

EAGLE SEWER DISTRICT

December 10, 2007

Regular Monthly Meeting

6:30 p.m.

Minutes

Roll Call

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

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

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

Approval of Minutes

Ferguson moved, Hendershot seconded, to approve the minutes of the November 5, 2007 Regular Meeting and the November 26, 2007 Special Meeting.

Brooks requested the November 26 Minutes be reworded under the **ESD Board Vacancy** heading. Brooks requested the minutes clarify the fact that appointed Directors' terms are only valid until the next general election, and then if the appointed Director so chooses, he/she can run for the remainder of the term. Sedlacek will make the changes. There was no other discussion and the motion passes unanimously.

Public Hearings - None

Reports

Eagle City Council/Scott Nordstrom – Nordstrom reported that the council has finalized and approved the Comprehensive Plan for the Foothills and they are currently working through the details of the M3 Development Agreement.

The Eagle River Commercial Subdivision has challenged their inclusion in the Local Improvement District formed for the purchase of Eagle Water Company. This challenge will delay the finalization of the assessment rolls for the LID.

Nordstrom is leaving the Eagle City Council and tonight is his last night serving as the council liaison to Eagle Sewer District. Nordstrom stated that it has been a pleasure to work with Eagle Sewer District.

Wastewater Plant/RJ Lake – Lake reported that the liner replacement is complete, but raw wastewater is still being pumped directly to Boise while the lagoons are being filled with water for leak testing. The target date to begin processing wastewater is January 1, 2008.

JC Constructors have replaced the effluent valves/gates at the plant. Some on-site fabricating needed to be done as part of the repair work and Lake stated that JC Constructors did a very good job on the valve replacement.

Unfinished Business

MWH Report on Facility Plan Progress - MWH has prepared Change Order No. 2 to Task Order No. 1 of their Master Consulting Services Agreement. The Change Order pertains to the Wastewater Facility Plan and includes a Change in Time of Performance and Schedule Revision 2. There were no changes to the project costs. The project completion date has been extended to March, 2008.

Bratz stated that the financial plan has been completed and is going through internal review at MWH. A financial workshop is tentatively planned for February, 2008. There was no other discussion and Ferguson moved, Ballou seconded, to approve Task Order #1 of Change Order No 2. The motion passes unanimously.

MWH Report on WWTP Liner Replacement Project – Bratz reported that the liner is in place in both lagoons and the punch list is completed. Both lagoons are being filled with water and once they are filled, each lagoon will be isolated for leak testing. The testing will be done over a 5-day period and if everything goes well, the District should be able to start processing raw wastewater beginning in January.

Brooks asked Lake and Bratz if they are comfortable with the liner repair work. Lake stated that there is still some gravel that needs to be spread and some finish grading that needs to be done around the plant but that he is comfortable with the liner repair work. Bratz and Moser agreed. Moser stated that the “spark testing” has proved out and he would be very surprised if the leak testing uncovered any problem.

MWH Report on Progress on Landscape Buffer Project – Bratz stated that the punch list is being completed and that \$50,000 is still being held as retainage.

MWH Construction Service Contract for Palmer Road Lift Station Project – Bratz reported that MWH has prepared Task Order No 5 to their Master Consulting Services Agreement. A copy was included in the Directors' meeting packets. This Task Order provides the scope and costs for providing services during construction of the District's Palmer Lane Lift Station Project. Task Order No. 5 includes the Scope of Work, a project schedule and a Compensation Table. The compensation for this Task Order shall not exceed \$485,113 without prior written approval.

Bratz stated that the Notice Inviting Bids will be advertised in the Valley Times and also at the AGC office and the office of Intermountain Contractors. MWH has also notified several local contractors. There was discussion regarding the MWH personnel that will be leading this project. Ferguson moved, Ballou seconded, to approve Task Order No 5 of the existing Master Consulting Services Agreement for the Eagle Sewer District's Palmer Road Liftstation. The motion passes unanimously.

Engineering Pre-Design Report on WWTP Headwork's Facility – Bratz reported that the pre-design is 65% complete and it will be reviewed with Moser and Lake next week. There are some electrical issues that need to be discussed.

Moser reported that the Judicial Confirmation hearing for the emergency liner and headwork's repair funding has been scheduled for January 9, 2008.

Tri Cedars Management Property Contract – At the Board's November 26, 2007 meeting, Ed Priddy, representing Tri Cedars Management Co., LLC, had requested an extension on the November 30, 2007 closing date of the ESD property sale to Tri Cedars Management. After missing the November 30 closing date, Robertson, on behalf of the ESD, sent written notice to Mr. Priddy to make demand that Tri Cedars cure the breach of contract by closing on the acquisition of the property and paying to ESD \$85,652 for the completed landscaping. Robertson's correspondence also requested that Tri Cedars take immediate steps to design and construct the required access road.

On December 5, 2007, Tri Cedars Management presented Eagle Sewer District with a letter outlining their proposal that the District grant to Tri Cedars a three-year option to buy the property. Tri Cedars also offered to pay \$85,000 to cover the agreed upon shared costs of the buffer landscaping.

Brooks stated this issue will be discussed in the executive session scheduled later on tonight's agenda.

Miscellaneous – None

New Business

Annexation Resolution Orders: *Upon approval of the following Resolution/Order of Annexation, the Board Chairman is authorized to execute and record the Order 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.*

Annexation Resolution Order 07-31 for Land Associates, LLC – Land Associates, LLC has requested annexation of 9.57 acres located west of Linder Road, east of State Highway 16, and north of State Highway 44. The applicants are proposing a mixed-use subdivision with single-family homes and townhouses. The public hearing for this annexation was held on November 5, 2007. Ferguson moved, Hendershot seconded, to approve Resolution 07-31. The motion passes unanimously.

Update on Negotiations with Dry Creek Planned Community – Moser reported on the meeting held with representatives of the Dry Creek Planned Community. The Dry Creek planned community will be served by an on-site wastewater treatment plant and the project developers are proposing the Eagle Sewer District consider owning and managing this new treatment facility. The legal counsel for the development will draft a proposed contract for ESD to review.

Brooks modified the agenda to move the proposed Guidelines for Satellite Wastewater Treatment Facilities next for discussion.

Adoption of Guidelines for Satellite Wastewater Treatment Facilities – A copy of the guidelines were included in the Board meeting packet. The purpose of the document is to provide satellite wastewater treatment facility design guidance for applicants requesting annexation into the Eagle Sewer District. The document was prepared by MWH and has been reviewed by Moser, Lake and Robertson. Brooks requested this item be moved to the January 2008 meeting.

Callaway Ranch Subdivision Sewer Service – Callaway Ranch Subdivision is currently served by an on-site wastewater treatment facility. There have been operational problems with this system and the residents of the subdivision would like to abandon the on-site wastewater treatment system and connect to ESD's central sewer.

Sedlacek gave a brief report on her investigation of funding options. It is anticipated that the individual connection fees could be close to \$6,000 by the time Callaway Ranch is ready to connect to ESD lines. Moser explained that ESD will require the collection system be clean and operational with no infiltration. The cost to camera the line and make necessary repairs will be paid by the residents of the Callaway Ranch Subdivision.

Miscellaneous – None

Ratification of Claims Paid Against the District

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

Executive Session

Hendershot moved, Ferguson seconded, to take a five-minute break and then go into Executive Session for the purpose of discussing possible litigation regarding Tri-Cedars and then personnel matters. Brooks requested a roll-call vote: Hendershot aye, Brooks aye, Ferguson aye, Ballou aye. The motion passes unanimously.

Respectfully submitted:

Lynne Sedlacek