:** The applicant is proposing to construct one half of a 33-foot street section with a minimum of 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the west side of Wasabi Ave. In order to meet district policy, the applicant should be required to dedicate an additional 7-foot right-of-way (to equal a total of 40-foot right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.
- **Lampblack Street:** The applicant is proposing to construct one half of a 33-foot street section with a minimum of 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the south side of Lampblack Street. In order to meet district policy, the applicant should be required to dedicate an additional 7-foot right-of-way (to equal a total of 40-foot right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.

#### 5. **Roadway Offsets**

District policy 7204.11.6, requires local roadways to align or offset a minimum of 300-feet from an arterial roadway (measured centerline to centerline).

- The applicant is proposing to construct W. Crenshaw Road to intersect with N. Ten Mile Road approximately 270-feet north of the west property line. This roadway is proposed to align with W. Crenshaw Street on the east side of N. Ten Mile Road. The applicant's proposal meets District policy.

District policy 7204.11.6, requires local roadways to align or offset a minimum of 125-feet from another local roadway (measured centerline to centerline).

- The internal streets meet or exceed District policy in regard to roadway offsets.

#### 6. **Islands**

District policy requires any proposed landscape islands/medians within the public right-of-way dedicated by this plat should be owned and maintained by a homeowners association. Notes of this should be required on the final plat. The design should be reviewed and approved by ACHD's Development staff.

#### 7. **Turnarounds**

District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. The applicant should also be required to provide a minimum of a 29-foot street section on either side of any proposed center islands within the turnarounds. The medians should be constructed a minimum of 4-feet wide to total a minimum of a 100-square foot area.

- The applicant is proposing to construct a cul-de-sac turnaround with a center island at the terminus of Madderlake Place. The applicant should construct the turnaround to provide a minimum turning radius of 45-feet. The applicant should construct the center island a minimum of 4-feet wide to total a minimum of a 100-square foot area and should provide a minimum of a 29-foot street section on either side of the island.

#### 8. **Other Access**

Ten Mile Road is classified as a minor arterial. Other than the access point that has specifically been approved with this application, direct lot access to Ten Mile Road is prohibited. A note will be required on the final plat stating this access restriction.

#### 9. **Street Sections**

District policy 72-F1A, allows local residential public roads with a 33-foot street section with parking on both sides of the roadway, if the amount of vehicle trips per day on the street does not exceed 1,000 and the appropriate fire department reviews and approves the street section. The proposed density of the development that will utilize the internal local residential streets is anticipated to generate less than 1,000 vehicle trips per day.

District policy 7203.4.2 states “if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-foot wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way.”

- **Wasabi Avenue:** The applicant is proposing to construct one half of a 33-foot street section with 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the west side of Wasabi Ave. In order to meet district policy, the applicant should be required to dedicate an additional 7-foot right-of-way (to equal a total of 40-foot right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.
- **Lampblack Street:** The applicant is proposing to construct one half of a 33-foot street section with 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the south side of Lampblack Street. In order to meet district policy, the applicant should be required to dedicate an additional 7-foot right-of-way (to equal a total of 40-foot right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.

#### 10. **Local Driveways**

District policy F2-F4 (1) and 72-F4 (2), requires driveways located on local residential roadways to offset a controlled and/or uncontrolled intersection a minimum of 50-feet (measured near edge to near edge).

- The local driveways meet or exceed District policy in regard to roadway offsets.

#### 11. **Bulb-Outs**

The applicant has proposed to construct Madderlake Ave. with two 9-foot travel lanes, and 8.5-foot wide parallel parking lanes on each side, with curb, gutter, and 5-foot wide concrete sidewalk, within 50-feet of right-of-way.

- The roadway on Madderlake Ave should be constructed with vertical curb, due to the proposed parking configuration, and the bulb-outs, as proposed, are not approved. Bulb-outs should be designed and constructed to allow proper drainage and maintenance of the

roadway. Coordinate both the design and location of the bulb-outs with District Development Review staff and Traffic Services staff.

### **C. Site Specific Conditions of Approval**

1. The applicant shall construct a 5-foot wide concrete sidewalk on Ten Mile Road located a minimum of 41-feet from the centerline.
2. The applicant shall do one of the following on Deer Flat Road:
  - a. Dedicate by donation a total of 35-feet of right-of-way along Deer Flat Road, and construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way.
  - b. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way, in an easement provided to the District.
  - c. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located at the back edge of the existing right-of-way. Accomplish all necessary adjustments to properly accommodate existing drainage and
3. Construct West Crenshaw Road to intersect with North Ten Mile Road to align with West Crenshaw Road (on the east side of North Ten Mile Road), as proposed.
4. Construct the internal streets as 33-foot street sections with vertical curb, gutter and a 5-foot attached concrete sidewalk, as proposed. Submit a letter from the Kuna Fire Department reviewing and approving the reduced street section.
5. Construct a cul-de-sac turnaround with a center island at the terminus of Madderlake Place. Construct the turnaround to provide a minimum turning radius of 45-feet. Construct the center island a minimum of 4-feet wide to total a minimum of a 100-square foot area and provide a minimum of a 29-foot street section on either side of the island.
6. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat shall be owned and maintained by a homeowners association. Notes of this will be required on the final plat.
7. Other than the access point that has specifically been approved with this application, direct lot access to North Ten Mile Road and West Deer Flat Road is prohibited. A note will be required on the final plat stating this access restriction.
8. Madderlake Avenue shall be constructed with vertical curb, due to the proposed parking configuration. The bulb-outs, as proposed, are not approved. Bulb-outs shall be designed and constructed to allow proper drainage and maintenance of the roadway. Coordinate both the design and location of the bulb-outs with District Development Review staff and Traffic Services staff.
9. The applicant shall dedicate an additional 7-foot right-of-way width (equal to a total of 40-foot right-of-way) on Wasabi Avenue. On the east side of Wasabi Avenue, the applicant shall construct a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.
10. The applicant shall dedicate an additional 7-foot right-of-way width (equal to a total of 40-foot right-of-way) on Lampblack Street. On the south side of Lampblack Street, the applicant shall construct a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.

11. Comply with all Standard Conditions of Approval.

#### **D. Standard Conditions of Approval**

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.
2. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
3. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
4. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
5. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
6. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.
7. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.
8. Payment of applicable road impact fees are required prior to building construction in accordance with Ordinance #200, also known as Ada County Highway District Impact Fee Ordinance.
9. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-800-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
10. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.
11. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

#### **E. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

## **Attachments**

1. Vicinity Map
2. Site Plan
3. Appeal Guidelines



## Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
  - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
  - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
  - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
  - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
  - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
  - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

## Troy Behunin

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**From:** Angela Gilman <agilman@adaweb.net>  
**Sent:** Friday, December 05, 2014 1:02 PM  
**To:** Troy Behunin  
**Subject:** RE: Crimson Point Villas Phase II-Agency Comment Request

I have no comments.

Thanks,



**Angela M. Gilman, P.E., CFM**  
**County Engineer/Floodplain Administrator**  
**Ada County Development Services**  
200 W. Front St., Boise, ID 83702  
(208) 287-7925 office  
(208) 287-7909 fax

---

**From:** Troy Behunin [mailto:troy@cityofkuna.com]  
**Sent:** Thursday, December 04, 2014 4:38 PM  
**To:** Gordon Law; Mike Borzick; Mark Perfect; Angela Gilman; Tim Tallman; Dale Ann Barton; Lauren Boehlke; Lori Badigian; Danielle.Robbins@deq.idaho.gov; Watson, Blake; Jim Morrison (Development Services); kathy.stites@mdu.com; bryce.Ostler@intgas.com; CHAD; Roats Richard; Justin Dusseau; jtillman@kunafire.com; WJohnson@kunaschools.org; Natalie Purkey  
**Cc:** Wendy Howell  
**Subject:** Crimson Point Villas Phase II-Agency Comment Request

Good afternoon everyone,

A PDF containing information for two upcoming land use actions is included with this email for your agencies review. Please review the material and provide our office with comments relative to this application.

If your agency needs a hard copy of this packet, let me know and I will send one through the USPS.

*Let me know if someone else in your organization should receive future email requests for comment.* Please confirm you have received this email.

Thanks,  
Troy

Troy Behunin  
Senior Planner  
City of Kuna  
763 W. Avalon  
Kuna, ID 83634  
208.387.7729 (Dir)  
208.922.5274  
[Troy@cityofkuna.com](mailto:Troy@cityofkuna.com)

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STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street•Boise, ID 83706-2239•(208) 373-0550

## *DEQ Response to Request for Environmental Comment*

Date: 12/16/2014  
Agency Requesting Comments: Kuna Planning and Zoning  
Date Request Received: 12/11/2014  
Applicant/Description: 14-05-S Subdivision. 05-05-SUP Amendment

*Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.*

*The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:*

### **1. Air Quality**

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

*For questions, contact David Luft, Air Quality Manager, at 373-0550.*

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

*For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.*

### **2. Wastewater and Recycled Water**

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

*All projects for construction or modification of wastewater systems require*

*preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.*

### **3. Drinking Water**

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

*All projects for construction or modification of public drinking water systems require preconstruction approval.*

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

*For questions, contact Todd Crutcher, Engineering Manager at 373-0550.*

### **4. Surface Water**

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

#### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or

*disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”*

*For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.*

**6. Additional Notes**

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

*We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.*

Sincerely,

***Danielle Robbins***

Danielle Robbins  
[danielle.robins@deq.idaho.gov](mailto:danielle.robins@deq.idaho.gov)  
Boise Regional Office  
Idaho Department of Environmental Quality

C: File # 1998



**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028  
Boise, ID 83707-2028

(208) 334-8300  
[itd.idaho.gov](http://itd.idaho.gov)

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December 5, 2014

Troy Behunin  
City of Kuna, Planning and Zoning Department  
P.O. Box 13  
Kuna, ID 83634

**VIA EMAIL**

**RE: 14-05-S AND 05-05-SUP CRIMSON POINT VILLAS**

The Idaho Transportation Department has reviewed the referenced subdivision and special use application amendment for the Crimson Point Villas on the southwest corner of Ten Mile Road and Crenshaw Road west of SH-69. ITD has the following comments:

- 1) ITD has no objection to the requested application. The project does not generate any more trips than anticipated under the Comprehensive Plan and this site does not require access to the State Highway System.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7191.

Sincerely,

A handwritten signature in blue ink that reads "James K. Morrison".

James K. Morrison  
Development Services Manager  
[jim.morrison@itd.idaho.gov](mailto:jim.morrison@itd.idaho.gov)

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# Neighborhood Meeting Certification

RECEIVED

JUN 26 2014

CITY OF KUNA PLANNING & ZONING \* 763 W. Avalon, Kuna, Idaho, 83634 \* www.kunacity.id.gov \* (208) 922-5274 \* Fax: (208) 922-5989

CITY OF KUNA

## GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Kuna City Code or ask one of our planners for more information on neighborhood meetings.

The meeting must be held either on a weekend between 10 a.m. and 7 p.m., or a weekday between 6 p.m. and 8 p.m. Meetings cannot be conducted on holidays, holiday weekends, or the day before or after a holiday or holiday weekend. The meeting must be held at one of the following locations:

- The Subject Property;
- The nearest available public meeting place (Examples include fire stations, libraries and community centers);
- An office space within a 1-mile radius of the subject property.

The meeting cannot take place more than 2 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes property owners within 300 feet of the subject property. Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

**Please Note:** The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.

Please include a copy of the sign-in sheet for your neighborhood meeting, so we have written record of who attended your meeting and the letter of intent sent to each recipient. In addition, provide any concerns that may have been addressed by individuals that attended the meeting.

Description of proposed project: 6 LOT MF RESIDENTIAL SUBDIVISION  
 Date and time of neighborhood meeting: FEBRUARY 24, 2014 @ 6:00 PM  
 Location of neighborhood meeting: \_\_\_\_\_

## SITE INFORMATION:

Location: Quarter: SE Section: 15 Township: 2N Range: 1W Total Acres: 1.24  
 Subdivision Name: VILLAS AT CRIMSON PT - PHASE II Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Site Address: N TEN MILE ROAD Tax Parcel Number(s): S1315449455  
KUNA, ID 83642

Please make sure to include all parcels & addresses included in your proposed use.

## CURRENT PROPERTY OWNER:

Name: COREY BARTON HOMES, INC (ATTN: TIM ECK)  
 Address: 1977 E. OVERLAND RD City: MERIDIAN State: ID Zip: 83642

## CONTACT PERSON (Mail recipient and person to call with questions):

Name: LAREN BAILEY Business (if applicable): LEI Engineers & SURVEYORS  
 Address: 3023 E COPPER PT DR City: MERIDIAN State: ID Zip: 83642  
SHE 201

**PROPOSED USE:**

I request a neighborhood meeting list for the following proposed use of my property (check all that apply):

**Application Type**

**Brief Description**

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

5 MF RES LOTS (ONE 4-PLEX PER LOT) + 1 OPEN SPACE LOT

**APPLICANT:**

Name: LAREN BAILEY, LEI ENGINEERS & SURVEYORS

Address: 3023 E COPPER PT DR, # 201

City: MERIDIAN State: ID Zip: 83642

Telephone: 208-846-9600 Fax: \_\_\_\_\_

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Kuna City Code

Signature: (Applicant) 

Date 6-24-14

# CP Villas NO. 2 Subdivision

February 24, 2014

Neighborhood Meeting

6:00 PM

Name	Address	Phone
SCOTT SHERROW	LEI-	846-9600
Tim W Eck	DB Development	286-0520

## Troy Behunin

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**From:** Laren Bailey <lbailey@lei-eng.com>  
**Sent:** Friday, December 05, 2014 4:50 PM  
**To:** Troy Behunin  
**Subject:** Re: Neighborhood meeting minutes.

No one showed up

Sent from my iPhone

On Dec 5, 2014, at 4:42 PM, Troy Behunin <[troy@cityofkuna.com](mailto:troy@cityofkuna.com)> wrote:

Laren,  
Can you send me the meeting minutes from the neighborhood meeting for C. P Villas No. 2...? If there were any.  
Thanks.  
Troy

Troy Behunin  
Senior Planner  
City of Kuna  
763 W. Avalon  
Kuna, ID 83634  
208.387.7729 (Dir)  
208.922.5274  
[Troy@cityofkuna.com](mailto:Troy@cityofkuna.com)

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**LEGAL DESCRIPTION FOR  
CRIMSON VILLAS NO. 2  
RE-ZONE**

A parcel of land located in the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho. Being further described as follows:

**BASIS OF BEARINGS:**

The East line of the Southeast 1/4 of Section 15, Township 2 North, Range 1 West, Boise Meridian, derived from found monuments and taken as South 00°03'58" East with the distance between monuments found to be 2661.41 feet.

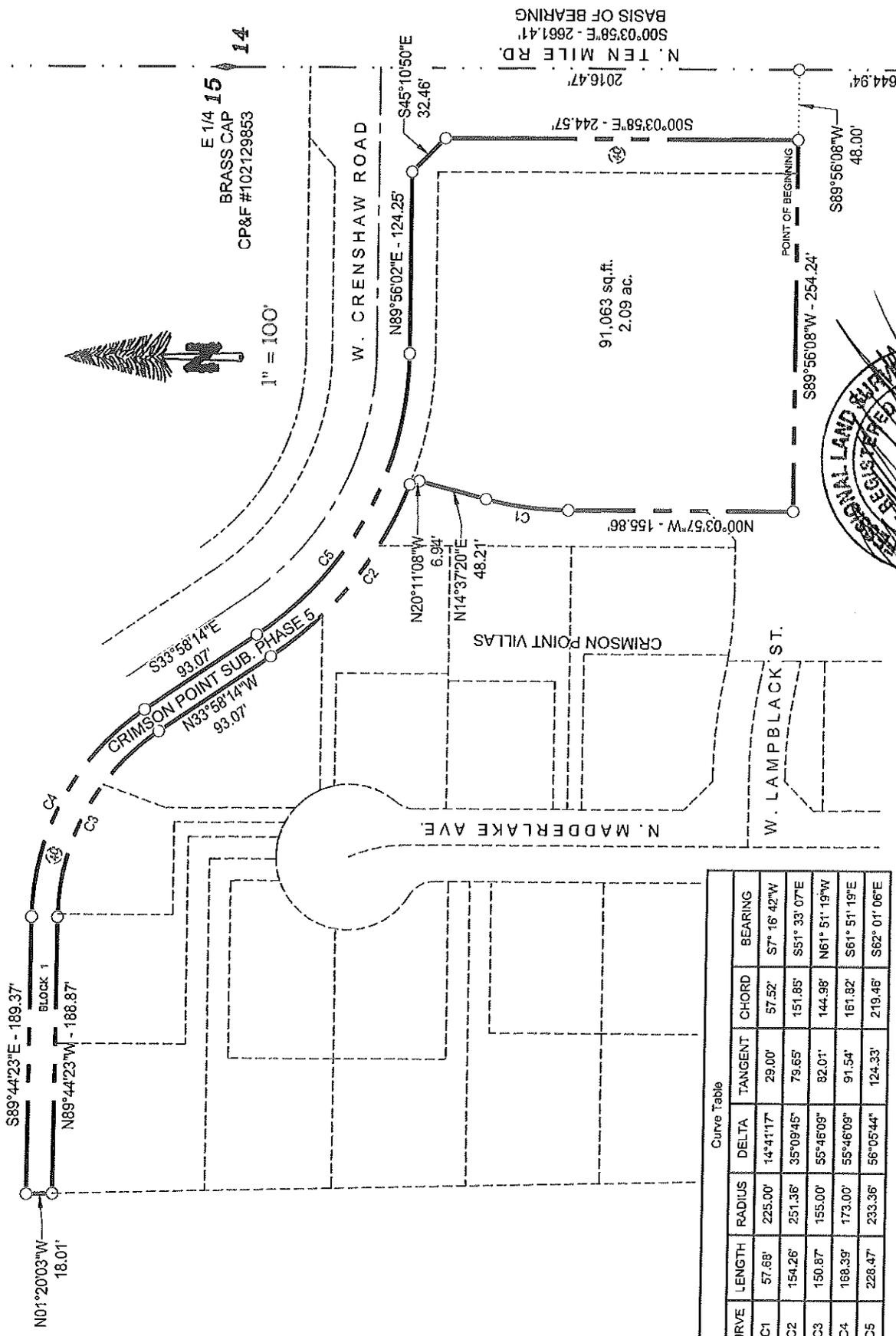
**COMMENCING** at a point on the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 15, from which the Southeast corner of said Section 15 bears South 00°03'58" East a distance of 644.94 feet; thence leaving said East line South 89°56'08" West a distance of 48.00 feet to a point on the Westerly right-of-way of N. Ten Mile Road also being the **POINT OF BEGINNING**; thence leaving said Westerly right-of-way South 89°56'08" West a distance of 254.24 feet thence North 00°03'57" West a distance of 155.86 feet; thence along a curve to the right with a radius of 225.00 feet and a central angle of 14°41'17" an arc length of 57.68 feet with a chord bearing of North 07°16'42" East, and a chord distance of 57.52 feet; thence North 14°37'20" East a distance of 48.21 feet; thence North 20°11'08" West a distance of 6.94 feet to a point on the Southerly property line of Lot 40, Block 1 of Crimson Point Subdivision Phase 5; thence along said Southerly property line the following Four (4) course; along a curve to the right with a radius of 251.36 feet and a central angle of 35°09'45" an arc length of 154.26 feet with a chord bearing of North 51°33'07" West, and a chord distance of 151.85 feet; North 33°58'14" West a distance of 93.07 feet; along a curve to the left with a radius of 155.00 feet and a central angle of 55°46'09" an arc length of 150.87 feet with a chord bearing of North 61°51'19" West, and a chord distance of 144.98 feet; North 89°44'23" West a distance of 188.87 feet; thence leaving said Southerly property line North 01°20'03" West a distance of 18.01 feet to a point on the Southerly right-of-way line of W. Crenshaw Road; thence along said Southerly right-of-way line the following Five (5) courses; South 89°44'23" East a distance of 189.37 feet; along a curve to the right with a radius of 173.00 feet and a central angle of 55°46'09" an arc length of 168.39 feet with a chord bearing of South 61°51'19" East, and a chord distance of 161.82 feet; South 33°58'14" East a distance of 93.07 feet; along a curve to the left with a radius of 233.36 feet and a central angle of 56°05'44" an arc length of 228.47 feet with a chord bearing of South 62°01'06" East, and a chord distance of 219.46 feet; North 89°56'02" East a distance of 124.25 feet; thence leaving said Southerly right-of-way line South 45°10'50" East a distance of 32.46 feet to a point on said Westerly right-of-way line of N. Ten Mile Road; thence along said Westerly right-of-way South 00°03'58" East a distance of 244.57 feet to the **POINT OF BEGINNING**.

Said parcel containing 77,928 square feet or 1.79 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Russell E. Badgley, P.L.S. 12458  
Timberline Surveying  
847 Park Centre Way, Suite 3  
Nampa, Idaho 83651  
(208) 465-5687





SEC. COR. 15 14  
 ALUMINUM CAP  
 CP&F #102129851  
 22 23

**CRIMSON POINT VILLAS NO. 2  
 RE-ZONE DISPLAY MAP**  
 A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4  
 OF SECTION 15 TOWNSHIP 2 NORTH, RANGE 1 WEST, B.M.,  
 CITY OF KUNA, ADA COUNTY, IDAHO

Curve Table

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	57.68'	225.00'	14°41'17"	29.00'	57.52'	S7°16'42"W
C2	154.26'	251.36'	35°09'45"	79.65'	151.85'	S51°33'07"E
C3	150.87'	155.00'	55°46'08"	92.01'	144.98'	N61°51'19"W
C4	168.39'	173.00'	55°46'08"	91.54'	161.82'	S61°51'19"E
C5	228.47'	233.36'	56°05'44"	124.33'	219.46'	S62°01'06"E

**TIMBERLINE SURVEYING**  
 807 PARKCENTRE WAY, SUITE A, NAMPA, IDAHO 83601  
 208-465-5687

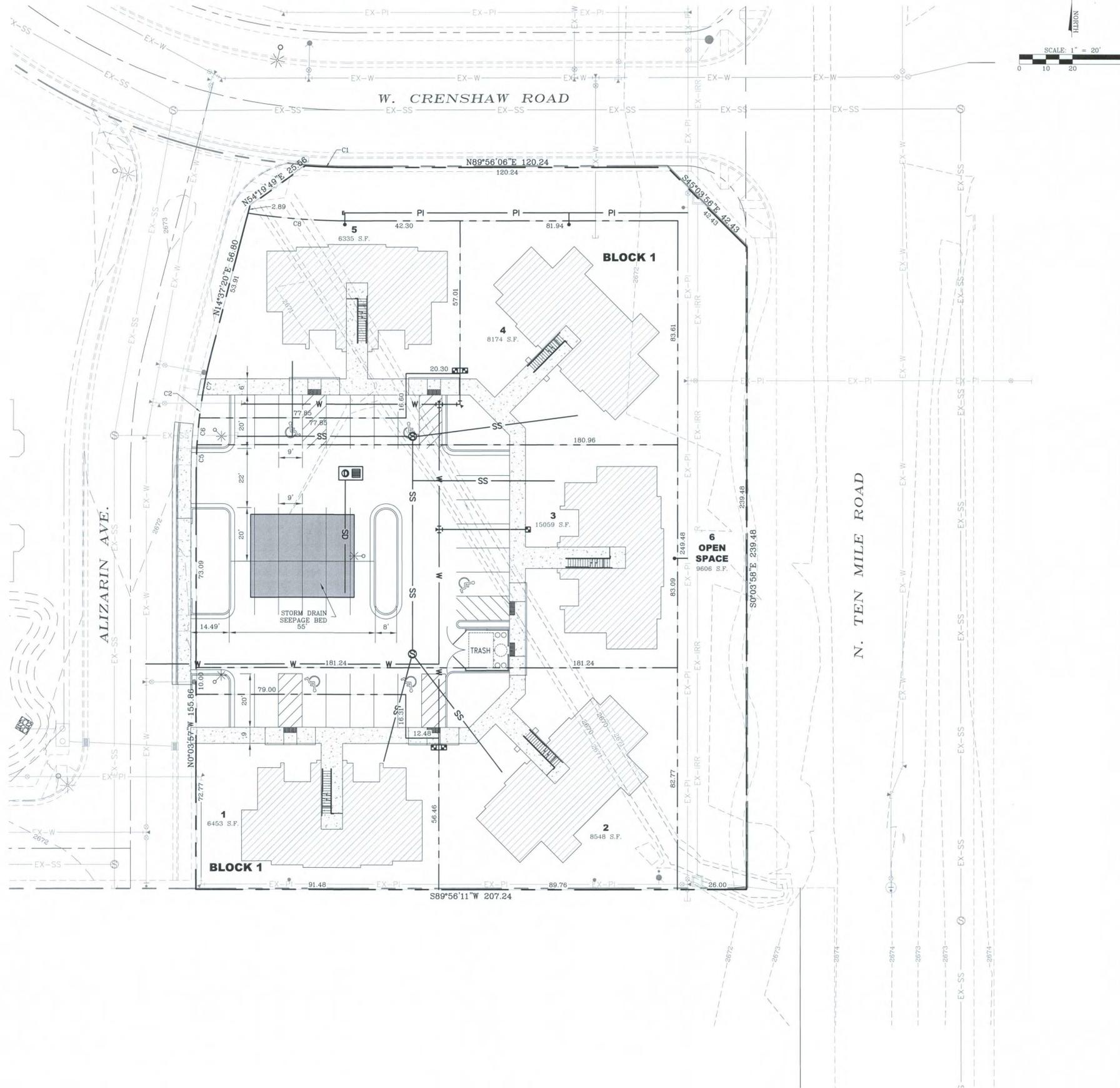
# THE VILLAS AT CRIMSON POINT - PHASE II

A PARCEL OF LAND ALL LOCATED IN A PORTION OF THE SE 1/4 SECTION 15 T.2N., R.1W., B.M., CITY OF KUNA, ADA COUNTY, IDAHO  
2014

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C5	175.00	3°16'34"	10.01	S1°34'20"W 10.00
C6	175.00	3°17'12"	10.04	S4°51'13"W 10.04
C7	175.00	8°07'31"	24.82	S10°33'35"W 24.80
C8	245.00	8°49'50"	37.76	N85°38'59"W 37.72

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	225.00	4°06'13"	16.11	S88°00'48"E 16.11
C2	175.00	14°41'17"	44.86	N7°16'42"E 44.74

THE VILLAS AT CRIMSON POINT PHASE I



TABULATIONS	
TOTAL ACREAGE	1.24 ACRES
TOTAL LOTS	6 LOTS
MULTI-FAMILY LOTS	5 LOTS
OPEN SPACE LOTS	1 LOT
OPEN SPACE AREA	0.22 ACRES
UNITS PER ACRE	16.12 U/A
CURRENT ZONING	C1
SCHOOL DISTRICT	KUNA SCHOOL DISTRICT
IRRIGATION DISTRICT	KUNA MUNICIPAL IRRIGATION DISTRICT
MUNICIPAL UTILITIES	CITY OF KUNA
PROTECTION SERVICES	KUNA CITY FIRE & POLICE
PARKING STALLS REQ'D	30
PARKING STALLS PROVIDED	32

LEGEND	
	PROPERTY BOUNDARY LINE
	PROPERTY LOT LINE
	EXISTING WATER LINE
	PROPOSED WATER LINE
	EXISTING SANITARY SEWER LINE
	PROPOSED SANITARY SEWER LINE
	EXISTING STORM DRAIN LINE
	PROPOSED STORM DRAIN LINE
	EXISTING PRESSURIZED IRRIGATION LINE
	PROPOSED PRESSURIZED IRRIGATION
	EXISTING FENCE
	EXISTING MINOR CONTOUR LINE
	EXISTING MAJOR CONTOUR LINE
	GRADING SWALE FLOW LINE
	EXISTING CURB & GUTTER

	PROPOSED CONCRETE
	PROPOSED ROCK RIP-RAP
	PROPOSED TIP-IN CURB & GUTTER
	PROPOSED TIP-OUT CURB & GUTTER
	PROPOSED AREA DRAIN
	PROPOSED SEWER CLEANOUT
	PROPOSED LIGHT STAND
	PROPOSED WATER METER
	PROPOSED FIRE DEPARTMENT CONNECTION
	PROPOSED HYDRANT
	PROPOSED POST INDICATOR VALVE
	PROPOSED WATER VALVE
	EXISTING HYDRANT
	EXISTING SEWER MANHOLE
	EXISTING STORM DRAIN MANHOLE
	EXISTING CATCH BASIN
	EXISTING LIGHT STANDARD
	EXISTING PRESSURIZED IRRIGATION VALVE
	EXISTING WATER VALVE

- NOTES**
- ALL LOTS COMMON TO A PUBLIC RIGHT-OF-WAY HAVE A 10' UTILITY EASEMENT ADJACENT TO THE RIGHT-OF-WAY AND A 5' UTILITY EASEMENT ON ALL OTHERS.
  - SANITARY SEWER MAINS SHALL BE 8" DIA. UNLESS OTHERWISE SHOWN.
  - WATER MAINS SHALL BE 8" DIA. UNLESS OTHERWISE SHOWN.
  - PRESSURE IRRIGATION SYSTEM TO CONNECT TO THE KUNA MUNICIPAL IRRIGATION DISTRICT PRESSURE IRRIGATION SYSTEM.
  - SURFACE STORM WATER DRAINAGE SHALL BE MANAGED BY ON-SITE DISPOSAL FACILITIES IN ACCORDANCE WITH CITY OF KUNA STANDARDS AND SPECIFICATIONS.
  - THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
  - ALL FRONTAGE IMPROVEMENTS SHALL COMPLY WITH ACHD REQUIREMENTS.
  - ALL FENCING SHALL COMPLY WITH THE CITY OF KUNA CODE 6-4-2-E, 555 AND 5-17-12-A-4.
  - BUILDINGS SHOWN HEREON ARE APARTMENT BUILDINGS.

<b>DEVELOPER / OWNER</b> CORY BARTON HOMES 1977 EAST OVERLAND ROAD MERIDIAN, IDAHO 83642 CONTACT TIM ECK (208) 286-0520	<b>ENGINEER</b> LEI ENGINEERS, SURVEYORS, PLANNERS 3023 E. COPPER POINT DR., SUITE 201 MERIDIAN, IDAHO 83642 (208) 846-9600
<b>PLANNER CONTACT</b> LAREN BAILEY LEI ENGINEERS, SURVEYORS, PLANNERS (208) 846-9600	

**LEI**  
An Idaho LLC  
**ENGINEERS  
SURVEYORS  
PLANNERS**

3023 E. Copper Point Dr.  
Suite No. 201  
Meridian, ID 83642  
Phone: 208.846.9600  
office@lei-eng.com  
www.lei-eng.com



**THE VILLAS AT CRIMSON POINT - PHASE II**  
KUNA, ADA COUNTY, IDAHO  
**PRELIMINARY PLAT**

REVISIONS	
1	
2	
3	
4	
5	

LEI PROJECT #:  
**2013-3038**

DRAWN BY:  
**JSR**

CHECKED BY:  
**SS**

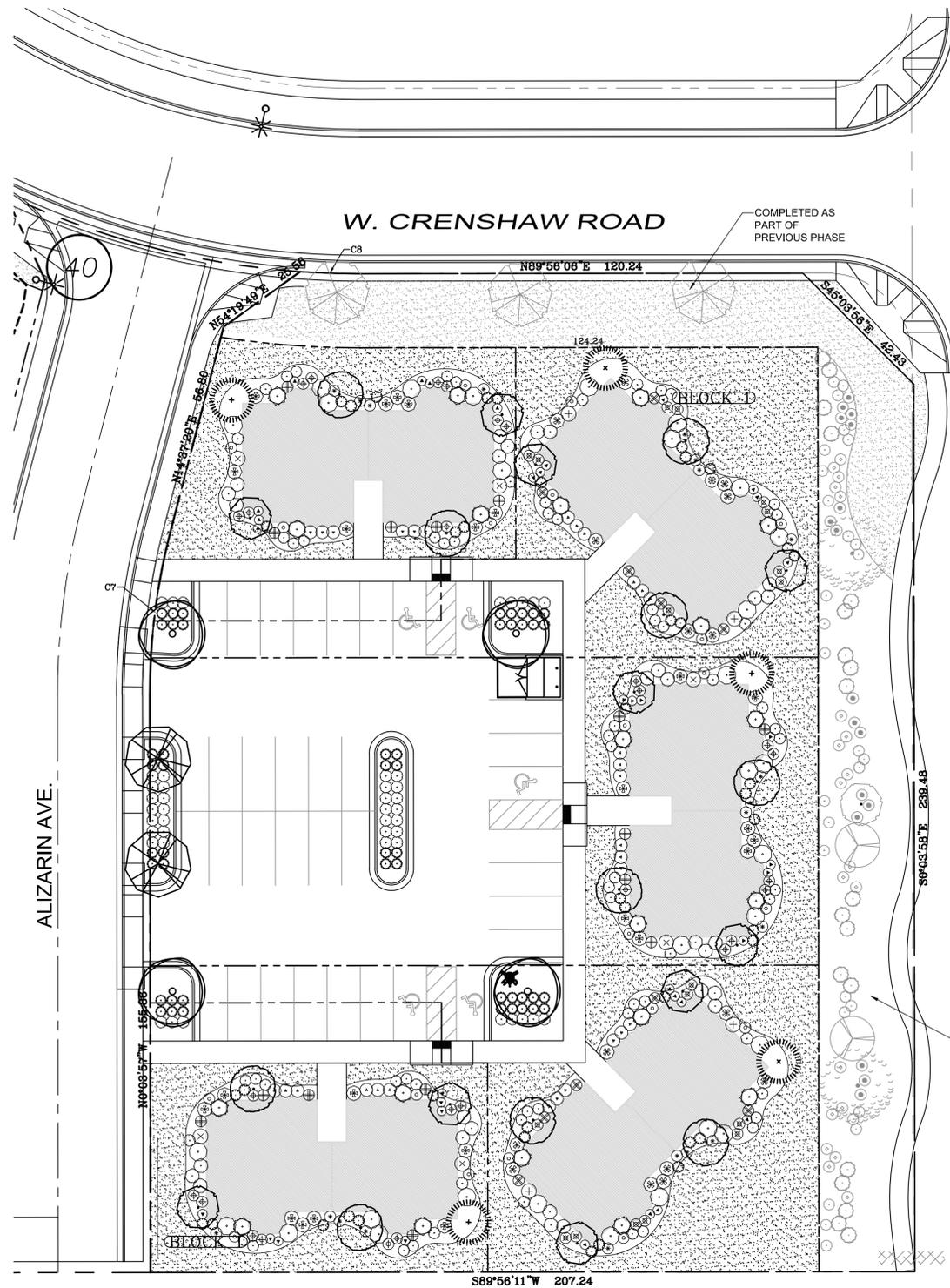
SCALE:  
**1" = 20'**

DATE:  
**6-26-14**

SHEET  
**PP-1**

REVISIONS
1 -
2 -
3 -
4 -
5 -

LEI PROJECT #:	2013-3038
DRAWN BY:	DAP
CHECKED BY:	DAP
SCALE:	1" = 20'
DATE:	04/28/2014
SHEET	



**PLANT MATERIALS SCHEDULE**

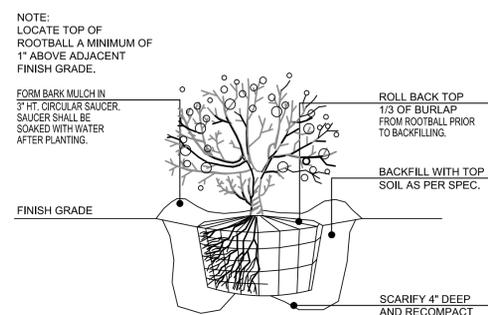
COMMON NAME	BOTANICAL NAME	SIZE	SPACING	CLASS
GREENSPIRE LINDEN	TILIA CORDATA 'GREENSPIRE'	2" CAL.	AS SHOWN	CLASS 2
SNOWDRIFT CRABAPPLE	MALUS 'SNOWDRIFT'	2" CAL.	AS SHOWN	CLASS 1
BRADFORD PEAR	PYRUS CALLERYANA 'BRADFORD'	2.5" CAL.	AS SHOWN	CLASS 1
AUTUMN PURPLE WHITE ASH	FRAXINUS AMERICANA 'AUTUMN PURPLE'	2" CAL.	AS SHOWN	CLASS 2
VILLAGE GREEN ZELKOVA	ZELKOVA SERRATA 'VILLAGE GREEN'	2" CAL.	AS SHOWN	CLASS 2
COLORADO SPRUCE	PICEA PUNGENS	6' HT.	AS SHOWN	
BURNING BUSH	EUONYMUS ALATA COMPACTA	5 GAL.	AS SHOWN	
YELLOW TWIG DOGWOOD	CORNUS STOLONIFERA 'FLAVIRAMEA'	2 GAL.	AS SHOWN	
KELSEY DOGWOOD	CORNUS SERICEA 'KELSEY'	2 GAL.	AS SHOWN	
CORAL CARPET ROSE	ROSA 'NOALA'	2 GAL.	AS SHOWN	
MORNING LIGHT MAIDEN GRASS	MISCANTHUS SINENSIS 'MORN. LIGHT'	2 GAL.	AS SHOWN	
RED ELDERBERRY	SAMBUCUS RACEMOSA	5 GAL.	AS SHOWN	
DAYLILIES	HEMEROCALLIS SP.	1 GAL.	AS SHOWN	
ROSE OF SHARON	HIBISCUS SYRIFICUS	5 GAL.	AS SHOWN	
MOCK ORANGE	PITTOSPORUM TOBIRA	5 GAL.	AS SHOWN	
WICHITA BLUE JUNIPER	JUNIPERUS SCOPULORUM 'WICHITA BLUE'	5' HT.	AS SHOWN	
CRIMSON PYGMY BARBERRY	BERBERIS THUNBERGI 'CRIMSON PYGMY'	2 GAL.	AS SHOWN	
SHASTA DOUBLEFILE VIBURNUM	VIBURNUM FLICATUM TOMENTOSUM 'SHASTA'	5 GAL.	AS SHOWN	
WHITE LIGHTS AZALEA	AZALEA 'WHITE LIGHTS'	2 GAL.	AS SHOWN	
HAMELN FOUNTAIN GRASS	PENNISETUM A. 'HAMELN'	1 GAL.	AS SHOWN	
LIMEMOUND SPIRAEA	SPIRAEA BUMALDA 'LIMEMOUND'	5 GAL.	AS SHOWN	

NORTHWEST SUPREME LAWN MIX @ SUNMARK SEEDS  
SEEDED APPLY PER SUPPLIER RECOMMENDED RATE.

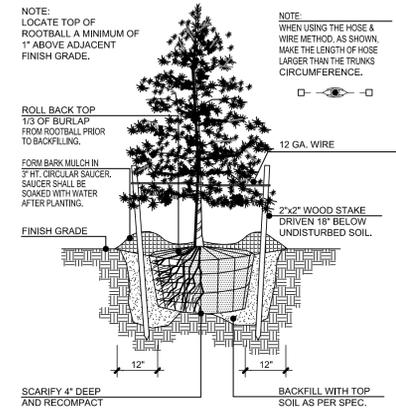
**GENERAL NOTES: LANDSCAPE PLAN**

- LANDSCAPE PLANTING SHALL CONFORM TO THE STANDARDS ESTABLISHED UNDER THE CITY OF KUNA PLANNING DEPT.
- ALL PLANT BEDS SHALL HAVE A 3" DEPTH OF BARK MULCH.
- LANDSCAPE AREAS SHALL HAVE A COMPLETE UNDERGROUND AUTOMATIC IRRIGATION SYSTEM WITH FULL HEAD TO HEAD COVERAGE.
- ALL PLANT MATERIAL DELIVERED TO THIS SITE SHALL MEET THE AMERICAN NURSERYMAN'S ASSOCIATION STANDARDS.
- CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FOR ALL PLANT MATERIAL SUBSTITUTIONS FROM THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. PLANT SUBSTITUTIONS WITHOUT PRIOR WRITTEN APPROVAL THAT DO NOT COMPLY WITH THE DRAWINGS AND SPECIFICATIONS MAY BE REJECTED BY THE LANDSCAPE ARCHITECT AT NO COST TO THE OWNER. THESE ITEMS MAY BE REQUIRED TO BE REPLACED WITH PLANT MATERIALS THAT ARE IN COMPLIANCE WITH THE DRAWINGS.
- ALL AREAS BETWEEN BUILDING FOOTPRINTS AND TO PROJECT EXTENTS (PROPERTY LINE, SIDEWALK, EXISTING LANDSCAPE AREA, CURB, ETC.) SHALL BE MANICURED LAWN.

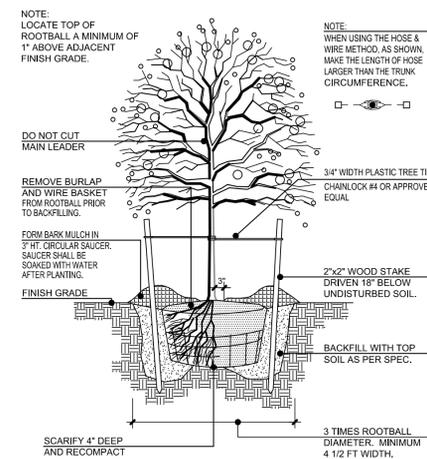
COMPLETED AS PART OF PREVIOUS PHASE



**1** **DETAIL: EVERGREEN / DECIDUOUS SHRUB**  
SCALE



**2** **DETAIL: EVERGREEN TREE STAKING**



**3** **DETAIL: DECIDUOUS TREE STAKING**

## Troy Behunin

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**Subject:** Crimson Point Villas  
**Attachments:** FINAL report appeal & villas reconsideration FOF cc.pdf; Crimson Point PUD ccf.pdf; Agency Transmittal Letter.pdf

Laren,

I sent the email below covering the CP Villas needs. The quick answer is Yes.... For both of you. You're both right. It is a re-plat for just that 1 acre parcel, and asking Council to amend their 2008 decision to allow for a different use then approved for. It can be a new application if you want it to be.... to make it clean. See the yellow below.

Hope this helps.

Troy

**From:** Laren Bailey [<mailto:lbailey@lei-eng.com>]  
**Sent:** Wednesday, May 15, 2013 2:21 PM  
**To:** Troy Behunin  
**Subject:** Crimson Point Villas (commercial)

Troy,

I spoke with Tim today about this and he mentioned that we might be able to do a modification of the original preliminary plat? I am questioning this because when we had last spoken you thought we would need to do a new application. Can you please help me to understand what process we will need to follow? Thanks

**Laren M. Bailey**  
Principal

---

**From:** Troy Behunin  
**Sent:** Monday, April 29, 2013 12:49 PM  
**To:** 'Laren Bailey'  
**Subject:** Crimson Point Villas

Laren,

I have the answer concerning the Crimson Point Villas and specifically if the 1.034 acre site at the SWC of Crenshaw and Ten Mile can have multifamily units placed on it. The parcel is currently zoned C-1 commercial, which is appropriate for multifamily (*Permitted*, 3 or more units under one roof), but I needed to look at the approvals and history to make sure you get correct info.

It is a complicated history with this parcel as parts of the multi land-use action application was denied, appealed, approved in part, denied then appealed and approved in part again. I am sending the Findings of Fact & Conc. of Law, issued by Council March 21, 2006 to help tell the story. Questions? Let me know.

The original PUD was approved for multifamily over a part of the site, area business over the southern part with "Limited Office" over the 1.034 acre parcel. There were several changes to the concept during the approval process. I spoke with Wendy & Richard about this situation and found the only way to get multifamily on the 1.03 acre parcel is to go back to Council to ask for a change (includes a Neighborhood mtg and public hearings with both P&Z and Council). An applicant will need to amend the Council approved SUP from February 2006 and go through a RE-Pre Plat for that parcel. We just need to follow the process, but it can be accomplished.

Thanks,

Troy

**Troy Behunin**

Senior Planner

City of Kuna

763 W. Avalon

Kuna, ID 83634

208-922-5274

[Troy@cityofkuna.com](mailto:Troy@cityofkuna.com)

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# City of Kuna

P.O. Box 13  
Kuna, ID 83634

Phone: (208) 922-5274

Fax: (208) 922-5989

Web: [www.cityofkuna.com](http://www.cityofkuna.com)

**To:** Kuna City Council

**Subdivision:** The Villas at Crimson Point

**Applications:** **Preliminary Plat/05-10-S & Special Use Appeal/05-05-A**

**Site location:** Near the northwest corner of N. Ten Mile & W. Deer Flat

**Planner:** Diana Sanders, Interim Planning & Zoning Director

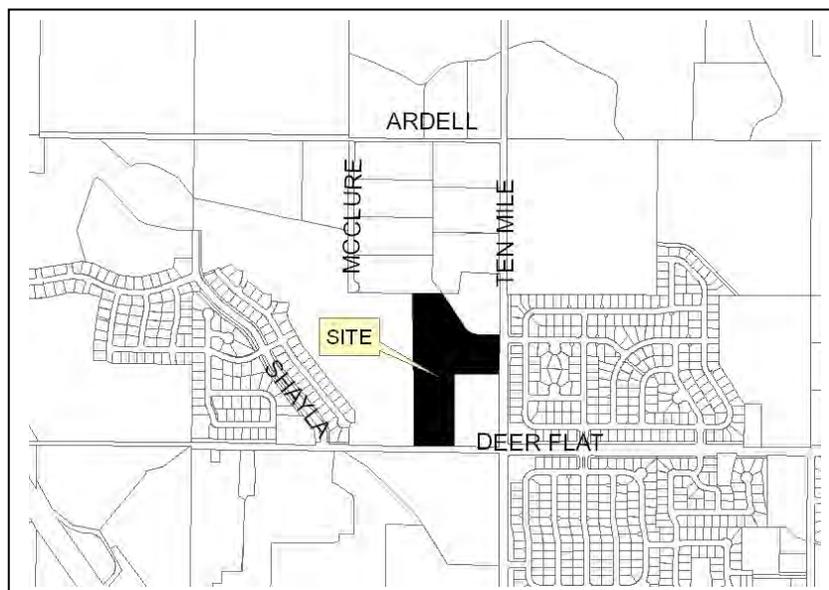
**Hearing date:** February 7, 2006- **tabled**  
February 21, 2006- **decision/denial**  
February 28, 2006- **City Council voted to reconsider denial**  
March 21, 2006- **Hearing for revised plan (changed from 160 to 136 units)**

**Applicant:** JLJ Enterprises Inc.  
516 S. Capitol Blvd.  
Boise, ID 83702

**Representative:** W&H Pacific  
3130 S. Owyhee St.  
Boise, ID 83705

## Application Information:

- Zone: C-1
- Total acres: 11.24 acres
- Multi-family lots: Previous - 40 lots (four plexes/160 dwelling units)  
**Current proposal – 34 lots (four plexes/136 units)**
- Commercial lots: 3 lots (limited office)
- Common lots: 5 lots



**Project Summary:**

On February 21, 2006, the City Council upheld (approved) the appeal of the Planning & Zoning Commission’s denial for Special Use to allow multi-family in a C-1 zone and voted to deny the proposed preliminary plat for The Villas at Crimson Point. Thereafter, the applicant requested that the City Council reconsider their decision for denial of the preliminary plat. On February 28, 2006, the City Council voted to reconsider their decision on March 21, 2006 with the proposed changes. The applicant is proposing the following changes:

- Reduce the total number of proposed units from 160 to 136, which includes removing six (6) four (4) plexes. 160 units=16.28 units/acre 136 units=13.84 units/acre
- The applicant will provide a minimum of two (2) parking spaces per unit, which exceeds Kuna City Code, but addresses the concerns of the Commission and City Council.
- The applicant will provide the additional open space as discussed at the February 21, 2006 meeting.

The site is located near the corner of N. Ten Mile & W. Deer Flat; in Section 15, Township 2 North, Range 1 West. The applicant is proposing 9.83-acres with multi-family residential and 1.41-acres with limited office use. **The multi-family lots include a total of 136 units (thirty-four 4-plex lots).** The site is currently zoned C-1, which requires the applicant to achieve special use approval to allow multi-family residential in a C-1 zone (**City Council approved the Special Use permit on February 21, 2006**). The proposed limited office area was approved with the original Planned Unit Development master plan, and is an allowed use in a C-1 zone. If the Council approves the preliminary plat, the applicant will consecutively be required to apply for design review for both the multi-family and limited office lots; which will be evaluated by the Planning and Zoning Commission.

**A. Existing Site Conditions**

**1. Surrounding land use and zoning:**

<b>North</b>	RUT (Ada County)	Large single-family residential lots (McClure Subdivision)
<b>South</b>	C-1 (Kuna City)	Single-family dwelling & vacant agricultural
<b>East</b>	R-6 (Kuna City) & RUT (Ada County)	Single-family residential (Palomar Subdivision) & vacant agricultural
<b>West</b>	R-3 (Kuna City)	Vacant land, platted as Crimson Point Subdivision as a Planned Unit Development

**2. Existing Access**

There is currently no delineated access to the site.

**3. Comprehensive Plan Map**

Medium Development Density (4-6 units per acre).

**4. Parcel number /location**

Parcel number: S1315449230

The site is located near of the corner of N. Ten Mile & W. Deer Flat; Sec. 15, T. 2N, R. 1W.

**5. Property size**

11.24-acres

**6. Existing structures**

There are no existing structures on the site.

**7. Existing vegetation**

The site essentially contains natural soil and grass.

**8. Slope/drainage**

The site is essentially flat, with drainage trending towards the northeast.

**9. Services**

Water supply: City of Kuna Municipal (proposed)  
 Sewer service: City of Kuna Municipal (proposed)  
 Irrigation: City of Kuna (proposed)  
 Fire protection: Kuna Rural Fire District

**B. Procedural Items:**

**Kuna Planning & Zoning Commission Notifications**

Received Application	Gov't Agency Notification	Surrounding property owners notification	Public hearing publication	P&Z public hearing	P&Z public hearing
06-06-05	06-16-05	06-06-05	07-05-05	08-30-05 Tabled until 09-27-05	09-27-05 P&Z denied

**Kuna City Council Notifications**

Surrounding property owners notification	Public hearing publication	Posted property for Council meeting	City Council public hearing
12-02-05, 01-19-06 & <b>03-01-06</b>	12-05-05, 01-23-06 & <b>03-06-06</b>	01-30-06 & <b>03-13-06</b>	02-07-06 (tabled), 02-21-06 & <b>03-21-06</b>

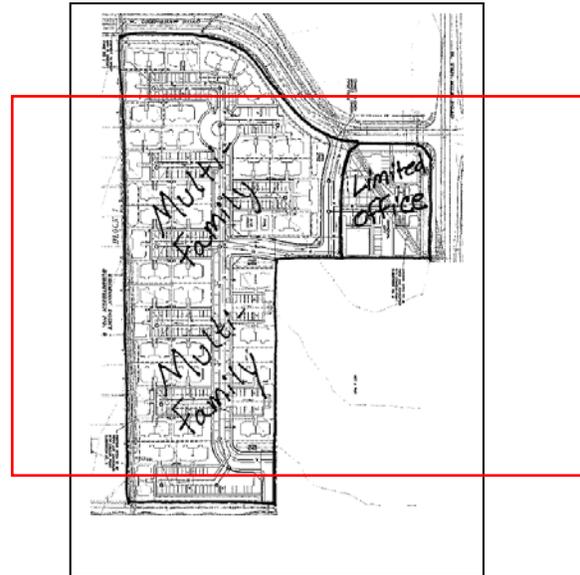
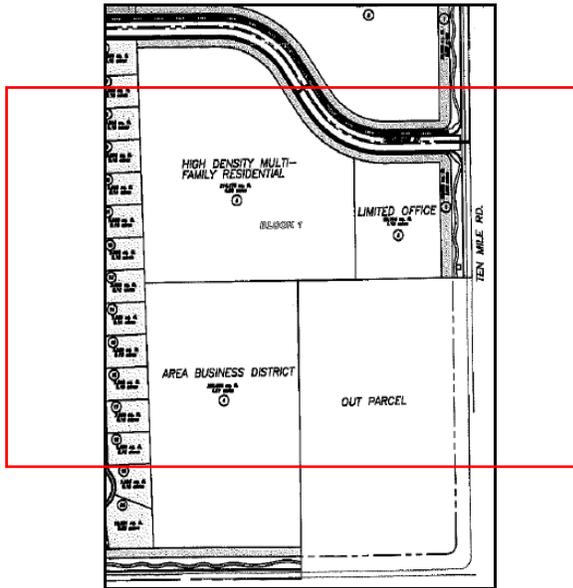
**C. Staff Analysis/Findings for Consideration:**

**1. Staff Analysis Summary**

The property was annexed and zoned as a Planned Unit Development (Crimson Point Subdivision). As such, it was anticipated that there would be a mixture of land uses throughout the subdivision.

<b>Original P.U.D. Land Uses</b>	
Multi-family residential:	4.88 acres
Limited office:	1.18 acres
Area Business District:	4.81 acres

<b>Proposed Land Uses</b>	
Multi-family residential:	9.83 acres
Limited office:	1.41 acres
Area Business District:	0 acres



The property to the west is a residential phase of Crimson Point, and abuts up to the proposed additional multi-family residential. The property to the north (a future portion of Crimson Point) is planned for future Area Business District, and will be compatible with the Limited office use directly to the south (with this project).

The proposed access will be via Deer Flat Road on the south and Crenshaw Road on the northeast. Crenshaw Road is a residential collector road providing access throughout Crimson Point subdivision. This portion of Crenshaw Road has not been constructed. Internal circulation will be provided by local public roads. All proposed lots will have frontage on the public roads.

*Note: The map provided by the applicant does not show the road intersecting Deer Flat correctly. The applicant shall obtain approval from ACHD for access on Deer Flat Road.*

## Special Use

### 2. **General Applicable Special Use Standards (KCC 5-6-3 A-I)**

The City Council shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Will, in fact, constitute a special use as established on the official schedule of district regulations for the zoning district involved.
- b. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or these zoning regulations.
- c. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - h. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
  - i. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- *Relating to the proposed Special Use for multi-family in a C-1 zone: Multi-family is an allowed use in a C-1 zone with a Special Use permit. **The City Council approved the Special Use permit for multi-family on February 21, 2006.***

### Appeal

#### **3. Action by Commission/Appeal (KCC 5-6-7-C&D)**

Prior to granting or denying an application, the commission shall specify:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided the appeal is submitted to the council within fifteen (15) days from receipt of notification of the commission's action.

- The P&Z Commission recommended denial of the Special Use Permit and therefore did not review the preliminary plat. The applicant submitted an appeal application, **which was considered by the City Council, and the City Council upheld the appeal on February 21, 2006.**

### Preliminary Plat

#### **4. Council's Findings (KCC 6-2-3-H-2)**

In determining the acceptance of a proposed subdivision, the council shall consider the objectives of this title and at least the following:

- a. The conformance of the subdivision with the comprehensive development plan;
- b. The availability of public services to accommodate the proposed development;
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the council's attention.

### Subdivision Regulations

#### **5. Landscape Buffer & Sidewalk (KCC 6-3-11-A, 6-4-2-L, 6-4-2-P & 6-4-2-S)**

KCC 6-3-11-A: Kuna City code requires a minimum 20-foot wide planting reserve strip next to collector and arterial roads.

KCC 6-4-2 L: Kuna City code requires a minimum 5-foot wide attached or 8-foot wide detached concrete sidewalk to be constructed along all arterial and collector roadways with a minimum 10-foot wide landscaped buffer.

Ten Mile Road

- The applicant is proposing to construct a 5-foot wide meandering sidewalk with a 26-foot wide landscaped buffer strip along Ten Mile Road.

Deer Flat Road

- The applicant is proposing to construct a 5-foot wide meandering sidewalk along Deer Flat Road. The applicant shall provide a separate lot for a 20 to 30-foot wide landscaped buffer abutting the site along Deer Flat Road.

Crenshaw Road

- The applicant is proposing 5-foot wide sidewalks with curb and gutter with a 20-foot wide landscaped buffer along Crenshaw Road.

KCC 6-4-2-S: One Tree per lot required

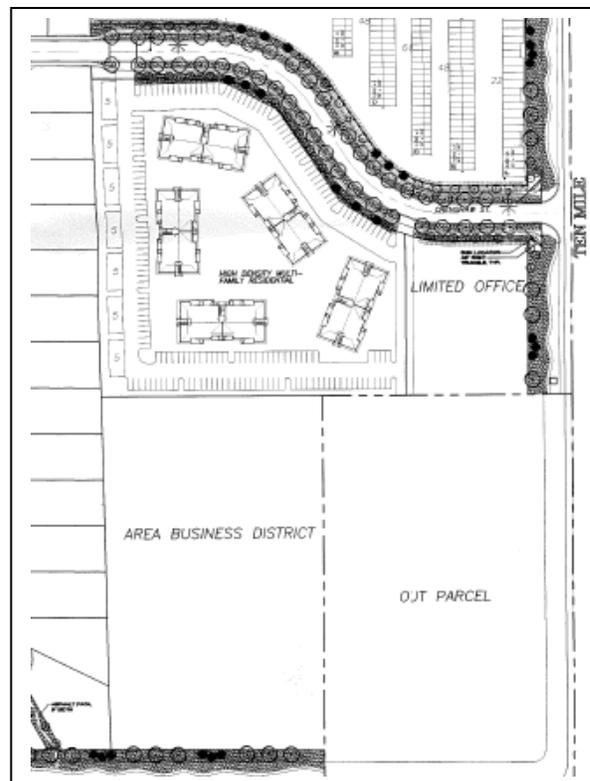
Kuna City Code requires that a minimum of one tree per lot shall be provided by the developer.

- The applicant shall provide one tree per lot, as required by Kuna City code.

KCC 6-4-2-P: Kuna City Code requires that all entrances and exits from subdivisions shall be landscaped.

- The buffers along Ten Mile, Deer Flat and Crenshaw shall be landscaped in accordance with the approved Planned Unit Development landscape plan.

**Approved P.U.D. landscape plan**



3 of 5

**6. Street Lights (KCC 6-4-2-N)**

Kuna City Code requires that street lights are installed at all intersections, near the fire hydrants, and have a maximum spacing of two hundred fifty feet (250') throughout the interior and exterior of the subdivision. A sub divider shall conform to the requirements of the city and the public utility providing such lighting.

- The proposed lighting plan does not meet KCC 6-4-2-N. The applicant shall be required to install street lights at all intersections, near the fire hydrants, and have a maximum spacing of 250' throughout the interior and exterior of the subdivision. The applicant shall submit a lighting plan in accordance with KCC 6-4-2-N.

**7. Street Names (KCC 6-3-5 A & B)**

KCC 6-3-5- A & B: A. Street names shall not duplicate any existing street name within the county except where a new street is an uninterrupted extension and continuation of an existing street. Street names that may be spelled differently but sound the same as existing streets shall not be used. B. All new streets shall be named as follows: Streets having a predominately north-south direction shall be named "Avenue" or "Road"; streets having a predominately east-west direction shall be named "Street" or "Way"; meandering streets shall be named "Drive", "Lane", "Path" or "Trail"; and cul-de-sacs shall be named "Circle", "Court" and "Place".

- The following proposed street names shall be modified as follows:

<b>Change from</b>	<b>Change to</b>
Alizarin Ave	North Alizarin Ave
Madderlake Place	North Madderlake Place
Wasabi Avenue	North Wasabi Avenue
Lampblack Street	West Lampblack Street
Manganese Street	West Manganese Street

*Note: Ada County Development Services street naming committee may have additional modifications and/or requirements regarding street names.*

**8. Lot Frontages**

Kuna City code does not have a minimum frontage width requirement in a C-1 zone. The applicant has provided public road frontage to each lot, as required by city code.

**9. Right-of-Way Fencing (KCC 6-4-2-Q)**

A fence that abuts an arterial or collector road should be uniform from intersection to intersection and must include a landscaped berm and fence, six feet (6') in height (measured from the crest of the road) that is permanent and maintenance free. Acceptable fencing would include metal, rock, vinyl and the posts must be installed in concrete. No wood fencing would be allowed. The only exception is around parks (for safety reasons), an open fence may be required. A fence plan must be submitted with the preliminary plat application for approval.

- The applicant has not submitted a fence plan. The applicant shall be required to construct a 6-foot vinyl, metal or rock fence along Deer Flat and Crenshaw Roads, abutting the residential portions of the site, in accordance with Kuna City Code. Due to the fact that limited office/commercial will be located along Ten Mile Road, staff recommends the Council consider not requiring the applicant to construct right-of-way fencing along Ten Mile Road and the commercial portion on Crenshaw.

**10. Required Public Improvements (6-4-2.A-E)**

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

- A. Monuments: Monuments shall be set in accordance with section 50-1303, Idaho Code.
- B. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Council. (Ord. 231, 12-7-1977)
- C. Curbs and Gutters: Vertical curbs and gutters shall be constructed on collector and arterial streets. Rolled curbs and gutters or other landscaping and drainage as may be established by the Council and consistent with subsection G of this Section shall be required on minor streets. All construction shall be in accordance with the standards and specifications adopted by the Council. (Ord. 403, 10-5-1993)
- D. Bicycle Pathways: A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the Council. (Ord. 231, 12-7-1977)
- E. Installation of Public Utilities: Underground utilities are required unless determined not to be feasible by the owner of the utility and the City Council. (Ord. 439, 2-20-1996)

**11. Official Height and Area Regulations (5-3-3)**

*Kuna City Code has the following building requirements for a C-1 zone:*

Maximum height	35-feet
Minimum lot width	0
Front setback	15-feet
Garage setback	N/A
Rear setback	5-feet
Interior side	0
Street side	10-feet
Maximum lot coverage	100% DR (Design Review required)
Minimum lot area per dwelling unit	2,000 sq. ft.
Minimum square footage	0

- If City Council approves the preliminary plat, the applicant will be required to go through design review. Upon the design review process, the Commission will review more site-specific elements that include parking, outdoor advertising, landscaping, buildings and site layout, etc.

**12. Kuna Comprehensive Plan (Figure 4.3-1, §4-3 & §4-4)**

**Figure 4.3-1:**

The site location indicates Medium Development Density (4-6 units/acre) on the Comprehensive Future Land Use Map. The current land zoning designation is Light Commercial (C-1), which is part of an approved Planned Unit Development.

**§4-3 Future Land Use Map concept:**

The areas depicted on the map (Comprehensive Future Land Use map) are conceptual and, therefore, will require further analysis prior to the creation of a zoning map. Furthermore, this map does not preclude the development of other more specific zones that might encompass outstanding resources or other areas of concern.

**§4-4 Land Use definitions:**

Limited Office – To allow the establishment of groupings of professional, research, executive, administrative, accounting, clerical, stenographic, and other similar uses. Research uses should not involve heavy testing operations of any kind or product manufacturing of such a nature to create noise, vibration, or emissions of a nature offensive to the overall purpose of the area.

High Density Residential – To allow for the development of multi-family homes in areas where urban services are provided. Within this category, residential densities would exceed a density of six units per acre. This residential development might include duplexes, apartment buildings, townhouses, and other multi-unit dwellings. Other uses within a development may be considered under a planned development permit process. A desirable project would consider the placement of parking areas, fences, berms, and other landscaping features to serve as buffers between neighboring uses.

**§4-4 Land Use goal:**

Enhance existing land uses and manage and guide future development in order to maintain the living and working qualities in Kuna.

**13. Transportation Task Force Recommendations**

- Lampblack Street needs to be a 50' right-of-way all the way to Alazarine Ave.
- Speed control devices (bumps or dips), should be installed on Madderlake.
- Stamped concrete crosswalks should be installed.
- Trash enclosure locations should be identified.
- No parking allowed on cul-de-sac.

*Note: Upon Design Review, the trash enclosures shall be identified on the site plan.*

**14. Staff Recommendation**

Based on Staff's review of the application, staff concludes the applications comply with Sections 5-6-3 A-I, 5-6-7 C&D, 6-2-3 H.2, 6-3-11 A, 6-4-2 L, 6-4-2 P, 6-4-2 A-E and 5-3-3 of the Kuna City Code and Sections 4-3 and 4-4 of the Kuna Comprehensive Plan, and recommends forwarding a recommendation of approval to the Council, as set out in the proposed Findings of Fact and Conclusions of Law attached hereto.

*Note: If the applicant completes all site specific, standard conditions of approval and any additional requirements imposed by the Council, the proposed applications will also comply with Sections 6-4-2 S, 6-3-5 A&B, 6-4-2 Q and 6-4-2 N of the Kuna City Code.*

**Exhibits:**

<b>Exhibit 1</b>	City Council staff report
<b>Exhibit 2</b>	Revised Preliminary Plat

## D. Findings of Facts:

1. As to existing site conditions, the Council finds the following:

### **Surrounding land use and zoning:**

<b>North</b>	RUT (Ada County)	Large single-family residential lots (McClure Subdivision)
<b>South</b>	C-1 (Kuna City)	Single-family dwelling & vacant agricultural
<b>East</b>	R-6 (Kuna City) & RUT (Ada County)	Single-family residential (Palomar Subdivision) & vacant agricultural
<b>West</b>	R-3 (Kuna City)	Vacant land, platted as Crimson Point Subdivision as a Planned Unit Development

### **Existing Access**

There is no delineated access to the site currently.

### **Comprehensive Plan Map**

Medium Development Density (4-6 units per acre).

### **Parcel number /location**

Parcel number: S1315449230

The site is located near of the corner of N. Ten Mile & W. Deer Flat; Sec. 15, T. 2N, R. 1W

### **Property size**

11.24-acres

### **Existing structures**

There are no existing structures on the site.

### **Existing vegetation**

The site essentially contains natural soil and grass.

### **Slope/drainage**

The site is essentially flat, with drainage trending towards the northeast.

### **Services**

Water supply: City of Kuna Municipal (proposed)

Sewer service: City of Kuna Municipal (proposed)

Irrigation: City of Kuna (proposed)

Fire protection: Kuna Rural Fire District

2. As to procedural items, the Council finds the following:

All required procedural items have been completed in accordance with Kuna City Code.

3. As to the Kuna City Code, the Council finds the following:

- The proposed subdivision complies with Kuna City Code.

4. As to the project description, the Council finds the following:

**On February 21, 2006, the City Council upheld (approved) the appeal of the Planning & Zoning Commission's denial for Special Use to allow multi-family in a C-1 zone and**

voted to deny the proposed preliminary plat for The Villas at Crimson Point. Thereafter, the applicant requested that the City Council reconsider their decision for denial of the preliminary plat. On February 28, 2006, the City Council voted to reconsider their decision on March 21, 2006 with the proposed changes. The applicant is proposing the following changes:

- Reduce the total number of proposed units from 160 to 136, which includes removing six (6) four (4) plexes. 160 units=16.28 units/acre 136 units=13.84 units/acre
- The applicant will provide a minimum of two (2) parking spaces per unit, which exceeds Kuna City Code, but addresses the concerns of the Commission and City Council.
- The applicant will provide the additional open space as discussed at the February 21, 2006 meeting.

On March 21, 2006, the City Council voted to approve the Villa's preliminary plat with the following conditions:

- Remove the 2 units from proposed 4 unit building northeast of the proposed pool and clubhouse for a total of 134 units.
- Remove the entrance southeast of the pool for additional open space.
- Construct a full basketball court.
- Construct a volleyball court.
- Construct a picnic area with BBQ pits.
- Participate in the L.I.D. according to Resolution NO. R1-2006.

5 of 5

The site is located near the corner of N. Ten Mile & W. Deer Flat; in Section 15, Township 2 North, Range 1 West. The applicant is proposing 9.83-acres with multi-family residential and 1.41-acres with limited office use. **The multi-family lots include a total of 136 units (thirty-four 4-plex lots).** The site is currently zoned C-1, which requires the applicant to achieve special use approval to allow multi-family residential in a C-1 zone (**City Council approved the Special Use permit on February 21, 2006**). The proposed limited office area was approved with the original Planned Unit Development master plan, and is an allowed use in a C-1 zone. If the Council approves the preliminary plat, the applicant will consecutively be required to apply for design review for both the multi-family and limited office lots; which will be evaluated by the Planning and Zoning Commission.

5. As to the Kuna Comprehensive Plan, the Council finds the following:
  - The proposed subdivision does not comply with the Comprehensive Future Land Use map; however, the subdivision complies with the goals and policies outlined in the Comprehensive Plan.

## E. Conclusions of Law:

If any of the following Conclusions of Law are determined to be Findings of Fact, they shall be included in that section.

1. Based on the evidence contained in File #'s 05-10-S & 05-05-A, The Kuna City Council finds that File #'s 05-10-S & 05-05-A complies with Sections 5-6-3 A-I, 5-6-7 C&D, 6-2-3 H.2, 6-3-11 A, 6-4-2 L, 6-4-2 P, 6-4-2 A-E and 5-3-3 of the Kuna City Code.

2. Based on the evidence contained in File #'s 05-10-S & 05-05-A, The Kuna City Council finds that File #'s 05-10-S & 05-05-A complies with Sections 4-3 and 4-4 of the Kuna Comprehensive Plan.

*If the applicant completes all site specific, standard conditions of approval and any additional requirements imposed by the Council, the proposed applications will also comply with Sections 6-4-2 S, 6-3-5 A&B, 6-4-2 Q and 6-4-2 N of the Kuna City Code.*

## **F. Planning & Zoning Commission's Decision/Recommendation to City Council:**

On September 27, 2005, the Kuna Planning & Zoning Commission denied the preliminary plat and Special use applications for the following reasons:

- Does not comply with the original approved Planned Unit Development.
- Recommended the applicant re-submit a plan that complies with the original Planned Unit Development plan.
- The use to the south should be commercial, as indicated from the originally approved Planned Unit Development.

## **G. City Council Decision on February 21, 2006:**

The City Council approved the Special Use application to allow multi-family in a C-1 zone and denied the preliminary plat application.

## **H. Applicant Request for Council Reconsideration of Preliminary Plat Denial on February 28, 2006:**

City Council decided to reconsider denial of the preliminary plat for the March 21, 2006 City Council meeting. The applicant submitted a revised site plan with fewer units (136), additional parking and a larger common area.

## **I. City Council Decision on March 21, 2006, for Reconsideration of the Preliminary Plat Denial:**

The City Council approved the preliminary plat with the following conditions:

- Remove the 2 units from proposed 4 unit building northeast of the proposed pool and clubhouse for a total of 134 units.
- Remove the entrance southeast of the pool for additional open space.
- Construct a full basketball court.
- Construct a volleyball court.
- Construct a picnic area with BBQ pits.
- Participate in the L.I.D. according to Resolution NO. R1-2006.

## **J. Site Specific Conditions of Approval:**

### **1. Right-of-Way Fencing/Perimeter Fencing**

The applicant shall construct a 6-foot vinyl, metal or rock fence along Deer Flat and Crenshaw Roads, abutting the residential portions of the site, in accordance with Kuna City Code. Due to the fact that limited office/commercial will be located along Ten Mile Road and a portion of Crenshaw, staff recommends the Council consider not requiring the

applicant to construct right-of-way fencing along Ten Mile Road and the commercial portion along Crenshaw.

**2. Street Lights**

The applicant shall be required to install street lights at all intersections, near the fire hydrants, and have a maximum spacing of 250' throughout the interior and exterior of the subdivision. The applicant shall submit a lighting plan in accordance with KCC 6-4-2-N.

**3. Street Names**

The following proposed street names shall be modified as follows:

<b>Change from</b>	<b>Change to</b>
Alizarin Ave	North Alizarin Ave
Madderlake Place	North Madderlake Place
Wasabi Avenue	North Wasabi Avenue
Lampblack Street	West Lampblack Street
Manganese Street	West Manganese Street

**4. Landscaped Buffer width & Sidewalk (Ten Mile, Deer Flat and Crenshaw)**

- The applicant shall construct a 5-foot wide meandering sidewalk with a 26-foot wide landscaped buffer strip along Ten Mile Road, as proposed.
- The applicant shall construct a 5-foot wide meandering sidewalk along Deer Flat Road. The applicant shall provide a separate lot for a 20 to 30-foot wide landscaped buffer abutting the site along Deer Flat Road.
- The applicant shall construct 5-foot wide sidewalks with curb and gutter with a 20-foot wide landscaped buffer along Crenshaw Road.
- The buffers along Ten Mile, Deer Flat and Crenshaw shall be landscaped in accordance with the approved Planned Unit Development landscape plan.

**5. Required Public Improvements (Internal Streets)**

The applicant shall construct the internal streets in accordance with Ada County Highway District standards (see ACHD report).

**6. Lot Frontages**

Each lot shall have public road frontage, as proposed.

**7. Design Review**

Upon preliminary plat approval, the applicant shall apply for Design Review for multi-family residential lots and the limited office lots. Due to the layout of the multi-family residential lots, the applicant shall coordinate design review application submittal with the Planning & Zoning Director.

**K. Standard Conditions of Approval:**

The following list details the tasks (in order) that the applicant and/or owner must complete before the approval of The Villa at Crimson Point Subdivision WILL be considered final. Please note that you have one year from the date of the written decision of the council to complete these tasks and submit a final plat unless a time extension is granted.

1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved

use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.

- a) The City Engineer must approve the sewer hook-up.
  - b) The Kuna Fire District must approve all fire flow requirements and/or building plans.
  - c) The Boise-Kuna Irrigation District must approve all proposed modifications to the existing irrigation system.
  - d) The City Engineer must approve a surface drainage run-off plan. As recommended by Central District Health Department, the plan should be designed and constructed in conformance with standards contained in "Catalog for Best Management Practices for Idaho Cities and Counties".
2. The final plat shall be meet the final plat specifications listed in Section 6-2-4 of the Kuna City Code.
  3. The final plat shall be in substantial conformance with the approved preliminary plat.
  4. Prior to approval by the Kuna City Council, the plat shall contain the following certificates and/or endorsements:
    - a) signature of the owner(s),
    - b) certificate of the plat surveyor,
    - c) certificate of the County Surveyor,
    - d) endorsement of the Central District Health Department,
    - e) endorsement of the Ada County Highway District
  5. The following statements shall appear on the face of the final plat:
    - a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it."
    - b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
    - c) Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the City of Kuna and this approval.
  6. No building permits will be issued until the final plat is recorded through the County Recorder's Office and parcel numbers have been issued by the County Assessor's Office.
  7. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District rights of way requires a permit. For information regarding the requirements to

obtain a permit, contact Ada County Highway District Development Services at 387-6100.

8. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground.
9. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the specific requirements of the Boise Project Board of Control is required.
10. Installation of fire protection facilities as specifically required by the Kuna Fire District is required.
11. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10').
12. All submittals of required compliance letters and plans (lighting, landscaping, drainage, and development) must be accompanied by your application File numbers.
13. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a drainage design plan from the Kuna City Engineer. The drainage design plan shall include all proposed site grading.
14. Individual lot pressurized irrigation shall be provided. Kuna City Engineer must approve an irrigation plan prior to submitting the final plat for approval.
15. Lighting within the development shall comply with the Kuna City Code.
16. One tree per lot shall be provided by the developer.
17. All surety and surety agreements shall comply with the Kuna City Code.
18. SITE SPECIFIC CONDITIONS OF APPROVAL:
  - Remove the 2 units from proposed 4 unit building northeast of the proposed pool and clubhouse for a total of 134 units.
  - Remove the entrance southeast of the pool for additional open space.
  - Construct a full basketball court.
  - Construct a volleyball court.
  - Construct a picnic area with BBQ pits.
  - Participate in the L.I.D. according to Resolution NO. R1-2006.

Attest:



Lynda Burgess  
Kuna City Clerk

  
O. Dean Obray  
Kuna City Mayor



**BEFORE THE KUNA CITY COUNCIL**

**IN THE MATTER OF AN APPLICATION FOR )  
RE-ZONE UPON ANNEXATION, )  
A CONDITIONAL USE PERMIT, PRELIMINARY & FINAL )  
PLANNED UNIT DEVELOPMENT PLAN, )  
AND PRELIMINARY PLAT FOR CRIMSON POINT, )  
A PLANNED UNIT DEVELOPMENT, SUBMITTED BY )  
GOLDCREEK DEVELOPERS LLC )**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The above-entitled re-zone upon annexation, conditional use permit, preliminary & final planned unit development plan, and preliminary plat applications came before the Kuna City Council for their action on March 10, 2003. A public hearing was held before the Kuna City Council on March 10, 2003, concerning the re-zone upon annexation & PUD request submitted by Goldcreek Development for property located west of Ten Mile between Deer Flat and Ardell. Those in attendance included members of the public, Mayor: Greg Nelson, City Council members: Flo Hawkes, Lea Lewis, Stephen Bright and Dave Szplett, Susan Buxton, City Attorney, Tim Burgess, City Engineer, Melodie Halstead, P&Z Director. The Kuna City Council having heard and taken oral and written testimony, and having duly considered the matter, makes the following Findings of Fact and Conclusions of Law;

**FINDINGS OF FACT:**

**A. PROJECT SUMMARY:**

Goldcreek Developers LLC is requesting re-zone upon annexation, a conditional use, planned unit development preliminary & final development plan, and preliminary plat approvals for Crimson Point Subdivision, a planned development. The 200-acre, 531-lot (190.5-residential, 9.5-commercial) subdivision is located on the west side of Ten Mile between Deer Flat & Ardell.

**B. APPLICATION SUBMITTAL:**

The applications for this item were received by the City of Kuna on August 6, 2002.

**C. NOTICE OF PUBLIC HEARING:**

Notice of Public Hearing on the application for the Kuna Planning and Zoning Commission was published in accordance for requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances. Notice of this public hearing was mailed to property owners within three hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code on August 30, 2002.

Notice of Public Hearing on the application for the Kuna City Council was published in accordance for requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances on October 30, 2002 & November 6, 2002. Notice of this public hearing was mailed to property owners within three hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code.

D. COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS:

	<b>COMP PLAN DESIGNATION</b>	<b>ZONING DESIGNATION</b>	<b>LAND USE</b>
<b>Existing</b>	Low density in the city / 10 acre in the county	RR & RUT	Vacant
<b>Proposed</b>		R-3 & C-1	Residential/Commercial PUD
<b>North of site</b>	County	RR & RUT	Rural residence and Agricultural land
<b>South of site</b>	County	RUT	Rural residence and Agricultural land
<b>East of site</b>	City / County	R-6 / RR	Residences / Rural residence and Agricultural land
<b>West of site</b>	County	RR	vacant

E. SITE DATA:

Total Acreage of Site - 200  
 Total Number of Lots - 565

Residential - 531  
 Commercial - 4  
 Open Space / residential parking lots – approximately 32 acres

F. GENERAL SITE DESIGN FEATURES:

Storm Drainage and Flood Control:

Street drainage plans shall be submitted by the applicant as required by the Subdivision Ordinance. Specific drainage system plans are to be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans are to show how swales, or drain piping, will be developed in the drainage easements.

Utility and Drainage Easements, and Underground Utilities:

Kuna City Code section 6-3-8 requires utility easements to be not less than 10-feet wide.

Fire Hydrants and Water Mains:

Hydrants are to be located and installed as required by the Kuna Fire District.

Preservation of Existing Historical Assets:

Staff is not aware of any existing historical assets on the site which would be required to be preserved. If during excavation or development of the site, any historical artifacts are discovered, state law requires immediate notification to the state.

G. STREET DESIGN:

Public Streets: All roadways should be built to ACHD approved standards. Crimson Way to be 29' back-to-back between Deerflat Road and Street B. Street Y to be 29' back to back within a 50' R-O-W. All other local roads to be 36' back-to-back within a 50' R-O-W.

Cul-de-Sac Design: There are no cul-de-sacs in this development

Sidewalks, Curbs and Gutters: To be constructed per City code: 6-4-2-C, 6-4-2-L

Lighting:

Lighting for the proposed public street is required. Location and lighting specifications shall be submitted & approved by the City Planning & Zoning Director prior to the City Engineer signing the final plat.

Street Names:

Street name approval by the Ada County Street Names Committee has not been received to date. Approval from that committee is required prior to final plat approval.

H. PUBLIC USES PROPOSED: Park & School site.

I. AGENCY RESPONSES:

The following agencies have responded and their correspondence is attached. Comments which appear to be of special concern are noted below:

City Engineer: (see attached).  
Ada County Highway District  
Central District Health Department  
Kuna Fire Department  
Idaho Power  
Boise Project Board of Control

J. LETTERS FROM THE PUBLIC: Pecchenino, David & Ruth Howard, Willis & Wendy Carr, Dale Ownby, Arnold Watkins, Forrest McKinnon, Mark & Yvonne Kirkpatrick.

K. KUNA CITY CODE FINDINGS FOR A PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT:

1. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community.
2. That the development be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the same area.
3. That the development will not be hazardous or disturbing to existing or future neighborhood uses.
4. That the development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

5. That the development will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
6. That the development will not create excessive additional requirements at public cost for public facilities and services.
7. That the development is provided with parks, open areas, areas of special interest, floodplain preservation, and/or other special features which would not typically be provided in a non-PUD proposal.
8. That the vehicular approaches to the property are designed to not create an interference with traffic on surrounding public thoroughfares.
9. That the development will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
10. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.
11. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Kuna City Code Title 5.
12. That the benefits, combination of various land uses, and interrelationship with the surrounding area for this proposed development justifies any proposed deviation from any standard district regulations.

*In cases of large - scale PUDs (incorporating fifty (50) or more lots or dwelling units):*

13. That public services shall be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.
14. That an estimate of the public service costs to provide adequate service to the development has been provided by the developer.
15. That an estimate of the tax revenue that will be generated from the development has been provided by the developer.
16. That suggested public (or private) means of financing the services for the development if the cost for the public services would not be offset by the tax revenue received from the development has been provided by the developer.

*For a request of up to 10% of the gross land area to be directed to uses other than residential (i.e.; commercial, industrial, public and quasi public uses that are not allowed in the land use district):*

17. That the uses are appropriate with the residential uses.
18. That the uses will serve principally the residents of the PUD.

19. That the uses are planned to be an integral part of the PUD.
20. That the uses located and designed to provide direct access to a collector or arterial street.
21. That the proposed street connections will not create congestion or traffic hazards.

*In cases where an increase in residential density of up to 15% of the allowable number of dwelling units is requested:*

22. LANDSCAPING - For up to 5%  
That the quality of the designs for landscaping, streetscape, open spaces and plazas, use of existing landscape, pedestrian way treatment, and recreational areas, incorporated into this development, exceed that of a non PUD development.
23. SITING - For up to 5%  
That the quality of the designs for visual focal points, use of existing features such as topography, view, sun orientation, prevalent wind direction, pedestrian/vehicular circulation pattern, physical environment, variation in building setbacks, and building grouping (such as clustering), incorporated into this development, exceed that of a non PUD development.
24. DESIGN FEATURES - For up to 5%  
That the quality of the designs for street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features, and varied use of housing types, incorporated into the development, exceed that of a non PUD development.

#### **STAFF ANALYSIS PROVIDED WITHIN THE STAFF REPORT:**

A. COMPREHENSIVE PLAN PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

B. ZONING ORDINANCE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- KCC Section 5-6-(1-10): SPECIAL USE PERMIT:
  - A. Conditions Of Permit: Upon the granting of a conditional use permit, conditions may be attached to said permit including, but not limited to, those:
    1. Minimizing adverse impact on other development;
    2. Controlling the sequence and timing of development;
    3. Controlling the duration of development;
    4. Assuring that development is maintained properly;
    5. Designating the exact location and nature of development;
    6. Requiring the provision for on-site or off-site public facilities or services; and
    7. Requiring more restrictive standards than those generally required in this Title.
- KCC Section 5-7-1: PURPOSE “PLANNED UNIT DEVELOPMENTS”:

It shall be the policy to guide a major development of land and construction by encouraging planned unit development (PUD) to achieve the following:

  - A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;
  - B. A more useful pattern of open space and recreation areas and, if permitted as part of the

project, more convenience in the location of accessory commercial uses, industrial uses and services;

C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;

D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and

E. A development pattern in harmony with land use density, transportation and community facilities objectives of the Comprehensive Plan.

**C. SUBDIVISION ORDINANCE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:**

**D. DEVELOPMENT AGREEMENT PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:**

- **ARTICLE II CONDITIONS OF DEVELOPMENT**

**STAFF RECOMMENDATION PROVIDED WITHIN THE STAFF REPORT:**

Staff recommends approval of the conditional use permit, preliminary development plan, and preliminary plat with the site specific conditions of approval and the standard conditions of approval provided within the staff report.

**PUBLIC HEARING OF THE COMMISSION:**

A. A public hearing on the applications was held before the Planning and Zoning Commission beginning on September 24, 2002, tabled until October 1, 2002, and continued to November 12, 2002, at which time testimony was taken and the public hearing was closed. The Commission made their recommendation at that time.

B. Oral testimony in opposition to this proposal was presented to the Planning and Zoning Commission by Bill & Wendy Carr, Forest & Myrna McKinnon, Robert & Marquette Pehrson, Margie & Phil Schroeder, Mary & Robert Hege, Helene & Dennis Wolfram, Rick Morino, Mick & Debi Boone, Brandon Boone, Ruth & David Howard, Chuck Fleenor, Mary Rodrigues, Steve Critcher, DuWaine & Debbie Emmons, Mark Pecchenino.

C. Oral testimony in favor of this proposal was presented to the Planning and Zoning Commission by Dale Ownby, Arnold Watkins, Glenida Weber, Dan & Becky Bodam, Heidi Carlson, Dave Miller, (other than the applicant/representative).

D. Oral testimony that was neutral for this proposal was presented to the Planning and Zoning Commission by Steven Ribeiro, Wendy Carr.

**COMMISSION DECISION:**

The Commission voted 3 to 1 to recommend approval of Crimson Point for re-zone upon annexation with an R-3, a conditional use, preliminary planned unit development plan, and preliminary plat for Crimson Point planned residential and commercial development with the site specific conditions of approval and standard conditions of approval shown within their Findings of Fact and Conclusions of Law document, dated November 12, 2002.

## **PUBLIC HEARING OF THE COUNCIL:**

- A. A public hearing on the application was held before the City Council on November 25, 2003, continued to January 27, 2003, February 10, 2003, February 24, 2003, & March 10, 2003 at which time testimony was taken and the public hearing was closed. The Council made their decision at that time.
- B. Oral testimony in opposition to this proposal was presented to the City Council by Randy Allen, Ruth Howard, Mark Kirkpatrick, Forest McKinnon.
- C. Oral testimony in favor of this proposal was presented to the City Council by Carlson, Dave Miller, Dan Bodam, Dale Ownby, Julie Lynn. (not including the applicant/representative).
- D. Oral testimony that was neutral for this proposal was presented to the City Council by Lavar Thornton, Bill Moore.

## **COUNCIL DECISION:**

The Council voted 4 to 0 to approve Crimson Point for re-zone upon annexation with an R-3 & C-1 zone, a conditional use, preliminary planned unit development plan, and preliminary plat for Crimson Point planned residential and commercial development with the following Planning and Zoning Commission recommended site specific conditions of approval and standard conditions of approval with underline text to be added by the Council and strikethrough text to be deleted by the Council:

## **SITE SPECIFIC CONDITIONS OF APPROVAL:**

- 1. All Commercial property will require a Special Use Permit and Design Review. And shall be limited to the used presented by the developer.
- 2. A dairy disclosure to be signed at the time of purchase and be noticed permanently in the CCR's.
- 3. Potable water lines will be stubbed to the north properties.
- 4. The developer will negotiate locked cluster mailboxes with the postmaster.
- 5. Street Y and Crimson Way (as recommended in the Preliminary Development Plan) are to be 29' back to back within a 50' R-O-W. All other local roads to be 36' back-to-back within a 50' R-O-W.
- 6. The Village:
  - A. Will maintain an additional separate homeowners' assn. to take care of landscaping. The Village lots will be a part of the Crimson Point H.O.A.
  - B. The road with the center parking area is to be 36' back to back within a 50' R-O-W and eliminate the parking.
  - C. 20' alleys
  - D. 15' setback for the garage on the alley side.
  - E. 5,000-sq. ft. minimum lot size.
  - F. 1,350-sq. ft. minimum house size.
- 7. 7,000-sq. ft. minimum residential lot size is required in the development, with the exception of the Village.
- 8. 14,000-sq. ft. minimum on the west, 10,000-sq. ft. minimum on the north, and 7,000-sq.ft. minimum for the rest of the residential lots in the development, with exception of the Village.
- 9. The Commissioners approved the landscape plan for the 21-acre park.
- 10. Architectural review and approval to come before Planning & Zoning at each phase.
- 11. ~~6' solid vinyl fence to be constructed on the north property line to restrict access.~~

and the following additional conditions from City Council:

1. 6ft vinyl fence or an approved alternative fencing material is required along the North property boundary and across the stub streets.
2. The mixed house sizes as presented:
  - Meadows - 25%, 1,200 sq. ft. minimum
  - 50%, 1,350 sq. ft. minimum
  - 25%, 1,600 sq. ft. minimum
  - Village – 1,350 sq. ft. minimum
  - Bluffs – 1,400 SQ. FT. MINIMUM
  - Creekside – 1,800 sq. ft. minimum
  - Transitional – 1,600 sq. ft. minimum
3. All roadways should be built to ACHD approved standards.
4. Resolve the drainage issue to the satisfaction of the City Engineer.
5. A turn lane is required on Ten Mile Rd. at the Crenshaw Street entrance.
6. Alley R-O-W and the pavement widths should be 20’.
7. Add the “Right to Farm” agreement to the CC&R’s.
8. Modify Crimson Way to be 29’ back-to-back between Deerflat Road and Street B
9. Developer needs to submit a Bridge design to be approved by the Planning and Zoning Director, and build the bridge for access to the park.
10. Irrigation water rights to be annexed to the City Municipal System.
11. All gravity flow irrigation water delivery system not be inhibited.
12. A dairy disclosure is required on the lots abutting the dairy.

These provisions will be based on Plan B. All were in support. Motion Carried.

#### **APPLICABLE LAW**

1. The request was determined to be appropriate for processing even though a portion of the property is outside of the current area of impact and does not have a zoning designation assigned to it in the adopted Comprehensive Plan.

2. Applications for annexations are governed by provisions of Chapter 13 of Title 5 of the Kuna City Code. Applications for subdivisions are governed by provisions of Title 6 of the Kuna City Code.

#### **STANDARD CONDITIONS OF APPROVAL:**

1. The applicant shall comply with all requirements of the Ada County Highway District and/or the Idaho Transportation Department, including but not limited to approval of the drainage system, curbs, gutters, streets and sidewalks.
2. Correct street names, as approved by the Ada County Street Name Committee, shall be placed on the plat prior to the City Engineer signing the final plat.
3. Complete water and sewer system construction plans shall be reviewed and approved by the City Engineer. Required improvements shall include, but not be limited to, extending all utilities to the platted property. The developer may submit a letter in lieu of plans explaining why plans may not be

necessary.

4. Idaho Department of Health & Welfare approval of the sewer and water facilities is required prior to the City Engineer signing the final plat (I.C. Title 50, Chapter 13 and I.C. 39-118).
5. Written approval of all well water for any shared or commercial well shall be obtained from the Idaho Department of Water Resources prior to the City Engineer signing the final plat.
6. Wet line sewers will be required and the applicant will be required to furnish the City Engineer with a letter from the sewer entity serving the property, accepting the project for service, prior to the City Engineer signing the final plat (B.C.C. 9-20-8.4)
7. Per Idaho Code, Section 31-3805, concerning irrigation rights, transfer and disclosure, the water rights appurtenant to the lands in said subdivision which are within the irrigation entity will be transferred from said lands by the owner thereof; or the subdivider shall provide for underground title or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity.

See Kuna City Code Section 7-5-16 which provides overriding and additional specific criteria for pressurized irrigation facilities.

Plans showing the delivery system must be approved by a registered professional engineer and shall be approved by the City Engineer prior to the City Engineer signing the final plat.

8. The applicant shall submit a letter from the appropriate drainage entity approving the drainage system and/or accepting said drainage; or submit a letter from a registered professional engineer certifying that all drainage shall be retained on-site prior to the City Engineer signing the final plat. A copy of the construction drawing(s) shall be submitted with the letter.
9. Drainage system plans shall be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans shall show how swales, or drain piping, will be developed in the drainage easements. The approved drainage system shall be constructed, or a performance bond shall be submitted to the City Clerk, prior to the City Engineer signing the final plat. The CC&R's shall contain clauses to be reviewed and approved by the City Engineer and the Planning & Zoning Director, prior to the City Engineer signing the final plat, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.
10. No ditch, pipe or other structure or canal, for irrigation water or irrigation waste water owned by an organized irrigation district, canal company, ditch association, or other irrigation entity, shall be obstructed, routed, covered or changed in any way unless such obstruction, rerouting, covering or changing has first been approved in writing by the entity. A Registered Engineer shall certify that any ditch rerouting, piping, covering or otherwise changing the existing irrigation or waste ditch (1) has been made in such a manner that the flow of water will not be impeded or increased beyond carrying capacity of the downstream ditch; (2) will not otherwise injure any person or persons using or interested in such ditch or their property; and (3) satisfied the Idaho Standards for Public Works Construction. A copy of such written approval and certification shall be filed with the construction drawing and submitted to the City Engineer prior to the City Engineer signing the final plat.
11. Street light plans shall be submitted and approved as to the location, height and wattage to the City

Planner prior to the City Engineer signing the final plat. All construction shall comply with the City's specifications and standards.

The applicant shall delineate on the face of the final plat an easement, acceptable to the City Engineer, for the purpose of installing and maintaining street light fixtures, conduit and wiring lying outside any dedicated public right-of-way, prior to the City Engineer signing the final plat.

12. The applicant shall provide utility easements as required by the public utility providing service, and as may be required by the Kuna City Code, prior to the City Engineer signing the final plat.
13. An approval letter from the Kuna Fire Department shall be submitted to the City prior to the City Engineer signing the final plat. The letter shall include the following comments and minimum requirements, and any other items of concern as may be determined by the Kuna Fire Department officials:
  - a. The applicant has made arrangements to comply with all requirements of the Fire Department.
  - b. The proposed fire hydrant locations shall be reviewed and be approved in writing by the Kuna Fire Department prior to the City Engineer signing the final plat.
  - c. Minimum flow per hydrant shall be 1,000 gallons per minute for one and two family dwellings, 1,500 gallons per minute for dwellings having a fire area in excess of 3,600 square feet, and 1,500 gallons per minute for non-residential uses (i.e.; Commercial, Industrial, Schools, etc.). Flow rates shall be inspected in accordance with all agencies having jurisdiction, and shall be verified in writing by the Kuna Fire Department prior to issuance of any building permits.
  - d. The proposed fire protection system shall be reviewed and approved by the Kuna Fire Department prior to issuance of a building permit.
14. Covenants, homeowner's association by-laws or other similar deed restrictions, acceptable to the Kuna Planning & Zoning Director which provide for the use, control and mutual maintenance of all common areas, storage facilities, recreational facilities, street lights or open spaces shall be reviewed and approved by the Kuna Planning & Zoning Director prior to the City Engineer signing the final plat.

A restrictive covenant must be recorded and a note on the face of the final plat is required, providing for mutual maintenance and access easements.

Appropriate papers describing decision-making procedures relating to the maintenance of structures, grounds and parking areas shall be reviewed by the Kuna Planning & Zoning Director prior to the City Engineer signing the final plat.
15. Should the homeowner's association be responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, homeowner's association by-laws or other similar deed restrictions acceptable to the Kuna Planning & Zoning Director shall be reviewed by the Kuna Planning & Zoning Director prior to the City Engineer signing the final plat.
16. Conservation, recreation and river access easements (if applicable) shall be approved by the Kuna City Council and shall be shown on the final plat prior to approval of the final plat by the City Council.
17. The applicant shall place a note on the face of the plat which states: "Minimum building setback lines

shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of the building permit or as specifically approved and/or required".

18. The Americans with Disabilities Act, Uniform Building Code, Kuna City Code, Kuna Comprehensive Plan, and all applicable County, State and Federal Codes and Regulations shall be complied with. All design and construction shall be in accordance with all applicable City of Kuna Codes unless specifically approved by the Commission and/or Council.
19. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of the City of Kuna. The burden shall be upon the applicant to obtain written confirmation of any change from the City of Kuna.
20. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by the Kuna City Code Title 6 "Subdivision Regulations" until the final plat has received the approval of the City Council (KCC 6-2-4).

After Council approval of the final plat, the applicant may construct any approved improvements before the City Engineer signs the final plat. The applicant shall provide a financial guarantee of performance in the amount of 150% of the total estimated cost for completing any required improvements prior to the City Engineer signing the final plat. The financial guarantee shall be a Letter of Credit, Certificate of Deposit, cash deposit or certified check.

21. In accordance with Kuna City Code, failure to obtain a recorded final plat for the subdivision within one year following City Council approval shall cause this approval to be null and void, unless a time extension is granted by the City Council.
22. Prior to submitting the final plat for recording, the following must provide endorsements or certifications: Owners or dedicators, Registered Land Surveyor, County Engineer, Central District Health Department, Ada County Treasurer, Ada County Highway District Commissioners, City Engineer, and City Clerk.
23. The City's actions on the application does not grant the applicant any appropriation of water or interference with existing water rights. The applicant indemnifies and holds the City harmless for any and all water rights, claims in any way associated with this application.

#### **CONCLUSIONS OF LAW:**

1. The application for this item was received by the City of Kuna on August 6, 2002.
2. Notice of Public Hearing on the application for the Kuna Planning and Zoning Commission was published in accordance for requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances on September 4, 2002 & September 11, 2002. Notice of this public hearing was mailed to property owners within three-hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code on August 30, 2002. Requests for agencies' reviews were transmitted on August 7, 2002, in accordance with the requirements of the Kuna City Code.

Notice of Public Hearing on the application for the Kuna City Council was published in accordance for

requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances on October 30, 2002 & November 6, 2002. Notice of this public hearing was mailed to property owners within three-hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code on October 29, 2002 & October 22, 2002.

3. In accordance with Kuna City Code findings for re-zone upon annexation, a conditional use permit, preliminary planned unit development plan and preliminary plat, the Kuna City Council makes the following conclusions for approval for Crimson Point planned residential and commercial development as proposed with the conditions recommended herein:

1. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community because;
2. That the development be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the same area because;

All property owners will be required to join an Owners Association which will also be responsible for maintenance of the common areas and the community facilities from owner fees and assessments.

3. That the development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors because;
4. That the development will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools because;

All central services are available to be extended into the site. Development of sewer, water, drainage, streets and other urban services will be provided at the developer's expense.

5. That the development will not create excessive additional requirements at public cost for public facilities and services because;

All public facilities and services are supplied by the developer and must be approved at the time of installation and before acceptance by the sewer, water or highway district. Because the developer provides the services in the initial stages of development the public service providers avoid potential liability and expenses.

6. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.
7. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Kuna City Code Title 8.
8. That the benefits, combination of various land uses, and interrelationship with the surrounding area for this proposed planned unit development justifies any proposed deviation from any standard district regulations.

DATED this 10th day of \_\_\_\_\_, 2003.

CITY COUNCIL  
OF THE CITY OF KUNA  
Ada County, Idaho

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Greg Nelson, Mayor

ATTEST:

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Colleen Nixon, Kuna City Clerk



# City of Kuna

P.O. Box 13  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
Kunacity.id.gov

## Findings of Fact & Conclusions of Law

**To:** Planning and Zoning Commission

**Case Numbers:** 14-05-Sub (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2

**Location:** Northwest corner of Ten Mile and Deer Flat Roads. Kuna, Idaho 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** January 27, 2015 (Tabled)  
**Table Date:** February 10, 2015  
**Findings of Fact:** **March 10, 2015**

**Applicant:** **Corey Barton Homes**  
1977 E Overland Road  
Meridian, ID. 83642  
208.286.0520

**Engineer:** **LEI Engineering and Planning - Laren Bailey**  
3023 E. Copper Pt. Drive Ste. 201  
Meridian, ID. 83642  
208.846.9600  
[Lbailey@lei-eng.com](mailto:Lbailey@lei-eng.com)

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- I. Findings of Fact
- J. Conclusions of Law
- K. Conditions of Approval

### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states Special Use Permit amendments and subdivisions are designated as public hearings, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

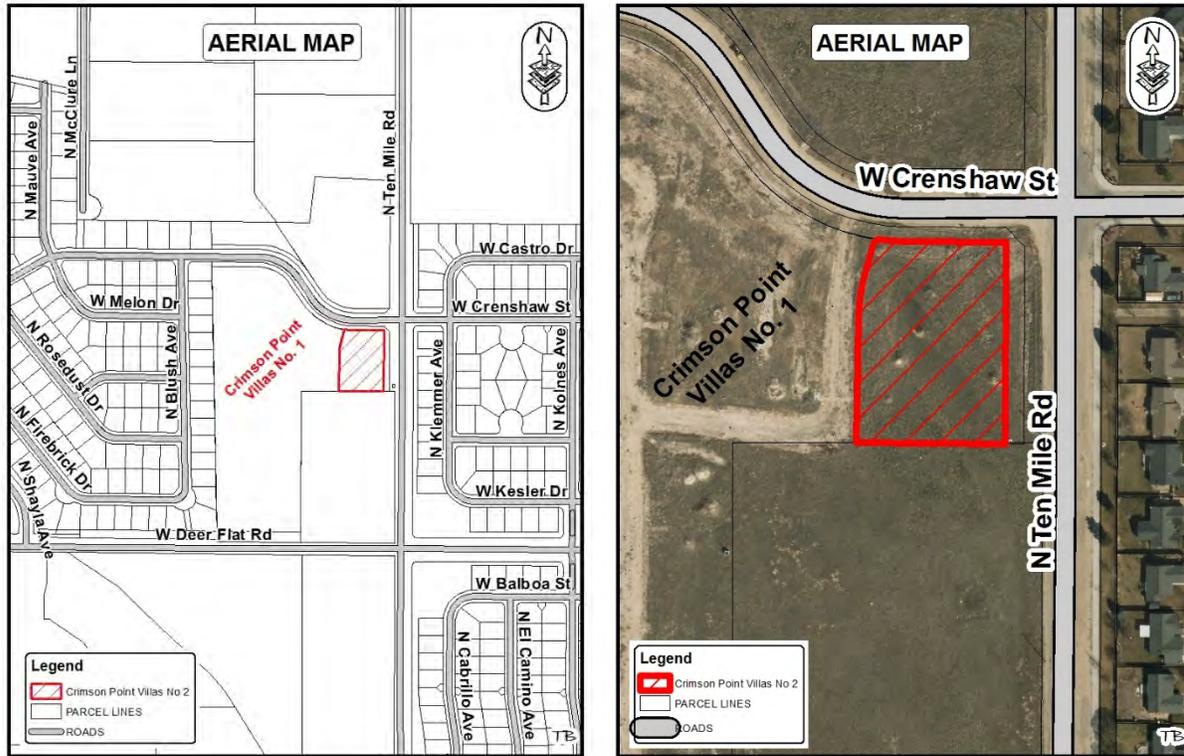
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|---------------------------|-------------------|
| i. Neighborhood Meeting   | February 24, 2014 |
| ii. Agencies              | December 4, 2014  |
| iii. 300' Property Owners | January 2, 2015   |
| iv. Kuna, Melba Newspaper | January 7, 2015   |
| v. Site Posted            | January 17, 2015  |

**B. Applicants Request:**

**1. Request:**

Applicant requests amending the original Special Use Permit (SUP) and approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. The applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant is proposing five (5) lots for multi-family units and two (2) common lots and will be under the responsibility and maintenance of a Homeowners Association (HOA).

**C. Vicinity and Aerial Maps:**



**D. History:** The subject parcel is in City limits and currently zoned C-1 (Neighborhood Commercial District), and is adjacent to Crimson Point Villas No 1. This parcel was originally farmed. Seven (7) years ago, many public utilities were installed for its development and it has been idle since that time.

**E. General Projects Facts:**

**1. Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Mixed-Use General, which allows for residential and commercial uses. Staff views this land use request to be consistent with the approved FLU map.

**2. Surrounding Land Uses:**

<b>North</b>	C-1	Neighborhood Commercial District – Kuna City
<b>South</b>	RUT	Rural Urban Transition – Ada County
<b>East</b>	R-6	Medium Density Residential – Kuna City
<b>West</b>	C-1	Neighborhood Commercial District – Kuna City

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- Approx. 1.24 total acres
- C-1; Neighborhood Commercial District
- Parcel No. - S1315449455 and R1610610240

4. **Services:**

Sanitary Sewer– City of Kuna  
Potable Water – City of Kuna  
Irrigation District – Boise-Kuna Irrigation District  
Pressurized Irrigation – City of Kuna (KMID)  
Fire Protection – Kuna Rural Fire District  
Police Protection – Kuna City Police (Ada County Sheriff’s office)  
Sanitation Services – J&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:** Currently the land is vacant, except for the utility improvements previously installed. Vegetation on site is consistent with a vacant parcel. This site’s topography is generally flat.

6. **Transportation / Connectivity:** The applicant proposes two access points; one on Deer Flat Road and the second on the north side of the project, from Crenshaw Street.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Ada County Highway District (ACHD), the Department of Environmental Quality (DEQ), the Idaho Transportation Department (ITD), and Ada County Engineer – Angela Gilman. The responding agency comments are included as exhibits with this case file. The following agencies did not send in comments; Kuna School District, Kuna Police Department, Central Dist. Health Dept., Ada County Planning and Zoning, Idaho Power, J&M Sanitation, or the US Post Office.

**F. Staff Analysis:**

This site is located near the northwest corner (NWC) of Ten Mile & Deer Flat Roads. The applicant proposes to place a seven (7) lot multi-family subdivision on 1.24 acres, creating five (5) buildable lots. The applicant proposes two (2) lots for common space and will be owned and maintained by an HOA. This project will be a part of Crimson Point Villas No.1 to the west and is a smaller part of the greater Crimson Point PUD project.

The applicant requests amending the SUP. This will include allowing for multi-family units where the Council had approved “Limited Office” uses in 2006.

In 2005 the Planning and Zoning Commission recommended denial of the SUP and preliminary plat for the Crimson Point Villas site. The 2005 site plan showed “multi-family over the north part of the site, “Area Business” over the southern part and “Limited Office” over the eastern tip of the site (1.034 acres). In early 2006, City Council approved the SUP (allowing for multi-family in a C-1 zone), but denied the preliminary plat. The applicant reduced the number of units and requested reconsideration by the Council, who then re-heard the application (with a new layout) and approved it with conditions. The March 2006 staff report is included as an exhibit with this request.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No.’s 14-05-Sub, 14-12-DR, 05-05-SUP, subject to the recommended conditions of approval.

**G. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. City of Kuna Landscape Regulations, Title 5, Chapter 17, Section 1 thru 26,
5. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

**H. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

**GOALS AND POLICY – *Property Rights***

**Goal 1: *Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.***

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

**GOALS AND POLICY – *Land Use***

**Goal 2: *Encourage a balance of land uses to ensure that Kuna remains a desirable, stable, and self-sufficient community.***

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**GOALS AND POLICY – *Housing***

**Goal 1: *Provide a wide-range of housing to meet the needs of the current and future population. Ensure that housing is available throughout the community for people of all income levels and for those with special needs.***

Objective 1.3: Encourage mixed-use development that includes town centers, single-family, multi-family, accessory units, and other types of residential development.

**Goal 2: *Encourage logical and orderly residential development.***

Objective 2.1: Ensure that development proceeds in a logical and orderly manner so that public services are provided in a cost efficient manner.

Policy 2.6: Encourage infill housing development to reduce urban sprawl.

**Goal 3: *Encourage high-quality residential development.***

Objective 3.1: Encourage the development of safe and aesthetically-pleasing neighborhoods.

**I. Findings of Fact:**

1. This request appears to be consistent and in compliance with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for a multi-family subdivision.
4. The proposed uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. This application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-05-Sub, 14-12-DRC and 05-05-SUP, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Conclusions of Law:**

1. Based on the evidence contained in Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, the Kuna Planning and Zoning Commission finds Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, comply with Kuna City Code.
2. Based on the evidence contained in Case No's 14-05-Sub, 14-12-DR and 05-05-SUP, the Kuna Planning and Zoning Commission finds Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Decision by the Commission:**

**14-05-Sub and 05-05-SUP** (Amended), *Note: This proposed motion is to recommend approval, conditional approval, or denial for this request to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

**14-12-DR--Design Review** *Note: The proposed motion is also to approve or deny the design review request. If the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.*

On February 10, 2015, the Commission voted 3-0 to recommend approval for Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, based on the facts outlined in staff's report and the public testimony at the public hearing. The Planning and Zoning Commission hereby recommends *approval* for Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, a request by CBH Homes for preliminary plat, Design Review and Special Use Permit (amended), *with* the following conditions of approval:

- *Follow conditions of approval as stated in the staff report,*
- *Adopt the letter dated February 2, 2015 (from applicant).*

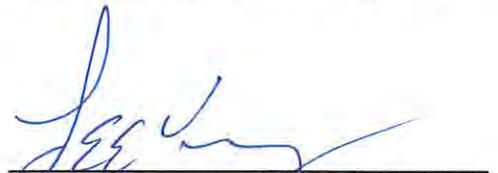
1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:

- a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise Project and Board of Control* shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District, and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
    - 2.1- Dedicate rights-of-way in sufficient amounts to follow Kuna City and ACHD standards and widths.
  3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2-W.
  4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
  5. Street lighting shall be LED lights and meet the approval of the City.
  6. Parking within the site shall comply with Kuna City Code, unless specifically approved otherwise.
  7. Fencing within and around the site shall comply with Kuna City Code unless specifically approved otherwise.
  8. Signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
  9. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within seven (7) days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
  10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
  11. The land owner/applicant/developer and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Council, or seek amending them through public hearing processes.
  12. The applicant's proposed preliminary plat (dated 9.25.14) and landscape plan (dated 4.28.2014) shall be considered binding site plans, or as modified and approved.
  13. Applicant shall follow all Staff, city Engineer and other agency recommended requirements as applicable.
  14. Developer shall comply with all local, state and federal laws.

**DATED:** This 10th day of March, 2015.

ATTEST:

  
 Troy Behunin, Senior Planner  
 Kuna Planning and Zoning Department

  
 Lee Young, Chairman  
 Kuna Planning and Zoning Commission

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES  
Tuesday, February 10, 2015**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	Present
Vice-Chairman Stephanie Wierschem	Absent	Troy Behunin, Senior Planner	Present
Commissioner Dana Hennis	Present	Trevor Kesner, Planner I	Present
Commissioner Cathy Gealy	Present		
Commissioner Joan Gay	Present		

**6:00 pm – COMMISSION MEETING & PUBLIC HEARING**

**Call to Order and Roll Call**

Commissioner Hennis called the meeting to order at **6:01pm**.

**1. CONSENT AGENDA**

- a. Approval of Planning and Zoning meeting minutes for January 13, 2015.
- b. **14-07-AN** (Annexation), **14-03-LS** (Lot Split); Daniel and Gina Safford.  
-Findings of Fact and Conclusions of Law: The applicant requests approval for Annexation of two existing parcels into the City of Kuna with an Agriculture (A) zoning designation, and splitting one of the parcels located at 1200 S. Ten Mile Road.

*Commissioner Gealy motioned to approve consent agenda;  
Commissioner Gay seconds, all aye and motion carried 3-0.*

**2. NEW BUSINESS:**

- a. Commission member elections for Chairman and Vice Chairman of the Planning and Zoning and Design Review Board.

C/Hennis: Do we have any nominations?

C/Gealy: Do we have any nominations we should know about?

No new nominations were indicated by the Planning Director.

*Commissioner Gealy motions to nominate Chairman Lee Young and Vice Chairman Stephanie Wierschem to continue.  
Commissioner Hennis seconds, all aye and motion carried 3-0.*

**3. PUBLIC HEARING:**

- a. **14-05-SUB** (Subdivision), **14-12-DR** (Design Review) and **05-05-SUP** (Amended- Special Use Permit)-  
Laren Bailey – LEI Engineers and Planners: Applicant requests amending the Special Use Permit and

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approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. Applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant proposes five (5) lots for multi-family units and two (2) common lots which will be under the responsibility and maintenance of a Homeowners Association (HOA).

Troy Behunin: Good evening Commissioners, for the record, my name is Troy Behunin, Senior Planner for the City of Kuna, 763 W. Avalon, Kuna, Idaho. The application before you this evening is for Crimson Point Villas Subdivision number two (2), a pre-plat application, there is also a design review component, and an amendment proposed to the 05-05-SUP that was approved in 2006, but the case number is 05-05. There is complicated history on this and I will touch on that in a minute. All of the notification procedures and requirements have been fulfilled and the neighborhood held. The property owners within 300 feet have been notified, the site was posted and it was published in the newspaper for tonight's meeting. Actually, it was posted January's second meeting, but was postponed due to lack of quorum, it was tabled until this evening. Laren Bailey is the representative for the applicant who is here tonight and I am sure he will touch base on this after my remarks.

Earlier I said that this was a complicated matter. Hopefully you have had a chance to review the material. The packet was deemed complete by staff and I haven't had any questions about the packet so I can only assume that you've all been able to understand it. I'm just going to touch on some of the complications. This project was denied by the Planning and Zoning Commission back in 2005. That decision was appealed to the city Council, which approved the preliminary plat, but did not approve the special use permit. The applicant went back to the drawing board and made changes to the site plan and in the mean time appealed by asking for reconsideration of decision by the city Council. They had removed some of the overall units of multi-family that were supposed to be on the project. Because of that decision and a few other things, the Council then rescinded their decision and approved both the special use permit and the preliminary plat.

The original preliminary plat for Crimson Point Villas included some office buildings or limited office. The complicated fact was at the time, the city had a zone called limited office, but they (Council) were not approving that zone, they were approving limited office as a use for a very small section of land; Crimson Point Villas Number two (2). With that re-approval from Council of the preliminary plat for this small acre of land, and it was designed to be an office complex for professional offices. Well that was back in 2006. Things have changed, and the applicant has now asked that they be allowed to put multi-family units, which is completely complimentary to the adjacent Crimson Point Villa's number one (1) –So it would be a two-phased project with all of it being multi-family rather than multi-family on a portion of it and office use on this small one acre site.

In a nut-shell, the reason why they (applicant) have come back for an amendment to the special use permit is because originally, the Council had approved the limited office as a use for this Crimson Point Villas Number 2 outline; 'the footprint'. They would like to re-plat it and put multi-family housing on it rather than the offices. Staff consulted with the city attorney and he agreed that the only way to do this is to amend the special use permit which was eventually approved by the city Council and also to run through a revised preliminary plat.

That is the complicated issue before this board tonight.

C/Hennis: Thank you. One question that I had was when the original SUP was denied by Council, did it originally

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have this portion as a limited office in it? Or was that part of the reduction of the housing units?

Troy Behunin: No. Actually, what happened was Crimson Point Subdivision; the entire thing, and I believe there were eight (8) phases not including the Crimson Point Villas which would be nine (9), it was originally a PUD (Planned Unit Development). When they were denied by Planning and Zoning and then went to city Council for an appeal at that time, it was still limited office as a use. They wanted professional offices in this area. The record does not indicate that there was a concession to reduce the overall lot count because of a recommendation, or if it was just something that the applicant thought would get it going. I can't find it anywhere in the record or in the notes that said "hey, you need to reduce this count in order to get approval". I could not find that. It might be there or that may be what happened but I didn't see any evidence of that.

C/Hennis: Ok. I don't have any other questions, does anyone else.

C/Gealy: I don't have any questions.

Troy Behunin: There was a late exhibit that I had mailed to you last week. The applicant has also submitted a letter dated February 3<sup>rd</sup>. The letter describes their basis in fact for requesting a number of conditions from that special use permit from 2005 to be removed. And if you don't have any more questions for me, I will stand down.

C/Hennis: Thank you. Applicant?

Laren Bailey: Good evening Commissioners, my name is Laren Bailey with LEI Engineers-Surveyors. Our address is 3023 E. Copperpoint Drive, Ste. 201, Meridian, Idaho 83642. We agree with staff's analysis of the project and Troy's comments. I just want to fill you in on a couple of items of discussion maybe to help you understand why we're making the changes we are. I've been involved with this project since 2002 when the Crimson Point Subdivision first came about and it was envisioned that there would be some multi-family with some commercial uses within the residential project along Ten Mile. In that time since 2002 up to today, it has been available for commercial office or whatever else we could find to go there. The fact of the matter is the owners; the developers haven't been able to find anybody to utilize that property. And with the changes in market conditions and the downturn and the amount of office space available in Boise and Meridian today, there is a lot of unfilled office space still today, so the developer feels the likelihood of being able to sell or rent that office space is pretty low. So with Crimson Point being mostly a residential development anyway and with the Villas being constructed now, it made sense to try and add four (4) more buildings, so 20 total units to this site.

So that is why we are asking to change from office to residential with the multi-family. We feel it will fit in with the existing development and everything will flow together. They'll still have use of the clubhouse and the pool and the other amenities that are part of Crimson Point Villas and Crimson Point Subdivision as a whole.

To touch on Troy's comments about the items that we would like to remove from the site specific conditions of the original special use permit; these items were part of the overall development, and now we're getting into the final phases and some of the items have been constructed and some of them haven't. A couple of those are

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a basketball court, a volleyball court and a couple of picnic areas and the discussion is not trying to get out of something, the issue is what we're finding in 'the new world' as I call it or the world after the downturn is that HOA's (homeowners associations) and developers; you know it used to be that we would put all of these amenities in the development like open space, basketball and volleyball courts and those types of things, what we're finding is that those, over time are becoming a burden on some of those homeowners associations and developers as a whole. Especially where the city is working on their own district for recreation and their own things, we feel like we're adding things that are going to cost a lot more money to maintain over time, so we're just asking to remove those from the requirements at this time.

As I mentioned, Crimson Point Villas does have a clubhouse and a pool that will be available to those who live in this development as well. So that is why we wanted to try and remove those at this time. With that, I will stand for any questions that you might have.

C/Hennis: Thank you. Does anyone have any questions?

C/Gay: I don't have any questions.

C/Hennis: A couple of questions in regards to the request to remove like the basketball court and the volleyball court and such; is that just going to be turned into open space? Just lawn basically?

Laren Bailey: That's correct.

C/Hennis: In the first phase of this or the other portion of this, are they privately owned, or is this a rental situation for the multi-family housing?

Laren Bailey: This would be a rental situation; the buildings themselves are not condos to be individual ownership of each unit. Is that your question?

C/Hennis: Yeah, mainly what we have run into in the past in the beginning phases of things, those items which were guaranteed to owners, and then they were taken out in later phases, we have had a lot of upset owners and so I wanted to make sure that this wasn't an agreement upon something that someone was purchasing.

Laren Bailey: No. No, that's not the case.

C/Hennis: Ok. I don't have anything further.

C/Gealy: So then, going forward the continued landscaping maintenance and improvements that are required would still be the responsibility of the owners of the property in common?

Laren Bailey: Correct. Yes. And that's how the CC&R's are written, that it will be maintained as one facility as far as Crimson Point Villa's number one (1) and number two (2).

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C/Gealy: So number two (2) just becomes a part of that?

Laren Bailey: Correct.

C/Hennis: So if you have been with this since the beginning was this limited office space part of the original plan or was it added as a component of the SUP agreement?

Laren Bailey: Again, this was some twelve odd years ago, so ... But my recollection is that the idea with the PUD was to try and incorporate some different uses. Often times in planning we have some ideas about what might work, and then we find out down the road that either it's great or it didn't really work like we had planned. I think this is just one of those cases where development and different things didn't happen on Ten Mile as much as we thought as far as commercial development. And so where there is a lot of residential around, it doesn't mean ...I'm not saying that it can't possibly work, but what I'm saying is that it's been available for this long and we've just had not takers so at this point...

C/Gealy: No takers?

Laren Bailey: yeah... so it's sits vacant for ten more years or we can find use for it today.

C/Hennis: But I mean, in the original plat or PUD, it was going to be utilized as office space, so it was there from the beginning. Or rather it was commercial.

Laren Bailey: Well, I mean it was commercial but the whole area where these apartments are were commercial. And the original thought was that maybe a grocery store or something would go in there; that was what we originally talked about but things have developed on the other side of town and probably aren't going to end up in this area of Ten Mile.

C/Hennis: Ok. That's all I've got. Thank you.

Laren Bailey: Ok. Thank you.

C/Gealy: Thank you.

C/Hennis: Do we have the sign-up sheets? Thank you. Ok at this point we're going to go ahead and open the public hearing portion of this at 6:22 p.m. As the only one signed up currently has already spoken, is there anyone else that would like to speak on this topic? Would you like to come up? Please approach if you would state your name and address for the record.

Jean Sini: My name is Jean Sini, I live at 1537 W. McHenry across the street from Ten Mile. And I received a

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notice in the mail regarding this meeting so that's why I've attended. The gentlemen did mention how many units there would be in Crimson Villas, but I didn't hear him. How many units will there be and are they considered luxury or is the homeowners association separate from the original Crimson Point? Or will it be a homeowners association within the Crimson Point Villas. Is the pool and clubhouse for the Crimson Villas?

C/Hennis: I think it would be easiest if we had the applicant go ahead and answer that directly if you don't mind? I think those are good questions, thank you.

Laren Bailey: So if I remember those in the right order; how many units? This phase will add 20 living units. The pool and clubhouse would be for the Crimson Villas and would be part of that H.O.A. (homeowners association). It won't necessarily be part of the bigger Crimson Point itself. They are separate.

Jean Sini: How many units was the first phase?

Laren Bailey: The phase that we're speaking of tonight, so 20 units. There is 134 units that were previously approved and are under construction.

Jean Sini: So will there be traffic lights installed on Ten Mile and Deer Flat? I mean the access to this...*Inaudible...* Sorry. I'm concerned with the traffic; I mean that sounds like an awful lot of units.

C/Hennis: Right now, currently as I understand it, and the applicant can help with this too; it doesn't enter directly off of Ten Mile, it will enter off of Crenshaw, towards the northern end of that development and comes in off of a couple of other roads.

Jean Sini: But Ten Mile itself; we're off the crossroads of Ten Mile and Deer Flat, there is just currently a stop sign there. Will there be a traffic light installed considering this is going to generate an awful lot of traffic with all these people that are going to be moving in and Ten Mile right now is a little bit of a race track? It is!

C/Hennis: That's very true. I know that there is a bunch of ACHD future plans for that which I don't have in front of me.

Jean Sini: When you say future plans, is it something that would be added after these Villas are completed?

C/Hennis: Yes, what they usually do with that is they will look at the traffic flow and study it. As traffic is added and the area becomes more developed and more traffic is added on that road, they have these in ten (10) and five (5) year intervals as they foresee the need for speed control and traffic control of that nature. So as the traffic increases, they'll take that need and they'll bump that up in priority as we go. So that is something that basically ACHD will review down the road as well.

C/Gealy: ACHD also reviewed this application. They review every application that comes before us that involves

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an increase in housing units.

Jean Sini: So, regarding this first phase of 20 units, when is the projected completion date?

C/Hennis: Laren, do you have that?

Laren Bailey: As far as completion goes, it's all market-driven. The first phase, I believe ...*Inaudible*. So in the first phase of Crimson Point Villas about half of the site work has been completed so they could build about 50 to 60 units. But it's going to be market-driven. They're going to build a couple of buildings and as those fill up, then they'll build a couple more. In all likelihood, depending on market conditions, my client believes probably in the next three (3) to four (4) years, Crimson Point Villas #2 would get constructed. So the first phase of Crimson Point Villas will come forward and then the second phase would need to be constructed down the road, and this phase would be done.

Jean Sini: Are they one-story? Two-story, three-story?

Laren Bailey: They're four-plexes, so they're two stories. One unit up and two down.

C/Hennis: We've got a little bit of a plan.

Jean Sini: Do you have anything that will show what these will look like?

Troy Behunin: We had those available during the design review. We would be happy to share that information with you.

Jean Sini: Ok. So, as far as a completion date, you're saying three to four years? To begin renting, or will there be some completed prior to that time? You don't know or?

C/Hennis: Could you state your name and address please?

Tim Eck: My name is Tim Eck, I live at 6152 Half Moon Lane in Eagle. I also work with the applicant. To answer the questions, phase one will be ...about half of the pads are improved now. So there will be a process of constructing buildings and occupying buildings for that but that will probably commence this year. Strictly market driven will be the pad improvement of the second half of phase one, then we will move to the pad improvement of what we're calling phase two. It could be a few years before we even see any buildings erected out there; however, Crimson Point number five was platted and is being finished off in three separate stages. Five-A (5-A) is complete, Five-B (5-B) is complete, Five-C (5-C) is platted and improvements are bonded, we'll finish Crenshaw out to Ten Mile. At the time that we do that, these lots will not be needed. We'll probably put in the street improvements to finish this up because it's just such a small section of the improvement, so it doesn't make sense to leave it incomplete, so when we come in and finish up phase five-C (5-C), we'll likely finish the

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road that will improve Crimson Villas No. 2. But then to drop back and do the actual pad improvements; the sewer into the parking lots and stuff, that will probably take place maybe a year or two after. Just as market demands so you know, unless something really changes then it's probably two or three years before you would see any vertical improvement there.

Jean Sini: Thank you.

C/Hennis: No problem, thank you. Does anyone else have any questions or ...? Ok, I will go ahead and close the public hearing at 6:30 pm. Do you have ...

C/Gealy: I think it's a good use. I think the location backing up on Ten Mile; it fits where they have put it. I really don't have any questions and I don't have any concerns.

C/Hennis: Myself, I think it looks like the continuation of the first set and really it's just kind of taking that little spot out and making it look like the rest of it. Now, do we have any issues or questions regarding the removals of the basketball court and the volleyball court?

C/Gay: That is just going to be open space and not more units?

C/Hennis: Yes.

C/Gay: Then no, I don't have anything.

C/Hennis: And then landscaping and design review; it matches everything around the others so...if there are no other questions, I will stand for a motion.

C/Gealy: Do you have any other questions?

C/Gay: I don't have any.

*Commissioner Gealy motions to approve 14-05-SUB (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2 with the conditions of approval as stated in the staff report.*

C/Hennis: And the additional amendment letter? The one that was sent out?

C/Gay: The one removing the basketball and volleyball court?

Troy Behunin: Is that adopting the letter?

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C/Gealy: Well, I should ask if staff had any additional concerns. No?

*Commissioner Gealy motions to approve 14-05-SUB (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2 with the conditions of approval as stated in the staff report and adopting the letter dated February 2<sup>nd</sup>, 2015; Commissioner Gay seconds the motion, all aye and motion carried 3-0.*

**4. DEPARTMENT REPORTS:**

a. None.

**5. CHAIRMAN / COMMISSIONER DISCUSSION:**

a. C/Gealy stated that she attended a fair house seminar at the City of Boise recently and found it very informative.

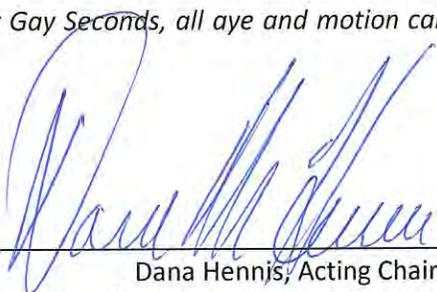
C/Gay asked if there were any changes.

C/Gealy stated that there may some changes coming with H.U.D. program policy and H.U.D. will be issuing new guidelines within the next few weeks. Fair housing is different that affordable housing and these updates are something that all should be aware of. Special Use Permits will require careful consideration with regard to hearings and what information is entered into the record. Especially with group housing situations and protected classes.

Trevor Kesner, Kuna city planner also attended the same seminar and will provide the follow-up information and power point to Commissioners.

**6. ADJOURNMENT:**

*Commissioner Gealy motions to adjourn at 6:34pm; Commissioner Gay Seconds, all aye and motion carried 3-0.*

  
\_\_\_\_\_  
Dana Hennis, Acting Chairman  
Kuna Planning and Zoning Commission

ATTEST:



\_\_\_\_\_  
Wendy I. Howell, Planning and Zoning Director  
Kuna Planning and Zoning Department

**RESOLUTION NO. R19-2015****CITY OF KUNA, IDAHO  
LEASE AGREEMENT WITH BOISE DISC GOLF, LLC TO LEASE PROPERTY  
AT 415 W. 2<sup>ND</sup> STREET, KUNA, IDAHO FOR A CONCESSION STAND**

**A RESOLUTION OF THE CITY OF KUNA, IDAHO APPROVING THE LEASE AGREEMENT WITH BOISE DISC GOLF, LLC TO LEASE THE CITY OWNED PROPERTY LOCATED AT 415 W. 2<sup>ND</sup> STREET, KUNA, IDAHO FOR THE OPERATION OF A CONCESSION STAND PURSUANT TO THE TERMS OF THE LEASE; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.**

**BE IT HEREBY RESOLVED** by the Mayor and Council of the City of Kuna, Idaho as follows:

Section 1. The Real Estate Lease Agreement with Boise Disc Golf, LLC, in substantially the form as attached hereto as EXHIBIT A is hereby approved.

Section 2. The Mayor of the City of Kuna, Idaho is hereby authorized to execute the Lease Agreement, and the City Clerk is hereby authorized to attest to said execution as so authorize and approved for on behalf of the City of Kuna, Idaho.

**PASSED BY THE COUNCIL** of Kuna, Idaho this \_\_\_\_day of April 2015.

**APPROVED BY THE MAYOR** of Kuna, Idaho this \_\_\_\_ day of April 2015.

\_\_\_\_\_  
W. Greg Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Chris Engels, Interim City Clerk

## REAL ESTATE LEASE AGREEMENT

THIS AGREEMENT is between the City of Kuna, Idaho (herein referred to as "LESSOR") and Boise Disc Golf, LLC (herein referred to as "LESSEE"); and

WHEREAS LESSOR agrees to lease to LESSEE, and LESSEE agrees to lease from LESSOR, the PREMISES, as described below; and

WHEREAS for good and valuable consideration, the LESSEE agrees to fully comply with the terms and conditions of this lease; and

WHEREAS the term of this lease is for a period of twelve (12) months commencing on April 15, 2015 and terminating on April 14, 2016, under the following terms and conditions:

1. **PREMISES:** The property subject to this LEASE includes the improvements and real property located at 415 W. 2<sup>nd</sup> Street, Kuna, Idaho consisting of a building approximately 40 feet by 12 feet and the real property twenty feet (20') surrounding said building, as depicted in the **VICINITY MAP**, attached hereto and incorporated herein.
2. **RENT:** LESSEE agrees to pay LESSOR rent for the PREMISES in monthly installments of \$ 400.00 per month, or the months of April through October. Rent shall be due on the 15<sup>th</sup> of each month.
3. **INSURANCE/INDEMNIFICATION:** LESSEE agrees to provide property and casualty insurance for the property leased herein; and provide to the City Clerk's Office with a certificate of insurance. The LESSEE shall have insurance coverage in the amount of not less than one million dollars (\$1,000,000.00). Further LESSEE agrees to indemnify, defend, and hold harmless LESSOR, and its officers, agents and employees, from and against any and all claims, losses, actions, or judgments for damages or injury to persons or property arising out of or in connection with the acts and/or any performances or activities of LESSEE, LESSEE's agents, employees, representatives or guests under this Agreement.
4. **ALTERATIONS AND IMPROVEMENTS:** No alteration, additions or improvements shall be made, nor any sign placed upon the leased premises by LESSEE without first obtaining the written consent of LESSOR. All alterations, additions or improvements made by LESSEE shall become the property of LESSOR and surrendered with the premises at termination of this lease. It is further agreed that LESSEE shall not be entitled to any reimbursement for any improvements or alterations made upon the premises.
5. **ENTRY BY LESSOR:** LESSOR shall have the right to enter the leased premises at any reasonable time to examine the same and determine the maintenance and state of repair.

## REAL ESTATE LEASE AGREEMENT

6. **FIRE OR OTHER LOSS:** If any structure shall be damaged by fire, the elements or other causes, LESSOR will cause the same to be promptly repaired and restored unless caused by the acts or negligence of LESSEE or its employees, in which case LESSEE shall promptly restore and repair the premises. If any structure is so damaged as to be unfit for use or occupancy, the rent of LESSEE shall be adjusted accordingly. If any structure is destroyed to the extent of fifty percent (50%) or more of its value, LESSOR may, at its option, terminate this lease rather than restore the premises.
7. **HAZARDOUS WASTE:** LESSEE agrees not to store, generate, or otherwise use or bring upon the property any hazardous waste as defined by federal, state or local laws or regulations.
8. **TIME OF ESSENCE AND DEFAULT:** Time is of the essence of this agreement. If LESSEE defaults in any of the terms of this agreement for a period of ten (10) days after written notice of default has been sent by LESSOR, then LESSOR, at its option and in addition to all other legal and equitable remedies, may declare this lease forfeited and terminated and re-enter and repossess the leased premises. Upon such forfeiture and termination, all rights of LESSEE under this agreement shall immediately terminate. Provided, however, that nothing herein shall be considered an election of remedies or limitation of damages.
9. **RENEWALS:** Prior to the expiration of this agreement, LESSEE shall have the right to renew it for additional one (1) year terms, by giving written notice of renewal at least sixty (60) days before the expiration of this lease or any renewal thereof. All renewals of this lease shall be under all of the same terms and conditions of this lease, or as agreed by the parties.
10. **ASSIGNMENT OR SUBLETTING PROHIBITED:** LESSEE shall not assign this lease nor sublet the whole or any part thereof without the written consent of LESSOR.
11. **USE OF PROPERTY:** LESSEE will use the property for the purpose of concession stand as provided for in its **PROPOSAL**, attached hereto, and incorporated herein, and shall at all times comply with all laws, regulations and ordinances. The LESSEE'S use of the property shall not be changed without the consent of LESSOR. LESSEE agrees to comply with all requirements of the Central District Health Department for the service of food. If LESSEE uses a BBQ, it shall first install a concrete pad and locate the BBQ in an area that is safe for the public.
12. **ENTIRE AGREEMENT:** This is the entire agreement of the parties and can only be modified or amended in writing by the parties.
13. **ATTORNEY FEES:** If action is brought to enforce the terms or provisions of this lease, or to enforce forfeiture for default, or to collect damages for breach,

## REAL ESTATE LEASE AGREEMENT

the prevailing party in such action shall be entitled to recover from the losing party reasonable attorney fees together with costs authorized by law.

**14. SERVICE OF NOTICES:** Any notice may be served upon LESSOR by certified mail to LESSOR at:

City of Kuna  
Post Office Box 13  
Kuna, Idaho 83634

and any notice may be served upon LESSEE by certified mail to LESSEE at:

Boise Disc Golf, LLC  
Travis Lindstrom, Manager  
4399 Choctaw  
Boise, Idaho 83709

Service of a notice by certified mail shall be deemed complete upon the date of the postmark by certified mail. Either party may change the address for services of notice by written notice to the other party.

# REAL ESTATE LEASE AGREEMENT

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

LESSOR:

SUBLESSEE:

\_\_\_\_\_  
City of Kuna

By \_\_\_\_\_  
Boise Disc Golf, LLC

By \_\_\_\_\_

Its \_\_\_\_\_  
Manager

Its \_\_\_\_\_

ATTEST:

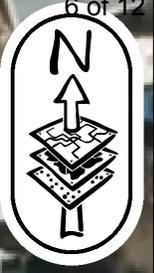
WITNESS:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
(Signature of Witness or Notary Public)

Form and content approved by \_\_\_\_\_ as attorney for the City of Kuna.

**VICINITY MAP**



**N Avenue C**

**W 2nd St**



To whom it may concern,

First, thank you for taking my proposal into consideration. I would like to start with a little background about me and my business. My name is Travis Lindstrom and I own Boise Disc Golf, a retail disc golf pro shop. I've been married for 16 years to my wife and partner, Stephanie and we have three amazing children, Tesa, Addison and Travis "TJ". I have a sales and marketing background that includes a product mix such as tools, furniture, cell phones, jewelry and eight years in Real Estate. I've always had an entrepreneurial spirit which started with my dad owning his own sports card shop where I worked side-by-side with him. Almost four years ago I was able to open my own shop, Boise Disc Golf and I've been loving it ever since. Besides just selling disc golf supplies I really love growing the sport. I've been involved in sports my whole life and participated in almost all of them, and I truly believe disc golf is one of the best sports out there. This is a low cost sport that gets you outdoors, it's fun, challenging and you can play solo or with friends and family. Disc golf is one of the fastest growing sports in the world with lots of new courses being installed every year.

The Kuna disc golf course is a project of mine that I take great pride in. It is one of three local courses that I have personally designed and helped install in the last two years. The other two are in Cascade and most recently on the campus of the Meridian Technical Charter High School. The Kuna course is becoming more popular and I've been receiving lots of positive feedback especially from families and newer golfers. We have recently started a Monday night league that myself and others have been bringing our children to. There is also a lot new faces which is always good to see.

There are several reasons why I feel Boise Disc Golf (or maybe Kuna Recreation Center) would be the best fit for you. First off, I am very friendly and outgoing person that will get along with disc golfers, skateboarders, bikers, floaters and all other park patrons. I feel this is important in this position when dealing with so many different types of park patrons. I have my own children and have ran several kid disc golf clinics at local schools and the YMCA. I've also facilitated fun corporate events and tournaments.

While I have been successfully running a brick and mortar retail shop for three years, last year I was awarded a contract with the City of Boise and the Boise Parks & Recreation and will now be relocating my operation to the disc golf course located in Ann Morrison, the largest park in Boise. Along with selling disc golf equipment I will be keeping my eye on the park course to help out with things like course etiquette, litter and assisting in ensuring park rules are being followed.

I have been researching skateboard and bike recreation to increase my knowledge on those products but when it comes to disc golf, with 17 years experience, I consider myself an expert. All discs have a different flight pattern and this is very important to the beginner disc golfer as if the correct disc is not chosen, it can easily frustrate the user and make for a bad experience, in turn they may never try it again.

Lastly, I have a personal connection to the Kuna Park and this course. My wife grew up in Kuna and her parents still reside in the home she grew up in. We've been making trips to Kuna for years to visit family and enjoy the town whether it be, the park, Swan Falls, restaurants, the new disc golf course and of course, Kuna Days has always been a favorite of our children.

I would like to address some of the specific questions you have outlined in the RFP. I would also like to let you know if I am awarded this contract I will work every day to make sure this retail kiosk is operating in the best interest of the City of Kuna and servicing all of its park patrons.

- I have talked about my business structure, the key staff will include myself, my wife, and my sister, however I will be expanding if awarded this contract. I have almost four years of retail ownership experience and over 15 years of sales and marketing that will be valuable in operating a successful kiosk.
- My current concession trailer is 7' x 14' and I have a 650' office located at 6003 Overland Road, in Boise. Currently I am selling new and used discs, bags, apparel, pre packaged snacks and drinks and tennis and bocce rentals.
- With so many variables, I am unsure at this point on my annual budget for the first three years. The first year my plan is to purchase all of the disc golf items, food and drinks, and the inner tube rentals which I have already located. The skateboard, scooter, and bike products I will have on consignment from a local vendor. After the first year I will know what to expect with skateboards, scooters and bikes and I will be purchasing my own inventory.
- I am aware that the building lease is negotiable and up for bid. I would like to start at \$400 per month. I currently pay between \$320 - \$440 per month at Ann Morrison depending if I am open Sundays. I hope this seems like a reasonable price but I would definitely be willing to negotiate.

- Honestly, the margins in disc golf are very low and I am not sure on the other items but this opportunity is very exciting to me and I would find a way to make it work whatever the circumstances.
- I am not sure on the months you would want me to be open, my Boise contract is April - October. I know there is not much disc golf when it snows and I imagine the same is true for BMX, rafting and skateboarding.
- With all that being said, I'm budgeting \$30,000 per year in inventory and payroll, \$5,000 in rent and utilities, and \$10,000 in startup and miscellaneous costs. I am planning on growing the business 10 - 25% per year.
- It has taken me three years to make a small profit with my current business however with moving into the park this year I am set up to have my best year yet. With the opportunity in Kuna to service all of the park patrons and not just disc golf. I plan on breaking even this first year and being able to pre purchase my inventory for the next year and hopefully make a net profit of \$15,000 - \$30,000 the following years.

## List of merchandise for sale or rent

**Disc Golf**

<b>Item</b>	<b>Price</b>
Star plastic	\$16.99
Champion plastic	\$15.99
Pro plastic	\$12.99
DX plastic	\$8.99
Used premium plastic	\$10.00
Used DX plastic	\$5.00
Shirts	\$10.00 - \$20.00
Bags	\$15.00 - \$200.00

**Snacks**

<b>Item</b>	<b>Price</b>
Candy & Chips	\$1.50
Bottled water	\$1.00
Sports drinks	\$1.50
Energy drinks	\$2.25
Hot dogs	\$1.50
Hamburger	\$3.00

**Other items/Rentals**

<b>Item</b>	<b>Price</b>
Tubes	\$10.00/4 hours
Hacky sacks	\$10.99
Kites	\$5.00 - \$10.00
Skateboards, bike tires, scooters	- consignment

In closing, I would like to run this kiosk concession stand like I am an extension of the Kuna Park. Anything that I can do to make daily park activities run smoothly I will do. I would also like to run free seminars for beginner disc golfers to make them feel more welcome and to learn some new tricks of the sport. Last year I ran a fund raiser tournament at the new Kuna course where all of the proceeds went to the Kuna Youth Department and I would love to run more of these events. I will also be working with local businesses to gain support for park activities and I would be promoting the park and all of its benefits on social media and other venues.

I hope this RFP is in an acceptable format and I would encourage you to ask any questions you might have. Thank you again for your consideration and I would love the opportunity to serve the City of Kuna and your park patrons.

Sincerely,

Travis Lindstrom

Boise Disc Golf

travislindstrom@gmail.com

703-4302



**CITY OF KUNA**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
[www.cityofkuna.com](http://www.cityofkuna.com)

**GORDON N. LAW**  
**CITY ENGINEER**

**Telephone (208) 287-1727; Fax (208) 287-1731**  
**Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)**

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## MEMORANDUM

**TO:** Mayor Nelson and Members of City Council

**FROM:** Gordon N. Law  
Kuna City Engineer

**RE:** City Construction and Planning Projects  
February 2015

**DATE:** April 1, 2015

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**REQUEST: FYI**

The city has a number of capital and planning projects budgeted for 2015. Some projects may ultimately affect traffic mobility or temporarily inconvenience neighborhoods and Mayor and Council may receive comments and questions concerning them. Other projects are simply included for informational purposes. This memo is intended to give a short review of each project.

1. **Well No. 11** – This project is for the purpose of drilling Well 11 to replace Well 3 (Butler) and the conversion of Well 3 to irrigation purposes. The test well is complete and the water right is secured. The Well Site has been approved by DEQ. The project is out to bid with bid opening to occur April 24th.
2. **Avalon Irrigation Main** – This project extends a PI Main in Avalon from Orchard to the March property to irrigate the new greenbelt and to serve additional customers. Design of the Avalon PI Main is in progress with construction to follow.
3. **Pond 7 Blower Replacement** – The purpose of this project is to replace an inefficient unreliable roots-type positive displacement blower with an energy efficient turbo-type blower. The funding for this project will partially come from an Idaho Power Grant. Design is in progress.
4. **Main / 3<sup>rd</sup> Roundabout** – This project is intended to replace the delta-configuration of the intersection with a roundabout. ACHD is at 95% stage of project design and construction is programmed for 2016-2017.
5. **Linder / Deer Flat Intersection** – This project is intended to construct intersection improvements. The recommendation of ACHD and City staff is to construct an upgraded signal rather than a round-about. ACHD is attempting to program funding for final design and construction.

6. **Orchard Sidewalk** – This project provides sidewalk on the west side of Orchard Street south of Avalon to connect to the east Green Belt. Construction is scheduled for June-August 2015.
7. **Avenue E** – In construction.
8. **Reuse Permit Application** – The City is making application to DEQ to reuse highly treated wastewater in the City's pressure irrigation system. The permit application is submitted.
9. **Ten Mile/Ardell PI Extension** – This project extends 12-inch PI main along Ten Mile Road from West Ingo Street northward to Galiano Subdivision; extends 12-inch PI main along the Kuna Canal from Chapparosa Pump Station southward to Ardell Road; and extends 8-inch PI main from the Greenbelt Park north to Fourth Street. The project is awarded and is awaiting start of construction in April.
10. **Parking at the NWWTP** – This project expands available parking for employees and customers at the north sewer plant. The project is awarded and awaiting start of construction in April.
11. **Deerhorn Sewer Main Extension** – This project extends a sewer main from Arbor Ridge to Deerhorn Subdivision, and in the process, removes Deerhorn Lift Station from service. The project is awarded and awaiting start of construction in April.
12. **Arbor Ridge Park Drain** – This project relocates the Hubbard-Beale Drain to the west edge of the park. Design is complete, and the Army Corps of Engineers 404 permit is in hand. The City is attempting to secure donated services from a pipe laying contractor but have so far not been successful.
13. **Subdivisions in Construction** - The Villas at Crimson Point, Kuna Caves Storage, Timbermist Offsite (will close Hubbard from Denali Sub – to – Greyhawk Sub.), Timbermist #1, Crimson Point North #3
14. **Subdivision Plans in Review** - none
15. **Plans Approved** - Arbor Ridge #3, Kroman Subdivision, Crimson Point #7, Desert Hawk #2, Silver Trail #2, Timbermist #2

RILEY PLANNING SERVICES LLC

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▪ *Due Diligence* ▪ *Land Use Planning* ▪

March 10, 2015

Mayor W. Greg Nelson  
Kuna City Council Members  
Kuna City Hall  
763 W. Avalon Street  
Kuna, ID 83634

**RE:               MERLIN SUBDIVISION  
                    VACATION OF RIGHT-OF-WAY**

Dear Mayor and Council Members:

The purpose of this letter is to request the City of Kuna's support of the vacation of right-of-way located along the north boundary of the Preliminary Plat of Merlin Subdivision. A copy of the Preliminary Plat and an enlargement of the related section of the plat are attached for your information. Merlin Subdivision Preliminary Plat was reviewed by the City of Kuna under application number 13-01-AN and 13-01-S, and approved on November 19, 2013.

The requested vacation was noted on the preliminary plat submitted to the City of Kuna for review and was thus included in the Planning and Zoning Commission and the City Council hearing process. Merlin Subdivision includes new roadways which will serve the proposed subdivision and provide a good network of streets for access to the subdivision. This network includes increasing the existing right-of-way for North Sailor Avenue to 60-feet, connectivity to streets west of the subdivision, and will intersect with East Ensolorado Street for access to North Meridian Road.

At the direction of the Planning and Zoning Department, we respectfully request a letter of support for the right-of-way vacation from the Kuna City Council, so that the development may be concluded with application for, and approval of the final plat. With interest in the development growing, we are anxious to finalize the vacation and move forward with the final plat.

Please do not hesitate to contact me if you need additional materials or have questions regarding our request. Thank you in advance for your consideration.

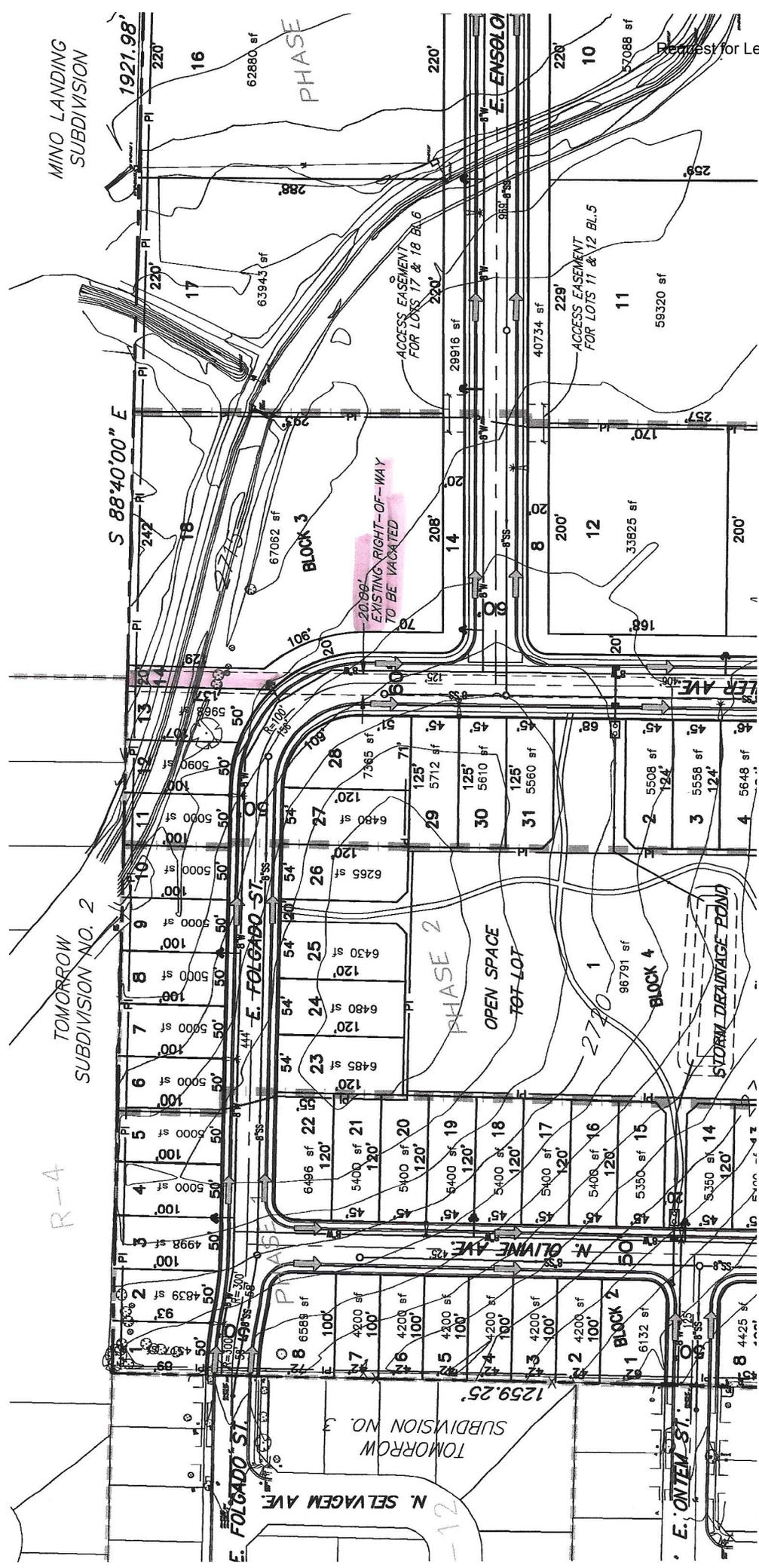
Respectfully yours,

**RILEY PLANNING SERVICES, LLC**



Penelope Riley  
Principal





MINO LANDING  
SUBDIVISION

1921.98'

S 88°40'00" E

TOMORROW  
SUBDIVISION NO. 2

R-4

N SELVACEM AVE

TOMORROW  
SUBDIVISION NO. 3

1259.25'

E. FOLGADO ST

E. FOLGADO ST

N. GLIVNE AVE

E. ONTEM ST

SYSTEM DRAINAGE POND

PHASE

PHASE 2

OPEN SPACE  
TOT LOT

E. ENSOLO

20'96'  
EXISTING RIGHT-OF-WAY  
TO BE VACATED

ACCESS EASEMENT  
FOR LOTS 17 & 18 BL 6

ACCESS EASEMENT  
FOR LOTS 11 & 12 BL 5

62880 sf

63943 sf

67062 sf

7365 sf

6480 sf

6485 sf

6496 sf

6483 sf

6559 sf

4200 sf

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# City of Kuna

## Findings of Fact & Conclusions of Law

P.O. Box 13  
Phone: (208) 922-5274  
Fax: (208) 922-5989  
Kunacity.id.gov

**To:** Kuna City Council

**File Numbers:** 13-01-AN (Annexation)  
13-01-DA (Development Agreement)  
13-01-S (Subdivision) - Merlin Pointe Residential and Commercial Subdivision and Annexation

**Location:** 1380 East Kuna Road, Kuna, Idaho

**Planner:** Troy Behunin, Senior Planner

**Hearing date:** November 6, 2013  
**Findings of Fact:** November 19, 2013

**Applicant:** TFI, LP  
PO Box 690  
Meridian, ID 83680  
208.888.1624  
[lbootstfi@gmail.com](mailto:lbootstfi@gmail.com)

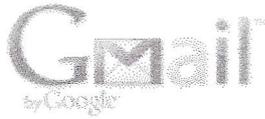
**Representative:** A-Team Land Consultants  
Steve Arnold  
1785 Whisper Cove Avenue  
Boise, ID 83709  
208.321.0525  
[Steve@ateamboise.com](mailto:Steve@ateamboise.com)

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- A. Course Proceedings
- B. Applicants Request
- C. Vicinity & Aerial maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Findings of Fact
- J. Conclusions of Law
- K. Recommendation to Council by the Planning and Zoning Commission
- L. Order

**A. Course of Proceedings:**

1. A rezone and a development agreement is designated in Kuna City Code 1-14-3 (KCC), as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.



Penelope Riley <rileyplanning@gmail.com>

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**Merlin Subdivision - info**

1 message

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**Troy Behunin** <troy@cityofkuna.com>  
To: Penelope Riley <rileyplanning@gmail.com>

Tue, Mar 10, 2015 at 3:57 PM

Penelope,

It was my pleasure to talk with you about this this morning. We want to see it TAKE OFF!

That's great you are sending a draft over, I will review it and be happy to provide any further insights. 😊

The case numbers are 13-01-AN (Annex) and 13-01-S (Sub). The approval date (where the clock started) is November 19, 2013. The applicant has 2 years to file for a final plat or apply for a time extension. This is an important date!

I've included a couple treats for your reading pleasure.

Thanks,

Troy

**From:** Penelope Riley [mailto:rileyplanning@gmail.com]  
**Sent:** Tuesday, March 10, 2015 3:17 PM  
**To:** Troy Behunin  
**Subject:** Merlin Subdivision

Troy:

Thank you very much for your assistance this morning!

I am working on the draft letter now. Would you be able to forward to me the application number for the Merlin Subdivision Preliminary Plat and the date that the p-plat was approved?

Thank you!

Penelope

--

Penelope Riley

Riley Planning Services

(208) 908-1609

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**2 attachments**



**Merlin Pointe SIGNED.pdf**  
3812K



**13-01-AN & 13-01-ZC- Merlin Pointe CC Foff, CoL.pdf**  
962K

# MAP OF AVALON ORCHARD TRACTS KUNA, IDAHO.

NOTE: County Roads 50 wide  
Other Roads 40 wide  
Railroad Right of Way 200'

SEPT., 1909.

SCALE 800 FT. TO 1 INCH.  
WOODRUFF & BRYANT, SURVEYORS.

NOTE: County Roads 50 wide  
Other Roads 40 wide  
Railroad Right of Way 200'

I, Woodruff & Bryant, certify that the following is a correct description of the land included in the accompanying plat to wit: the North half of Sec. 30, Twp. 2 N., Range 1 E.; the North half of Sec. 31, and the North half of the North west quarter of Sec. 32; the South half and the Northeast quarter of the South west quarter of Sec. 33, Twp. 2 N., Range 1 E., (Boyer Meridian); and that this plat is made from actual survey and is correct.

Woodruff & Bryant  
Civil Engineers

27226

I, Charles H. ...  
County of Ada, } ss.

I hereby certify that this instrument was filed for record at request of John Blake at 2 o'clock P.M., this 10th day of Dec., A.D. 1909, in my office, and duly recorded in Book 4 of Public Records, at page 189.

1909  
J. S. ...  
Ck.

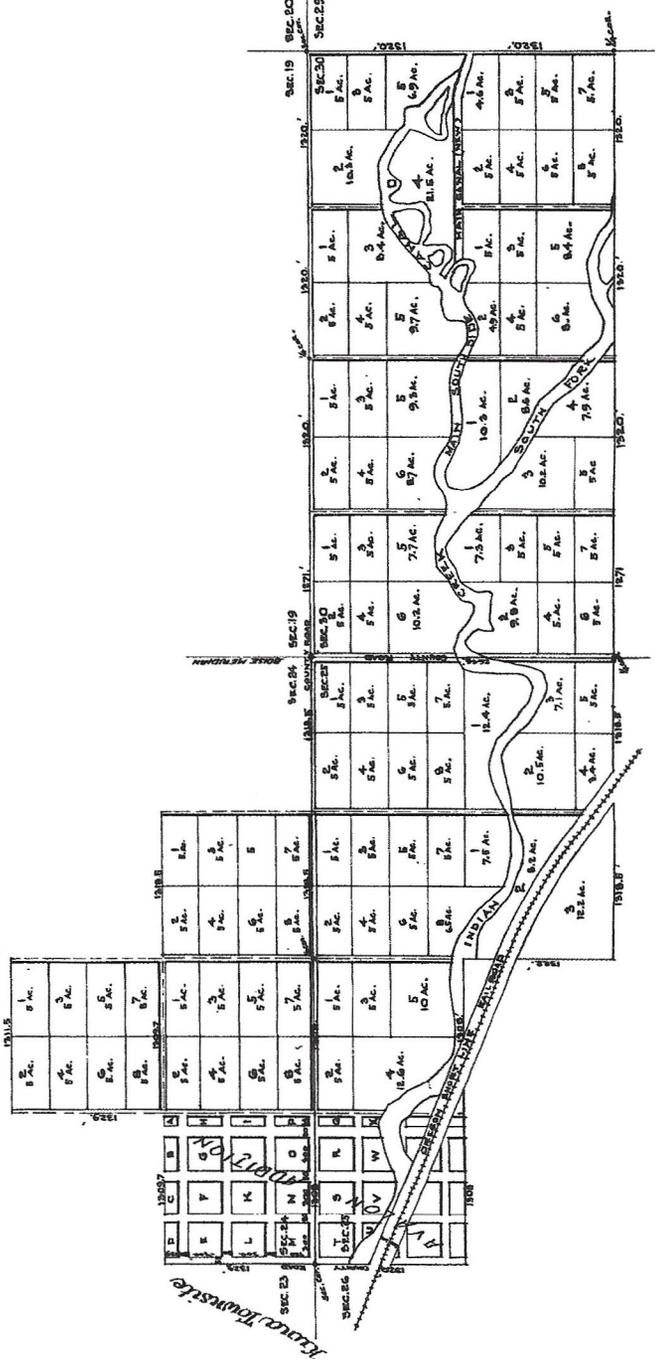
Approved,  
Rudolf Packard Forest Co., R. G. W. Packard, President  
This is to certify that the Avalon Orchard tract Company has caused the foregoing plat to be recorded for the purpose of giving the same to the Recorder of Ada County, Idaho, Avalon Orchard tract Company  
By C. F. Christensen Secy.

State of Idaho } ss.  
County of Ada }

On this 10th day of November in the year 1909, before me (Erasmus H. Boyer) a Notary Public in and for said County, personally appeared C. F. Christensen to me to be the attorney of the Company that executed the within instrument and acknowledged to me that such Corporation executed the same. In witness whereof I have hereunto set my hand and official seal, my notarial seal the day and year first above written.

Erasmus H. Boyer  
Notary Public.

(Seal)



**KUNA CITY ORDINANCE NO. 2015-07**

**AN ORDINANCE OF THE CITY OF KUNA, IDAHO STRIKING AND AMENDING CERTAIN SECTIONS OF CHAPTER 1, TITLE 10, KUNA CITY CODE- ENTITLED POLICE REGULATIONS, AS FOLLOWS: STRIKING 10-1-1 DISTURBING THE PEACE; AMENDING AND RENUMBERING 10-1-2 BY CHANGING THE TITLE FROM WINDOW PEEPING TO INVASION OF PRIVACY AND ADDING LANGUAGE MAKING IT UNLAWFUL TO LOOK THROUGH AN OPENING TO VIEW THE INTERIOR OF A SPACE WHERE A PERSON HAS AN EXPECTATION OF PRIVACY AND MAKING IT PUNISHABLE BY A MISDEMEANOR; AMENDING AND RENUMBERING 10-1-3 ENTITLED FAILING TO DISPERSE BY MAKING SEVERAL GRAMMATICAL CORRECTIONS; STRIKING SECTION 10-1-4 AND 10-1-5; AMENDING AND RENUMBERING 10-1-6 ENTITLED PUBLIC ELIMINATION OF HUMAN WASTE AND MAKING IT PUNISHABLE BY AN INFRACTION; AMENDING AND RENUMBERING 10-1-7 ENTITLED FIGHTING BY MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-1 ENTITLED CURFEW BY CLARIFYING THAT A VIOLATION IS A MISDEMEANOR; AMENDING 10-2-2 TO RETITLE IT TO JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS AND MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-3 ENTITLED PARENTAL RESPONSIBILITY BY MAKING SEVERAL GRAMMATICAL CHANGES AND STRIKING SEVERAL SECTIONS; AMENDING AND RENUMBERING 10-3 ET SEQ.- ENTITLED ANIMAL CONTROL AND MAKING CERTAIN SECTIONS PUNISHABLE BY AN INFRACTION; AMENDING 10-4 ET SEQ. – ENTITLED FALSE ALARM ORDINANCE MAKING SEVERAL GRAMMATICAL CHANGES AND MAKING A VIOLATION AN INFRACTION; AMENDING 10-5 ET SEQ. –ENTITLED DISCHARGE OF WEAPONS MAKING SEVERAL GRAMMATICAL CHANGE, REORDERING AND RENUMBERING SEVERAL PARAGRAPHS AND MAKING A VIOLATION OF SUBSECTION B AN INFRACTION; AND PROVIDING AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, as follows:

**Ordinance Section 1:** Chapter 1, Title 10 is hereby adopted and codified to read as follows:

TITLE 10  
POLICE REGULATIONS  
CHAPTER 1

**GENERAL OFFENSES**

~~10-1-1: DISTURBING THE PEACE:~~

~~Every person who maliciously and wilfully disturbs the peace or quiet of any neighborhood, family or person within the city by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or who, on the public~~

~~streets or highways of the city, fires any firearms or uses any vulgar, profane or indecent language within the presence of or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor.~~

10-1-1: ~~10-1-2: WINDOW PEEPING~~ **INVASION OF PRIVACY:**

A. It shall be unlawful for any person to linger, prowl, or wander upon the private property of another without a lawful purpose for being on the property; and while doing so peeks in a door or window or any inhabited building or structure located thereon.

~~who is while loitering, prowling or wandering upon private property of another, to look, per or peek in, or be found loitering around or within view of any door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof.~~

B. It shall be unlawful for any person; to look through a hole or opening into, or otherwise view the interior of any area which someone is occupying with a reasonable expectation of privacy, including, without limitation, any: bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth; by means of any instrumentality, including, but not limited to, a: periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone; with the intent to invade the privacy of a person or persons inside.

A violation of subsection of this section shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

~~Any person violating this section shall be guilty of a misdemeanor and, upon conviction thereof, is punishable as provided in section 1-4-1 of the Kuna City this Code.~~

10-1-2~~10-1-3~~: **FAILING TO DISPERSE:**

~~It shall be a misdemeanor punishable under section 1-4-1 of this Code for~~  
It shall be unlawful for any ~~any~~ person who is part of a group of two (2) or more persons who are located ~~in on a~~ public property ~~face~~ or ~~upon~~ private property open to public use ~~that who~~ appears to be intoxicated, ~~or~~ creating a disturbance, ~~or~~ assembled for the purpose of fighting, ~~or~~ assembled for some other unlawful purpose, ~~to to~~ fail or refuse to disperse and immediately depart the area upon the request of any law enforcement officer.

A violation of this section shall constitute a misdemeanor and shall be punishable as provided for in 1-4-1 of the Kuna City Code.

~~10-1-4: CRIMINAL CODE ADOPTED:~~

~~Pursuant to the provisions of IC § 50-901, there is hereby adopted title 18 of said Idaho Code, being the criminal laws of the state, establishing principles of liability for conduct; establishing general principles of justification for conduct; defining offenses involving danger to persons; defining offenses against properties; defining offenses against family; defining offenses against public administration; defining offenses against public order and decency; establishing a uniform system of penalties, including fines, forfeitures and imprisonment; and establishing criteria for imposing sentences upon those convicted of an offense, and said laws shall be in the same are hereby adopted as the criminal code of the city. Three (3) copies of said law shall be on file in the office of the clerk for reference to and inspection by the general public.~~

~~Upon a violation of any provision of this chapter or the laws hereinabove adopted, the arresting officer shall execute the citation in the following manner:~~

~~Violation of Kuna City Code, Section \_\_\_\_\_ (being in particular Section 18 \_\_\_\_\_ of the Idaho Code).~~

#### ~~10-1-5: PUBLIC POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES:~~

##### ~~A. Definitions:~~

~~**ACTUAL PHYSICAL CONTROL:** Being in the driver's position of a motor vehicle with the engine running or with the vehicle moving.~~

~~**ALCOHOLIC BEVERAGE:** Beer, wine, distilled liquors, any beverage containing beer, wine or any distilled liquor, or any other liquid not containing beer, wine or liquor, but containing at least four (4) percent alcohol by weight that is intended for consumption as a beverage. Excluded from this definition are liquids not intended as beverages such as, but not limited to, cough syrups or suppressants, mouthwashes or cooking extracts notwithstanding that such liquids may contain high concentrations of alcohol.~~

~~**OPEN CONTAINER:** Any bottle, can, jug, box or similar container exhibiting any kind of labeling identifying the contents as beer, wine or liquor where the seal has been broken. Any other container capable of containing liquid that does not have any labeling identifying the contents as beer, wine or liquor regardless of whether it can be sealed or closed.~~

~~**OPEN TO THE PUBLIC:** Businesses, schools, churches, parks and any other types of property open to patronage by the public at large. Such properties remain open to the public for purposes of this section, regardless of the hours of operation.~~

~~**POSSESS OR POSSESSION:** Physically carrying, holding or touching a container, or exercising dominion and control, but not necessarily exclusive dominion and control, over a container. A container can be possessed by more than one (1) person.~~

##### ~~B. Prohibited acts:~~

~~1. It shall be unlawful for any person to consume an alcoholic beverage or possess an open container containing any quantity of an alcoholic beverage upon any street, sidewalk, parking lot, public park, public school premises, or any other public property or private property open to the public.~~

~~2. It shall be unlawful for any person in a motor vehicle upon a public highway or upon the right of way of a public highway in this city, to consume an alcoholic beverage or possess any open container containing any quantity of an alcoholic beverage.~~

##### ~~C. Exceptions:~~

~~1. Alcoholic beverages may be possessed and consumed by persons twenty one (21) years of age or older in places prohibited in subsection B.1. of this section, but only if such places have been identified in a valid alcohol catering permit issued by the City of Kuna and the possession or consumption occurs within the hours and premises designated in such permit. Such consumption or possession shall be limited, however, to alcoholic beverages in containers obtained directly from the person, entity or designee holding the catering permit.~~

~~2. Alcoholic beverages may be possessed or consumed by persons twenty one (21) years of age or older inside motor vehicles in areas prohibited under subsection B.2. of this section, if such persons are passengers in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or in the living quarters of a recreational vehicle as that term is defined in IC § 49-119.~~

~~D. — Penalty: Persons violating subsection B.1. of this section, and persons in actual physical control of a motor vehicle violating subsection B.2. of this section, shall be guilty of a misdemeanor. Persons not in actual physical control of a motor vehicle violating subsection B.2. of this section, shall be guilty of an infraction, in accordance with IC § 23-505(2).~~

10-1-~~310-1-6~~: **PUBLIC ELIMINATION OF HUMAN WASTE:**

It shall be unlawful, ~~and punishable pursuant to section 1-4-1 of this Code,~~ for any person to urinate or defecate upon any public property or upon private property open to public use, or anything sitting on or affixed to such property, except within permanent or temporary toilet facilities designed to hold human waste.

~~Any person violating this section shall be guilty of an infraction and is punishable as provided in section 1-4-1 of the Kuna City Code.~~

A violation of this section shall constitute an infraction and shall be punishable by a fine of one hundred dollars (\$100.00).

10-1-~~410-1-7~~: **FIGHTING:**

A. DEFINITIONS.

~~No person shall intentionally, knowingly, or recklessly fight with another person in a public place.~~

"FIGHTING" means any use of physical force on the person of another, with or without consent, and done so in a angry, rude or threatening manner, or in a manner which may cause injury to another, or endanger or disturb the peace of another person.

B. No person shall intentionally, knowingly, or recklessly fight with another person in a public place.

Any peace officer empowered to enforce the provisions of the Kuna City Code is authorized to issue a uniform citation upon his/her own observations of a violation of this section and upon a reasonable belief that the person or persons cited committed the offense of fighting contrary to law, and without the necessity of a citizen complainant's signature on the citation.

~~A person who commits the crime of fighting is guilty of a misdemeanor.~~ A violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in 1-4-1 of the Kuna City Code.

## CHAPTER 2

### MINORS

10-2-~~110-2-1~~: **CURFEW:**

A. It shall be unlawful for any person under the age of eighteen (18) years to be or to remain in or upon any street, alley, public ground, public place or any place open to the public or exposed to public use within the city between the hours of 10:00 p.m. and 5:00 a.m., on Sunday through Thursday and between the hours of 11:00 p.m. and 5:00 a.m. on Friday and Saturday.

B. The provisions of this section shall not apply to any person who is accompanied by his parent, guardian or other adult person having the care and custody of him, nor to any person who is in the performance of an errand or duty directed by his parent, guardian or other adult person having the care and custody of him, nor to any person who is actually at the time engaged in legitimate employment for profit, nor to any person who is attending or participating in any officially sanctioned school activity.

C. It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of this section, and a violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

D. Any person under the age of eighteen (18) years who is found guilty of a violation of this section shall be subject to being charged pursuant to provisions of the Juvenile Corrections Act, or an infraction at the discretion of the investigation officer and/or the Juvenile Probation Department.

10-2-2: JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS~~STANDARDS OF BEHAVIOR:~~

A. It shall be unlawful for any person under the age of eighteen (18) years who is residing in living or located within ~~found in~~ the city limits ~~who has to be or to remain a person who has~~ run away from his parents, guardian or other legal custodian or who commits or has committed any act placing him beyond the control of his parents, guardian or other legal custodian or which constitutes behavior which would injure or endanger his health or welfare or that of others, including, without limitation, wilful association with thieves, or vicious or immoral persons, or using vile, obscene, vulgar or indecent language, or being guilty of immoral conduct in any public place or about any schoolhouse, or becoming or attempting to become intoxicated by inhaling the fumes of gasoline, toluene or any other solvent or product containing any such solvent ~~or attempting to commit the act of suicide.~~

B. It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of this section.

~~Violation of this section shall be punishable by imprisonment for a period not to exceed thirty (30) days or by a fine of not to exceed one hundred dollars (\$100.00), or by both such fine and imprisonment.~~

A violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

10-2-3:          **PARENTAL RESPONSIBILITY:**

A. A person who is the parent, lawful guardian or other person, except a foster parent, lawfully charged with the care or custody of a child under sixteen (16) years of age commits the offense of failure to supervise a child if the child:

1.          Commits an act bringing the child within the purview of the Juvenile Corrections Act, Idaho Code §20-501 et seq. ~~C tit. 20, ch. 5;~~ or

2.          Fails to attend school or is not comparably instructed, as provided in Idaho Code § 33-202; or

3. Violates a curfew law of the county or city enacting the ordinance authorized under this section.

B. A person shall not be subject to prosecution under an ordinance containing the provisions of subsection A. ~~4.~~ of this section if the person:

1. Is the victim of the act bringing the child within the purview of the provisions of Idaho Code §20-501 et seq. ~~C tit. 20, ch. 5;~~ or

2. Reported the act of the child to the local law enforcement agency, the juvenile court, the department of health and welfare or other appropriate authority as provided in this section. ~~;~~

~~2.~~—A person shall not be subject to prosecution under subsection A. of this section if the person shows to the satisfaction of the court the person took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

~~A. Except as provided in subsection D. of this section, a~~ person convicted of failure to supervise a child as provided for in this section may be ordered by the court to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile's conduct in accordance with the standards and requirements of Idaho Code §§ 19-5304 and 19-5305; ~~provided that the restitution ordered to be paid shall not exceed two thousand five hundred dollars (\$2,500.00).~~

~~B. If a person is found guilty or pleads guilty to the offense of failure to supervise a child and the person has not previously been found guilty or pled guilty to the offense of failure to supervise a child, the court:~~

~~1. Shall warn the person of the penalty for any future conviction of failure to supervise a child and suspend the imposition of sentence;~~

~~2. Shall not order the person to pay any restitution.~~

~~C. 1. If the person is found guilty or pleads guilty to a second offense of failure to supervise a child and if the person has previously been found guilty or has pled guilty to the offense of failure to supervise a child, the person shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000.00). In lieu of imposing a fine, the court, with the consent of the person, may order the person to complete parenting classes or undertake other treatment or counseling, as approved by the court, and upon the person's completion of the classes, treatment or counseling to the satisfaction of the court, the court may discharge the~~

~~person or if the person fails to complete the program to the satisfaction of the court, the court may impose the penalty provided in this section.~~

~~2. Any person violating the orders of the court entered under the ordinance shall be subject to contempt proceedings in accordance with IC tit. 7, ch. 6, in addition to any other penalties authorized pursuant to this section.~~

~~D.~~ Any offense of failing to supervise the child shall be subject to the jurisdiction of the juvenile court or to the jurisdiction of the magistrate's division of the district court.

~~E.~~ Conviction of a person under an ordinance enacted under the authority of this section shall not preclude any other action or proceedings against the person which may be undertaken pursuant to the provisions of Idaho Code, Title C tit. 20, Chapter ch. 5, or other provisions of law.

## CHAPTER 3

### ANIMAL CONTROL

#### 10-3-1:            **SHORT TITLE AND PURPOSE:**

This chapter shall be known as the Kuna City Animal Control Ordinance, and it is enacted to provide for the health, safety and welfare of the people of Kuna and the humane and safe treatment of animals, and to establish all required procedures and regulations for the licensing and control of animals and kennels.

#### 10-3-2:            **DEFINITIONS:**

*ABANDON:* To leave an animal unattended for more than twenty-four (24) hours without the owner making arrangements for its proper care, sustenance and shelter, or releasing the animal upon public highways or public or private lands.

*ANIMAL:* Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as part of the animal kingdom. Animals shall be classified as follows:

*Domestic Animals:* Those animals commonly accepted as domesticated household pets that have traditionally, through a long association with humans, lived in a state of human dependence or traditionally have been kept as a household pet. These animals shall include dogs, cats, ferrets, caged birds, pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, chinchillas, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and other similar animals.

*Farm Animals:* Those animals commonly associated with a farm or performing work in an agricultural setting. These animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including potbellied pigs), goats, llamas, alpacas, and other animals associated with a farm, ranch or stable operations.

*Wild Animals:* Those animals commonly considered wild or dangerous and not trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. These animals shall include:

A. Any member of the large cat family (family Felidae) including, but not limited to, cougars, bobcats, cheetahs, lynxes, lions, mountain lions, tigers and jaguars, but excluding domesticated house cats.

B. Any naturally wild member of the canine family (family Canidae) including, but not limited to, wolves, foxes and coyotes, but excluding domesticated dogs.

C. Any cross-breeds between naturally wild animals and domestic animals, such as a wolf hybrid.

D. Any member or relative of the rodent family.

E. Any skunk (whether or not descended), or raccoon, and other members of the weasel family (Mustelidae) and raccoon family (Procyonidae).

F. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

*ANIMAL CONTROL AGENCY:* Any organization(s) authorized by the city council to enforce the provisions of this chapter.

*ANIMAL CONTROL OFFICER:* Any individual authorized by the city council or the animal control agency to enforce the provisions of this chapter, to include, state or local law enforcement officers whose duties include assignments that involve animal seizure and impoundment.

*ANIMAL CONTROL SHELTER:* An animal control facility authorized by the city council or the animal control agency as the location for the impounding of animals.

*ANIMAL KENNEL:* Any person who keeps, leases, buys, barter, or sells animals for gain; provides facilities for breeding, boarding, transporting, exhibiting, grooming, including bathing or their cosmetic care; or provides guard services. Kennel operations are subject to the city's conditional use permitting processes. The animal kennel definition shall not apply to the terms animal clinic, animal shelter, impound facility, animal hospital or veterinary office, where boarding is limited to short-term care incidental to the hospital or shelter use.

*AT LARGE:* Off the property of the owner and not under the control of such person by either leash, cord or chain (not to exceed eight (8) feet).

*ATTACK:* Any aggressive action by an animal which a reasonable person would conclude places any person or domestic animal in reasonable belief of imminent and substantial bodily harm.

*BARKING:* A vocal sound produced by a dog that annoys or disturbs a reasonable person of normal sensitivities.

*BITE OR BITTEN:* When the skin of an individual has been broken or penetrated by an animal's teeth in an act of aggression, attack or defense.

*CAT:* Both the male and female of the Felidae species.

*CURRENT VACCINATION:* An animal that has received a primary rabies vaccine at least thirty (30) days ago, and no more than one (1) year ago, or has received a booster vaccine administered according to the manufacturer's written instructions. The rabies vaccine shall be licensed by the United States Department of Agriculture for use in that species (a list of the currently licensed vaccines can be found in the current "Compendium of Animal Rabies Vaccines" prepared and updated annually by the National Association of State Public Health Veterinarians). Rabies

vaccination must be performed by or under the direct supervision of a veterinarian who is licensed or legally permitted to practice veterinary medicine.

*DANGEROUS DOG*: Any of the following:

A. Any dog that, unprovoked, has attacked or is attacking any person or domestic animal.

B. Any dog previously designated as a "potentially dangerous dog", where the owner has been notified in writing by the animal control officer of said status determination, and where the animal continues the behavior described in the definition of "potentially dangerous dog" of this section.

*DOG*: Both the male and female of the canine species.

*EUTHANASIA*: The procedure in which an animal is humanely killed by a method that is painless to the animal, and causing unconsciousness and death. This procedure to be performed by a certified euthanasia technician or licensed veterinarian in accordance with IC tit. 54.

*HARBORING*: Allowing an animal to remain, or to be lodged, fed or sheltered on real property the owner occupies or controls for twenty-four (24) consecutive hours, or for one (1) or more hours per day for three (3) consecutive days.

*HUMANE TRAP*: A live animal box enclosure trap designed to capture and hold an animal without injury for a set period of time.

*IMPOUND*: To receive into the custody of the animal control shelter or an animal control authority officer.

*KENNEL, COMMERCIAL*: Any real property where five (5) or more dogs are maintained, harbored, possessed, trained, bred, boarded or cared for in return for compensation. This definition does not include an animal clinic, animal hospital or veterinary office where boarding is limited to short-term care incidental to the hospital use.

*NONBITE EXPOSURE*: Saliva from an animal who has come in contact with a person's open wound or mucus membrane that may pose health concerns.

*OWN*: To keep, harbor, or have control, charge or custody of an animal. Animals kept in the custody of a minor or incapacitated person shall be deemed to be owned by the minor's parent(s), guardian or other designated responsible person where the minor or incapacitated person resides.

*OWNER*: Any person who keeps, harbors, or has charge, custody or control of, or permits any animal to remain on their property.

*PERSON*: Any individual, corporation, society, copartnership, limited partnership, limited liability company, association, or any other legal or business entity.

*POSTED PROPERTY*: Any property that has been posted with legible sign(s) stating the restrictions, prohibitions or regulations pertaining to use of the property. "Posted property" specifically includes "Bernie Fisher" Park and other public areas that are designated from time to time by resolution of the city council.

*POTENTIALLY DANGEROUS DOG*:

A. A dog, when unprovoked, who engages in an aggressive behavior requiring a defensive action by any person to prevent bodily injury, where the person is not on the real property of the owner of the dog.

B. A dog, without provocation, which has killed, inflicted injury, or otherwise caused injury by attacking a domestic animal not on the property of the owner of the dog.

*PROVOKE*: A person performing an act or omission that an ordinary and reasonable person would conclude is likely to precipitate dog aggression in the form of a bite or attack.

**PUBLICLY OWNED PROPERTY:** Property owned, leased or otherwise used by tax supported agencies. (Example: City parks, schools, post office)

**QUARANTINE:** The strict confinement of an animal in a manner which limits direct contact with other animals not in quarantine or persons other than the owner or caretaker. The quarantine shall be conducted by way of an order issued by the animal control agency designating the specific place, manner and provisions of the quarantine.

**RABIES SUSPECT ANIMAL:** Any animal which has bitten, scratched, or broken the skin of an individual or has been bitten, scratched or otherwise wounded or had contact with a rabid animal; or any animal showing symptoms suggestive of rabies.

**SANITIZE:** To make physically clean to the maximum degree that is practical.

**SECURE ENCLOSURE:** An enclosure that securely impounds an animal.

**SERVICE ANIMAL:** An animal specially trained to provide aid or assistance to a human, as defined by the Americans with Disabilities Act.

**SEVERE INJURY:** Any physical injury requiring medical attention.

**WAIVER:** A statement signed by a licensed veterinarian qualifying the medical reason that an animal should not be vaccinated for rabies.

### 10-3-3: **CRUELTY TO ANIMALS:**

A. *Standard of animal care:* Owners shall provide their animals the minimum standard of care set forth in this section. Every owner shall provide the animal with sufficient wholesome food, water and shelter according to the following minimum standards:

1. *Adequate food:* Animals shall be provided, at intervals not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff specific to the age of the animal's species that provides an adequate level of nutrition necessary to sustain the good health of the animal.

2. *Adequate quantities of water:* Animals shall at all times have access to a supply of clean and fresh water. The owner shall replenish the water supply a minimum of every twenty-four (24) hours.

3. *Sanitary animal keeping:* Owners shall keep their animals in a clean, sanitary and healthy manner and not confine them in a manner where they are forced to stand, sit or lie in their own excrement.

4. *Shelter:* Every owner shall provide their domestic animals with a shelter structure possessing walls, roof, raised floor, and a door intended to shield the animals from wind and rain. A structure that is ventilated and provides protection from excessive heat and cold. A structure commensurate to the size of the inhabiting animal to permit it to move about freely.

5. *Tethering:* An owner shall not tether a dog or other domestic animal through use of a choke collar or tether or confine an animal in such manner that it can become entangled to the extent it cannot move freely, or reach shelter or water, or becomes entangled with another animal. The area where the animal is tethered or confined must be free of extraneous material that may cause it injury (materials such as glass, sharp metal and nails). A dog tether must be a minimum length of three (3) times the length of the dog, measured from the tip of its nose to the base of its tail. No animal may be kept continuously tethered for more than twelve (12) hours in any twenty-four-hour period or tethered on a continuous basis.

6. *Exercise:* Confined animal must be regularly provided with physical activity appropriate to their species, age and condition sufficient to maintain their good health.

7. *Veterinary care:* The owner of a diseased or injured animal shall promptly provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals, as necessary to prevent the transmittal of disease.

B. *Torture or neglect:* It shall be unlawful for any person to allow an animal to suffer or permit any animal to be tortured, neglected, tormented, overloaded, overworked, cruelly beaten or mutilated that results in injury or death of the animal.

C. *Animal fights prohibited:* It shall be unlawful for any person to cause, instigate, or permit any dogfight, cockfight, bullfight, or other such combat between animals or humans. A violation of this section is punishable by state law.

D. *Fighting equipment:* It shall be unlawful to possess cockspurs, slashers, gaffs, or other tools, equipment, devices or training facilities intended for purposes for training or engaging an animal in combat with another animal.

E. *Leg hold traps:* It shall be illegal to set out any leg hold traps in the city unless approved by the animal control agency and the city planning and zoning department.

F. *Animal exhibition, circus:* It shall be unlawful for an animal exhibition or circus to perform acts or establish exhibits where the performing or exhibited animals are induced to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which is likely to cause physical injury or suffering.

G. *Confinement without food and water; intervention:* A person observing a domestic animal confined without access to food or water for more than twenty-four (24) hours, should immediately contact the animal control agency.

H. *Improper containment of animal in motor vehicle:* No person(s) shall permit an animal to be contained within a motor vehicle under conditions that endanger the health, safety or well being of the animal. This provision includes circumstances relating to dangerous temperatures or lack of air, food, water and proper care. An animal control officer/police officer or public official who has probable cause to believe a confined animal is imperiled shall have the authority to enter the motor vehicle by any reasonable means after making an effort to locate the owner.

I. *Abandonment:* It shall be unlawful to abandon an animal intentionally, knowingly, recklessly, or, with criminal negligence, or leave an animal at a location without providing for the animal's continued care. Abandonment includes the disposing of an animal at or near an animal shelter, veterinary clinic or other place of shelter without first making provisions for its reasonable care.

J. —A violation of this section, except section C, shall constitute a misdemeanor and shall be punished as provided for in 1-4-1 of the Kuna City Code. Section C shall be punishable as prescribed therein.

10-3-4: **WILD ANIMALS:**

A. It shall be unlawful for any person to keep, maintain or have in their possession or control, a wild animal as defined herein.

B. This prohibition does not apply to zoological parks, properly licensed transient animal exhibitions, circuses, or licensed veterinarians, or those facilities possessing valid and current state and/or federal permits to keep such animals.

#### 10-3-5: MAINTENANCE OF FARM ANIMALS WITHIN CITY:

A. *Keeping unlawful:* It shall be unlawful to introduce farm animal(s) into the City of Kuna from the effective date of the ordinance from which this chapter derives passage, unless the city zone where the animal(s) will be stabled, kept, pastured or maintained, permits or specially permits through zoning process, the accommodation of farm animals. Farm animal(s) and/or structures to house the same that existed within the city prior to the effective date of this chapter's passage or if the city through an annexation procedure, has annexed land into the city where farm animals are not permitted, but where maintained prior to annexation, said farm animals are granted a nonconforming status according to Idaho law.

B. *Approval criteria:* The keeping of farm animals, where permitted, shall be according to the following approval criteria:

1. *Minimum lot size:* A minimum lot size shall be of a size sufficient for the health and welfare of the animal. If there is a dispute as to the necessary size of the lot, it shall be determined based on the assessment of a veterinarian knowledgeable in the keeping of the specific farm animal, who is provided specifics about where the animals will be kept.

2. *Location of housing structure:* Large farm animals are not to be housed in any structure located less than fifty (50) feet from a property line. Small farm animals are not to be housed in any structure located less than fifteen (15) feet from a property line.

3. *Area fenced:* Farm animals shall be kept in a fenced area, with both the fencing, sufficient to contain the animal(s), and the location approved by the city.

#### 10-3-6: DOGS PROHIBITED ON PUBLICLY OWNED PROPERTY:

A. *Creation of dog-free areas; exceptions:* It is the intent of the city council to create areas within the city limits that are designated "dog-free" areas. It shall, therefore, be unlawful for any person to permit, allow, or carry any dog onto publicly owned posted property or any other public place that has been posted disallowing dogs, with the following exceptions:

1. Persons with disabilities utilizing assistance animals.
2. The dog is confined in a motorized vehicle.
3. The dog is confined to perimeter sidewalks or roadways only.
4. Police officers and their service animals.
5. Search and rescue animal handlers.

B. *Parental responsibility:* In the event that the dog's owner is a minor, the parent or guardian shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by the animal.

**10-3-7: DOG LICENSES:**

A. *Location for purchasing license:* Dog licenses shall be purchased at locations designated by the city council.

B. *License required; exceptions:* It shall be unlawful for any person to own, harbor, keep or possess a dog older than six (6) months of age within the city without first procuring a license as required by this chapter, except:

1. Dogs whose owners are nonresidents, but who are temporarily residing within the city for thirty (30) days or less, and possessing a license issued by another municipality or other licensing authority.

2. Dogs brought into the city for the purpose of participating in shows, exhibits, competitions or similar events.

3. Dogs specially trained to assist people with disabilities where the dog is serving in this capacity

4. Dogs for sale through licensed pet stores.

C. *License term; application; fees:*

1. Dog licenses shall be valid until December 31 of each calendar year. The owner of the dog located within the city shall make application at city council designated locations and pay a license fee according to the schedule of fees adopted by city resolution.

2. After July 1 of each calendar year, the license fee shall be one-half of the regular license fee and effective until December 31 of that year.

3. No dog will be licensed as spayed or neutered without valid proof the surgery was performed.

4. At time of payment the license issuer shall provide a receipt designating the dog owner's name, license number, animal gender (or status of spayed or neutered) and the amount paid along with providing a metal tag bearing the number corresponding to that affixed upon the receipt.

5. If a license is lost, the dog owner shall apply for a replacement tag and pay the appropriate fee.

6. Dog licenses may be purchased starting December 1 of each calendar year.

D. *Use of improper or imitation dog license:* It shall be unlawful for a person to allow their dog to wear a license tag issued to another dog, or wear an imitated city license tag representing the current year's registration, or any tag marked on plate or collar similar to that required by the city.

**10-3-8: LIMITATIONS ON NUMBER OF DOGS OR CATS:**

A. A dog or cat owner is limited to four (4) dogs or cats on the premises at one (1) time; unless said person obtains a valid commercial kennel license that affords a greater number of dogs or cats.

B. For the purposes of this section, the litter of a female dog or cat may be kept with its mother and the litter, and shall constitute one (1) dog or cat until the litter reaches six (6) months

of age at which time this status will divest and each dog or cat shall be counted as an individual animal.

C. Any person may exceed the four (4) dogs per premises limit, where all of the dogs are service dogs that have received professional special training, such as seeing eye dogs, safety dogs or companion dogs, and the dogs will be in use at said premises in their special training capacity and the person(s) utilizing the dogs reside(s) on the premises.

10-3-9: **COMMERCIAL KENNEL LICENSES:**

1A. *License requirements:* All kennels must be properly licensed. Applications are to be addressed to the Idaho Humane Society, Incorporated, with a duplicate application sent to the city. The application shall state the name and address of the owner, the location of the kennel, and the breed(s) of dog to be kept. The city fee for a kennel license shall be set by resolution of the city council. An authorized officer of the Idaho Humane Society shall inspect all prospective kennels prior to granting a kennel permit.

2B. *Any application for a kennel permit must include:*

1.a. Written approval from the Idaho Humane Society that includes a statement about the number of dogs that may be kept at the facility.

2.b. Licensing for each dog that is subject to licensing under section 10-3-7.

3.e. Written City of Kuna Planning and Zoning Department approval:

a.i. Written approval shall be in the form of an approved conditional use permit and possession of a valid zoning certificate.

b.ii. Written approval shall provide the Kuna City Planning and Zoning Director or designee's signature on the kennel license.

C3. *Revocation of kennel license:*

1.A. A kennel permit may be revoked or the application for kennel permit denied when any of the following conditions are found to exist:

a.1. Dogs from the subject kennel are apprehended by an animal control officer for running-at-large within the city limits more than one (1) time in any six-month period.

b.2. Failure of the kennel to maintain an accurate list of all the dogs kept at the kennel. The list shall be maintained as part of the business records of the kennel.

c.3. The kennel keeping more than the approved number of dogs at the kennel.

d.4. Failure of the kennel to allow access to an authorized humane society officer to inspect the kennel facility.

e.5. Failure to maintain the kennel in a clean and sanitary manner by the kennel operator or its staff.

f.6. Failure by the kennel to provide the animal's adequate shelter and protection from the weather.

g.7. Failure by the kennel to provide the animal's with adequate ventilation.

h.8. The quartering together of temperamentally unsuited dogs or allowing the animals to be in proximity to one another which action causes the dogs to be abused or tormented.

i.9. Excessive or loud animal noises at the kennel.

10. Failure to adequately treat any diseased or injured dog or failure to segregate a diseased dog necessary to preventing the spread of disease to other animals.

DB. Upon notice of revocation, served by the animal control officer, a kennel license holder shall have thirty (30) days to cure any noted defect. In the alternative, the kennel license holder may, within thirty (30) days, file a written protest to contest such revocation. The protest must be filed with the City of Kuna.

EC. If no protest has been submitted to the Kuna City Council by the kennel owner seeking review of a revocation within thirty (30) days after notice of that action, the kennel license shall be deemed revoked.

#### 10-3-10: **ANIMALS RUNNING AT LARGE PROHIBITED:**

A. *Animals running at large:* It shall be unlawful for any owner to allow an animal(s) to run at large. Animals on a leash, cord or chain (not to exceed 8 feet) and accompanied by a person competent to handle the animal shall be permitted on streets or public land, unless the City has posted and signed an area "animals prohibited". Violation of this subsection is punishable by fines set by resolution of the city council.

B. *Impoundment:* The animal control agency may impound any dog, cat, or animal found running-at-large, subject to redemption in the manner provided by ordinance; except as may otherwise be provided in this section. It shall be unlawful to kill, destroy, or cause injury to an animal running-at-large, unless that action is provided by law.

C. *Collar and tag required:* Every dog shall wear a substantial, durable collar, or harness at all times, to which shall be securely attached the required license tag.

D. *Training and exercise grounds:* The city council may designate public grounds for the training or exercise of dogs, subject to certain rules and regulations. Dogs exercising in these areas need not be controlled by leash, provided they are under the control of a responsible person through whistle, voice, or other effective command.

#### 10-3-11: **FOUND STRAY ANIMALS:**

It shall be unlawful for any person to take into their possession a stray animal without notifying the animal control agency at once. The animal shall be released to the animal control shelter or animal control officer upon demand by that agency's representative without charge.

#### 10-3-12: **RABIES CONTROL:**

A. *Rabies vaccination required:*

1. *Vaccination requirement:* The owner of any dog, cat or ferret over sixteen (16) weeks of age is required to have them vaccinated for rabies by a licensed veterinarian and to keep the vaccinations current, or request these requirements be waived by a licensed veterinarian.

2. *Waiver of vaccination:* The waiver of the rabies vaccination requirement shall be obtained from a licensed veterinarian in the form of written statement that advises the medical reason for the waiver.

3. *Revaccination:* The owner of every dog, cat or ferret shall have the animal revaccinated twelve (12) months after the initial vaccination and then every three (3) years thereafter. The owner shall use a vaccine labeled by the manufacturer for triennial use, or every year use a vaccine labeled by the manufacturer for annual use.

4. *Rabies certificate:* The owner must keep a certificate of rabies vaccination issued by a licensed veterinarian. The certificate must provide the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, the vaccine producer and product name, and the veterinarian's identity.

B. *Reporting suspected case of rabies:* A person who has care or custody of an animal displaying rabies symptoms or acting in a manner, which prompts a reasonable suspicion that it may have this disease, shall notify the animal control agency.

C. *Keeping of rabid animals unlawful:* It shall be unlawful for a person, other than a licensed veterinarian, or the animal control agency, to have in its possession any animal afflicted with rabies or suspected of having rabies.

D. *Reporting of bites:* If a person's animal bites someone and this particular animal species is vulnerable to contracting rabies, the animal owner shall immediately notify the animal control agency.

E. *Payment of fees and expenses:* The owner of any animal quarantined under the provisions of this section shall pay all fees and expenses related to that action including the impoundment, confinement, board, examination, laboratory testing and release of the animal from quarantine, and any other deposit or fee required by this chapter.

10-3-13: **ANIMALS PRESENTING AN IMMEDIATE DANGER:**

A. If an animal presents an immediate danger to the health and safety of a person, or the animal is threatening or harming a person, the animal may be destroyed by whatever humane means necessary to prevent further injury to the victim. Alternatively, the officer or animal control agency may, if practical apprehend the animal and impound it.

~~B.~~ Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

10-3-14: **DIRECTING A DOG TO HARRASS OR ATTACK:**

A. It shall be unlawful for the owner of any animal to direct, encourage, cause, allow, or otherwise aid or assist a dog to threaten, charge, bite, harass, menace, or attack a person within the city. The aggressive animal may be seized and impounded. This section shall not apply to an attack by a dog under the control of a law enforcement officer or resultant from an attack upon an uninvited intruder who enters the owner's property with a criminal intent.

~~B.~~ Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

**10-3-15: DISEASED ANIMALS:**

A. *Keeping diseased animal:* No person shall keep on their premises or permit to run at large a diseased animal who poses a danger to the health and safety of the city residents, even if the animal is properly licensed under this chapter.

B. *Confinement:* An animal suspected of carrying a disease that presents a threat to the health and safety of the public may be apprehended and quarantined at the animal control shelter or other approved location operated by the animal control agency. The animal control agency shall have a qualified, licensed veterinarian examine the animal. If the animal is found to be diseased and poses a danger to the health and safety of the city, the officer shall cause the animal to be humanely destroyed and see to the proper disposal of the remains. The owner of the animal destroyed shall be liable for the associated costs of maintaining and disposing of the animal, plus any veterinarian examination costs.

C. *Release:* If, after examination, the animal is found not to be diseased the animal shall be released to the owner free of charge for services rendered.

D. *Destruction:* An animal determined by a qualified, licensed veterinarian to carry a disease that threatens the health of humans or animals may be immediately destroyed where such action is necessary to protect public health and safety.

**10-3-16: HABITUAL BARKING OR NOISEMAKING:**

A. *Prohibition:* It shall be unlawful for a person to fail to exercise proper care and control of their animal who frequently and/or excessively emits noises that are audible off of the owner's property.

B. *Impoundment:* An animal determined to be in violation of this section may be seized and impounded in the event such disturbance reoccurs after the person in control of the premises has received one (1) prior warning or citation within a period of six (6) months from the animal control agency. It is not an acceptable defense to plead that prior animal noise making, warnings or citations involved different animals.

C. *Exception, farm animals:* This section shall not apply to noises made by farm animals whether it is noise making emanating from commercial or noncommercial activities on land permitted for farm animal keeping.

D. *Affirmative defense:* An affirmative noise defense is the circumstance where an animal was intentionally provoked into making noises.

**10-3-17: DAMAGE TO PROPERTY; LIABILITY:**

It shall be unlawful for any animal to damage or destroy any property, including a lawn or garden, or other thing of value upon the private property of any person or upon any public property. In the event that the owner of the animal is a minor or incapacitated person, the parent or guardian of such minor shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by said animal.

**10-3-18: CLEANING UP WASTE:**

An owner of an animal shall be responsible for cleaning up the animal's wastes and disposing of the waste in a sanitary manner when occurring on other's property and at the time of the occurrence. An owner of any animal shall also be responsible for maintaining sanitary conditions on their own property.

**10-3-19: DOGS AND CATS' ESTROUS CYCLE:**

An owner of any dog or cat experiencing an estrous cycle shall cause the animal to be confined in a manner where said animal cannot come in contact with another dog or cat, except for planned breeding purposes. Any dog or cat running at large during its estrous cycle may be seized and impounded.

**10-3-20: DEPOSITING DEAD ANIMALS WITHIN CITY LIMITS:**

It shall be unlawful for a person to deposit a dead animal's body on public or private property in the city or allow the animal to remain unburied for more than twenty-four (24) hours.

**10-3-21: ENFORCEMENT OFFICIAL; ANIMAL SHELTER:**

A. *Appointment of animal control agency:* The city council is authorized to appoint an animal control agency to enforce the provisions of this chapter.

*Duty of animal control agency, shelter and its officers or assigns:* The animal control agency is authorized to enforce the provisions of this chapter and is designated as a peace officer for this purpose. The animal control agency is authorized to make necessary animal seizures. The agency may remove and keep any animal in violation of the provisions of this chapter. The animal control agency shall issue a notice of ordinance violation to enforce provisions of this section. The notice of ordinance violation may be signed by any person witnessing a violation as well as the witnessing animal control officer whose name shall be affixed on the notice of ordinance violation.

B. *Issuance of citations; time limit for payment:* When administrative citations are issued, the violator will have fifteen (15) working days to pay the citation. The fifteen (15) days shall not include Saturdays, Sundays and government holidays and the time limit begins the day the citation is issued.

C. *Late fees:* For every day the administrative citation is not paid beyond the due date, a ten dollar (\$10.00) charge will be assessed each day until the citation and late fees are paid in full.

*Failure to pay; infraction:* Failure to pay an administrative citation within fifteen (15) working days of the date the administrative citation is issued shall be an infraction. If a person is

convicted for an infraction they will be subject to a fine of one hundred dollars (\$100.00) for each citation, in addition to other possible fees and penalties.

D. *Designation of animal control shelter:* The city council shall designate an official animal control shelter where animals found in violation of this chapter shall be taken.

10-3-22: **OBSTRUCTING ANIMAL CONTROL OFFICER:**

No person shall obstruct, delay, hinder, or interfere with any person authorized by the city council to discharge their duties under this section. The following acts are considered obstructing or interfering with an animal control officer's duties:

A. Removing an animal from the animal control shelter or from the custody of an animal control officer without the authority of the animal control agency.

B. Removing an animal from the animal control shelter without paying the designated fees.

C. Threatening or obstructing an animal control officer acting in their official powers or duties.

D. Committing an act that interferes with or obstructs an animal control officer acting in the discharge of their duties.

E. An animal control officer in the course of their duties has an obligation to identify who they are to those requesting that information and provide a current work address and, if necessary, sign an acknowledgement of receipt of infraction or misdemeanor.

F. It is unlawful to make a false or misleading statement or representation about animal ownership or custody to an animal control agency, shelter or officer.

G.—Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

10-3-23: **IMPOUNDING OF ANIMALS:**

The animal control officer may impound an animal if they have probable cause to believe a person has violated any provision of this chapter for which an animal may be impounded. The notice and terms of impoundment, redemption and disposal of such animal is as follows:

A. *Record of impounding:* At time of animal impoundment the animal control agency shall record the date of impounding, a description of the animal impounded, and an assessment of its identity if that can be determined.

B. *Identified animals:* Within twenty-four (24) hours after impoundment of an identified animal, the animal control agency shall make a reasonable effort to notify the owner of the animal's impoundment.

C. *Redeeming animals:*

1. Animals brought to the animal control shelter shall be provided humane treatment and sufficient food and water for their comfort for a period of time, as determined by the impounding agency, unless they are subject to other provisions of this section.

2. This section does not apply to animals that are sick or injured to the extent that their impoundment will prolong their suffering and a better course of action would be to humanely euthanize the animal in the opinion of a licensed veterinarian.

3. The owner of any animal which is lawfully impounded shall pay all fees and expenses related to the impoundment whether or not the animal is later claimed.

4. The following protocol is required to reclaim an animal, unless otherwise noted:

a. Execution of a sworn statement of ownership.

b. Proof of current license (if required) in the circumstance the animal is untagged, or purchase of a license and tag.

c. Payment of the impoundment fees.

d. Payment of the boarding fee according to the boarding schedule.

e. Payment of any veterinary and hospital expenses incurred during the animal's impoundment.

D. *Refusal to redeem impounded animal; adoption; appeal:* The animal may not be redeemed by the owner, if, in the judgment of a licensed veterinarian or the animal control agency, an animal should not be returned to the owner for humane or public health reasons. The animal control agency may find a responsible person to adopt the animal after it has been impounded a minimum of five (5) days. The agency shall take reasonable steps to inform the owner of its intent to euthanize or adopt the animal. Such notice will include the owner's right to appeal the decision. An owner may request in writing an appeal of the decision, which will stay an action until the appeal is complete. If the appellate authority decides that the animal should be euthanized, or adopted, the owner shall be liable for the costs of boarding the animal and any other expenses incurred by the animal control agency while keeping or caring for the animal from the date of the impoundment through the end of the appeals process. The animal control agency shall not be held civilly liable for the euthanasia of the animal.

E. *Impoundment fees:* The animal control shelter shall be entitled to charge a fee for the keeping and selling of an animal, and these fees shall be retained by the animal control shelter.

F. The charges associated with selling an animal shall be determined by the animal control shelter with city council consultation. The fees charged by the animal control shelter for impounding and keeping any animal shall be paid at time of animal redemption. The animal control shelter is obligated to keep a fee schedule for services rendered available for public inspection and advise the city council annually the fees it charges for its services.

10-3-24: **CITY IMMUNE FROM LIABILITY:**

The city, the city's designee, the animal control agency, the animal control shelter, and the animal control officer shall be immune from all civil liability for actions taken pursuant to this

chapter, or for any failure to take action to enforce the provisions of this chapter. This chapter has been enacted for the welfare of the public as a whole.

10-3-25: **HABITUAL VIOLATOR:**

A. *Order of abatement; appeal:* In addition to any legal remedy available under the provisions of this chapter, the animal control agency will notify and direct, in writing, the owner of an animal who is guilty of three (3) convictions of a violation of this chapter in any twelve-month period to abate and remove the animal from the city within five (5) calendar days from the date of the notice; or, in the alternative, to abate and transfer ownership and possession of the animal to another person not living at the same place of residence. Such notice to abate shall state the method of appealing the order, except that any appeal must be filed within five (5) calendar days following service of the notice.

B. *Request hearing before district court:* The owner of an animal that has been served with an order of abatement, pursuant to subsection A. of this section, may appeal such order by requesting a hearing before the district court by submitting a written request to the clerk of the court. Any appeal must be filed within five (5) calendar days following service of the notice.

C. *Failure to abate; impoundment of animal:* If the owner of the animal is found in violation of the abatement notice after five (5) calendar days have elapsed from the date of notice and no timely appeal is filed, the animal shall be removed and impounded by the animal control agency, subject to all impoundment procedures; provided, however, the animal may not be returned to the same residence or property from where it formerly resided or was impounded.

10-3-26: **PENALTIES:**

Except as provided for within this Chapter, ~~herein~~, any person violating this section shall be guilty of an infraction punishable as provided for in Kuna City Code 1-4-1. A second violation of this section within six (6) months from the date of the commission of the prior offense for which the person was charged shall constitute a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000).

~~Except as provided in subsection 10-3-3C., any person violating this chapter shall be guilty of a misdemeanor punishable as provided in chapter 4, title 1, Kuna City Code.~~

CHAPTER 4

**FALSE ALARM ORDINANCE**

10-4-1: **SHORT TITLE AND PURPOSE:**

This chapter shall be known as the "false alarm ordinance" and its purpose is to reduce the number of false security alarms occurring within the municipality thereby enhancing police response time for critical calls for service and reducing the costs to the city for the police response to the increasing number of false security alarms. Further, the intent of this chapter is to

encourage alarm businesses and alarm users to maintain the operational viability of their security alarm systems and to hold owners of alarms systems accountable for the costs associated with responding to false security alarms.

10-4-2: **DEFINITIONS:**

~~For the purposes of this chapter, the following terms, phrases and words and derivations thereof, shall have the meaning given herein. The word "shall" is mandatory and not merely discretionary:~~

~~A.—~~*ALARM INSTALLATION COMPANY.* A person or entity in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in a business or residence.

~~B.—~~*ALARM MONITORING BUSINESS.* Any person, firm, or corporation who is engaged in the monitoring of security alarm systems and the summoning of a law enforcement response to the alarm location.

~~C.—~~*ALARM OFFICER.* The Chief of the Kuna Police Department or his/her designee.

~~D.—~~*ALARM SYSTEM.* Any mechanical, electrical or other device, which is designed or used for the detection of a trespass, burglary or robbery within a building, structure or facility or for alerting others to a hazard or to the commission of an unlawful act within a building, structure or facility or which emits a sound or transmits a signal or message when activated and which is designed to elicit a response from the police department. Alarm systems include, but are not limited to, direct-dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms but are audible, visible or perceptible outside the protected building, structure or facility are not included with this definition. An alarm system includes all the necessary equipment designed and installed for the detection of a trespass, burglary, robbery or other hazard in a single building, structure or facility or for alerting others to the commission of an unlawful act within a building, structure or facility.

~~E.—~~*ALARM USER.* Any person who purchases, leases, contracts for or otherwise obtains a security alarm system or contracts for the servicing or maintenance of a security alarm system.

~~F.—~~*AUDIBLE ALARM.* Any device designed for the detection of an unauthorized entry on the premises, and which, when activated, generates an audible sound on the premises.

~~G.—~~*AUTOMATIC DIALING DEVICE.* An alarm system which automatically sends a transmission over a standard telephone line, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

~~H.—~~*EMERGENCY.* Any condition for which the alarm was designed and installed and which, results in a response of police personnel.

~~I.—~~*ENHANCED CALL VERIFICATION.* An independent method whereby the alarm monitoring company attempts to determine that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. This verification process will be conducted by the alarm system monitoring personnel and shall consist of making two (2) phone calls to the responsible party or parties and shall not take more than five (5) minutes from the time the alarm signal has been accepted by the alarm monitoring company. At least one (1) of the two (2) phone calls must be made to the party of the premises upon which the alarm system is installed.

**J.**—*FALSE ALARM.* An alarm signal, message, transmittal or communication, which is activated from an alarm system and which is responded to by personnel of the police department for which no emergency situation exists or existed as determined by the responding police personnel. False alarms shall not include alarms caused by natural occurrences such as hurricanes, tornadoes, earthquakes or other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm user.

**K.**—*HOLDUP ALARM.* (also *duress alarm, robbery alarm or panic alarm*). An alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises, intended to signal that a robbery or other crime is in progress, and that one (1) or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime.

**L.**—*INTERCONNECT.* Any connection to an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone to transmit a message upon the activation of the alarm system.

**M.**—*ONE PLUS DURESS ALARM.* A security system which permits the manual activation of an alarm signal by entering on a keypad, a code that either adds the value of 1 to the last digit of a normal arm/disarm code (e.g., the normal arm/disarm code "1234" as "1235" automatically activates the duress alarm feature) or that involves entering any incorrect final digit to a normal arm/disarm code.

**N.**—*PENALTY STATUS.* That status achieved by more than one (1) false alarm within the calendar year beginning January 1 and ending December 31.

**O.**—*Person.* Any individual, partnership, association, corporation, or organization of any kind, or any governmental entity or political subdivision thereof.

**P.**—*SIA CONTROL PANEL STANDARD CP-01.* The ANSI - Control Panel Standard, and as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL) , or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

#### 10-4-3: **ALLOCATION OF REVENUE:**

All service fees collected pursuant to this chapter shall be paid to the General Fund of the City of Kuna.

#### 10-4-4: **ALARM PROCEDURES AND REGULATIONS:**

A. Each alarm user shall maintain each alarm system in good working order, and provide the necessary service to prevent malfunctions.

B. It is unlawful for any person to install or maintain any audible alarm which creates a sound similar to that of a civil defense warning system.

C. Each alarm user is responsible for assuring that each alarm system is used properly and in accordance with the manufacturer's directions and the law.

D. Every person maintaining an alarm system shall provide to the Kuna City Police Department and the Ada County 911 Communications Center located at the Ada County Sheriff's Department, 7200 Barrister Drive, Boise, Idaho, 83704, information containing the names and telephone numbers of the persons to be notified in order to render repairs or service and secure the premises during any hour of the day or night that the alarm system is actuated within fifteen (15) days of installation of the alarm system.

E. Every person maintaining an alarm system shall make readily visible, either on or immediately adjacent to the exterior of the device emitting the alarm, the name and telephone number of the responsible party to be notified in order to render repairs and service and secure the premises during any hour of the day or night that the alarm system is activated.

F. Every audible alarm shall have a timing device, which automatically shuts off the alarm within thirty (30) minutes after it has been activated.

G. It shall be unlawful for an alarm user or his/her representative to fail to respond to the alarm location within sixty (60) minutes after being requested to do so by a law enforcement representative or Ada County Sheriff's Department personnel. A person responding to the alarm location shall take whatever remedial action is necessary to secure the property from further intrusion, or take whatever action is necessary to render service to the alarm or to provide response by another person who is able to render the necessary action after the responding law enforcement agency has rendered the area safe from possible entry by an intruder. Unless specifically requested, the law enforcement agency responding shall be under no obligation to remain at the locations of the alarm for a period in excess of fifteen (15) minutes, while waiting for the responding party to arrive unless illegal entry has occurred.

H. No person shall maintain, operate, use or attempt to use, an alarm system which generates a false alarm. Each alarm user is responsible for paying the false alarm special service fee, as provided in section 10-4-7.

**10-4-5: DUTIES OF ALARM INSTALLATION AND MONITORING COMPANIES:**

A. The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

B. After the effective date of this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Monitoring companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress alarms prior to enactment of this chapter. However, upon the effective date of this chapter, when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification, the alarm installation company must remove the one plus duress alarm capability from such alarm system.

C. After the effective date of this chapter, alarm installation companies shall not install a device to activate a holdup alarm, which consists of a single-action and nonrecessed button.

D. An alarm installation or monitoring company shall not install or use automatic dialing devices.

E. Enhanced call verification is required. After the effective date of this chapter, every alarm monitoring company shall verify every security alarm signal prior to requesting a police dispatch by making two (2) phone calls to the responsible party or parties, not more than five (5) minutes from the time the alarm signal has been accepted by the alarm system monitoring company. At least one (1) of the two (2) phone calls must be made to a party off the premises upon which the alarm system is installed

F. Once notification that an alarm system is activated, the alarm monitoring company shall immediately proceed to silence the alarm or ensure that the alarm is silenced. The silencing of the alarm must be completed within fifteen (15) minutes after notification of activation when the alarm system is protecting a residential structure or within thirty (30) minutes when the alarm system is protecting a commercial or industrial structure.

10-4-6: **INTENTIONAL FALSIFICATION OF ALARM SYSTEM PROHIBITED:**

It shall be unlawful for any person to activate an alarm system for the purpose of summoning police, except in the event of what is reasonably believed to be an unauthorized entry on the premises for the purposes of carrying out a felony or violent misdemeanor therein.

10-4-7: **FALSE ALARM, SPECIAL SERVICE FEE:**

A. An alarm user whose alarm has elicited one (1) false alarm response from law enforcement within one (1) calendar year, where any subsequent alarms are false, will be assessed a service fee for each false alarm that occurs within that period of time.

- B. If one (1) false alarm within one (1) calendar year are received from any alarm system;
  1. The alarm officer shall notify the alarm user by personally serving a notice of false alarm, upon a form, as approved the alarm officer, upon the owner of the building, or by sending a letter via certified mail of the false alarm.
  2. The alarm officer will advise the alarm user that any additional false alarms within the calendar year will result in the assessment of a service fee for each additional false alarm that has been responded to, as determined by the following schedule:

<a href="#">1.1.1.1.1.1.1.1</a>	Second False Alarm	-\$50.00	
<a href="#">1.1.1.1.1.1.1.2</a>	Third False Alarm	<a href="#">1.1.1.1.1.1.1.3</a>	\$1 00.00
<a href="#">1.1.1.1.1.1.1.4</a>	Fourth False Alarm	<a href="#">1.1.1.1.1.1.1.5</a>	\$1 50.00
<a href="#">1.1.1.1.1.1.1.6</a>	Every successive False Alarm over 4	<a href="#">1.1.1.1.1.1.1.7</a>	\$1

	75.00
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C. A fifteen-day grace period will be extended to all alarm users after the initial installation of an alarm system. The official recording of false alarms will not commence until after the expiration of the fifteen-day grace period.

10-4-8: **ENFORCEMENT OF ALARM ORDINANCE AND PENALTIES:**

In addition to the Special Service Fees, each violation of this section shall constitute an infraction punishable by a fine of one hundred dollars (\$100.00). Each alarm call shall be considered a single violation.

~~Unless otherwise provided, any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment not to exceed six (6) months, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both.~~

10-4-9: **SEVERABILITY:**

If any clause, sentence, paragraph, section or any part of this chapter shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.

10-4-10: **EFFECTIVE DATE:**

The ordinance from which this chapter derives shall be effective upon passage.

**CHAPTER 5  
DISCHARGE OF WEAPONS**

10-5-1: ~~**DISCHARGE OF WEAPONS:**~~

~~A. —~~ **DEFINITIONS** ~~definitions:~~

~~"FIREARM. Any" is any~~ device, designed to be used as a weapon, from which a projectile is discharged through a barrel by the force of an explosive charge.

~~"AIR GUN. Any " is any~~ weapon that expels a projectile through the action of release of a pressurized gas, compressed air, expanding gas, or other force-producing means or method including, but not limited to, objects commonly referred to as air guns, air pistols, air rifles, "bb" guns, pellet guns, blow guns, air soft guns and paint ball guns.

10-5-2: **PROHIBITED ACTS:**

A.B. — It shall be unlawful to discharge a firearm within city limits from a dwelling or vehicle or within any platted and developed subdivision or in a manner likely to cause damage to the property of another.

~~1. This section shall not apply to firearms discharged at a regularly established shooting gallery or range licensed and authorized by Kuna City Code or by any law enforcement officer when discharging his/her firearm in the performance of his/her duty or when any citizen is discharging a firearm or other dangerous or deadly weapon when lawfully defending person or property.~~

~~B.C.~~ It shall unlawful to discharge any air gun upon or within the public right-of way, public parks and other public property and ways, or private property open to the public, except at a range established or approved by the City of Kuna.

~~C. This section shall not apply to firearms discharged at a regularly established shooting gallery or range licensed and authorized by Kuna City Code or by any law enforcement officer when discharging his/her firearm in the performance of his/her duty or when any citizen is discharging a firearm or other dangerous or deadly weapon when lawfully defending person or property.~~

~~A violation of subsection A of this section shall be a misdemeanor punishable as provided for in 1-4-1 of the Kuna City Code. A violation of subsection B of this section shall be an infraction punishable by a fine of one hundred dollars (\$100.00). A person who commits the crime of discharging a weapon is guilty of a misdemeanor and shall be punished in accordance with KCC 1-4-1.~~

## CHAPTER 6 NOISE

### 10-6-1: **PURPOSE:**

The purpose of this chapter is the protection of the health, safety and welfare of the residents of the city. It is determined that sound can and does constitute a hazard to the health, safety, welfare and quality of life of residents of the city. The mayor and council, by way of IC § 50-308, are empowered to impose reasonable limitations and regulations upon the production of sound to reduce the harmful effects thereof. Now, therefore, it is hereafter the policy of this city to prevent and regulate sound generated by loud amplification devices wherever it is deemed to be harmful to the health, safety, welfare or quality of life of the residents of the city, and this chapter shall be liberally construed to effectuate that purpose.

### 10-6-2: **DEFINITIONS:**

*COMMON AREA(S)*: The area of a facility, complex, apartment unit, hotel, motel or the like that is open either to the general public or persons with the permission of the owner or agent of the owner of the area. This definition would include, but not be limited to the following: Swimming pools, restaurants, patios, hot tubs, saunas, laundry rooms, meeting rooms, lobbies, lounges, bars, and other areas within the facility that are either constructed or designed for use in this manner.

*LOUD AMPLIFICATION DEVICE*: Any equipment designed or used for sound production, reproduction, or amplification, including, but not limited to, any radio, television, phonograph,

musical instrument, stereo, tape player, compact disc player, loud speaker, public address (PA) system, sound amplifier, or comparable sound broadcasting device.

*PERSON*: Any individual, association, organization, or entity having legally recognized existence, whether public or private.

*PLACE OF RESIDENCE*: Any building or portion thereof adapted or used and intended for the overnight accommodation of persons. In buildings that contain multiple individual units (i.e., apartment, condominium, hotel, motel, duplex, triplex, etc.), each individual unit shall be considered a separate residence for the purpose of this chapter.

*PLAINLY AUDIBLE*: Sound for which the information content is clearly communicated to the listener, including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

#### 10-6-3: **PUBLIC DISTURBANCE NOISE PROHIBITED:**

Between the hours of 11:00 p.m. one day and 7:00 a.m. the next day, it shall be unlawful for any person, or business to make, cause, or allow noise by any means whatever that disturbs the peace and quiet of any inhabitant of a place of residence. The noise prohibited by this section is noise that a reasonable person should know would disturb a reasonable person of normal sensitivity.

#### 10-6-4: **EXCESSIVE AMPLIFIED SOUND PROHIBITED:**

A. It shall be unlawful for any person to operate, or permit the operation of, any loud amplification device upon or within a motor vehicle in such a manner that the sound therefrom is plainly audible upon a public right-of-way or street at a distance of fifty (50) feet or more from the source of the sound.

B. It shall be unlawful for any person to operate, or permit the operation of, any loud amplification device so that sound therefrom is plainly audible within any place of residence, business, hospital, farm property with animals, or restaurant other than the source of the sound, or where such sound is plainly audible upon a public right-of-way or street at a distance of one hundred (100) feet or more from the source of such sound.

#### 10-6-5: **EXCEPTIONS:**

The following sounds are exempted from the provisions of this chapter:

A. Sounds caused by any emergency vehicle or personnel when responding to an emergency call or acting in time of emergency.

B. Sounds caused by activities upon any municipal, school, religious, or publicly owned property or facility provided that such activities have been authorized by the owner of such property or facility or its agent.

C. Sounds caused by parades, Kuna Days (between the hours of 7:00 a.m. one day to 2:00 a.m. the following day), firework displays, or any other event or type of activity for which a

permit is required and has been obtained from the authorized governmental entity within such hours as may be imposed as a condition for the issuance of said permit.

- D. Sounds caused by locomotives or other railroad equipment.
- E. Sounds caused by burglar alarms that are not in violation of this Code.
- F. Sounds caused by safety warning devices required by law.
- G. Sounds caused by devices approved for use within the confines of the particular zoning designation that the device is located or pursuant to a conditional use permit (i.e., drive-through window speakers, ice cream vendors, car lot PA systems), so long as such sounds produced are not unreasonably loud.
- H. Sounds emanating from devices approved by the owners or management of a multiunit facility and used within the common areas of such facility. Said use must be in compliance with any regulations imposed by the owners or management of the facility to be exempt under this chapter. This exemption only applies in relation to other units within the same facility.

10-6-6: **PENALTY:**

A violation of section 10-6-3 of this chapter shall constitute ~~be~~ a misdemeanor, punishable ~~according by to section 1-4-1 of the Kuna City this~~ Code. A violation of ~~section 10-6-4 of this~~ chapter shall constitute ~~be~~ an infraction punishable by a fine of one hundred dollars (\$100.00), ~~not including court costs.~~

**KUNA CITY ORDINANCE NO. 2015-07**

**AN ORDINANCE OF THE CITY OF KUNA, IDAHO STRIKING AND AMENDING CERTAIN SECTIONS OF CHAPTER 1, TITLE 10, KUNA CITY CODE- ENTITLED POLICE REGULATIONS, AS FOLLOWS: STRIKING 10-1-1 DISTURBING THE PEACE; AMENDING AND RENUMBERING 10-1-2 BY CHANGING THE TITLE FROM WINDOW PEEPING TO INVASION OF PRIVACY AND ADDING LANGUAGE MAKING IT UNLAWFUL TO LOOK THROUGH AN OPENING TO VIEW THE INTERIOR OF A SPACE WHERE A PERSON HAS AN EXPECTATION OF PRIVACY AND MAKING IT PUNISHABLE BY A MISDEMEANOR; AMENDING AND RENUMBERING 10-1-3 ENTITLED FAILING TO DISPERSE BY MAKING SEVERAL GRAMMATICAL CORRECTIONS; STRIKING SECTION 10-1-4 AND 10-1-5; AMENDING AND RENUMBERING 10-1-6 ENTITLED PUBLIC ELIMINATION OF HUMAN WASTE AND MAKING IT PUNISHABLE BY AN INFRACTION; AMENDING AND RENUMBERING 10-1-7 ENTITLED FIGHTING BY MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-1 ENTITLED CURFEW BY CLARIFYING THAT A VIOLATION IS A MISDEMEANOR; AMENDING 10-2-2 TO RETITLE IT TO JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS AND MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-3 ENTITLED PARENTAL RESPONSIBILITY BY MAKING SEVERAL GRAMMATICAL CHANGES AND STRIKING SEVERAL SECTIONS; AMENDING AND RENUMBERING 10-3 ET SEQ.- ENTITLED ANIMAL CONTROL AND MAKING CERTAIN SECTIONS PUNISHABLE BY AN INFRACTION; AMENDING 10-4 ET SEQ. – ENTITLED FALSE ALARM ORDINANCE MAKING SEVERAL GRAMMATICAL CHANGES AND MAKING A VIOLATION AN INFRACTION; AMENDING 10-5 ET SEQ. –ENTITLED DISCHARGE OF WEAPONS MAKING SEVERAL GRAMMATICAL CHANGE, REORDERING AND RENUMBERING SEVERAL PARAGRAPHS AND MAKING A VIOLATION OF SUBSECTION B AN INFRACTION; AND PROVIDING AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, as follows:

**Ordinance Section 1:** Chapter 1, Title 10 is hereby adopted and codified to read as follows:

TITLE 10  
POLICE REGULATIONS  
CHAPTER 1

**GENERAL OFFENSES**

**10-1-1: INVASION OF PRIVACY:**

A. It shall be unlawful for any person to linger, prowl, or wander upon the private property of another without a lawful purpose for being on the property; and while doing so peeks in a door or window or any inhabited building or structure located thereon.

B. It shall be unlawful for any person; to look through a hole or opening into, or otherwise view the interior of any area which someone is occupying with a reasonable expectation of privacy, including, without limitation, any: bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth; by means of any instrumentality, including, but not limited to, a: periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone; with the intent to invade the privacy of a person or persons inside.

A violation of subsection of this section shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

10-1-2: **FAILING TO DISPERSE:**

It shall be unlawful for any person who is part of a group of two (2) or more persons who are located on public property or private property open to public use who appear to be intoxicated, creating a disturbance, assembled for the purpose of fighting, assembled for some other unlawful purpose, to fail or refuse to disperse and immediately depart the area upon the request of any law enforcement officer.

A violation of this section shall constitute a misdemeanor and shall be punishable as provided for in 1-4-1 of the Kuna City Code.

10-1-3: **PUBLIC ELIMINATION OF HUMAN WASTE:**

It shall be unlawful for any person to urinate or defecate upon any public property or upon private property open to public use, or anything sitting on or affixed to such property, except within permanent or temporary toilet facilities designed to hold human waste.

A violation of this section shall constitute an infraction and shall be punishable by a fine of one hundred dollars (\$100.00).

10-1-4: **FIGHTING:**

A. **DEFINITIONS.**

"*FIGHTING*" means any use of physical force on the person of another, with or without consent, and done so in a angry, rude or threatening manner, or in a manner which may cause injury to another, or endanger or disturb the peace of another person.

B. No person shall intentionally, knowingly, or recklessly fight with another person in a public place.

Any peace officer empowered to enforce the provisions of the Kuna City Code is authorized to issue a uniform citation upon his/her own observations of a violation of this section and upon a reasonable belief that the person or persons cited committed the offense of fighting contrary to law, and without the necessity of a citizen complainant's signature on the citation.

A violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in 1-4-1 of the Kuna City Code.

## CHAPTER 2

### MINORS

#### 10-2-1: **CURFEW:**

A. It shall be unlawful for any person under the age of eighteen (18) years to be or to remain in or upon any street, alley, public ground, public place or any place open to the public or exposed to public use within the city between the hours of 10:00 p.m. and 5:00 a.m., on Sunday through Thursday and between the hours of 11:00 p.m. and 5:00 a.m. on Friday and Saturday.

B. The provisions of this section shall not apply to any person who is accompanied by his parent, guardian or other adult person having the care and custody of him, nor to any person who is in the performance of an errand or duty directed by his parent, guardian or other adult person having the care and custody of him, nor to any person who is actually at the time engaged in legitimate employment for profit, nor to any person who is attending or participating in any officially sanctioned school activity.

C. It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of this section, and a violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

D. Any person under the age of eighteen (18) years who is found guilty of a violation of this section shall be subject to being charged pursuant to provisions of the Juvenile Corrections Act, or an infraction at the discretion of the investigation officer and/or the Juvenile Probation Department.

#### 10-2-2: **JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS:**

A. It shall be unlawful for any person under the age of eighteen (18) years who is residing in or located within the city limits who has run away from his parents, guardian or other legal custodian or who commits or has committed any act placing him beyond the control of his parents, guardian or other legal custodian or which constitutes behavior which would injure or endanger his health or welfare or that of others, including, without limitation, wilful association with thieves, or vicious or immoral persons, or using vile, obscene, vulgar or indecent language, or being guilty of immoral conduct in any public place or about any schoolhouse, or becoming or attempting to become intoxicated by inhaling the fumes of gasoline, toluene or any other solvent or product containing any such solvent.

B. It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of this section.

A violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

10-2-3: **PARENTAL RESPONSIBILITY:**

A. A person who is the parent, lawful guardian or other person, except a foster parent, lawfully charged with the care or custody of a child under sixteen (16) years of age commits the offense of failure to supervise a child if the child:

1. Commits an act bringing the child within the purview of the Juvenile Corrections Act, Idaho Code §20-501 et seq.; or
2. Fails to attend school or is not comparably instructed, as provided in Idaho Code § 33-202; or
3. Violates a curfew law of the county or city enacting the ordinance authorized under this section.

B. A person shall not be subject to prosecution under an ordinance containing the provisions of subsection A. of this section if the person:

1. Is the victim of the act bringing the child within the purview of the provisions of Idaho Code §20-501 et seq.; or
2. Reported the act of the child to the local law enforcement agency, the juvenile court, the department of health and welfare or other appropriate authority as provided in this section.

A person shall not be subject to prosecution under subsection A. of this section if the person shows to the satisfaction of the court the person took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

A person convicted of failure to supervise a child as provided for in this section may be ordered by the court to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile's conduct in accordance with the standards and requirements of Idaho Code §§ 19-5304 and 19-5305.

Any offense of failing to supervise the child shall be subject to the jurisdiction of the juvenile court or to the jurisdiction of the magistrate's division of the district court.

Conviction of a person under an ordinance enacted under the authority of this section shall not preclude any other action or proceedings against the person which may be undertaken pursuant to the provisions of Idaho Code, Title 20, Chapter 5, or other provisions of law.

### CHAPTER 3

### ANIMAL CONTROL

10-3-1: **SHORT TITLE AND PURPOSE:**

This chapter shall be known as the Kuna City Animal Control Ordinance, and it is enacted to provide for the health, safety and welfare of the people of Kuna and the humane and safe treatment of animals, and to establish all required procedures and regulations for the licensing and control of animals and kennels.

10-3-2:           **DEFINITIONS:**

*ABANDON:* To leave an animal unattended for more than twenty-four (24) hours without the owner making arrangements for its proper care, sustenance and shelter, or releasing the animal upon public highways or public or private lands.

*ANIMAL:* Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as part of the animal kingdom. Animals shall be classified as follows:

*Domestic Animals:* Those animals commonly accepted as domesticated household pets that have traditionally, through a long association with humans, lived in a state of human dependence or traditionally have been kept as a household pet. These animals shall include dogs, cats, ferrets, caged birds, pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, chinchillas, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and other similar animals.

*Farm Animals:* Those animals commonly associated with a farm or performing work in an agricultural setting. These animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including potbellied pigs), goats, llamas, alpacas, and other animals associated with a farm, ranch or stable operations.

*Wild Animals:* Those animals commonly considered wild or dangerous and not trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. These animals shall include:

A. Any member of the large cat family (family Felidae) including, but not limited to, cougars, bobcats, cheetahs, lynxes, lions, mountain lions, tigers and jaguars, but excluding domesticated house cats.

B. Any naturally wild member of the canine family (family Canidae) including, but not limited to, wolves, foxes and coyotes, but excluding domesticated dogs.

C. Any cross-breeds between naturally wild animals and domestic animals, such as a wolf hybrid.

D. Any member or relative of the rodent family.

E. Any skunk (whether or not descended), or raccoon, and other members of the weasel family (Mustelidae) and raccoon family (Procyonidae).

F. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

*ANIMAL CONTROL AGENCY:* Any organization(s) authorized by the city council to enforce the provisions of this chapter.

*ANIMAL CONTROL OFFICER:* Any individual authorized by the city council or the animal control agency to enforce the provisions of this chapter, to include, state or local law enforcement officers whose duties include assignments that involve animal seizure and impoundment.

**ANIMAL CONTROL SHELTER:** An animal control facility authorized by the city council or the animal control agency as the location for the impounding of animals.

**ANIMAL KENNEL:** Any person who keeps, leases, buys, barter, or sells animals for gain; provides facilities for breeding, boarding, transporting, exhibiting, grooming, including bathing or their cosmetic care; or provides guard services. Kennel operations are subject to the city's conditional use permitting processes. The animal kennel definition shall not apply to the terms animal clinic, animal shelter, impound facility, animal hospital or veterinary office, where boarding is limited to short-term care incidental to the hospital or shelter use.

**AT LARGE:** Off the property of the owner and not under the control of such person by either leash, cord or chain (not to exceed eight (8) feet).

**ATTACK:** Any aggressive action by an animal which a reasonable person would conclude places any person or domestic animal in reasonable belief of imminent and substantial bodily harm.

**BARKING:** A vocal sound produced by a dog that annoys or disturbs a reasonable person of normal sensitivities.

**BITE OR BITTEN:** When the skin of an individual has been broken or penetrated by an animal's teeth in an act of aggression, attack or defense.

**CAT:** Both the male and female of the Felidae species.

**CURRENT VACCINATION:** An animal that has received a primary rabies vaccine at least thirty (30) days ago, and no more than one (1) year ago, or has received a booster vaccine administered according to the manufacturer's written instructions. The rabies vaccine shall be licensed by the United States Department of Agriculture for use in that species (a list of the currently licensed vaccines can be found in the current "Compendium of Animal Rabies Vaccines" prepared and updated annually by the National Association of State Public Health Veterinarians). Rabies vaccination must be performed by or under the direct supervision of a veterinarian who is licensed or legally permitted to practice veterinary medicine.

**DANGEROUS DOG:** Any of the following:

A. Any dog that, unprovoked, has attacked or is attacking any person or domestic animal.

B. Any dog previously designated as a "potentially dangerous dog", where the owner has been notified in writing by the animal control officer of said status determination, and where the animal continues the behavior described in the definition of "potentially dangerous dog" of this section.

**DOG:** Both the male and female of the canine species.

**EUTHANASIA:** The procedure in which an animal is humanely killed by a method that is painless to the animal, and causing unconsciousness and death. This procedure to be performed by a certified euthanasia technician or licensed veterinarian in accordance with IC tit. 54.

**HARBORING:** Allowing an animal to remain, or to be lodged, fed or sheltered on real property the owner occupies or controls for twenty-four (24) consecutive hours, or for one (1) or more hours per day for three (3) consecutive days.

**HUMANE TRAP:** A live animal box enclosure trap designed to capture and hold an animal without injury for a set period of time.

**IMPOUND:** To receive into the custody of the animal control shelter or an animal control authority officer.

**KENNEL, COMMERCIAL:** Any real property where five (5) or more dogs are maintained, harbored, possessed, trained, bred, boarded or cared for in return for compensation. This

definition does not include an animal clinic, animal hospital or veterinary office where boarding is limited to short-term care incidental to the hospital use.

*NONBITE EXPOSURE:* Saliva from an animal who has come in contact with a person's open wound or mucus membrane that may pose health concerns.

*OWN:* To keep, harbor, or have control, charge or custody of an animal. Animals kept in the custody of a minor or incapacitated person shall be deemed to be owned by the minor's parent(s), guardian or other designated responsible person where the minor or incapacitated person resides.

*OWNER:* Any person who keeps, harbors, or has charge, custody or control of, or permits any animal to remain on their property.

*PERSON:* Any individual, corporation, society, copartnership, limited partnership, limited liability company, association, or any other legal or business entity.

*POSTED PROPERTY:* Any property that has been posted with legible sign(s) stating the restrictions, prohibitions or regulations pertaining to use of the property. "Posted property" specifically includes "Bernie Fisher" Park and other public areas that are designated from time to time by resolution of the city council.

*POTENTIALLY DANGEROUS DOG:*

A. A dog, when unprovoked, who engages in an aggressive behavior requiring a defensive action by any person to prevent bodily injury, where the person is not on the real property of the owner of the dog.

B. A dog, without provocation, which has killed, inflicted injury, or otherwise caused injury by attacking a domestic animal not on the property of the owner of the dog.

*PROVOKE:* A person performing an act or omission that an ordinary and reasonable person would conclude is likely to precipitate dog aggression in the form of a bite or attack.

*PUBLICLY OWNED PROPERTY:* Property owned, leased or otherwise used by tax supported agencies. (Example: City parks, schools, post office)

*QUARANTINE:* The strict confinement of an animal in a manner which limits direct contact with other animals not in quarantine or persons other than the owner or caretaker. The quarantine shall be conducted by way of an order issued by the animal control agency designating the specific place, manner and provisions of the quarantine.

*RABIES SUSPECT ANIMAL:* Any animal which has bitten, scratched, or broken the skin of an individual or has been bitten, scratched or otherwise wounded or had contact with a rabid animal; or any animal showing symptoms suggestive of rabies.

*SANITIZE:* To make physically clean to the maximum degree that is practical.

*SECURE ENCLOSURE:* An enclosure that securely impounds an animal.

*SERVICE ANIMAL:* An animal specially trained to provide aid or assistance to a human, as defined by the Americans with Disabilities Act.

*SEVERE INJURY:* Any physical injury requiring medical attention.

*WAIVER:* A statement signed by a licensed veterinarian qualifying the medical reason that an animal should not be vaccinated for rabies.

### 10-3-3: **CRUELTY TO ANIMALS:**

A. *Standard of animal care:* Owners shall provide their animals the minimum standard of care set forth in this section. Every owner shall provide the animal with sufficient wholesome food, water and shelter according to the following minimum standards:

1. *Adequate food:* Animals shall be provided, at intervals not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff specific to the age of the animal's species that provides an adequate level of nutrition necessary to sustain the good health of the animal.

2. *Adequate quantities of water:* Animals shall at all times have access to a supply of clean and fresh water. The owner shall replenish the water supply a minimum of every twenty-four (24) hours.

3. *Sanitary animal keeping:* Owners shall keep their animals in a clean, sanitary and healthy manner and not confine them in a manner where they are forced to stand, sit or lie in their own excrement.

4. *Shelter:* Every owner shall provide their domestic animals with a shelter structure possessing walls, roof, raised floor, and a door intended to shield the animals from wind and rain. A structure that is ventilated and provides protection from excessive heat and cold. A structure commensurate to the size of the inhabiting animal to permit it to move about freely.

5. *Tethering:* An owner shall not tether a dog or other domestic animal through use of a choke collar or tether or confine an animal in such manner that it can become entangled to the extent it cannot move freely, or reach shelter or water, or becomes entangled with another animal. The area where the animal is tethered or confined must be free of extraneous material that may cause it injury (materials such as glass, sharp metal and nails). A dog tether must be a minimum length of three (3) times the length of the dog, measured from the tip of its nose to the base of its tail. No animal may be kept continuously tethered for more than twelve (12) hours in any twenty-four-hour period or tethered on a continuous basis.

6. *Exercise:* Confined animal must be regularly provided with physical activity appropriate to their species, age and condition sufficient to maintain their good health.

7. *Veterinary care:* The owner of a diseased or injured animal shall promptly provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals, as necessary to prevent the transmittal of disease.

B. *Torture or neglect:* It shall be unlawful for any person to allow an animal to suffer or permit any animal to be tortured, neglected, tormented, overloaded, overworked, cruelly beaten or mutilated that results in injury or death of the animal.

C. *Animal fights prohibited:* It shall be unlawful for any person to cause, instigate, or permit any dogfight, cockfight, bullfight, or other such combat between animals or humans. A violation of this section is punishable by state law.

D. *Fighting equipment:* It shall be unlawful to possess cockspurs, slashers, gaffs, or other tools, equipment, devices or training facilities intended for purposes for training or engaging an animal in combat with another animal.

E. *Leg hold traps:* It shall be illegal to set out any leg hold traps in the city unless approved by the animal control agency and the city planning and zoning department.

F. *Animal exhibition, circus:* It shall be unlawful for an animal exhibition or circus to perform acts or establish exhibits where the performing or exhibited animals are induced to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which is likely to cause physical injury or suffering.

G. *Confinement without food and water; intervention:* A person observing a domestic animal confined without access to food or water for more than twenty-four (24) hours, should immediately contact the animal control agency.

H. *Improper containment of animal in motor vehicle:* No person(s) shall permit an animal to be contained within a motor vehicle under conditions that endanger the health, safety or well being of the animal. This provision includes circumstances relating to dangerous temperatures or lack of air, food, water and proper care. An animal control officer/police officer or public official who has probable cause to believe a confined animal is imperiled shall have the authority to enter the motor vehicle by any reasonable means after making an effort to locate the owner.

I. *Abandonment:* It shall be unlawful to abandon an animal intentionally, knowingly, recklessly, or, with criminal negligence, or leave an animal at a location without providing for the animal's continued care. Abandonment includes the disposing of an animal at or near an animal shelter, veterinary clinic or other place of shelter without first making provisions for its reasonable care.

A violation of this section, except section C, shall constitute a misdemeanor and shall be punished as provided for in 1-4-1 of the Kuna City Code. Section C shall be punishable as prescribed therein.

#### 10-3-4: **WILD ANIMALS:**

A. It shall be unlawful for any person to keep, maintain or have in their possession or control, a wild animal as defined herein.

B. This prohibition does not apply to zoological parks, properly licensed transient animal exhibitions, circuses, or licensed veterinarians, or those facilities possessing valid and current state and/or federal permits to keep such animals.

#### 10-3-5: **MAINTENANCE OF FARM ANIMALS WITHIN CITY:**

A. *Keeping unlawful:* It shall be unlawful to introduce farm animal(s) into the City of Kuna from the effective date of the ordinance from which this chapter derives passage, unless the city zone where the animal(s) will be stabled, kept, pastured or maintained, permits or specially permits through zoning process, the accommodation of farm animals. Farm animal(s) and/or structures to house the same that existed within the city prior to the effective date of this chapter's passage or if the city through an annexation procedure, has annexed land into the city where farm animals are not permitted, but where maintained prior to annexation, said farm animals are granted a nonconforming status according to Idaho law.

B. *Approval criteria:* The keeping of farm animals, where permitted, shall be according to the following approval criteria:

1. *Minimum lot size:* A minimum lot size shall be of a size sufficient for the health and welfare of the animal. If there is a dispute as to the necessary size of the lot, it shall be

determined based on the assessment of a veterinarian knowledgeable in the keeping of the specific farm animal, who is provided specifics about where the animals will be kept.

2. *Location of housing structure:* Large farm animals are not to be housed in any structure located less than fifty (50) feet from a property line. Small farm animals are not to be housed in any structure located less than fifteen (15) feet from a property line.

3. *Area fenced:* Farm animals shall be kept in a fenced area, with both the fencing, sufficient to contain the animal(s), and the location approved by the city.

#### 10-3-6: **DOGS PROHIBITED ON PUBLICLY OWNED PROPERTY:**

A. *Creation of dog-free areas; exceptions:* It is the intent of the city council to create areas within the city limits that are designated "dog-free" areas. It shall, therefore, be unlawful for any person to permit, allow, or carry any dog onto publicly owned posted property or any other public place that has been posted disallowing dogs, with the following exceptions:

1. Persons with disabilities utilizing assistance animals.
2. The dog is confined in a motorized vehicle.
3. The dog is confined to perimeter sidewalks or roadways only.
4. Police officers and their service animals.
5. Search and rescue animal handlers.

B. *Parental responsibility:* In the event that the dog's owner is a minor, the parent or guardian shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by the animal.

#### 10-3-7: **DOG LICENSES:**

A. *Location for purchasing license:* Dog licenses shall be purchased at locations designated by the city council.

B. *License required; exceptions:* It shall be unlawful for any person to own, harbor, keep or possess a dog older than six (6) months of age within the city without first procuring a license as required by this chapter, except:

1. Dogs whose owners are nonresidents, but who are temporarily residing within the city for thirty (30) days or less, and possessing a license issued by another municipality or other licensing authority.
2. Dogs brought into the city for the purpose of participating in shows, exhibits, competitions or similar events.
3. Dogs specially trained to assist people with disabilities where the dog is serving in this capacity
4. Dogs for sale through licensed pet stores.

C. *License term; application; fees:*

1. Dog licenses shall be valid until December 31 of each calendar year. The owner of the dog located within the city shall make application at city council designated locations and pay a license fee according to the schedule of fees adopted by city resolution.

2. After July 1 of each calendar year, the license fee shall be one-half of the regular license fee and effective until December 31 of that year.

3. No dog will be licensed as spayed or neutered without valid proof the surgery was performed.

4. At time of payment the license issuer shall provide a receipt designating the dog owner's name, license number, animal gender (or status of spayed or neutered) and the amount paid along with providing a metal tag bearing the number corresponding to that affixed upon the receipt.

5. If a license is lost, the dog owner shall apply for a replacement tag and pay the appropriate fee.

6. Dog licenses may be purchased starting December 1 of each calendar year.

D. *Use of improper or imitation dog license:* It shall be unlawful for a person to allow their dog to wear a license tag issued to another dog, or wear an imitated city license tag representing the current year's registration, or any tag marked on plate or collar similar to that required by the city.

#### 10-3-8: **LIMITATIONS ON NUMBER OF DOGS OR CATS:**

A. A dog or cat owner is limited to four (4) dogs or cats on the premises at one (1) time; unless said person obtains a valid commercial kennel license that affords a greater number of dogs or cats.

B. For the purposes of this section, the litter of a female dog or cat may be kept with its mother and the litter, and shall constitute one (1) dog or cat until the litter reaches six (6) months of age at which time this status will divest and each dog or cat shall be counted as an individual animal.

C. Any person may exceed the four (4) dogs per premises limit, where all of the dogs are service dogs that have received professional special training, such as seeing eye dogs, safety dogs or companion dogs, and the dogs will be in use at said premises in their special training capacity and the person(s) utilizing the dogs reside(s) on the premises.

#### 10-3-9: **COMMERCIAL KENNEL LICENSES:**

A. *License requirements:* All kennels must be properly licensed. Applications are to be addressed to the Idaho Humane Society, Incorporated, with a duplicate application sent to the city. The application shall state the name and address of the owner, the location of the kennel, and the breed(s) of dog to be kept. The city fee for a kennel license shall be set by resolution of the city council. An authorized officer of the Idaho Humane Society shall inspect all prospective kennels prior to granting a kennel permit.

B. *Any application for a kennel permit must include:*

1. Written approval from the Idaho Humane Society that includes a statement about the number of dogs that may be kept at the facility.

2. Licensing for each dog that is subject to licensing under section 10-3-7.

3. Written City of Kuna Planning and Zoning Department approval:

a. Written approval shall be in the form of an approved conditional use permit and possession of a valid zoning certificate.

b. Written approval shall provide the Kuna City Planning and Zoning Director or designee's signature on the kennel license.

C. *Revocation of kennel license:*

1. A kennel permit may be revoked or the application for kennel permit denied when any of the following conditions are found to exist:

a. Dogs from the subject kennel are apprehended by an animal control officer for running-at-large within the city limits more than one (1) time in any six-month period.

b. Failure of the kennel to maintain an accurate list of all the dogs kept at the kennel. The list shall be maintained as part of the business records of the kennel.

c. The kennel keeping more than the approved number of dogs at the kennel.

d. Failure of the kennel to allow access to an authorized humane society officer to inspect the kennel facility.

e. Failure to maintain the kennel in a clean and sanitary manner by the kennel operator or its staff.

f. Failure by the kennel to provide the animal's adequate shelter and protection from the weather.

g. Failure by the kennel to provide the animal's with adequate ventilation.

h. The quartering together of temperamentally unsuited dogs or allowing the animals to be in proximity to one another which action causes the dogs to be abused or tormented.

i. Excessive or loud animal noises at the kennel.

j. Failure to adequately treat any diseased or injured dog or failure to segregate a diseased dog necessary to preventing the spread of disease to other animals.

D. Upon notice of revocation, served by the animal control officer, a kennel license holder shall have thirty (30) days to cure any noted defect. In the alternative, the kennel license holder may, within thirty (30) days, file a written protest to contest such revocation. The protest must be filed with the City of Kuna.

E. If no protest has been submitted to the Kuna City Council by the kennel owner seeking review of a revocation within thirty (30) days after notice of that action, the kennel license shall be deemed revoked.

10-3-10: **ANIMALS RUNNING AT LARGE PROHIBITED:**

A. *Animals running at large:* It shall be unlawful for any owner to allow an animal(s) to run at large. Animals on a leash, cord or chain (not to exceed 8 feet) and accompanied by a person competent to handle the animal shall be permitted on streets or public land, unless the City has posted and signed an area "animals prohibited". Violation of this subsection is punishable by fines set by resolution of the city council.

B. *Impoundment:* The animal control agency may impound any dog, cat, or animal found running-at-large, subject to redemption in the manner provided by ordinance; except as may otherwise be provided in this section. It shall be unlawful to kill, destroy, or cause injury to an animal running-at-large, unless that action is provided by law.

C. *Collar and tag required:* Every dog shall wear a substantial, durable collar, or harness at all times, to which shall be securely attached the required license tag.

D. *Training and exercise grounds:* The city council may designate public grounds for the training or exercise of dogs, subject to certain rules and regulations. Dogs exercising in these areas need not be controlled by leash, provided they are under the control of a responsible person through whistle, voice, or other effective command.

#### 10-3-11: **FOUND STRAY ANIMALS:**

It shall be unlawful for any person to take into their possession a stray animal without notifying the animal control agency at once. The animal shall be released to the animal control shelter or animal control officer upon demand by that agency's representative without charge.

#### 10-3-12: **RABIES CONTROL:**

A. *Rabies vaccination required:*

1. *Vaccination requirement:* The owner of any dog, cat or ferret over sixteen (16) weeks of age is required to have them vaccinated for rabies by a licensed veterinarian and to keep the vaccinations current, or request these requirements be waived by a licensed veterinarian.

2. *Waiver of vaccination:* The waiver of the rabies vaccination requirement shall be obtained from a licensed veterinarian in the form of written statement that advises the medical reason for the waiver.

3. *Revaccination:* The owner of every dog, cat or ferret shall have the animal revaccinated twelve (12) months after the initial vaccination and then every three (3) years thereafter. The owner shall use a vaccine labeled by the manufacturer for triennial use, or every year use a vaccine labeled by the manufacturer for annual use.

4. *Rabies certificate:* The owner must keep a certificate of rabies vaccination issued by a licensed veterinarian. The certificate must provide the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, the vaccine producer and product name, and the veterinarian's identity.

B. *Reporting suspected case of rabies:* A person who has care or custody of an animal displaying rabies symptoms or acting in a manner, which prompts a reasonable suspicion that it may have this disease, shall notify the animal control agency.

C. *Keeping of rabid animals unlawful:* It shall be unlawful for a person, other than a licensed veterinarian, or the animal control agency, to have in its possession any animal afflicted with rabies or suspected of having rabies.

D. *Reporting of bites:* If a person's animal bites someone and this particular animal species is vulnerable to contracting rabies, the animal owner shall immediately notify the animal control agency.

E. *Payment of fees and expenses:* The owner of any animal quarantined under the provisions of this section shall pay all fees and expenses related to that action including the impoundment,

confinement, board, examination, laboratory testing and release of the animal from quarantine, and any other deposit or fee required by this chapter.

10-3-13:       **ANIMALS PRESENTING AN IMMEDIATE DANGER:**

A.     If an animal presents an immediate danger to the health and safety of a person, or the animal is threatening or harming a person, the animal may be destroyed by whatever humane means necessary to prevent further injury to the victim. Alternatively, the officer or animal control agency may, if practical apprehend the animal and impound it.

Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

10-3-14:       **DIRECTING A DOG TO HARRASS OR ATTACK:**

A.     It shall be unlawful for the owner of any animal to direct, encourage, cause, allow, or otherwise aid or assist a dog to threaten, charge, bite, harass, menace, or attack a person within the city. The aggressive animal may be seized and impounded. This section shall not apply to an attack by a dog under the control of a law enforcement officer or resultant from an attack upon an uninvited intruder who enters the owner's property with a criminal intent.

Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

10-3-15:       **DISEASED ANIMALS:**

A.     *Keeping diseased animal:* No person shall keep on their premises or permit to run at large a diseased animal who poses a danger to the health and safety of the city residents, even if the animal is properly licensed under this chapter.

B.     *Confinement:* An animal suspected of carrying a disease that presents a threat to the health and safety of the public may be apprehended and quarantined at the animal control shelter or other approved location operated by the animal control agency. The animal control agency shall have a qualified, licensed veterinarian examine the animal. If the animal is found to be diseased and poses a danger to the health and safety of the city, the officer shall cause the animal to be humanely destroyed and see to the proper disposal of the remains. The owner of the animal destroyed shall be liable for the associated costs of maintaining and disposing of the animal, plus any veterinarian examination costs.

C.     *Release:* If, after examination, the animal is found not to be diseased the animal shall be released to the owner free of charge for services rendered.

D.     *Destruction:* An animal determined by a qualified, licensed veterinarian to carry a disease that threatens the health of humans or animals may be immediately destroyed where such action is necessary to protect public health and safety.

**10-3-16: HABITUAL BARKING OR NOISEMAKING:**

A. *Prohibition:* It shall be unlawful for a person to fail to exercise proper care and control of their animal who frequently and/or excessively emits noises that are audible off of the owner's property.

B. *Impoundment:* An animal determined to be in violation of this section may be seized and impounded in the event such disturbance reoccurs after the person in control of the premises has received one (1) prior warning or citation within a period of six (6) months from the animal control agency. It is not an acceptable defense to plead that prior animal noise making, warnings or citations involved different animals.

C. *Exception, farm animals:* This section shall not apply to noises made by farm animals whether it is noise making emanating from commercial or noncommercial activities on land permitted for farm animal keeping.

D. *Affirmative defense:* An affirmative noise defense is the circumstance where an animal was intentionally provoked into making noises.

**10-3-17: DAMAGE TO PROPERTY; LIABILITY:**

It shall be unlawful for any animal to damage or destroy any property, including a lawn or garden, or other thing of value upon the private property of any person or upon any public property. In the event that the owner of the animal is a minor or incapacitated person, the parent or guardian of such minor shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by said animal.

**10-3-18: CLEANING UP WASTE:**

An owner of an animal shall be responsible for cleaning up the animal's wastes and disposing of the waste in a sanitary manner when occurring on other's property and at the time of the occurrence. An owner of any animal shall also be responsible for maintaining sanitary conditions on their own property.

**10-3-19: DOGS AND CATS' ESTROUS CYCLE:**

An owner of any dog or cat experiencing an estrous cycle shall cause the animal to be confined in a manner where said animal cannot come in contact with another dog or cat, except for planned breeding purposes. Any dog or cat running at large during its estrous cycle may be seized and impounded.

**10-3-20: DEPOSITING DEAD ANIMALS WITHIN CITY LIMITS:**

It shall be unlawful for a person to deposit a dead animal's body on public or private property in the city or allow the animal to remain unburied for more than twenty-four (24) hours.

**10-3-21: ENFORCEMENT OFFICIAL; ANIMAL SHELTER:**

A. *Appointment of animal control agency:* The city council is authorized to appoint an animal control agency to enforce the provisions of this chapter.

*Duty of animal control agency, shelter and its officers or assigns:* The animal control agency is authorized to enforce the provisions of this chapter and is designated as a peace officer for this purpose. The animal control agency is authorized to make necessary animal seizures. The agency may remove and keep any animal in violation of the provisions of this chapter. The animal control agency shall issue a notice of ordinance violation to enforce provisions of this section. The notice of ordinance violation may be signed by any person witnessing a violation as well as the witnessing animal control officer whose name shall be affixed on the notice of ordinance violation.

B. *Issuance of citations; time limit for payment:* When administrative citations are issued, the violator will have fifteen (15) working days to pay the citation. The fifteen (15) days shall not include Saturdays, Sundays and government holidays and the time limit begins the day the citation is issued.

C. *Late fees:* For every day the administrative citation is not paid beyond the due date, a ten dollar (\$10.00) charge will be assessed each day until the citation and late fees are paid in full.

*Failure to pay; infraction:* Failure to pay an administrative citation within fifteen (15) working days of the date the administrative citation is issued shall be an infraction. If a person is convicted for an infraction they will be subject to a fine of one hundred dollars (\$100.00) for each citation, in addition to other possible fees and penalties.

D. *Designation of animal control shelter:* The city council shall designate an official animal control shelter where animals found in violation of this chapter shall be taken.

10-3-22:       **OBSTRUCTING ANIMAL CONTROL OFFICER:**

No person shall obstruct, delay, hinder, or interfere with any person authorized by the city council to discharge their duties under this section. The following acts are considered obstructing or interfering with an animal control officer's duties:

A.       Removing an animal from the animal control shelter or from the custody of an animal control officer without the authority of the animal control agency.

B.       Removing an animal from the animal control shelter without paying the designated fees.

C.       Threatening or obstructing an animal control officer acting in their official powers or duties.

D.       Committing an act that interferes with or obstructs an animal control officer acting in the discharge of their duties.

E. An animal control officer in the course of their duties has an obligation to identify who they are to those requesting that information and provide a current work address and, if necessary, sign an acknowledgement of receipt of infraction or misdemeanor.

F. It is unlawful to make a false or misleading statement or representation about animal ownership or custody to an animal control agency, shelter or officer.

Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

#### 10-3-23: **IMPOUNDING OF ANIMALS:**

The animal control officer may impound an animal if they have probable cause to believe a person has violated any provision of this chapter for which an animal may be impounded. The notice and terms of impoundment, redemption and disposal of such animal is as follows:

A. *Record of impounding:* At time of animal impoundment the animal control agency shall record the date of impounding, a description of the animal impounded, and an assessment of its identity if that can be determined.

B. *Identified animals:* Within twenty-four (24) hours after impoundment of an identified animal, the animal control agency shall make a reasonable effort to notify the owner of the animal's impoundment.

C. *Redeeming animals:*

1. Animals brought to the animal control shelter shall be provided humane treatment and sufficient food and water for their comfort for a period of time, as determined by the impounding agency, unless they are subject to other provisions of this section.

2. This section does not apply to animals that are sick or injured to the extent that their impoundment will prolong their suffering and a better course of action would be to humanely euthanize the animal in the opinion of a licensed veterinarian.

3. The owner of any animal which is lawfully impounded shall pay all fees and expenses related to the impoundment whether or not the animal is later claimed.

4. The following protocol is required to reclaim an animal, unless otherwise noted:

a. Execution of a sworn statement of ownership.

b. Proof of current license (if required) in the circumstance the animal is untagged, or purchase of a license and tag.

c. Payment of the impoundment fees.

d. Payment of the boarding fee according to the boarding schedule.

e. Payment of any veterinary and hospital expenses incurred during the animal's impoundment.

D. *Refusal to redeem impounded animal; adoption; appeal:* The animal may not be redeemed by the owner, if, in the judgment of a licensed veterinarian or the animal control agency, an animal should not be returned to the owner for humane or public health reasons. The animal control agency may find a responsible person to adopt the animal after it has been

impounded a minimum of five (5) days. The agency shall take reasonable steps to inform the owner of its intent to euthanize or adopt the animal. Such notice will include the owner's right to appeal the decision. An owner may request in writing an appeal of the decision, which will stay an action until the appeal is complete. If the appellate authority decides that the animal should be euthanized, or adopted, the owner shall be liable for the costs of boarding the animal and any other expenses incurred by the animal control agency while keeping or caring for the animal from the date of the impoundment through the end of the appeals process. The animal control agency shall not be held civilly liable for the euthanasia of the animal.

E. *Impoundment fees:* The animal control shelter shall be entitled to charge a fee for the keeping and selling of an animal, and these fees shall be retained by the animal control shelter.

F. The charges associated with selling an animal shall be determined by the animal control shelter with city council consultation. The fees charged by the animal control shelter for impounding and keeping any animal shall be paid at time of animal redemption. The animal control shelter is obligated to keep a fee schedule for services rendered available for public inspection and advise the city council annually the fees it charges for its services.

10-3-24: **CITY IMMUNE FROM LIABILITY:**

The city, the city's designee, the animal control agency, the animal control shelter, and the animal control officer shall be immune from all civil liability for actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. This chapter has been enacted for the welfare of the public as a whole.

10-3-25: **HABITUAL VIOLATOR:**

A. *Order of abatement; appeal:* In addition to any legal remedy available under the provisions of this chapter, the animal control agency will notify and direct, in writing, the owner of an animal who is guilty of three (3) convictions of a violation of this chapter in any twelve-month period to abate and remove the animal from the city within five (5) calendar days from the date of the notice; or, in the alternative, to abate and transfer ownership and possession of the animal to another person not living at the same place of residence. Such notice to abate shall state the method of appealing the order, except that any appeal must be filed within five (5) calendar days following service of the notice.

B. *Request hearing before district court:* The owner of an animal that has been served with an order of abatement, pursuant to subsection A. of this section, may appeal such order by requesting a hearing before the district court by submitting a written request to the clerk of the court. Any appeal must be filed within five (5) calendar days following service of the notice.

C. *Failure to abate; impoundment of animal:* If the owner of the animal is found in violation of the abatement notice after five (5) calendar days have elapsed from the date of notice and no timely appeal is filed, the animal shall be removed and impounded by the animal control agency, subject to all impoundment procedures; provided, however, the animal may not be returned to the same residence or property from where it formerly resided or was impounded.

**10-3-26: PENALTIES:**

Except as provided for within this Chapter, any person violating this section shall be guilty of an infraction punishable as provided for in Kuna City Code 1-4-1. A second violation of this section within six (6) months from the date of the commission of the prior offense for which the person was charged shall constitute a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000).

**CHAPTER 4  
FALSE ALARM ORDINANCE****10-4-1: SHORT TITLE AND PURPOSE:**

This chapter shall be known as the "false alarm ordinance" and its purpose is to reduce the number of false security alarms occurring within the municipality thereby enhancing police response time for critical calls for service and reducing the costs to the city for the police response to the increasing number of false security alarms. Further, the intent of this chapter is to encourage alarm businesses and alarm users to maintain the operational viability of their security alarm systems and to hold owners of alarms systems accountable for the costs associated with responding to false security alarms.

**10-4-2: DEFINITIONS:**

*ALARM INSTALLATION COMPANY.* A person or entity in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in a business or residence.

*ALARM MONITORING BUSINESS.* Any person, firm, or corporation who is engaged in the monitoring of security alarm systems and the summoning of a law enforcement response to the alarm location.

*ALARM OFFICER.* The Chief of the Kuna Police Department or his/her designee.

*ALARM SYSTEM.* Any mechanical, electrical or other device, which is designed or used for the detection of a trespass, burglary or robbery within a building, structure or facility or for alerting others to a hazard or to the commission of an unlawful act within a building, structure or facility or which emits a sound or transmits a signal or message when activated and which is designed to elicit a response from the police department. Alarm systems include, but are not limited to, direct-dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms but are audible, visible or perceptible outside the protected building, structure or facility are not included with this definition. An alarm system includes all the necessary equipment designed and installed for the detection of a trespass, burglary, robbery or other hazard in a single building, structure or facility or for alerting others to the commission of an unlawful act within a building, structure or facility.

*ALARM USER.* Any person who purchases, leases, contracts for or otherwise obtains a security alarm system or contracts for the servicing or maintenance of a security alarm system.

*AUDIBLE ALARM.* Any device designed for the detection of an unauthorized entry on the premises, and which, when activated, generates an audible sound on the premises.

*AUTOMATIC DIALING DEVICE.* An alarm system which automatically sends a transmission over a standard telephone line, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

*EMERGENCY.* Any condition for which the alarm was designed and installed and which, results in a response of police personnel.

*ENHANCED CALL VERIFICATION.* An independent method whereby the alarm monitoring company attempts to determine that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. This verification process will be conducted by the alarm system monitoring personnel and shall consist of making two (2) phone calls to the responsible party or parties and shall not take more than five (5) minutes from the time the alarm signal has been accepted by the alarm monitoring company. At least one (1) of the two (2) phone calls must be made to the party of the premises upon which the alarm system is installed.

*FALSE ALARM.* An alarm signal, message, transmittal or communication, which is activated from an alarm system and which is responded to by personnel of the police department for which no emergency situation exists or existed as determined by the responding police personnel. False alarms shall not include alarms caused by natural occurrences such as hurricanes, tornadoes, earthquakes or other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm user.

*HOLDUP ALARM.* (also duress alarm, robbery alarm or panic alarm). An alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises, intended to signal that a robbery or other crime is in progress, and that one (1) or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime.

*INTERCONNECT.* Any connection to an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone to transmit a message upon the activation of the alarm system.

*ONE PLUS DURESS ALARM.* A security system which permits the manual activation of an alarm signal by entering on a keypad, a code that either adds the value of 1 to the last digit of a normal arm/disarm code (e.g., the normal arm/disarm code "1234" as "1235" automatically activates the duress alarm feature) or that involves entering any incorrect final digit to a normal arm/disarm code.

*PENALTY STATUS.* That status achieved by more than one (1) false alarm within the calendar year beginning January 1 and ending December 31.

*Person.* Any individual, partnership, association, corporation, or organization of any kind, or any governmental entity or political subdivision thereof.

*SIA CONTROL PANEL STANDARD CP-01.* The ANSI - Control Panel Standard, and as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL) , or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

10-4-3:           **ALLOCATION OF REVENUE:**

All service fees collected pursuant to this chapter shall be paid to the General Fund of the City of Kuna.

10-4-4: **ALARM PROCEDURES AND REGULATIONS:**

A. Each alarm user shall maintain each alarm system in good working order, and provide the necessary service to prevent malfunctions.

B. It is unlawful for any person to install or maintain any audible alarm which creates a sound similar to that of a civil defense warning system.

C. Each alarm user is responsible for assuring that each alarm system is used properly and in accordance with the manufacturer's directions and the law.

D. Every person maintaining an alarm system shall provide to the Kuna City Police Department and the Ada County 911 Communications Center located at the Ada County Sheriff's Department, 7200 Barrister Drive, Boise, Idaho, 83704, information containing the names and telephone numbers of the persons to be notified in order to render repairs or service and secure the premises during any hour of the day or night that the alarm system is actuated within fifteen (15) days of installation of the alarm system.

E. Every person maintaining an alarm system shall make readily visible, either on or immediately adjacent to the exterior of the device emitting the alarm, the name and telephone number of the responsible party to be notified in order to render repairs and service and secure the premises during any hour of the day or night that the alarm system is activated.

F. Every audible alarm shall have a timing device, which automatically shuts off the alarm within thirty (30) minutes after it has been activated.

G. It shall be unlawful for an alarm user or his/her representative to fail to respond to the alarm location within sixty (60) minutes after being requested to do so by a law enforcement representative or Ada County Sheriff's Department personnel. A person responding to the alarm location shall take whatever remedial action is necessary to secure the property from further intrusion, or take whatever action is necessary to render service to the alarm or to provide response by another person who is able to render the necessary action after the responding law enforcement agency has rendered the area safe from possible entry by an intruder. Unless specifically requested, the law enforcement agency responding shall be under no obligation to remain at the locations of the alarm for a period in excess of fifteen (15) minutes, while waiting for the responding party to arrive unless illegal entry has occurred.

H. No person shall maintain, operate, use or attempt to use, an alarm system which generates a false alarm. Each alarm user is responsible for paying the false alarm special service fee, as provided in section 10-4-7.

**10-4-5: DUTIES OF ALARM INSTALLATION AND MONITORING COMPANIES:**

A. The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

B. After the effective date of this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Monitoring companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress alarms prior to enactment of this chapter. However, upon the effective date of this chapter, when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification, the alarm installation company must remove the one plus duress alarm capability from such alarm system.

C. After the effective date of this chapter, alarm installation companies shall not install a device to activate a holdup alarm, which consists of a single-action and nonrecessed button.

D. An alarm installation or monitoring company shall not install or use automatic dialing devices.

E. Enhanced call verification is required. After the effective date of this chapter, every alarm monitoring company shall verify every security alarm signal prior to requesting a police dispatch by making two (2) phone calls to the responsible party or parties, not more than five (5) minutes from the time the alarm signal has been accepted by the alarm system monitoring company. At least one (1) of the two (2) phone calls must be made to a party off the premises upon which the alarm system is installed

F. Once notification that an alarm system is activated, the alarm monitoring company shall immediately proceed to silence the alarm or ensure that the alarm is silenced. The silencing of the alarm must be completed within fifteen (15) minutes after notification of activation when the alarm system is protecting a residential structure or within thirty (30) minutes when the alarm system is protecting a commercial or industrial structure.

**10-4-6: INTENTIONAL FALSIFICATION OF ALARM SYSTEM PROHIBITED:**

It shall be unlawful for any person to activate an alarm system for the purpose of summoning police, except in the event of what is reasonably believed to be an unauthorized entry on the premises for the purposes of carrying out a felony or violent misdemeanor therein.

**10-4-7: FALSE ALARM, SPECIAL SERVICE FEE:**

A. An alarm user whose alarm has elicited one (1) false alarm response from law enforcement within one (1) calendar year, where any subsequent alarms are false, will be assessed a service fee for each false alarm that occurs within that period of time.

- B. If one (1) false alarm within one (1) calendar year are received from any alarm system;
1. The alarm officer shall notify the alarm user by personally serving a notice of false alarm, upon a form, as approved the alarm officer, upon the owner of the building, or by sending a letter via certified mail of the false alarm.
  2. The alarm officer will advise the alarm user that any additional false alarms within the calendar year will result in the assessment of a service fee for each additional false alarm that has been responded to, as determined by the following schedule:

Second False Alarm	\$50.00
Third False Alarm	\$100.00
Fourth False Alarm	\$150.00
Every successive False Alarm over 4	\$175.00

- C. A fifteen-day grace period will be extended to all alarm users after the initial installation of an alarm system. The official recording of false alarms will not commence until after the expiration of the fifteen-day grace period.

**10-4-8: ENFORCEMENT OF ALARM ORDINANCE AND PENALTIES:**

In addition to the Special Service Fees, each violation of this section shall constitute an infraction punishable by a fine of one hundred dollars (\$100.00). Each alarm call shall be considered a single violation.

**10-4-9: SEVERABILITY:**

If any clause, sentence, paragraph, section or any part of this chapter shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.

**10-4-10: EFFECTIVE DATE:**

The ordinance from which this chapter derives shall be effective upon passage.

**CHAPTER 5  
DISCHARGE OF WEAPONS**

**10-5-1: DEFINITIONS:**

*FIREARM.* Any device, designed to be used as a weapon, from which a projectile is discharged through a barrel by the force of an explosive charge.

*AIR GUN.* Any weapon that expels a projectile through the action of release of a pressurized gas, compressed air, expanding gas, or other force-producing means or method including, but not limited to, objects commonly referred to as air guns, air pistols, air rifles, "bb" guns, pellet guns, blow guns, air soft guns and paint ball guns.

**10-5-2: PROHIBITED ACTS:**

A. It shall be unlawful to discharge a firearm within city limits from a dwelling or vehicle or within any platted and developed subdivision or in a manner likely to cause damage to the property of another.

B. It shall be unlawful to discharge any air gun upon or within the public right-of way, public parks and other public property and ways, or private property open to the public, except at a range established or approved by the City of Kuna.

C. This section shall not apply to firearms discharged at a regularly established shooting gallery or range licensed and authorized by Kuna City Code or by any law enforcement officer when discharging his/her firearm in the performance of his/her duty or when any citizen is discharging a firearm or other dangerous or deadly weapon when lawfully defending person or property.

A violation of subsection A of this section shall be a misdemeanor punishable as provided for in 1-4-1 of the Kuna City Code. A violation of subsection B of this section shall be an infraction punishable by a fine of one hundred dollars (\$100.00).

**CHAPTER 6  
NOISE****10-6-1: PURPOSE:**

The purpose of this chapter is the protection of the health, safety and welfare of the residents of the city. It is determined that sound can and does constitute a hazard to the health, safety, welfare and quality of life of residents of the city. The mayor and council, by way of IC § 50-308, are empowered to impose reasonable limitations and regulations upon the production of sound to reduce the harmful effects thereof. Now, therefore, it is hereafter the policy of this city to prevent and regulate sound generated by loud amplification devices wherever it is deemed to be harmful to the health, safety, welfare or quality of life of the residents of the city, and this chapter shall be liberally construed to effectuate that purpose.

**10-6-2: DEFINITIONS:**

*COMMON AREA(S)*: The area of a facility, complex, apartment unit, hotel, motel or the like that is open either to the general public or persons with the permission of the owner or agent of the owner of the area. This definition would include, but not be limited to the following: Swimming pools, restaurants, patios, hot tubs, saunas, laundry rooms, meeting rooms, lobbies, lounges, bars, and other areas within the facility that are either constructed or designed for use in this manner.

*LOUD AMPLIFICATION DEVICE*: Any equipment designed or used for sound production, reproduction, or amplification, including, but not limited to, any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loud speaker, public address (PA) system, sound amplifier, or comparable sound broadcasting device.

*PERSON*: Any individual, association, organization, or entity having legally recognized existence, whether public or private.

*PLACE OF RESIDENCE*: Any building or portion thereof adapted or used and intended for the overnight accommodation of persons. In buildings that contain multiple individual units (i.e., apartment, condominium, hotel, motel, duplex, triplex, etc.), each individual unit shall be considered a separate residence for the purpose of this chapter.

*PLAINLY AUDIBLE*: Sound for which the information content is clearly communicated to the listener, including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

10-6-3:           **PUBLIC DISTURBANCE NOISE PROHIBITED:**

Between the hours of 11:00 p.m. one day and 7:00 a.m. the next day, it shall be unlawful for any person, or business to make, cause, or allow noise by any means whatever that disturbs the peace and quiet of any inhabitant of a place of residence. The noise prohibited by this section is noise that a reasonable person should know would disturb a reasonable person of normal sensitivity.

10-6-4:           **EXCESSIVE AMPLIFIED SOUND PROHIBITED:**

A.     It shall be unlawful for any person to operate, or permit the operation of, any loud amplification device upon or within a motor vehicle in such a manner that the sound therefrom is plainly audible upon a public right-of-way or street at a distance of fifty (50) feet or more from the source of the sound.

B.     It shall be unlawful for any person to operate, or permit the operation of, any loud amplification device so that sound therefrom is plainly audible within any place of residence, business, hospital, farm property with animals, or restaurant other than the source of the sound, or where such sound is plainly audible upon a public right-of-way or street at a distance of one hundred (100) feet or more from the source of such sound.

10-6-5:           **EXCEPTIONS:**

The following sounds are exempted from the provisions of this chapter:

A.     Sounds caused by any emergency vehicle or personnel when responding to an emergency call or acting in time of emergency.

B.     Sounds caused by activities upon any municipal, school, religious, or publicly owned property or facility provided that such activities have been authorized by the owner of such property or facility or its agent.

C.     Sounds caused by parades, Kuna Days (between the hours of 7:00 a.m. one day to 2:00 a.m. the following day), firework displays, or any other event or type of activity for which a permit is required and has been obtained from the authorized governmental entity within such hours as may be imposed as a condition for the issuance of said permit.

- D. Sounds caused by locomotives or other railroad equipment.
- E. Sounds caused by burglar alarms that are not in violation of this Code.
- F. Sounds caused by safety warning devices required by law.
- G. Sounds caused by devices approved for use within the confines of the particular zoning designation that the device is located or pursuant to a conditional use permit (i.e., drive-through window speakers, ice cream vendors, car lot PA systems), so long as such sounds produced are not unreasonably loud.
- H. Sounds emanating from devices approved by the owners or management of a multiunit facility and used within the common areas of such facility. Said use must be in compliance with any regulations imposed by the owners or management of the facility to be exempt under this chapter. This exemption only applies in relation to other units within the same facility.

10-6-6: **PENALTY:**

A violation of section 10-6-3 of this chapter shall constitute a misdemeanor punishable by 1-4-1 of the Kuna City Code. A violation of 10-6-4 of this chapter shall constitute an infraction punishable by a fine of one hundred dollars (\$100.00).

**Section 2.** That all ordinances, resolutions, orders or parts thereof, or in conflict with this ordinance are hereby voided.

**Section 3.** This ordinance shall become effective upon passage and publication as required by law.

**PASSED** by the City Council of the City of Kuna, Idaho this 7th day of April 2015.

**APPROVED** by the Mayor of the City of Kuna, Idaho this 7th day of April 2015.

CITY OF KUNA  
Ada County, Idaho

\_\_\_\_\_  
W. Greg Nelson, Mayor

**ATTEST**

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Chris Engels, Interim City Clerk