

**CITY OF KUNA  
BOARD OF CORRECTION MEETING  
MINUTES  
TUESDAY, MARCH 19, 2013**

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

**5:30 P.M. – ANNUAL BOARD OF CORRECTION MEETING**

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

**CITY STAFF PRESENT:** Richard Roats, City Attorney  
Gordon Law, City Engineer  
Mike Borzick, GIS Mapper  
Brenda Bingham, City Clerk

**Call to Order and Roll Call**

Mayor Nelson welcomed everyone and called the Board of Correction meeting to order at 5:30 p.m. Roll call reflected Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear present at the meeting.

**1. Introduction:**

A. Introductory Memo - Gordon Law, City Engineer

Information was provided in the Council packets explaining the purpose of the Board of Correction and legislation defining the Board according to Idaho State Code 50-1811 and 50-1812. The meeting was noticed in the Kuna-Melba News on February 20 and February 27, 2013.

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

A. 2010 Tax Deed List (See Attachment) – Provided for information purposes to allow questions or comments. (*Timestamp 00:01:19*)

Mr. Law explained the 2010 Tax Deed List reflects a 3 year period of time that properties are delinquent on irrigation payments. If these are not redeemed by July 1<sup>st</sup> then they become subject to seizure.

Recommendation was made to remove 2 properties from the list owing an insignificant amount due to software errors. It was noted the irrigation payments were paid in full on these properties.

**Council Member Stear moved to remove the top 2 listed properties, one for \$1.15 and the other for \$3.95. Seconded by Council Member Hoiland, all voting aye. Motion carried 4-0.**

Mr. Law explained that Idaho State Code provides for delinquent properties and if the underlying note holder requests it, then the City is required to send notification that the properties are delinquent. Recommendation was made for staff to research each note holder in an attempt to bring their delinquent irrigation payments current.

**Council Member Buban-Vonder Haar moved to proceed with attempting to contact the note holders on the properties slated for tax deed. Seconded by Council Member Stear, all voting aye. Motion carried 4-0.**

B. Plateau and Oasis Subdivisions – (Timestamp 00:11:47)

*\*Note: This agenda item is similar to item 2C and will take place in one motion by the Council.*

It was discovered during 2012 that these two subdivisions were annexed into the Kuna Municipal Irrigation District (KMID) in 1992 and the City of Kuna pays annual water rental on these properties. Based on annexation they were included in the 2013 assessment roll as “gravity irrigation” parcels because it is our cheapest rate and is consistent with assessment practice on similar parcels. Pressure irrigation lines were not constructed at the time of development and are not presently available to many of the lots in these two developments. Gravity supply and drainage ditches no longer exist. Mayor Nelson, in response to protests, will propose a uniform adjustment for the lots in these subdivisions for consideration by the Board of Correction.

Mayor Nelson explained this is one of the larger groups of houses under consideration for installing pressure irrigation (PI). He suggested the Sunwood, Plateau and Oasis Subdivisions and the Swan Falls Business Park properties be de-annexed from KMID which would place them back into the Boise-Kuna Irrigation District at which time they could petition out of to avoid being billed.

Clarification was made that these properties would also be removed from the 2013 irrigation assessment roll.

**Council Member Buban-Vonder Haar moved to de-annex the Plateau and Oasis Subdivisions and Swan Falls Business Park from the Kuna Municipal Irrigation**

**District with the exception of any lots that are currently serviced by irrigation and have been using it and remove the 2013 assessments with an intent to reimburse any that have already been paid. Seconded by Council Member Stear with the following roll call vote:**

**Voting Yes: Council Members Hoiland, Buban-Vonder Haar and Stear**

**Voting No: Council President Cardoza**

**Absent: None**

**Motion carried 3-1**

Janet Yuzenas residing in Plateau Subdivision asked for clarification from the Council on the action taken. Attorney Roats was asked to personally explain the Council decision to Mrs. Yuzenas so she could have a clear understanding.

- C. Swan Falls Business Park – It was discovered during 2012 that this subdivision was annexed into the Kuna Municipal Irrigation District in 2001 and the City of Kuna pays annual water rental on these properties. Based on annexation they were included in the 2013 assessment roll as “gravity irrigation” parcels because it is our cheapest rate and is consistent with assessment practice on similar parcels. Pressure irrigation lines were not constructed at the time of development and are not presently available to many of the lots in this development. A buried Gravity supply line is available to many of the lots but drainage ditches no longer exist. Mayor Nelson, in concert with Item #2, will propose a uniform adjustment for the lots in these subdivisions for consideration by the Board of Correction.

*Note: Action on this agenda item is included with the motion under agenda item 2 B.*

- D. Flint Frame (376 Kelleher Drive) – (Timestamp 00:52:08)

This property is on the 2010 Delinquency list, has been noticed for tax deed according to law, and staff requests direction of the Board for disposition of the case. The property was annexed into KMID in 2006, connected to PI in 2007 and was first assessed by KMID in 2008. New York Irrigation District continued to assess the property through 2012 in spite of the City’s annexation. Mr. Frame became delinquent on both his NYID and KMID assessments commencing in 2010. In the 2012 irrigation season, the City of Kuna settled with NYID and entered into an agreement of cooperation. Part of the settlement involved the City purchasing the NYID 2012 receivable for the Frame property. In 2013, the Frames paid off their delinquencies with NYID through the 2011 irrigation season. In instances where parcels have been double assessed, and the assessment of the under-lying irrigation district has been paid, the City has allowed a credit for the assessment against the City’s assessment. We have not credited accrued interest and penalties for delinquent payments. Attached hereto is a spreadsheet showing staff’s calculation of credits for the Frame property. Staff requests the Board review the calculation and either confirm it or give direction for computing the credit differently.

**Council Member Buban-Vonder Haar moved that we waive Mr. Frame’s remaining 2010 assessment so long as his remaining 2011 assessment, penalties and interest, his remaining 2012 assessment, penalties and interest, \$15 turn on fee and the**

**remainder of his 2013 assessment is paid in full prior to July1st. Seconded by Council Member Stear with the following roll call vote:  
Voting Yes: Council Members Cardoza, Hoiland, Buban-Vonder Haar and Stear  
Voting No: None  
Absent: None  
Motion carried 4-0**

*E. Water Supply Balance – (Timestamp 01:14:56)*

For the information of the Board, a Table is included showing the quantities of water available to the pressure irrigation system and the usage, non-usage and wastage of water in 2012. Wastage is computed as the difference between water delivered to a pump station and the amount actually pumped. Water “not used” is the difference between available allotment and the amount the City requested to be delivered.

No action required.

**6. Adjournment:**

Council Member Stear moved to adjourn the meeting at 6:48 p.m.

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W. Greg Nelson, Mayor

ATTEST:

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Brenda S. Bingham, City Clerk

*Minutes prepared by Brenda Bingham  
Date Approved: CCM 4/2/13*

***An audio recording of this meeting is available at City Hall upon request or it can be accessed at the City of Kuna website [www.cityofkuna.com](http://www.cityofkuna.com).***