

# **EAGLE SEWER DISTRICT**

**February 11, 2008**

## **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 Gruber, Jim Brooks, Chuck Ferguson, and Erv Ballou. 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, Business Manager.

Brooks welcomed Norm Semanko. Mr. Semanko was recently appointed to the Eagle City Council and he will be the council liaison to Eagle Sewer District. Brooks stated that the Eagle Sewer District would like to meet with the city council to give a brief presentation on the District's facilities and answer any questions from the council. Brooks stated that ESD wants to continue the fine working relationship between the City of Eagle and Eagle Sewer District.

Semanko gave a brief report on his background and stated that an Eagle Sewer District presentation would be welcomed by the council and that eventually he would also like a tour of the District's facilities.

#### **Approval of Minutes**

Ferguson moved, Hendershot seconded, to approve the minutes of the January 14, 2008 Regular Meeting and Executive Session. The motion passes unanimously.

#### **Public Hearings** - None

#### **Reports**

**Eagle City Council** – Semanko's remarks were given during the earlier introductions.

**Operations Report/RJ Lake** – Lake reported that the District stopped the direct pumping of wastewater to Boise and started filling the large lagoon today. The operations staff has finished gathering the survey information needed for the collection system mapping. Currently the operations staff is working on replacing all the old air-vac valves on the pressure line to Boise. They hope to complete this replacement project while the lagoons are filling.

### **Unfinished Business**

**MWH Report on Facility Plan Progress** – Bratz reported the Facility Plan is 75% complete. The draft financial plan is complete and has been submitted to Moser for his review.

**MWH Report on WWTP Liner Replacement Project** – Bratz reported on the Liner Seepage Testing Report and the testing review comments received from DEQ. Based on testing results, MWH believes that both liners are leak-free.

A meeting was held with DEQ to review the leak testing protocol that was followed. DEQ is unwilling to accept a winter test. DEQ guidance documents state, "The seepage rate test period must be planned to avoid freezing temperatures which will result in data which is not compatible with the seepage rate calculations. Freezing temperatures will nullify the test data and therefore nullify the test itself."

Moser reported that DEQ has given ESD provisional approval of the testing to allow ESD to begin treating wastewater at the ESD plant. Moser stated that DEQ was willing to give the provisional approval based on the winter testing that was done, but will not give final approval until after warm weather testing is complete. Moser stated that the warm weather testing would be scheduled for May or June and that Boise Public Works has agreed to let ESD revert back to the capacity rental agreement during the next testing period.

**Palmer Lane Lift Station Project** – Johnson reported. The Palmer Lane Lift Station bid opening was held on January 15. The Bid Evaluation Summary was included in the Directors' meeting packets. Johnson has deemed the bid submitted by Sommer Construction to be the lowest responsive and responsible bid. The engineer's estimate for the project was \$3.5 million. The Sommer Construction bid is \$3,008,450. MWH recommends the ESD award the contract to Sommer Construction, Inc.

Ferguson moved, Hendershot seconded, to accept the bid of \$3,008,450 from Sommer Construction and authorize the Chairman to sign the bid award. The motion passes unanimously.

**Tri Cedars Management Property Contract** – This matter has been discussed in Executive Session at the Board's December 10, 2007 and January 14, 2008 meetings. 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.

Robertson reported that he and Moser were unable to meet with Tri Cedars until this afternoon. Robertson has requested Tri Cedars put their proposal in writing. Tri Cedars agreed to have the written proposal to Eagle Sewer District in time for the Board's February 21 Special Meeting. The Board agreed to defer tonight's Executive Session to the February 21 Special Meeting.

**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. This item was tabled from the January 14, 2008 meeting in order to give the Board time to review the submitted modifications.

After brief discussion, Hendershot moved, Gruber seconded, to adopt the guidelines for Satellite Wastewater Treatment facilities. The motion passes unanimously.

**Miscellaneous** – None

### **New Business**

**Oath of Office for New Board Members** – Moser issued the Oath of Office to Erv Ballou and Jim Gruber. Erv Ballou will serve for 6 years, and Gruber will serve the remaining 4 years left on Michael Gifford's term.

**Election for Board of Directors Chairman and Vice-Chairman** – Moser reported that the Eagle Sewer District Board normally elects the Board officers at their February meeting; however, due to Chairman Michael Gifford's resignation in November, the Board had elected Vice-Chairman Jim Brooks to serve as Chairman and Chuck Ferguson to serve as Vice-Chairman when they appointed Gruber to fill the remainder of Gifford's term. After brief discussion, the Board agreed to keep the current officers in place.

**Annexation Resolution Order 08-01 for 4149 State Street, LLC** - The applicants are requesting the annexation of approximately 2 acres located on the southwest corner of State Highway 44 and old Valley Road

**Annexation Resolution Order 08-02 for Eagle Gateway Development, LLC** - The applicants are requesting the annexation of approximately 14 acres located on the southeast corner of State Highway 44 and Riverside Drive.

Gruber moved, Ferguson seconded, to approve Resolutions 08-01 and 08-02, and to hold the public hearings on March 10, 2008. The motion passes unanimously.

**Miscellaneous** – Brooks stated that the Board of Directors has oversight and responsibility of Eagle Sewer District's management. With this thought in mind, Brooks asked the Board members to consider the following assignments: Brooks asked Gruber to work with Moser and Sedlacek on the District's finances. He asked Ferguson and Ballou to work closely with Lake and the other operations staff. Brooks asked Hendershot to act as a liaison to the local developers and contractors in order to keep the District better informed on development issues. Brooks stated these suggestions can be more thoroughly discussed at a future board meeting.

**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**

**Pending Litigation – Tri Cedars Management**

During discussion earlier in the meeting, the Board agreed to defer the Executive Session to the Board's Special Meeting scheduled for February 21.

**Adjournment**

Hendershot moved, Ferguson seconded, to adjourn the meeting. The motion passes unanimously. The meeting adjourned at 7:25 p.m.

Respectfully submitted:

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Lynne Sedlacek