

EAGLE SEWER DISTRICT

February 12, 2007

Regular Monthly Meeting

6:30 p.m.

Minutes

Roll Call

Chairman Michael Gifford called the meeting to order at 6:30 p.m. Board members present: Jim Brooks, Chuck Ferguson, and Erv Ballou. Ed Hendershot is absent. A quorum is present.

Consultants present: Phil Johnson, P.E. and Cyndy Bratz, P.E., MWH; and Evan Robertson, legal counsel.

Staff present: Lynn Moser, General Manager; and Lynne Sedlacek, Office Manager.

Approval of Minutes

Ferguson moved, Ballou seconded, to approve the minutes of the January 8, 2007 Regular Meeting and the January 24, 2007 Special Meeting. Sedlacek stated that under Roll Call, she had incorrectly reported the attendance and the necessary changes were made.

There were no other corrections. The motion to approve the minutes as corrected passed unanimously.

Public Hearings

None

Reports

Eagle City Council/Scott Nordstrom – Councilman Nordstrom is out of town and was unable to attend tonight's meeting.

Wastewater Plant/RJ Lake – Lake is out of town and there was no report.

Unfinished Business

MWH Report on the Facility Plan Progress – Progress Report No. 12 was included in the Director's packet. Bratz summarized the report. Change Order No. 1 for Task 2 (Site Berm Design and Construction) was presented for Board review. The Change Order incorporates the changes needed to finalize the Landscape Perimeter Buffer drawings and specifications. The changes will address the relocation of the buffer around the Stillwater Subdivision and the future access road; the relocation of the irrigation ditch, the extension of the buffer onto the Idaho Transportation Department (ITD) property; gives bid alternates for the east property buffer versus the buffer on the ITD property, and deletes the interior plantings from the landscaped berm. The Change Order also moves the project completion date back to November 30, 2007. The Change Order will increase the contract by \$29,587. After discussion, Brooks moved, Ferguson seconded, to approve Change Order No. 1. The motion passes unanimously.

As part of the discussion on Change Order No. 1, Brooks reported on the process of ESD gaining ownership of the ITD property. ITD agrees with the concept of turning ownership of the property over to ESD; however both federal and state highway agencies are involved and the process is taking longer than anticipated. Brooks will meet with the ITD representatives again and will take copies of the drawings MWH prepared for the three site-use concepts. Perhaps the site-use drawings will help ITD better understand how the District has proposed to incorporate this additional property into the overall site planning.

Progress of Negotiations with Stillwater Developer – Moser and Robertson reported. Robertson has drafted a purchase agreement for the Stillwater developer. A copy of the draft agreement was included in the Directors' packets. The agreement states the purchase price will be \$120,000 per acre. The exact legal description and acreage amount will be determined by a survey to be provided by the District prior to closing. The appraisal on the property has been completed, but the District has not received the written report. The Stillwater developer has been provided a copy of the proposed agreement, but has not contacted the District. Moser will follow up with the developer's engineer.

Progress on ITD Property Transfer – *The Idaho Transportation Department owns approximately 11 acres located between the Eagle Alternate Route and the Boise River's north channel. The property is adjacent to the east boundary of the ESD plant property. The ground was secured by ITD as part of the Eagle Alternate Route construction and wetlands mitigation process. ITD would like ESD to take ownership of the property.*

The Idaho Transportation Department has received approval to dispose of the property from both the Federal Highway Administration and the Army Corps of Engineers. All conditions applicable to wetlands must be adhered to and the property must remain in public ownership. The existing survey is still on record, so no new survey will need to be done. ITD must declare the property surplus to their needs and have it appraised.

Brooks reported on this item during the Facility Plan discussion held earlier in the evening.

Linder Trunk Sewer and Force Main Project – Moser reported that he had requested Landmark Engineering attend tonight's meeting, but they were not present. Moser stated that the 24-inch line is installed, but the contractor has not started construction on the 14-inch pressure line. The work has now extended past the contract's "substantial completion" date.

Miscellaneous – None

New Business

Annexation Resolution for Public Hearing Request

Resolution 07-05/Eagle Commons, LLC – Eagle Commons, LLC, is requesting a public hearing to consider the annexation petition of 51.60 acres located west of Linder Road and south of State Highway 44. The proposed use is for a 45-lot residential subdivision. Moser and Johnson reported that they are waiting for the engineering studies that will demonstrate the property's ability to gravity serve. After brief discussion, Ferguson moved, Ballou seconded, to approve Resolution 07-95 and hold a public hearing on March 12. Motion passes unanimously.

Annexation Resolution Orders: *Upon approval of the following Resolutions/Order of Annexation, the Board Chairman is authorized to execute and record the Orders in the records of Ada County ten (10) days after the date signed, unless the Petitioner(s) formally notify the District, in writing, within said ten-day period, that the Petition is being withdrawn pursuant to Idaho Code 42-3218.*

Resolution 07-04/ SCS Investments, LLC – SCS Investments, Inc., and Steven C. Smith have requested annexation of 73.535 acres located south of Beacon Light Road and north of the Brookwood Subdivision. The proposed use of the property is for a 35-lot single-family residential subdivision. The Board approved the annexation request at the District’s Public Hearing held on October 9, 2006.

Resolution 07-06/ David and Moira Elcox and Scott and Nancy Reeser – The applicants have requested annexation of 11.4 acres located north of State Highway 44 and west of Linder Road. The proposed use for this property is for residential development as an extension of the Eaglefield Subdivision. An existing residence on the property will remain and needs to be annexed in order to be eligible for connection to the central sewer. The Board approved the annexation request at the Public Hearing held on January 8, 2007.

Ferguson moved, Brooks seconded, to approve both Resolution 07-04 and Resolution 07-06. Motion passes unanimously.

Miscellaneous – Moser reported on proposed House Bill No. 153. This bill has just come to the attention of the District. Moser feels the District should express concerns about the bill’s requirement to allow newly annexed property to enjoy a three-year freeze on any possible rate increases. Robertson stated the proposed legislation suggests that Districts may also have to set aside reserved capacity. After discussion, it was decided Moser would draft a letter addressing the District’s points of concern on the legislation. The letter will be signed by a member of the Board and will be submitted to the Local Government Committee for their review. Moser will also contact the bill’s sponsor and he will also attend the committee hearing.

There was no other miscellaneous business.

Ratification of Claims Paid Against the District

Ferguson moved, Brooks seconded, to ratify the claims paid against the District. There was no discussion, and the motion passes unanimously.

Adjournment

Ferguson moved, Brooks seconded, to adjourn the meeting. The motion passes unanimously. The Regular Meeting adjourned at 7:55 p.m.

Respectfully submitted:

Lynne Sedlacek