KUNA CITY COUNCIL SPECIAL MEETING

MINUTES

MARCH 19, 2010

KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON

1. CALL TO ORDER AND ROLL CALL:

Mayor Dowdy called the meeting to order at 3:05 p.m.

PRESENT: Mayor Dowdy, Council President Bachman, Councilmember Hoiland and Councilmember Lang. Councilman Cardoza was excused

ALSO PRESENT: City Attorney Richard Roats; City Engineer Gordon Law; GIS Mapper Mike Borzick and Deputy City Clerk Chris Engels.

2. DISPENSE WITH FULL READING AND THREE CONSECUTIVE READINGS OF ORDINANCE NO. 2010-4: AN ORDINANCE AMENDING ORDINANCE NO. 2010-3 TO CORRECT THE FINAL ASSESSMENT ROLL FOR SAID LID RELATED TO SEVERAL PARCELS OF LAND AND LEVYING THE ASSESSMENTS CONTAINED THEREIN; PROVIDING FOR THE PAYMENT AND NOTICE OF SAID ASSESSMENTS; PROVIDING FOR THE FINALITY OF THE DETERMINATION OF THE REGULARITY, VALIDITY AND CORRECTNESS OF SAID AMENDED ASSESSMENT ROLL, AND PROVIDING AN EFFECTIVE DATE.

Moved by C/Lang, seconded by C/Bachman to dispense with full reading and three consecutive readings of Ordinance No. 2010-04. Motion carried 3-1 (C/Cardoza absent).

Moved by C/Lang seconded by C/Bachman to adopt Ordinance 2010-04. Motion carried by the following Roll Call vote:

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

3. CONFIRM ADJUSTMENTS TO THE IRRIGATION ASSESSMENT ROLL AND FINAL RESOLUTION OF PROTESTS:

CE/Law reported that this is an annual event dictated by state code. He presented the cases to council and asked for council's guidance on each case. This year's billings were given separate accounts from the city utility billing system. The process of populating the accounts with the data from the old system to the new system created discrepancies that have been discovered.

Case Number 1 - CE/Law explained that there are some situations where the underlying irrigation district has maintained a parcel or piece of property in their billing structure and they send out a bill to the property owner in addition to the bill the city sends out. Last year, the city gave credit if the customer showed payment. The city did not have to pay water rental on those properties. The city loses a few dollars but felt the circumstances warranted

an even credit. 2 bills have been discovered by staff, there are likely a number of other accounts that may come in. He asked if council was agreeable to giving credit.

M/Dowdy stated that he was agreeable as long as there are no out of pocket expenses to the city

C/Lang asked if there is some way to resolve this.

CE/Law indicated that Richard Johnson is pursuing an agreement with the irrigation districts. There are certain properties that are in various stages of development that will fall into this situation because of the billing cycles. He asked that council provide a resolution if council is agreeable.

C/Hoiland asked how many properties were involved.

CE/Law indicated it could be several hundred. Right now we have two.

Moved by C/Lang, seconded by C/Bachman to continue using the policy that was used last year giving the property owners a dollar-for-dollar credit against their city bill for their payment of their irrigation district bill assessment. Motion carried 3-1 (C/Cardoza absent).

Case Number 2 - CE/Law explained that a mistake occurred during the population of the new billing cycle wherein approximately 35 had wrong account numbers or the wrong amount to the billing and some had the wrong address. He asked council to look through them and provide any questions. If council would like to confirm staff's recommendation, he asked for a motion.

C/Hoiland asked if the database conversion was from a manual entry.

CE/Law indicated it was by file transfer.

M/Dowdy asked if this was a cause from the billing software change.

CE/Law said it occurred this spring. In response to C/Bachman, staff had found the errors.

C/Hoiland asked if there could be more that have not been uncovered.

CE/Law confirmed there could be more.

In response to C/Bachman, CE/Law explained that the account number stayed the same but the amount changed. A few accounts weren't billed at all so it was added with an account number and a billing. In Item Q, there was an increase for the Life Church but everything else was a decrease. They will receive a change notice. In response to C/Hoiland, the customers may not know the changed billing will be coming.

C/Bachman confirmed that if an account has already paid, we will provide them a refund.

Moved by C/Bachman, seconded by C/Lang to approve item number 2, account numbers in error or omitted as noted to be corrected, items A through W. Motion carried 3-1 (C/Cardoza absent).

CE/Law, case 3 is about city property such as well sites or park sites. Historically the city hasn't charged itself. When the data base was populated, there were 4 city properties found. CE/Law would like to zero out those accounts as has been handled in the past.

C/Bachman, asked if a bill went out to the city.

CE/Law, yes

Moved by C/Bachman, seconded by C/Lang to amend Case Numbers 3 A through D as recommended to charge zero dollars to all the accounts owned by the city. Motion carried 3-1 (Cardoza absent)

Case Number 4 - CE/Law reported that this is a parcel owned by John Freeman. He asked council to read the description and there is a packet of information for council with an opinion letter from CA/Johnson. The opinion from the former city attorney last year and CA/Johnson this year differs. He recommended that council provide a motion to decide the issue.

M/Dowdy asked CE/Law if he was still going to ask council to consider refunding last year's assessment.

CE/Law responded that if it is wrong this year, then it would have been wrong last year and last year's fees should be refunded.

C/Hoiland clarified that the irrigation is pressurized to his ditch but he uses it as gravity from his ditch.

CE/Law stated that our pump station is 500 ft. away. The city pressurizes the water but the portion that goes to him loses pressure and floods to his ditch. In response to C/Lang, one problem is the cost of the pressurized, the other was when he turned on the water, he would drain the pond. Last year, the city controlled the valve and he has to put out a card with the irrigation district specifying the amount of water he requires. The city would control that he only got his amount and not more and not exhaust the supply in the pond. The issue is whether he has to pay for pressurized and CE/Law agrees with the city attorney's opinion. He will have to accept it as flood irrigation. He explained how gravity irrigation works in the city.

GIS Mapper/Borzick indicated that Water Supervisor Janice Yerton was concerned about getting the irrigation being stopped from drawing on the pond.

CE/Law stated that the other alternative could be to deliver out of the pond before it is pressurized either by pipe or surface ditch or find a different route. In either case, it would be at the city's expense.

CE/Law showed council where the property is located and if they are in city limits.

M/Dowdy asked council if they wanted to investigate correcting the issue and the costs.

C/Lang would like to investigate the costs.

C/Hoiland asked if the true costs to the city are $411.

CE/Law responded that that is what staff calculated if the customer only took his allotted amount and it is pressurization along with maintenance costs. He explained one option to resolve this is to change the delivery route but it is a long distance. To reinstitute the ditch line would be expensive and in response to C/Hoiland, one section would be $2,000 to $3,000.

C/Bachman asked what the city would owe him.

CE/Law stated that staff only knows of last year and the issue wasn't raised prior to last year. He recommended that council make a motion to follow the city attorney's recommendation, refund last year's amount paid and reduce this year's assessment to zero.

Moved by C/Bachman, seconded by C/Lang to confirm the attorney's recommendation and refund last year's amount paid and reduce this year's assessment to zero. Motion carried 3-1 (C/Cardoza absent)

Case Number 5 is a set of apartments on Linder and is one of those properties that haven't been handled consistently. He asked council to review the information in the packet.

C/Bachman asked if the property needs to request to be annexed into the irrigation district.

CE/Law responded yes.

C/Lang explained that the property was already in the city before it was developed, that wasn't a condition with annexation and the previous owners didn't irrigate.

C/Hoiland asked if the metered the water consumption, would that exceed the 32 times $80.50?

CE/Law reported that staff did some calculations before the council meeting. This is one of the cases where we are taking good water for uses that don't need good water so it could be a wasted resource. Staff would like to initiate a conversation with the customer and suggest that the logical step would be to meter them and the cost would be double what they have been currently paying and, in the interim, continue charging them as we have which is 32 times $80.50. As the way the resolution is now, each apartment is billed as a separate unit.

C/Bachman suggested that maybe council should revisit how apartments are charged since each apartment doesn't have its own lawn.

GIS Mapper/Borzick indicated that there is 90,000 sq. ft. of lawn.

CE/Law explained that the historical way was to bill apartments as a single dwelling unit. It is worthy to look at. Right now, they could connect into Spicewood Subdivision behind it and charge its lines with that water instead of the drinking water. Spicewood doesn't have a lot of pressure.

C/Hoiland stated that the renter shouldn't be charged; it should be the owner.

M/Dowdy confirmed that the owner is billed, not the renter.

In response to C/Bachman, CE/Law stated yes, they are watering with drinking water and Spicewood does suffer from low pressure. One of the things going to be done in the pressurized irrigation system being designed is to provide an additional connection across the street to Tomorrow pump station to improve supply.

C/Lang asked what the city should do wiith Leisure Village.

CE/Law answered that those apartments are not served but they are with Boise Irrigation.

GIS Mapper/Borzick stated that he could investigate it further with Water Supervisor, Janice Yerton.

Council discussed the various options and timelines to resolve the issue and what assessments are charged.

CE/Law stated that properties can't be assessed unless they are annexed into the city irrigation system. The funds can be transferred if council directs staff to make the change.

M/Dowdy suggested they be billed at $80.50 for 32 units this year and send them a notice telling them that they can annex into the system next year and pay the $80.50 for 32 units or they can continue to use drinking water at the metered rate. This year, the revenue should be funneled to the fund that has the expense.

C/Bachman asked about connection fees.

M/Dowdy answered that they would have to pay a connection fee for 32 units. Apartment complexes need to be decided on how to be dealt with. Maybe there should be a connection fee for multifamily units and the amount of green space.

CE/Law didn't know whether they may have already paid the connection fees and some decisions were made because of the services available.

Moved by C/Hoiland, seconded by C/Bachman to bill the Valley Run apartments this year as historically been billed at 32 units times the current pressurized irrigation amount of $80.50 and moving forward, option A to annex them into the municipal irrigation district and taking them off of potable water. Motion carried 3-1 (C/Cardoza absent).

Case Number 6 - there is a little difference from the previous item. 4 parcels are given as examples of property that are annexed into the irrigation system but are using potable water. He asked council to review the examples.

M/Dowdy confirmed that one of the subdivisions only needs water brought across the street.

CE/Law indicated that staff is working on bringing the water across the street for that subdivision.

Regarding the Kuna Fire District site, CE/Law reported that the property was reviewed last year and their assessment was changed based on their demand. Last year, it was decided to meter their water and a gravity irrigation assessment. The surrounding properties are in the same situation. He reviewed several options for the different properties in question. He requested a motion to direct staff which option council prefers.

In response to C/Hoiland, CE/Law wasn't sure what method the Fire Department uses to fill their trucks.

M/Dowdy would like to know how long before a solution could be done. How many subdivisions are in this situation or are these are the only ones.

CE/Law responded that this appears to be the only one. He noted that a portion of the expenses are covered by the drinking water system but all the revenues go to the PI system.

In response to C/Hoiland, staff had several different recommendations for each property in question. The costs are equal in either option. Two of the properties may be resolved this year. The Fire Department has 2 meters. He doesn't know what their costs are.

M/Dowdy indicated that each property needs to be charged based on accurate EDU and dwelling size.

CE/Law recommended that council leave things as they are currently.

Moved by C/Lang, seconded by C/Hoiland that item number 6 be maintained as last year and staff continues working on resolving the issue with Kuna Fire District, Sam's Estates and Croft Development. Motion carried 3-1 (C/Cardoza absent)

Case Number 7 - a row of houses west of Indian Creek School on the south side of 4th that are not annexed into the irrigation district. There are service lines across 4th to the properties. CE/Law recommended that the properties be annexed. When the system populated, these properties were lost this year. They won't show up if they aren't annexed.

Moved by C/Lang, seconded by C/Bachman to follow staff's recommendation on Case Number 7 to pursue annexation into the Kuna Municipal Irrigation District and present the property owners with a bill for use of the water. Motion carried 3-1 (C/Cardoza absent).

Case Number 8 is for informational purposes only. CE/Law reported that, historically, the city has augmented the PI system with the potable supply with backflow preventers. There are around 30 or 40 of them around town. Staff added up most of them and it amounted to 200,000,000 gallons transferred to the PI system from the potable system. The amount of dollars, if it was billed, would be $350,000. There is an attempt to reduce that number. The system may owe water to the PI system because of former water rates. It wouldn't be prudent to make a change all at once. He is working to make more efficient use of surface water.

CE/Law stated that he had no further cases to bring before the Board of Correction.

4. ADJOURNMENT: There being no further business to conduct, it was moved by C/Lang, seconded by C/Bachman to adjourn at 4:40 p.m. Motion carried 3-1 (C/Cardoza absent)

J. SCOTT DOWDY, MAYOR

ATTEST:

CHRIS ENGELS, DEPUTY CITY CLERK

DATE APPROVED: APRIL 6, 2010