

**KUNA CITY COUNCIL SPECIAL MEETING
MINUTES
DECEMBER 29, 2009
KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

1. CALL TO ORDER AND ROLL CALL:

Mayor Dowdy called the special meeting to order at 5:43 p.m.

PRESENT: Mayor Dowdy, Council President Lang, Councilmember Cardoza and Councilwoman Stroebel. Councilwoman Bachman was absent.

ALSO PRESENT: City Attorney Richard Roats, City Engineer Gordon Law and Deputy City Clerk Chris Engels.

Moved by C/Lang, seconded by C/Bachman to amend the agenda to include 3B a memorandum from CE/Law on bonding approval for Crimson Point #5 subdivision. Motion carried 4-0.

2. EXECUTIVE SESSION:

Adjourn to Executive Session pursuant to IC 67-2345(f) regarding Pending Litigation.

Moved by C/Lang, seconded by C/Stroebel to adjourn to Executive Session at 5:44 p.m. Motion carried 3-0 (C/Bachman absent)

C/Bachman arrived during Executive Session.

3.

A. APPROVE PROFESSIONAL SERVICES CONTRACT WITH RICHARD T. ROATS AND RICHARD JOHNSON IN THE AMOUNT OF \$100,000 FOR FY 2009-10 (Continued from 12/15/09).

M/Dowdy stated that the only outstanding issue was liability insurance.

CA/Roats announced that ICRIMP covers liability insurance for attorneys as independent contractors as long as it concerns city business.

Moved by C/Lang, seconded by C/Stroebel to approve the professional services contract for Richard T. Roats and Richard Johnson in the amount of \$100,000 for FY 2009-2010. Motion carried by the following Roll Call vote:

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

B. APPROVE BONDING FOR CRIMSON POINT #5 SUBDIVISION.

Moved by C/Lang, seconded by C/Bachman to approve the performance bond for Crimson Point Subdivision #5 in the amount of \$255,755. Motion carried 4-0.

4. DISCUSSION AND PRELIMINARY DECISION REGARDING LOCAL IMPROVEMENT DISTRICT 2006-01 PROTESTS.

C/Bachman stated that Council reviewed all the information and looked at several scenarios and the issues from the protest hearings. Council discussed a balanced approach which will help the LID members some but will put some burden on the city.

M/Dowdy reported that the total amount borrowed was roughly \$27.4 million. The Council is trying to determine how much of that amount would be attributable to the properties that exist in the LID considering the plant was built larger than the original ordinance first called for of 8353 EDU's. Keller Associates gave 3 estimates on what 8353 worth of EDU's would cost. One was a preliminary 2006 estimate which was roughly \$24.8 million. There was also a similar plant that was a membrane bioreactor type plant at \$25.3 million and a fully functional membrane plant at 8353 EDU's which would be \$25.6 million. Council has been working through which estimate from Keller to work from.

C/Cardoza explained that, based on the number of EDU's and the estimate of approximately \$25.3 million from Keller, that equates to \$3228 per EDU. There were some properties that had legitimate requests and using that figure, that leaves an assessment of \$3228. The city is looking at coming up with \$7 million. He believed Council has tried to be fair to both the city and the LID members.

C/Lang stated that Council has worked to be fair and equitable in its conclusions. It wasn't city residents that asked for the plant to be built, it was the LID members that asked for it to be built. The cost of 8353 EDU's is \$25.3 million. Staff will be asked to follow the language of the original ordinance put in effect in 2006 to prepare the final assessment on the LID which was 3 EDU's per acre or 1 EDU per platted, final or preliminary platted lot. In addition, staff will be asked to work up a resolution to repeal the transfer resolution and in a future meeting, Council will be discussing shifting of the assigned EDU's within the properties.

M/Dowdy indicated that there are several properties that will be removed as per the circumstances of each case.

C/Lang continued that, following removal of several properties that takes the EDU's down to 8100 so that will change the assessment to be divided by \$25.3 million.

C/Bachman stated that this will make the city responsible for \$7 million.

Moved by C/Lang, seconded by C/Cardoza to direct staff to assess the LID at \$25.3 million and the assessment calculation for 8353 EDU's, remove 253 EDU's including 238 for KNC and 15 for Vanderstelt which will lower the total to 8100 EDU's and directing that the language in the original ordinance at 3 EDU's per acre or 1 EDU per platted, final or preliminary platted lot remain the same as at the time of adoption of the resolution or ordinance. Motion carried by the following Roll Call vote:

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

5. **ADJOURNMENT:** There being no further business to discuss, it was moved by C/Lang, seconded by C/Stroebel to adjourn the special city council meeting at 7:38 p.m. Motion carried 4-0.

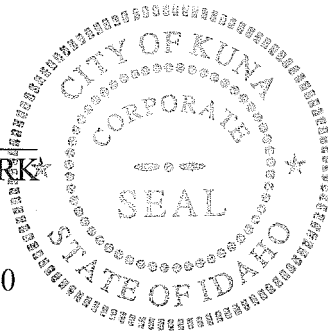


J. SCOTT DOWDY, MAYOR

ATTEST:



CHRIS ENGELS, DEPUTY CITY CLERK



DATE APPROVED: JANUARY 5, 2010