

Tontitown Water & Sewer Commission
Meeting Minutes
2007-04-03

Roll Call:

Bill Brandt –present
Steve Gunderson –present
Larry Goddard –present
Gene Baker –present
Mick Wagner –present

Also in Attendance:

Mark Dossett –City Attorney
Chuck Nickle –USI Consulting Engineers
Terry Carpenter –USI Consulting Engineers
Brandy McAdoo –Administrative Assistant

Approval of the Minutes for 2007-03-06:

Motion to approve the minutes as presented by Steve Gunderson
Seconded by Larry Goddard

Vote:

Brandt –yes, Gunderson –yes, Goddard –yes, Baker –yes

Motion passed.

Review Financials:

Commission reviewed the financials that are posted on the web.

Old Business:

A. Update on Sewer Project:

The Commission was emailed the latest inspection report from USI that showed a total of 43% of footage in the ground with 44% of the time used. USI and the contractors are now meeting in USI's office every two weeks to make sure that they are keeping on schedule. There are three crews working on Schedule A over by Mary Maestri's Restaurant. That line is about half tested right now. Once that line is completed, the crews will move over to the Schedule B & C which will then provide sewer across Highway 412 to the south and get back around behind Guido's, Red

Door Bar & Grill and the Tontitown Z-Mart. Mary Maestri's is still on schedule to be connected on the 1st of May.

Mr. Nickle presented change order #4 to the Commission. This will provide for open road cuts instead of boring and casement on Liberty, Tessaro, Sbanotto and East Bandini. The contractors have to cut deep in the Liberty area. The cut will be about 24 feet. Mr. Harrison with the City has been notified and will notify emergency services once they get to that point. There is also pavement repair with 9" of concrete and 2" of asphalt per the City Standard Specifications.

The sewer line that comes across Tessaro and then across Sbanotto is at that intersection and they will have to have two bore pits that will take up the entire yard in front of the house. This is another reason that they want to go with the open cut. The last one is over on East Bandini across from the City Park. The batting cages and the fence will be taken down due to not having enough room on the other side to do a bore pit. Mr. Wagner asked Mr. Nickle if there was any way that they could have the contractors take the old fencing and put it up so that the ball practices could still continue and have minimal impact on ball ground usage. Mr. Nickle stated that they are deleting the part that comes across Barrington Road west of the park on the north side of Bandini, the section of sewer that was to run there. Mr. Wagner showed on the GIS the section that was to be removed. The sewer line that is along Bandini has been moved out into the park area away from the trees so that they don't have to take out all of them. It has been moved 25' to the north which will require the Park Committee to relocate the backstop and move the infield, in a northwest direction, about 25' or 30'. The bleachers are sitting in the Street Right-of-Way currently.

USI recommended by letter to the Commission that the Parks Committee receive a cash settlement of \$20,000 in lieu of having the contractors repair the backstop and the fence along the backside that is to be taken up and the relocation of the field. Mr. Wagner spoke with Chairman Penzo about this before hand and he seemed fine with it. This amount was considerably larger than the cost to fix the fence and the Parks may be able to upgrade some of their other equipment.

Change order #4 will result in a net decrease in the contract of \$74,427.76. There is no time addition or deletion to the contract. Mr. Nickle recommended approval of the change order.

Motion to approve Change order #4 and the cash settlement to the Parks Committee of the City of Tontitown by Bill Brandt

Seconded by Larry Goddard

Vote:

Brandt –yes, Gunderson –yes, Goddard –yes, Baker –yes

Motion passed.

Mr. Brandt asked Mr. Nickle if there has been any rock yet. Mr. Nickle replied and said that there hasn't been any yet. When the Commission was first tasked with finding places for the sewer there was only so many funds to pay for it. The Commission

wanted to build as much trunk line as possible with those funds. The restaurants were feeling the most burdens as far as need of sewer. Ryder Truck Rental has contributed monies to running the line down Highway 412 to Industrial Circle. They have committed to the probable cost of \$225,000. This will help to pick up the restaurant behind Ms. Miller's antique shop that was not picked up with Phase 1 of the sewer.

Contingencies were put in the design process to allow for rock in the construction. So far we haven't used any of the \$400,000 contingency funds set aside for that. Mr. Carpenter designed a project right behind the Villagio De Perona Subdivision that is going in (Westside); he also provided an option for a line that runs down between Albano Drive and Industrial Circle (East Maestri & West Industrial) and another that will run down the center of Industrial Circle (Central Industrial). The probable cost of Westside is \$188,500, East Maestri and West Industrial \$214,500 and Central Industrial \$42,900 with a total cost of all projects to be \$445,900.

Mr. Wagner asked Mr. Carpenter when it would be feasible for them to have the numbers from the sanitary sewer survey so that the Commission could have that data to work with. Mr. Carpenter replied that they had conversed with the individuals out in that area some time back and they could revisit them and have something back to the Commission by the next meeting. Mr. Wagner asked USI to provide the Commission the names of the businesses and the Recorder/Treasurer has the business licenses that show the number of employees.

Gillie Mantegani was at the meeting representing the Mantegani Trust along with some of his family. Mr. Wagner sent the Commission the easement that the Mantegani's had signed in 1999. Originally that area was not going to be served by Phase 1 because the lines were going to be coming from the east but it got too deep. As a result of that there was a route change to make it feasible to get the restaurants in that area served. Mr. Mantegani was concerned that the easement was in the building set backs and he was told there was going to be sewer running right through his property when he saw someone putting out stakes for surveying purposes. Mr. Wagner told Mr. Mantegani that the sewer line will be running along Highway 412 and not anywhere else. Mr. Mantegani was happy about that and thanked the Commission for speaking with him. Mr. Wagner stated the Mr. Mantegani will receive one free tap & access to the sewer for that easement.

New Business:

A. Consider Lift Station cover:

USI solicited two proposals for the cover on the lift station facility. The cover will be a barn style structure. Mr. Carpenter stated that he had a quote for the electrician in the amount of \$8,500.00. The total cost for the construction of the cover and the electrician costs is \$33,049.00 (see attached).

Motion to accept the proposal from Myrick Construction in the amount of \$24,849.00 by Gene Baker
Seconded by Bill Brandt

Vote:

Brandt –yes, Gunderson –yes, Goddard –yes, Baker –yes

Motion passed.

Motion to approve the electrical proposal from King Electrical Construction, Inc in the amount of \$8,500.00 by Bill Brandt

Seconded by Gene Baker

Vote:

Brandt –yes, Gunderson –yes, Goddard –yes, Baker –yes

Motion passed.

Mr. Goddard asked Mr. Carpenter to do go over how the fence and asphalt around the structure was going in. Mr. Carpenter stated that originally the fence goes around the property itself minus the right-of-way on Barrington Road. Due to maintenance issues, the fencing has been moved inside the asphalt about a foot per the Water & Sewer minimum standards.

B. Consideration of revised sewer project schedules to accommodate ADDHS requests:

Jerry Holloway with USI sent via email the Commission a revision in line completion for Schedules A, B, and C of the Phase 1 gravity sewer lines (See attached). This revision will affect the penalty clause but is doesn't really change the overall program. It changes segments to where the Commission can start hitting them for penalties.

The schedule dates include the time for clean up so the sewer will actually be in and functioning before those dates listed.

Motion to authorize the Chairman to execute the change order once it is prepared by

Steve Gunderson

Seconded by Bill Brandt

Vote:

Brandt –yes, Gunderson –yes, Goddard –yes, Baker –yes

Motion passed.

Mr. Nickle stated that he emailed Mr. Wagner the differences in the Sewer Use Code between Tontitown and NACA. These changes require Commission action before they can take place. This is a housekeeping item than anything else.

Motion to recommend to the City Council and direct the Water & Sewer attorney to prepare an ordinance for the attached changes to the Water Use Code as required by NACA membership by Bill Brandt
 Seconded by Larry Goddard

Vote:

Brandt –yes, Gunderson –yes, Goddard –yes, Baker –yes

Motion passed.

C. Consider options if rock contingencies are not used:

This item was discussed mainly under Old Business. To summarize Mr. Carpenter will provide the Commission with a list of users that the Commission will take and get volume numbers on it. Mr. Carpenter stated that he would have that to the Commission by the week before the next meeting on April 24th.

Comments from Commissioners:

Mr. Gunderson stated we overlooked the agenda item to approve the prior meetings minutes for 2007-03-06. There was a motion and a second as stated under that item.

Mr. Nickle stated that he and Mr. Carpenter will not be able to attend the next meeting due to a prior commitment that they had with Annual Waterworks meeting. He also stated that Mr. Jerry Holloway can attend the meeting in their absence.

Mr. Wagner asked that as many of the Commissioners as possible to attend the City Council meeting to be held tonight. Hopefully the City Council will have the 2nd and 3rd reading of the Sewer Use contract with NACA. In 2012 the contract between Tontitown and Springdale will expire and Springdale has stated that they will not extend or renew the temporary contract with Tontitown under any circumstances. Last Tuesday Bentonville voted unanimously to accept their agreement with NACA.

Motion for the Commission to move forward and ask the City Council to approve the ordinance for the NACA agreement by Gene Baker
 Seconded by Bill Brandt

Vote:

Brandt –yes, Gunderson –yes, Goddard –yes, Baker –yes, Wagner –yes

Motion passed.

Motion to adjourn made by Bill Brandt
Seconded by Gene Baker

Adjourn