

Tontitown Water & Sewer Commission Meeting Minutes 10/4/05

Meeting called to order by Mick Wagner

Roll call:

Larry Goddard

Bill Brandt

Gene Baker- not in attendance

Casey Dunigan- not in attendance

Steve Gunderson

Approval of the Minutes for the 9/6/05 Meeting:

Motion to Accept by Bill Brandt

Seconded by Larry Goddard

Unanimously Approved

Old Business:

Update from City Lawyer on action taken on North water line problem:

The North part water line was installed a year ago last month and since that time there have been 4 major water breaks. We have had the pipe company involved and they seem to think it was a problem with installation; we met with La Rue from Harrison a couple of weeks ago. Following the meeting the commission instructed Mr. Gunderson, the City Attorney, to seek from ESI and LaRue various documents that ESI was to provide not only to La Rue but also to the City. This morning Mr. Gunderson filed suit with ESI alleging the failure of providing us with the drawings, the maps, the benchmarks that the engineers from USI, the Water Commission and Mr. Gunderson have talked about. We will go after those particular documents in the lawsuit. We have asked the court to award us damages that we can prove as far as what the delay will cost us not only with construction but in the alteration of those contracts to have it constructed. Prior to filing the lawsuit Mr. Gunderson got with the Water Commission and the City Council and as a result of that, the lawsuit has been filed. An attachment was sent to all Water Commissioners with a contract that ESI scope a services that the items that we are asking for, they say that they have provided them but every document that the City has, has been poured through by the engineers that we now have as well as Mr. Wagner himself and there isn't anything there that meets the scope of services that the contract provided for. When we asked for this, ESI said that the City owed them for \$9,000.00 worth of work and we asked to be provided with what document that authorized that work to be performed. Their recollection was that maybe the former mayor told them to do that. It was incumbent on the action of the legislative body, the City Council, to authorize any money spent on such projects. This was not done, and at this point our position is that we

don't owe anything that hadn't been properly authorized and look to Mr. Gunderson to obtain whatever our engineers think that we should have already been provided.

Update 412/112 water line easements:

It has all been surveyed over there now, but all the maps are not completed yet. Timeline that we could draw up some proposals for easements in that area and so that we can approach the landowners with what we really need to get accomplished in that part of the loop. Surely by next week we will be in a position to at least provide some rough mapping that would allow contact with the individual landowners. By 10/15/05 we will have a map to where the Water Commission can meet with landowners. Mr. Gunderson reports on Pianalto Road, the update on that is the people on Pianalto want a better water line but don't want to consider easements, in view of the fact that there are several houses on the east side that were pretty emphatic that we could get into a condemnation process before they would grant a water and sewer easement. We had originally asked for a 30 ft easement because of existing gas lines. To summarize, we have a couple of landowners that are thinking about it and how long they do that is depending on them. This is an 8" main. There will be a requirement of a change order to the contract for the west side.

Rate structures:

The Water Commission is trying to get some more numbers together. Discussion was tabled until more information was available.

New Business:

Keystone Consultants:

Terry Graden from Keystone Consultants was in attendance. Mick Wagner forwarded Terry's e-mail to the Water Commissioners. They are trying to acquire easements and it has been hard, two out of four have refused. Our only recourse is to ask if we could install the proposed water main within the right-of-way. In doing so we would want to keep it as close to the edge of the right-of-way as possible. From the intersection of Hwy 112 and West Steele Rd. Maps were provided to Water Commission members. Specification manuals will be available at the Water & Sewer Department's office. There is a 4" main there already and an 8" could be put in and the 4" taken out of service, instead of having a 4" and an 8". Trying to keep it within 5' of the north right-of-way, the Arkansas State Health Department requires a minimum of 10' which will put us about 5' south of the right-of-way. That's as close as we could get to the right-of-way. There would be no problem putting in an 8" main in and this would be the only section that we would have to put it in. Before taking any action, we need to sit down with Washington Water Authority and see if they would be okay with the action to be taken.

Motion for action to get with WWA and see what we can do about putting the 8" in and replacing the 4" made by Larry Goddard.

Seconded by Bill Brandt
Unanimous Agreement

Aqua Tech Systems and Mott Sagely:

Mr. Tom Bartlett with Aqua Tech Systems and Mr. Sagely, a developer from Ft. Smith and purchased some acreage on Pianalto Rd, were in attendance. Mr. Sagely wishes to develop the land on Pianalto and thought that the best way to get it developed would be to bring in someone like Mr. Tom Bartlett to do a decentralized sewer. Since we are looking at sewer coming to our location in three and a half to five years down the road or longer. Tom Bartlett is to discuss if what they do at Aqua Tech System meets the needs of the City of Tontitown. They have different ways of collecting: step tanks, grinder pumps, vacuum, or gravity. Different ways of treating the waste water, they have two different technologies shown in a packet given to the Water Commission, and different ways of discharging, which would be through irrigation, spray or discharging into surface water. In most cases, they collect through step tanks. In Tontitown the ordinance will be calling for gravity sewer, the same as Springdale's. Whatever the city's collection ordinance says, they will always follow that.

Discuss Cross connection ordinance to forward to council:

Mr. Gunderson provided the Water Commission a Cross Connection ordinance which essentially mirror-imaged what the Arkansas Health Department had suggested. Mr. Wagner asks that each Commissioner look over it and at this time accepted any comments from the Water Commissioners. It is a requirement that the City has some sort of piece of legislation that they can enforce to protect the water systems. At this point, Tontitown doesn't have one that they are aware of. Mr. David Sohl from the Engineering Section at the Arkansas Health Department supplied the documentation for the ordinance. The ordinance has emergency clause in it that if it is passed by the City Council tonight it will go into immediate effect.

Motion that the Water Commission goes forward with the setup of an ordinance for cross connection controls within our water service area was made by Bill Brandt

Seconded by Larry Goddard
Unanimous agreement

Mr. Gunderson made suggestion to make the Cross Connection Control a policy instead of an ordinance in order to have more flexibility and to be able to do update's as needed.

Discuss easement layout for sewer project, cost analysis by USI:

Terry Carpenter from USI discussed various details regarding the Tontitown Sewer project and offered advice and examples of other projects done for other cities. USI is currently gathering information to begin the easement procurement process. Various questions were ask and USI agreed to give an update to the Commission at next months

meeting. Mr. Gunderson requested that USI keep a very detailed billing summary in order that The City may attempt to recover from ESI any monies from work that should have been furnished with the prior contract with ESI that is currently in litigation.

Discuss purchase of water department vehicle:

Mr. Wagner asks the Commission to consider the various needs that the Water Department has to address due to the lack of a city vehicle. Currently the city is paying the federal mileage rate to the water department employees for miles traveled using their vehicles. After complete discussions regarding the subject the Commission asks Mr. Wagner to put together a spec sheet for a city vehicle and obtain bids that could be discussed further at next months meeting.

Having no further business Mr. Brandt made a motion to adjourn the meeting and Mr. Goddard seconded.