

# **EAGLE SEWER DISTRICT**

**January 14, 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.

#### **Approval of Minutes**

Ferguson moved, Hendershot seconded, to approve the minutes of the December 10, 2007 Regular Meeting and the December 10, 2007 Executive Session. The motion passes unanimously.

**Public Hearings** - None

#### **Reports**

**Eagle City Council** – There was no member of the Eagle City Council present at the meeting.

**Wastewater Plant/RJ Lake** – Lake reported that the District is still pumping raw product to the West Boise treatment plant. The Mace Road liftstation lost both pumps and was converted to emergency standby power and pumping. The first pump was able to be brought back online immediately. Operations personnel have been working with the contractors to get the water pumped out of the small lagoon so that the leak could be repaired. This will be discussed more thoroughly later in tonight's meeting.

#### **Unfinished Business**

**MWH Report on Facility Plan Progress** – There was no general discussion on the Facility Plan. Specifics were discussed under the next two agenda items.

**MWH Report on WWTP Liner Replacement Project** – Bratz reported on the leak that was detected during the testing of lagoon #2. The lagoon was pumped down and the leak has been repaired. Testing has resumed. Bratz stated that if the testing went well, the District should be able to resume treatment of our own wastewater by the first part of February.

**MWH Report on Progress on Landscape Buffer Project** – Bratz stated that the project is complete and record drawings should be received this week. There is a substantial retainage amount being withheld on this contract and the District won't release the retainage until the record drawings are received.

**Palmer Lane Lift Station Project** – Johnson reported that the bid opening will be held tomorrow at 2:00 p.m. Approximately 16 contractors have purchased plan sets and Johnson feels we will see some competitive bids.

**Engineering Pre-Design Report on WWTP Headwork's Facility** – Bratz reported that several parts of the report are complete and the report will soon be going through internal review at MWH. While in Portland last week for training, Bratz, Moser, and Lake arranged to visit some treatment plants to examine the headwork's.

**Tri Cedars Management Property Contract** – After discussing this matter in Executive Session at the Board's December 10, 2007 meeting, Robertson was directed to write a letter to Tri Cedars that reaffirms the District's position regarding the Real Estate Purchase and Development Agreement between the ESD and Tri Cedars management Co., LLC. Brooks stated this item would be discussed in the Executive Session to be held at the end of tonight's meeting.

**Miscellaneous** – None

### **New Business**

**Petition for Judicial Confirmation/CV OC 0721177** – Moser reported. The judge made a very quick judgment in favor of the District's Judicial Confirmation request. Robertson stated the good preparation by Tammy Zokan, the District's bond counsel, and the fact that there was no one present to testify against the judicial confirmation were key to the quick approval.

There is a 42-day protest period after receiving the judgment. To move the process forward as soon as possible, Moser reported that the Bond Bank has requested the District hold a Special Meeting immediately after the 42-day protest period has expired. After brief discussion, the Board agreed to hold a Special Meeting on the afternoon of February 21.

**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 07-32 for The Orchards at Eagle, LLC** – Orchards at Eagle, LLC has requested annexation of 24.87 acres located south of Old Valley Road and west of Linder Road. The proposed use of the property is for 74 condominium units. The public hearing for this annexation request was held on November 13, 2006. Moser had asked the Board to table this annexation request because this property is adjacent to the District's Old Valley liftstation and the District needs additional property to accommodate the expansion of the liftstation. Moser had added the easement requirements as a special condition of annexation. Moser reported that the property has been deeded to Eagle Sewer District.

Ferguson moved, Ballou seconded, to adopt Resolution 07-32. All aye, with Gruber abstaining. Gruber was not on the Board for this annexation's public hearing. The motion passes.

**Annexation Resolution Order 07-33 for Eagle Island Crossing, LLC and Thomas Pfister and Beverly Lockey-Pfister.** The applicants are requesting the annexation of Lots 3 and 8, of Block 2, of Flint Estates. This property is located north of State Highway 44 and east of N. Park Lane. The proposed use for this property is for commercial and residential building. The public hearing for this annexation request was held on September 10, 2007

Ferguson moved, Hendershot seconded, to approve Resolution 07-33. All aye, with Gruber abstaining. Gruber was not on the Board for this annexation's public hearing. The motion passes.

**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 December 10, 2007 meeting.

Robertson reported that he had made some changes and presented a copy of the modified Guidelines. After brief discussion, the Board decided to postpone approval of the Guidelines until they had a chance to go over Robertson's changes. This item will be taken up again at the February meeting.

**Miscellaneous** – Moser reported that only two election petitions were submitted, and no write-in declarations were received prior to the January 11 deadline. In compliance with Idaho State Code, with only two candidates filing for the two open seats, the election has been cancelled. Erv Ballou will serve for a full 6-year term and Jim Gruber will serve the remaining 4 years left on Michael Gifford's term. The Oath of Office will be conducted at the February meeting.

Moser also reported that he, Robertson, Lake and Sedlacek will be meeting with the Dry Creek Ranch representatives and their legal counsel on January 23. Their legal counsel is to present their draft of a proposed sewer service contract between the District and Dry Creek Ranch.

#### **Ratification of Claims Paid Against the District**

Ferguson moved, Hendershot seconded, to ratify the claims paid against the District. The motion passes unanimously. There was brief discussion regarding the end-of-year financial statement for Fiscal Year 2007

#### **Executive Session**

Ferguson moved, Gruber seconded, to take a five-minute break before going into Executive Session. The purpose of the Executive Session is to discuss possible litigation regarding the Tri-Cedars property purchase contract. Brooks asked for a roll call vote: Hendershot, aye; Gruber, aye; Brooks, aye; Ferguson, aye; Ballou aye. The motion passes unanimously.

The Board went into Executive Session at 7:35 p.m. A roll call vote was taken to come out of Executive Session: Hendershot, aye; Gruber, aye; Brooks, aye; Ferguson, aye; Ballou aye. The Board came out of Executive Session and there was no action taken.

#### **Adjournment**

Ferguson moved, Hendershot seconded, to adjourn the meeting. The motion passes unanimously. The meeting adjourned at 8:05 p.m.

Respectfully submitted:

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Lynne Sedlacek