

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

DECEMBER 28, 2006

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

NOTE: These minutes are an unofficial record of this City Council meeting until reviewed; corrected if deemed appropriate and formally approved by the Kuna City Council at a subsequent Council meeting.

Mayor Dean Obray called the Special City Council Meeting to order at 11:10 a.m.

Present: Mayor Dean Obray, Council President Jeff Lang, Councilwoman Stroebel and Councilman Cardoza (Councilman Dowdy absent).

Also present: City Attorney Randy Grove and Planning & Zoning Director Diana Sanders; and Jim Keller, Keller Associates.

1. **CONSIDER PROPOSAL BY KELLER ASSOCIATES FOR DESIGN OF THE WASTEWATER TREATMENT PLANT WITH A 30% IMPROVEMENT.**

Mr. Keller directed Council to Page 3 of his handout entitled "New MBR Expansion Requested Options" (Exhibit A). He stated that the Mayor had been approached by a group of people purchasing property on the east side of Eagle Road and south of Kuna Mora Road, which is outside of the initial planning area for the treatment plant. The Mayor requested that Keller develop alternative options if these subdivisions were to be included in the area. There is an annexation path through the Thornton and Yamamoto properties. The existing plant is set up for 17,300 EDU's. There are two alternatives to be considered to accommodate the new development in the treatment options: 1) leave the existing lagoon in service and increase the capacity of the plant on the north end or 2) replace the lagoons and selling the land that the City owns (or use that land as a recreation/development facility) and using that revenue to build another plant. Perhaps a second scalping plant could be added and replace the lagoon with a new mechanical plant. A scalping plant just processes the water and does not handle solids.

Todd Massey, 4568 N. Chapala Way, Boise, Operations Manager, Capital Investors, stated that he was prepared to make \$3,000,000 available to help in the expansion of the plant. He understood that that could go against a future LID assessment and could present a PUD to the City for 934 acres by the end of the following week.

Mr. Keller also asked Council to consider an architectural theme for the treatment plant.

Councilwoman Stroebel asked if the \$158,000 for re-design and design is an additional cost.

Mr. Keller confirmed that this would be an additional cost.

Following discussion regarding architectural design of the plant, Council agreed on the residential school house theme.

Mr. Massey explained that the proposal was a talking point list submitted at one time. He stated that he had been advised by the Mayor that some of the things proposed wouldn't happen exactly the same way. The \$3,000,000 was once thought to be an offset for an LID that he would be participating in. The current proposal would be to bring the \$3,000,000 to the City to be used for the expansion of the new wastewater treatment plant. The engineer suggested that it would cost \$158,000 to update and Osprey Ridge would be willing to deliver that so design can be started.

Mayor Obray stated that the City needs to know if the \$3,000,000 would be payable to the City for future expansion upon approval of the annexation.

Mr. Massy responded in the affirmative.

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve Option 2 with Osprey with lagoons in the amount of \$34,500,000 to increase the capacity by 30% with the Osprey Subdivision picking up the \$158,000 fee for the re-design of the wastewater treatment plant. Motion carried 3-0-1 (Councilman Dowdy absent).

Mayor Obray proposed moving consideration of the Liquor License for the Redeye to Item No. 2 on the Agenda; move consideration of the Swan Falls Community Cooperation Agreement to Item No. 6 and table Item 3, the Latecomers Agreement for Danskin Subdivision to the January 2, 2007 City Council Meeting.

Moved by Council President Lang, seconded by Councilwoman Stroebel to amend the agenda as recommended by the Mayor. Motion carried 3-0 (Councilman Dowdy absent).

2. APPROVE LICENSE FOR SALE OF LIQUOR BY THE DRINK – REDEYE, 414 W. MAIN ST.

Moved by Council President Lang, seconded by Councilwoman Stroebel to approve the Liquor License for the Redeye. Motion carried 3-0-1 (Councilman Dowdy absent).

3. CONSIDER LATECOMERS AGREEMENT FOR DANSKIN SUBDIVISION (Continued to January 2, 2007).

4. APPROVE GROUND LEASE FOR PROPERTY ON SOUTHWEST CORNER OF LINDER AND DEER FLAT TO THE BOYS AND GIRLS CLUB OF ADA COUNTY, INC. FOR NOT LESS THAN 50 YEARS AT \$1 PER YEAR.

Mr. Grove reported that the proposed site lease agreement had been sent to the attorney representing the Boys and Girls Club but no response had yet been received. A specific description of the property to be leased has not yet been acquired. The property is much larger than what will be needed to construct the facility. Since not all of the documents are ready, Mr. Grove prepared Resolution No. R10-2006 to authorize the Mayor to sign the lease with the Boys and Girls Club without further consideration by the City Council, if the Council is comfortable with the terms of the agreement. The purpose behind the Resolution

was to give the Boys and Girls Club a commitment that the City fully supports the proposal which the Club can show to potential donors.

Councilman Cardoza expressed concern regarding the following provisions in the lease:

- Section 3(f) – why should the City pay for maintenance on the parking lot under lease to the Boys and Girls Club for \$1/year. He suggested amending the statement “Lessee’s Share of Parking Lot Maintenance Costs which shall be fifty percent (50%) of the actual costs for maintenance and repair of the Parking Lot incurred by City...” to “one hundred percent (100%).”

City Attorney Grove explained that the parking lot would be exclusively owned and controlled by the City. The Club would have an easement or license agreement to use the parking lot with perhaps a certain number of spots dedicated to them. Some parking spaces currently exist but there will need to be an expansion or another lot constructed. The cost for construction of the parking lot would be borne by the Boys and Girls Club.

- Section 12(b) – Fire Insurance Requirements. Councilman Cardoza suggested that the statement “if such repairs or restoration cannot be reasonably made within two (2) years from the date of the damage or destruction...” be amended to read that the repairs would begin “within six (6) months.”
- Section 14 – Destruction of Premises or Facilities. Councilman Cardoza requested inclusion of a guarantee that the facility, if damaged 50% or more, would be destroyed completely if the Club elects not to continue the lease. He was concerned that the City could end up with some type of monetary liability.

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Resolution R10-2006, A RESOLUTION OF THE CITY OF KUNA, ADA COUNTY, IDAHO, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT ON BEHALF OF THE CITY OF KUNA LEASING CITY PROPERTY AT THE SOUTHWEST CORNER OF DEER FLAT AND LINDER ROADS TO THE BOYS AND GIRLS CLUBS OF ADA COUNTY AT THE RATE OF ONE DOLLAR (\$1) PER YEAR FOR A PERIOD OF FIFTY (50) YEARS; AND PROVIDING AN EFFECTIVE DATE and referring to the Site Lease Agreement with the Boys and Girls Club of Ada County, as amended with proposed changes suggested by Councilman Cardoza. Motion carried 3-0-1 (Councilman Dowdy absent).

5. DISCUSS GENERAL OBLIGATION BOND ELECTION.

ORDINANCE 2006-106: AN ORDINANCE OF THE CITY OF KUNA, IDAHO CALLING A SPECIAL GENERAL OBLIGATION BOND ELECTION FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF KUNA, IDAHO, THE PROPOSITION OF THE ISSUANCE OF UP TO \$7,000,000 GENERAL OBLIGATION BONDS OF THE CITY; ESTABLISHING THE QUALIFICATIONS FOR VOTERS AND THE HOURS WHEN POLLS WILL BE

OPEN; ESTABLISHING AN OFFICIAL BALLOT; CERTIFYING THAT THE OBLIGATIONS OF THE CITY WILL NOT EXCEED CERTAIN LIMITS; CALLING FOR THE PRINTING AND DISTRIBUTION OF BALLOTS AND FOR THE PUBLICATION OF THE SAMPLE BALLOT AND NOTICE OF THE ELECTION; PROVIDING THE LANGUAGE FOR THE PUBLIC NOTICE; PROVIDING FOR THE ISSUANCE OF BONDS UPON THE SUCCESSFUL PASSAGE OF THE ISSUE BY THE VOTERS; CALLING FOR A SPECIAL PUBLIC MEETING AFTER THE ELECTION TO CANVASS THE RESULTS; CALLING FOR THE LEVY OF A TAX TO PAY SUCH BONDS; AUTHORIZING CITY OFFICERS TO TAKE NECESSARY ACTIONS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Obray read Ordinance 2006-106 by title only.

City Attorney Grove pointed out that two blanks needed to be completed within the Ordinance relating to the date of a Special Council Meeting to canvass the votes. He suggested that January 12th be established as the date of the Special Meeting. Council consensus to meet at 9 a.m. on January 12, 2007.

Moved by Council President Lang, seconded by Councilwoman Stroebel to dispense with full reading and 3 consecutive readings of Ordinance 2006-106. Motion carried 3-0-1 (Councilman Dowdy absent).

Moved by Council President Lang, seconded by Councilwoman Stroebel to adopt Ordinance 2006-106 Calling a Special General Obligation Bond Election. Motion carried by the following Roll Call vote:

AYES: Lang, Stroebel, Cardoza
NOES: None
ABSENT: Dowdy

6. CONSIDER SWAN FALLS COMMUNITY COOPERATION AGREEMENT.

City Attorney Grove stated that a proposed revised agreement had not yet been received and advised the Council to table the matter.

Moved by Council President Lang, seconded by Councilwoman Stroebel to table the matter.

7. NOTICE OF AWARD TO SIEMENS WATER TECHNOLOGIES CORPORATION IN THE AMOUNT OF \$4,165,177 FOR THE WASTEWATER TREATMENT PLANT MEMBRANE BIOREACTOR SYSTEM (MBR) EQUIPMENT PRE-PURCHASE.

City Attorney Grove pointed out that when Council approved the Notice of Award to Siemens on December 19th, there were some contingencies included for negotiation of discrepancies in the legal language. These contingencies were eliminated during

conversations with Keller Associates and Siemens. Mr. Grove submitted a revised Notice of Award without contingencies for Council review.

Moved by Councilwoman Stroebel, seconded by Council President Lang to approve the amended Notice of Award to Siemens Water Technologies Corporation for the wastewater treatment plant membrane bioreactor system equipment pre-purchase. Motion carried 3-0-1 (Councilman Dowdy absent.)

8. ADJOURNMENT: There being no further business to conduct, the meeting was adjourned at 1:05 p.m.

O. Dean Obray, Mayor

ATTEST:

Lynda Burgess, City Clerk

DATE APPROVED: JANUARY 16, 2007