

Tontitown Water & Sewer Commission
Meeting Minutes
2006-05-04

Roll Call:

Mick Wagner – present
Larry Goddard – present
Bill Brandt – present
Gene Baker – absent
Casey Dunigan – absent

Approval of Minutes for 2006-04-04:

Motion to approve minutes for 2006-04-04 made by: Bill Brandt
Seconded by: Larry Goddard

Vote:

Goddard – yes, Brandt – yes, Wagner* – yes

*Chairman Mick Wagner voting to provide quorum.

Old Business:

Update from Lawyer on action taken to procure documents from ESI:

There is a deposition scheduled to take place on the 22nd, 23rd & 24th of May. Mark Dossett with Davis, Wright sent a very detailed request for document production and ESI has asked for an extension which they were given. When the extension time was up, they provided their answers and it was nothing. Mr. Dossett has started the processes to force them to answer. The first step is to send them a letter to tell them what is wrong with it to allow them to correct it and then if that doesn't happen, it can be addressed to the judge. ESI's defense is being paid by an insurance agency called Liberty Mutual. Mr. Dossett asked for information about their insurance coverage but was provided no information except the name of their provider and that they are paying for the lawyer Marshall Ney. ESI and Marshall Ney were taking the position, initially, that ESI was never notified properly about being terminated but Steve Gunderson did notify them by email to Kieklack about their termination.

Progress report 412/112 water line Phase 2:

Phase 1 to Kelly Road is complete. GN Contractors was awarded the bid on Phase 2 based on having the lowest bid. Phase 2 extends the line east from Kelly Road to

the end of Piazza road and then northward back to Industrial Park where it will tie into another 8" line. As of yesterday, they were at the end of Taldo Loop. There have been 4 lines that have been cut and we weren't notified except for the last one because it cut off service to a home overnight. Mr. Wagner had a discussion with GN Contractors last week with our engineers about their lack of communication and to get them to pay for some water bills because of the service interruption that cost them some money. They are making very good progress. There is about 50% percent of the footage in the ground.

Update on Sewer project (review easements):

Phase 1 consists of Area's 1 & 2. Mr. Carpenter with USI provided a map that showed the easements that were in hand, those that the property owners have agreed to sign and those that we do not have or cannot contact the property owners. Those that are on the list to be condemned are: Oneta Miller, Ballasteros, Lee, Nordin, English & McCullough. The timetable on the lift station to be able to build is a little more than 2 months. The entire project is supposed to take 6 months and that includes the lift station.

Motion for a resolution authorizing Mr. Dossett to proceed with the condemnation procedure with the 6 property owners listed made by Bill Brandt.
Seconded by Larry Goddard.

Vote:

Goddard – yes, Brandt – yes, Wagner – yes

Update on Sewer Rate analysis:

Mr. Chuck Nickles with USI was commissioned at the last meeting to draft a presentation for sewer rate analysis. The rate analysis prepared showed comparisons to the other surrounding cities. None of the rates presented are set, this was just for initial comparison to see what would need to be considered to run a sewer system in Tontitown. The rates presented for Tontitown were right in the middle of what the other cities are charging for their sewer.

New Business:

Review Financials:

The Water & Sewer Commissioners discussed the financials that are posted on the web.

Consideration of budget revision:

This is to be brought back up for consideration in 3 months.

Review Taldo Easements:

Wherever the Street Committee puts in a street, the Water & Sewer Department will get a water & sewer easement. USI was asked to draw up the street & utility easements instead of having to use two separate companies to do the one for the water and the one for the street. Those will be ready to be signed Tuesday or Wednesday of next week.

Robert Button – Water Operator of record:

With the Water & Sewer Commissions approval, Mr. Wagner contacted Mr. Robert Button. Mr. Button managed Pea Ridge's water & sewer operations and has a consulting service now. He is now our official Water Operator of Record and the Health Department has certified it. He will be working with Rick on refining some procedures and processes based off of his experiences.

Discuss Water Shortage Ordinance (define Director):

The water department didn't have any ordinance on file where they could enforce to restrict water usage in an emergency. It is a duplicate of what Springdale has and Rogers and Bentonville and the other cities are also similar. This gives the water department a platform to work from. We have to have an ordinance to enforce that. Springdale could cut our water but the water department didn't have anything to cut our water customers back with.

Mr. Dossett advised that a resolution be draw up that states: "when any of the standard operating procedures, resolutions or policies that the Water & Sewer Commission uses the term "Executive Director" that shall be deemed to mean (whoever is appointed).

Motion to appoint the Chairman of the Water & Sewer Commission to also be the alias of Executive Director made by Bill Brandt

Seconded by Larry Goddard

Vote:

Goddard – yes, Brandt – yes, Wagner –yes

Discuss Fulton change order for S. Taldo:

There are two people inside city limits that do not have water. There was some discussion as to whether that was Tontitown or Washington Water. Dr. Jack Alston is the south-most house on our water system is below these people. It has been determined that these people can receive water from Tontitown. It has been proposed to put an 8" line

from Taldo Loop and as the SOP 30.2 provisions, those two people then have the option to pay for their expense of running a 2” or 3” line to service their houses. Mick Wagner was appointed the approval to contact the two people who don’t have water about this proposition.

Motion to upon the contingency of the Fulton and the Highfill residents hooking on to the Tontitown City water we will provide a sleeved 8” transmission line on the south side of the south end of Taldo Loop with the expense to follow SOP 30.2 for the residents to connect made by Bill Brandt
Seconded by Larry Goddard

Vote:

Goddard – yes, Brandt – yes, Wagner – yes

Ratify Tisdale fence as easement compensation:

Instead of being paid for the easement Mr. Tisdale wanted a wood fence built.

Motion to acquire the Tisdale easement 6883 Burr Oak a privacy fence not to exceed \$1350.00 in cost to the Water & Sewer Commission in lieu of easement compensation paid directly to the landowner made by Bill Brandt
Seconded by Larry Goddard

Vote:

Goddard – yes, Brandt – yes, Wagner – yes

The other proposition from Mr. Wiseman is that he has an easement and he will give that easement to the Water & Sewer Commission if the connection starts on his parcel within two years of the date he signs the easement, otherwise, at the end of two years he will be paid \$16,000.00 for the easement. The force main will be in-in about 9 months.

Motion to proceed and to take up the agreement made by Bill Brandt
Seconded by Larry Goddard

Vote:

Goddard – yes, Brandt – yes, Wagner – yes

Comments from Commissioners:

Motion to adjourn made by Bill Brandt
Seconded by Larry Goddard

Adjourn

