

RESOLUTION NO. \_\_\_\_\_

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,  
JORDAN, SHEALY AND TIBBS

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF BOISE CITY (PUBLIC WORKS DEPARTMENT) AND LINDSEY LATERAL WATER USERS ASSOCIATION TO DEFINE ROLES AND RESPONSIBILITIES REGARDING THE FORMATION OF A PRESSURED IRRIGATION SYSTEM LOCAL IMPROVEMENT DISTRICT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SAID MEMORANDUM OF AGREEMENT ON BEHALF OF BOISE CITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Memorandum of Agreement by and between the City of Boise City and Lindsey Lateral Water Users Association, a copy of said Memorandum of Agreement marked Exhibit "A" attached hereto and incorporated herein by reference, be, and the same is hereby, approved as to both form and content.

Section 2. That the Mayor and City Clerk be, and they hereby are, authorized to respectively execute and attest said Memorandum of Agreement for and on behalf of the City of Boise City.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the Council of the City of Boise City, Idaho this \_\_\_\_ day of \_\_\_\_\_, 2006.

APPROVED by the Mayor of the City of Boise City, this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

# CITY OF BOISE

**Date:** November 8, 2006

**To:** Mayor and Council  
**From:** Kent Johnson, Project Manager  
**Subject:** Memorandum of Agreement Between the City of Boise and Lindsey Lateral Water Users Association- R-460-06

A Local Improvement District (LID) petition has been received from the Lindsey Lateral Water Users Association for the construction of a pressure irrigation system within the current service area of the Lindsey Lateral Water Users Association. It is an area roughly bounded by Roosevelt Streets and Orchard Streets (east and west) and Kendall Streets and Morris Hill Road (north and south).

The Lindsey Lateral Water Users Association has arranged for a low interest loan to fund the construction of the project from the Idaho Soil Conservation Commission. It is anticipated that the future assessments on the properties within the LID will go toward repayment of the loan.

The Memorandum of Agreement has been developed to describe the responsibilities of the Water Users Association and the City as we work cooperatively to accomplish the project with a City sponsored LID.

**Recommendation:** Public Works staff recommends that the Council approves the Memorandum of Agreement between the City of Boise and Lindsey Lateral Water Users Association and authorize the Mayor to sign it.

cc Lindsey Lateral Water Users Association

SF IRR 134 2.4

A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BOISE  
AND  
LINDSEY LATERAL WATER USERS ASSOCIATION  
September 22, 2006

THIS MEMORANDUM OF AGREEMENT (AGREEMENT) by and between the City of Boise, a municipal corporation organized under the laws of the State of Idaho, hereinafter referred to as "City", and Lindsey Lateral Water Users Association, hereinafter referred to as Lindsey, is entered into for the purpose of facilitating the formation of a Local Improvement District (hereinafter LID) and delineating the City's and Lindsey's respective responsibilities and liabilities with respect to formation of the LID.

WHEREAS, LINDSEY possesses and operates a flood irrigation system that is in a state of disrepair and not considered feasible to repair; and

WHEREAS, LINDSEY desires to continue to receive the benefit of the water rights possessed within the service area of Lindsey Lateral Water Users Association by continuing to provide irrigation service; and

WHEREAS, LINDSEY obtained an engineering study and based upon that study LINDSEY concluded that development of a pressurized irrigation system is the most viable method to continue irrigation services within the Lindsey lateral service area; and

WHEREAS, LINDSEY has concluded that formation of a LID is the most efficient mechanism by which to finance and construct a pressurized irrigation system to finance and construct a pressurized irrigation system; and

WHEREAS, LINDSEY has obtained the signatures of at least sixty percent (60%) of resident owners within the LINDSEY service area who support formation of a LID; and

WHEREAS, the CITY supports the use of surface water for pressurized irrigation and desires to assist LINDSEY in its efforts to provide pressurized irrigation services to its membership; and

WHEREAS, through the efforts of LINDSEY, the Idaho Soil Conservation Commission has offered to both LINDSEY and/or the CITY a low interest loan to fund construction of the proposed pressurized irrigation system which shall be secured and repaid through assessments; and

NOW, therefore, in consideration of the foregoing, LINDSEY and the CITY agree to the following:

### **I. THE LID PROCESS:**

In accordance with Idaho Code § 50-1706, the CITY recognizes that upon receipt of a petition complying with the terms of Idaho Code § 50-1706, the CITY must conduct a public hearing and hear protests to consider whether formation of the LID is appropriate pursuant to the criteria enumerated in Idaho Code § 50-1710. If the CITY concludes that formation of the LID is appropriate, then the CITY will proceed under Title 50, Chapter 17 of the Idaho Code with formation of the LID, including design, securing funding and construction of the proposed pressurized irrigation system. All costs and expenses as defined by Idaho Code § 50-1702(h) shall be recovered through assessments against the resident owners within the LID.

### **II. LID FORMATION:**

In the event that the CITY determines that the proposed LID shall be formed, LINDSEY and the CITY agree to the following responsibilities:

#### **A. Joint Responsibilities:**

(1) LINDSEY and the CITY shall work together to obtain funding from the Idaho Soil Conservation Commission to fund construction of the pressurized irrigation system.

#### **B. Responsibilities of LINDSEY:**

(1) LINDSEY shall be responsible for obtaining all easements necessary for construction of the pressurized irrigation system.

(2) LINDSEY shall provide assistance in conceptual design of the pressurized irrigation and shall review and approve the final design when completed.

#### **C. Responsibilities of the CITY:**

(1) In accordance with Idaho Code, the CITY shall appoint the CITY ENGINEER to this project.

(2) The CITY, by and through the CITY ENGINEER, shall be responsible for the design of the project.

(3) The CITY, in accordance with Idaho Code § 50-1710, shall solicit and obtain bids for construction of the project.

(4) The CITY shall be responsible for construction inspection and contract administration.



LINDSEY: Lynn Tomimaga  
Lyndsey Lateral Water Users Association  
703 N. Pond  
Boise, Idaho 83706

WITNESSES WHEREOF, the parties hereto by their corporate and municipal officers  
have executed this Agreement as of the date first above written.

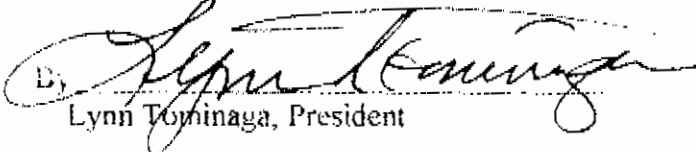
BOISE City of Boise

By \_\_\_\_\_  
Dave Bieter, Mayor

WITNESSES:

\_\_\_\_\_  
Catherine Mooney, City Clerk

LINDSEY LATERAL

By   
Lynn Tomimaga, President

WITNESSES:

  
Steve Freeman, Secretary