

EAGLE SEWER DISTRICT

April 14, 2008

Regular Monthly Meeting

6:00 p.m.

Minutes

I. Roll Call

Chairman Jim Brooks called the meeting to order at 6:00 p.m. Board members present: Ed Hendershot, Jim Gruber, Jim Brooks, Chuck Ferguson, and Erv Ballou. A quorum is present.

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

Staff present: Lynn Moser, General Manager; RJ Lake, Operations Manager; and Lynne Sedlacek, Business Manager.

II. Approval of Minutes

Ferguson moved, Gruber seconded, to approve the minutes of the March 10, 2008 Regular Meeting. Brooks stated that a roll-call vote was taken prior to going into Executive Session at the March 10 meeting. Sedlacek will adjust the minutes to reflect the roll-call vote. The motion, to approve the minutes as corrected, passes unanimously.

III. Reports

A. Eagle City Council/Norm Semanko – Semanko is out of town and was unable to attend tonight's meeting.

B. ESD Board Directors:

**Ferguson reported that he and Ballou had met with Lake and toured several of the District's liftstations and other facilities.

**Ballou stated that seeing the various ESD facilities was informative and interesting.

**Hendershot reported that he, Moser, Johnson, and Sedlacek had presented the proposed connection fee increase to the Builders' Council Section of the Building Contractors Association.

**Gruber – no report

**Brooks reported that the Bond Bank loan funds have been received and posted into the District's new fund.

C. Operations Report/RJ Lake – Lake reported that 40.02 million gallons were pumped to Boise in March for a daily average of 1.43 million gallons per day. Work crews have finished the resurfacing projects around the new liner and the main drive into the plant. All air lines have been reinstalled and the blowers are running. The new front entry gate has been installed and large boulders have been placed on either side of the gate to help restrict unauthorized traffic entry.

IV. Public Hearings

A. Annexation Request for 4149 State Street, LLC – 4149 State Street, LLC is requesting annexation of approximately 2 acres located on the southwest corner of State Highway 44 and Old Valley Road. The proposed use is a commercial subdivision. ***This is a repeat of the Public Hearing held on March 10. The original legal notice for this Annexation Request omitted the metes and bounds legal description; therefore, the notice had to be republished and the hearing redone.***

Brooks opened the public hearing. There was no written or oral testimony and Brooks closed the public hearing. Ferguson moved, Hendershot seconded, to approve the annexation petition for 4149 State Street. The motion passes unanimously.

B. Annexation Request/Eagle Gateway Development, LLC – Eagle Gateway Development, LLC is requesting annexation of 14.13 acres located on the southeast corner of State Highway 44 and Riverside Drive. The proposed use is a commercial development. ***This is a repeat of the Public Hearing held on March 10. The original legal notice for this Annexation Request omitted the metes and bounds legal description; therefore, the notice had to be republished and the hearing redone.***

Brooks opened the public hearing. There was no written or oral testimony and Brooks closed the public hearing. Ferguson moved, Ballou seconded, to approve the annexation petition for Eagle Gateway Development, LLC. The motion passes unanimously.

C. Annexation Request/Eagle-Ada County Sports Park – Ada County is requesting annexation of 84.91 acres located in the northeast corner of Prairie Road and Horseshoe Bend Road. This is the Eagle/Ada County Sports complex. The purpose of the annexation request is to secure central sewer service to the Sports Park.

Brooks opened the public hearing. Douglas Tobin, 5168 N. Arrowcrest Way, Boise, 83703, testified in favor of the annexation. Mr. Tobin is the vice-president of the Idaho Velodrome Cycling Park Association. He stated the sewer installation should start in May. There was no other written or oral testimony and Brooks closed the public hearing. Ferguson moved, Hendershot seconded, to approve the annexation petition. The motion passes unanimously.

D. Connection Fee Increase - The Connection Fee was last evaluated in 2006. MWH has updated the Connection Fee tables to reflect the changes made at the District's wastewater treatment plant and related system components. The new connection fee calculations include \$2,173 for the wastewater treatment plant and \$2,462 for the collection system for a total connection fee of \$4,635. This is a \$681 increase over the current connection fee of \$3,954.

Brooks opened the public hearing. There was no written or oral testimony and Brooks closed the public hearing. There was brief discussion regarding the connection fees of other local jurisdictions. Ferguson moved, Gruber seconded, to approve the proposed increase for the connection fees. The motion passes unanimously.

V. Unfinished Business

A. Progress on Palmer Road Lift Station – Johnson reported the contractor has been on site for approximately six weeks. There is now a very deep hole and piles of dirt around the construction area. Johnson stated the contractor should hit the total depth of approximately 50 feet by this Friday. The project is proceeding on schedule; however, the irrigation water was turned into most of the local canals this week and the project may slow down if more dewatering is necessary.

B. MWH Report on Facility Plan Progress – Johnson reported that the draft plan has been reviewed by Moser and MWH is working the modifications Moser requested. Johnson stated that Chapter 1 is the introduction to the Plan and this chapter is being modified to reflect the new developments that have taken place such as the biosolids removal and the liner replacement. The introduction will now reflect the current state of affairs at the Eagle Sewer District.

There was discussion regarding how the emergency liner and headworks replacement had impacted the original facility planning. Moser reported on the uncertainty surrounding the ultimate TMDL parameters that will be placed on the Boise River. The results of the economic slowdown have also complicated the planning of “flow triggers” for the Facility Plan.

C. Tri Cedars Management Property Contract –It is the District’s position that Tri Cedars Management Property is in default of the Real Estate Purchase and Development Agreement between the ESD and Tri Cedars Management Co., LLC. Robertson has sent correspondence to Tri Cedars affirming the District’s position. Ed Priddy, a principal in Tri Cedars Management has sent the Board a letter that outlines a proposed modification of the Tri Cedars Contract with the Eagle Sewer District. Robertson stated that he will have a draft response to Ed Priddy prepared for the May Board meeting. Brooks cancelled the Executive Session scheduled for the end of tonight’s meeting.

D. Preliminary Design Report for Headworks Facility - Each Board member was given a copy of the preliminary design manual. Johnson reported that MWH is now moving forward with the final design. There was discussion regarding the type of material to be included in the Executive Summary of the document. Johnson and Moser will work on the Executive Summary material.

E. Miscellaneous – None

VI. New Business

A. Annexation Resolutions for Public Hearing Request:

A1. Resolution 08-05/Lazy P Limited Partnership, LLC – Lazy P Limited Partnership is requesting a public hearing to consider the annexation petition for 38.39 acres located on the northeast corner of Chinden Boulevard and Linder Road. The proposed use for the property is a commercial development. (See motion following VI. A2.)

A2. Resolution 08-06/J & M Land, LLC – J&M Land, LLC is requesting a public hearing to consider the annexation petition for 367.42 acres located north of Beacon Light Road and east of Hartley Road. The proposed use for the property is a residential development.

Ferguson moved, Gruber seconded, to approve Resolutions 08-05 and 08-06 and schedule both public hearings for the Board's May 12 meeting. The motion passes unanimously

B. Public Hearing to Reopen Fiscal Year 2008 Budget – The Eagle Sewer District is now in receipt of the Idaho Bond Bank loan money. (\$6,495,712.59). The FY2008 budget needs to be reopened to account for the additional loan money and to fund the plant emergency repair expenditures. Moser reminded the Board that the hearing has been scheduled for the Board's May 12 meeting. Moser, Lake and Sedlacek will prepare the amended budget and a copy will be included in the Directors' next meeting packet.

C. Update on Planned Community Discussions – Moser reported on his recent meeting with the representatives of Dry Creek Ranch. Moser has asked Robertson to prepare a draft contract in which the ESD will own and operate the Dry Creek Ranch on-site treatment plant. Robertson stated that he is concerned about the point of ESD jurisdiction--and potential liability-- for the disposal of the plant's reuse water. He said it is critical that the District be assured there will always be a way to dispose of the reuse water. Robertson stated that jurisdiction over the effluent disposal is a statewide issue--not just local. Moser and Robertson will be discussing this matter with DEQ.

Moser reported that he and Lake have also met with representatives of M3 Eagle to review their proposed technology for wastewater treatment.

D. Miscellaneous – None

VII. Ratification of Claims Paid Against the District

Ferguson moved, Gruber seconded, to ratify the claims paid against the District. The motion passes unanimously.

VIII. Executive Session

A. Pending Litigation – Tri Cedars Management – The Executive Session is cancelled.

Ferguson moved, Ballou seconded, to adjourn. The Regular Meeting adjourned at 7:15 p.m.

Respectfully submitted:

Lynne Sedlacek