

# EAGLE SEWER DISTRICT

October 8, 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: Ed Hendershot, Jim Brooks, Michael Gifford, and Chuck Ferguson. Erv Ballou is absent. A quorum is present.

Consultants present: Cyndy Bratz, P.E., Phil Johnson, P.E., and Nick Smith, MWH; Evan Robertson, legal counsel, and Tammy Zokan, a bond attorney with the law firm Moore, Smith, Buxton and Turcke.

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

#### Approval of Minutes

Ferguson moved, Brooks seconded, to approve the minutes of the September 10, 2007 Regular Meeting. Brooks called for discussion regarding a monthly service rate discount for senior citizens. This issue was brought up by some of the individuals testifying at last month's rate increase hearing. Staff was instructed to investigate agencies that are giving a senior discount. This matter will be discussed again at the District's next meeting. There was no other discussion and the motion passes unanimously.

#### Public Hearing

**Reopen Fiscal Year 2007 Budget** – The following emergency expenses have been identified:

Emergency Liner Replacement	\$2,000,000
Emergency Headworks Replacement	100,000
Misc. Emergency Legal and Administration	<u>100,000</u>
<b>Total Emergency Expenses</b>	<b>\$2,200,000</b>

These emergency expenses need to be incorporated into the current fiscal year budget. The corresponding funding is proposed as follows: \$1,700,000 will be taken from the District's capital reserves. \$500,000 will be reallocated from the \$1,000,000 that was originally budgeted for Boise Capacity purchase. With the emergency liner replacement process, the District is now renting capacity from Boise. The rental costs will be less expensive than capacity purchase.

Gifford opened the public hearing. There was no written or oral public input. Gifford closed the hearing. After brief discussion, Ferguson moved, Brooks seconded, to approve the Fiscal Year 2007 Budget amendments as presented. The motion passes unanimously.

## **Reports**

**Eagle City Council/Scott Nordstrom** – Nordstrom started his report by complimenting the ESD Board on the way they are handling the emergency repairs. There was general discussion regarding the building slowdown being experienced in Eagle. Nordstrom also reported on the Downtown Visioning that will soon begin and the Urban Renewal Agency that will soon be presenting their reports. Nordstrom stated that to provide an incentive to those wishing to develop in the old downtown, the parking requirements and tree replacement costs have been reduced.

**Wastewater Plant/RJ Lake** – Lake reported that the flow to Boise averaged 1.7 million gallons per day in September and that the flow amounts may go as high as 2 million gallons per day with the addition of process water that will be used in cleaning the existing lagoons.

The survey work remains a high priority and data continues to be collected. A new easement machine that is used for line cleaning has been purchased and delivered, and a 2-person off-road utility vehicle has been purchased. There was discussion regarding the progress on the lagoon pumping and biosolids removal.

## **Unfinished Business**

**MWH Report on Facility Plan Progress** - Bratz presented a revised Facility Plan Schedule with some potential hearing and meeting dates. There was discussion regarding the Public Information portion of the schedule. Bratz also explained that the revised schedule extends only the time line, and there would not be any cost increase. Ferguson moved, Hendershot seconded, to accept the revised Facility Plan Schedule. The motion passes unanimously. MWH will bring the revised contract back to the Board at the November meeting.

**MWH Report on WWTP Liner Replacement Project** – Parker Ag is still removing the biosolids. Bratz has contacted Great Basin Environmental the contractor that will be installing the liner and Dudek, the contractor that will be doing the observation and inspection of the installation, to let them know that the liner placement has been moved back to October 22. Bratz stated that depending upon weather, the liner replacement in both lagoons should be complete by mid-to-late November.

**MWH Report on Progress on Landscape Buffer Project** – Nick Smith with MWH reported. The contractor has been installing the berm irrigation system, topsoil, and has started planting trees and shrubs on the west side of the project. The landscape strip along the recently acquired ITD property has also been cleared.

Moser reported he has approved two minor change orders, which changed the irrigation from a rotary system to a drip system and upgraded the pump station and irrigation cleanout box. Moser reported that the contractor strongly recommended the drip system because it would be more efficient. Moser also reported that there would be no additional charge for extending the drip system into the ITD property.

Smith presented Change Order #3. Eagle's Design Review Commission has required the state highway right-of-way to be groomed and covered with gravel along the full length of the project, including the strip along the ITD property. The estimated cost is \$30,000.

Smith presented Change Order #4. The contractor has requested a contract extension of 35 days. The request is due primarily to the delay in securing the ITD property. The new completion date is November 30.

After brief discussion, Ferguson moved, Hendershot seconded, to approve Change Orders #3 and #4. The motion passes unanimously.

**Progress on Idaho Transportation Departments Property Transfer** – Moser reported that the transaction is finalized. The recorded quitclaim deed has been received from the ITD and Eagle Sewer District has issued the \$100 payment to ITD to cover the administrative costs. Gifford thanked Brooks for his help in getting the transaction completed.

**Progress on the Palmer Road Liftstation Project** – Johnson reported that Eagle's Planning and Zoning Commission had approved the project's Conditional Use Permit at their October 1 meeting. The Design Review meeting is scheduled for October 11. Assuming everything goes well at the Design Review meeting, the application should be on the Eagle City Council agenda for November 13. The contract bidding should be completed in November. Moser stated that the project's budget would be included in both the Fiscal Year 2008 and 2009 budgets.

**Development Agreement between City of Eagle and M3 Eagle** – Moser and Robertson have discussed the District's concerns with the City of Eagle's attorney, Susan Buxton. A copy of the revised wastewater section was included in the Director's packets. Robertson stated this revision is as modified by Buxton; and the M3 developers may not have seen it yet. Robertson stated that the District has put the City on notice that Eagle Sewer District still has the only, and the total, control of negotiations regarding the Eagle Sewer District's wastewater management. Moser stated that Nordstrom had helped work through this issue and Gifford thanked Nordstrom for his assistance with the matter.

**Miscellaneous** – Moser reported that the Stillwater developers have requested a one-year extension in closing on the property they have acquired from ESD. Moser stated that he had arranged a meeting so that he and Robertson could discuss the matter with the developers, but the Stillwater representatives did not show up. Moser stated that regardless of whether or not the closing is delayed, he has informed the Stillwater developers that they must still participate in the road construction and the costs incurred for the landscaping along the boundary between ESD and Stillwater

## **New Business**

### **Annexation Resolutions for Public Hearing Request**

**Resolutions 07-28/Land Associates, LLC** – The applicant is requesting annexation of 9.57 acres located west of Linder Road and north of State Highway 44. The proposed use for the property is a single-family residential subdivision. Moser explained that this property would be served by extending the sewer lines into the lines located in the Eaglefield Subdivision.

*Before taking the motion, Gifford stated that the Board's November meeting conflicted with the Veterans' Day holiday and asked the Board to consider holding the November meeting a week early on November 5. The rest of the Board members agreed to the change.*

Ferguson moved, Brooks seconded, to approve Resolution 07-28 to hold a public hearing on November 5, 2007. The 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 Order 07-27/Annexation Request/Lynn and Jonita Proctor, Trent Stimpson, and June R. Lockey Trust** - The applicants are requesting annexation of 32.56 acres located north of Floating Feather Road and east of N. Park Lane. The proposed use for this property is a single-family residential subdivision. The public hearing for this request was held on September 10. Brooks moved, Ferguson seconded, to approve Resolution 07-27. The motion passes unanimously.

**Legal Services Agreement /Moore, Smith, Buxton and Turcke** – Tammy Zokan, an attorney with the firm Moore, Smith, Buxton and Turcke, has provided the District with a letter that outlines the judicial confirmation process and provides an overview of the services that would be provided by her firm. The estimated cost of their services is \$10,500. If the matter is contested, the cost could be higher.

Robertson reported that he and Moser have met with several lending institutions, including the Idaho Bond Bank. For a loan this size (\$6.5 million) judicial confirmation will be required. Zokan stated that the white paper prepared by Robertson and Bratz was very good and that the District was in a good position to start the process. When the hearing date is established, it is important that both Bratz and Moser be prepared and available to serve as witnesses. There was discussion on the information that needs to be prepared and available for the public process. (The motion is made after the discussion under Resolution 07-29, next on the agenda.)

**Miscellaneous:**

**Resolution 07-29** – “A Resolution establishing the date, time and place of a public hearing to consider whether the Board of Directors of the Eagle Sewer District, Ada County, Idaho, should adopt a Resolution authorizing the filing of a petition for Judicial Confirmation under Title 7, Chapter 13, Idaho Code; approving a form of notice of hearing and directing the publication thereof; providing for notice by mail to any person requesting such notice; and providing an effective date.”

Discussion: there is enough time to get the required ad into the Valley Times so that the hearing can be held in conjunction with the November 5 meeting. Ferguson moved, Brooks seconded, to approve Resolution 07-29. The motion passes unanimously.

**Legal Counsel for Judicial Confirmation** – Ferguson moved, Brooks seconded, to accept the agreement presented by Zokan to secure the firm Moore, Smith, Buxton and Turcke for representation through the Judicial Confirmation process. The motion passes unanimously.

**Updated Capital Improvement Plan** – Moser and MWH have updated the District’s 5-Year Capital Improvement Plan. After brief discussion, Ferguson moved, Brooks seconded, to approve the updated Capital Improvement Plan. The motion passes unanimously.

**Ratification of Claims Paid Against the District**

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

**Adjournment**

The Regular Meeting was adjourned at 8:20 p.m.

Respectfully submitted:

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Lynne Sedlacek