

# TONTITOWN WATER & SEWER COMMISSION

## MEETING MINUTES 07-28-2009

1. **ROLL CALL** – All members were present. Also present were Mick Wagner, Rebecca Bennett, Wade Phillips, USI Engineering, and Mark Dossett, W&S Attorney.
2. **APPROVAL OF AGENDA** – A motion made by Brandt to approve agenda as written and 2<sup>nd</sup> by Goddard, motion passed unanimously.
3. **APPROVAL OF MINUTES FOR 06-23-09** – A motion made by Goddard to approve agenda as written and 2<sup>nd</sup> by Brandt, motion passed unanimously.
4. **REVIEW FINANCIALS** – Wagner stated that water sales are higher than projected. Gross Profit is seven percent above budget. Insurance, Net income is lower than projected due to service fees being over budgeted for. Sales tax is still behind by 11%. Net Income is 16% above budget.

### 5. OLD BUSINESS

**A. Review status of WWA lawsuit** – Dossett stated that a counter offer was received to the 3 options he had provided WWA attorney with after his initial response to WWA initial settlement offer which was completely unacceptable. The current offer is that Tontitown Water will keep the customers they are currently serving and WWA will keep the customers they are currently serving. The document also states that Tontitown Water not ever be allowed to increase their line and meter size or upgrade their water service and the same provision goes for their customers. There is also a provision that says Tontitown Water would agree to never exercise the legal rights afforded to municipalities in regards to buying infrastructure for water lines from a rural water association once a customer is annexed into the city. Dossett stated that he doesn't see how the W&S Commission would be able to waive this right for all time. There is also a provision that states Tontitown Water will not make any disparaging remarks or provide any adverse publicity about WWA. The agreement doesn't address customer's extending their existing water line to another structure such as a shop or lot splits. If a house is already there it is exempt, but no provisions are made for issues going forward. Dossett stated that if the boundary is changed to include the entire parcel the customer is on, this will help solve part of the issue. WWA refused to go forward on what the originally proposed in 2/09 saying they would be giving up too much land from their service area. Under this proposal, the parcels that contain existing structures would total about 700 acres. The current offer also does not address the future when TWU receives a request to serve customers that have part of their land in TWU service area, but wish to build on a part of their land that lies within WWA service area. Dossett suggested a process that when this occurs WWA would have to decide within a reasonable time to run water to this person of to

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release the entire parcel to the TWU service area. A provision would also allow those customers that exist in either WWA or TWU service areas currently served may ask to receive service from the correct water provider should lines become available. A motion made by Brandt for Dossett to proceed with a counter proposal as Dossett had described and 2<sup>nd</sup> by Goddard, motion passed unanimously.

- B. Review sewer force main from Waste Management** – Wagner stated that Dossett prepared and sent an agreement to Waste Management, who reviewed it and sent it back. There are a few items that need to be worked on, but things look good.

### 6. NEW BUSINESS

- A. Discuss revision of SOPs** – Wagner stated that work is under way so that SOPs to consolidate the 100 plus SOPS into a single document by the next meeting for the board to review.
- B. Discuss swimming pools filled by TAFD** – Wagner stated that TAFD has delivered water to swimming pools outside of Tontitown's service area. The fire chief was asked not to do this by Commissioner Baker, after he reviewed an email from Mr. Dossett to the TWU Commission. TAFD interim TAFD Chief sent email that TAFD would no longer fill pools. A water usage report for fires and training has been asked for from TAFD; for the past few months this report has not been received. Wagner asked Baker and Zulpo, in their capacity as Tontitown Fire Board members, if could see that this report is provided in the future in a timely fashion. They confirmed that this would be sent. Zulpo stated that the Fire Department doesn't know where the service boundaries are at. Wagner stated that this is why Mr. Dossett recommended to the Commission and TAFD to discontinue this practice.
- C. Discuss Springdale water service agreement** – Gunderson stated that he and Wagner attended a meeting for Springdale Water & Sewer Commission. Springdale W&S has agreed to extend the current service agreement for one year. Rene Langston would like Tontitown's W&S Commission and City Council to approve this agreement amendment prior to him requesting Springdale City Council Approval. Wagner stated that once Tontitown City Council has accepted this, Springdale will sign the agreement and then have Tontitown sign it. A motion made by Brandt to accept the Second Amendment to the Water Purchase Contract and 2<sup>nd</sup> by Goddard, motion passed unanimously.

- 7. COMMENTS FROM MANAGEMENT** – Wagner stated that every effort is being made to account for all water being bought from Springdale. SOP 75 states that all meters are to be taken out of service and tested every ten years. Forty percent of the meters are at least ten years old and may have never been changed out. Last week the meter for Jack's Liquor and it took more time

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than usual. Guido's business is also connected to this meter, this caused Mr. Zulpo some problems but our technician had no way of knowing that two businesses were served by a single meter. There are a few buildings that have a common meter for more than one tenant.

Wagner stated that the current EPA program regarding disinfection byproducts would affect our system in 2012. A study was done that stated these byproducts, at a certain level, can cause cancer. This will go into effect in 2012. There will be a meeting in August regarding this. Wagner stated that he has talked to Allen Fortenberry and showed him and Mrs. Bingham with the Health Department the Water Age Model done by USI. Bingham said Tontitown is doing all they can do. The dead end lines are being flushed monthly. There are flush hydrants on all dead end lines except two: one that ends in the middle of the road on Fiori and the other is capped off at 1123 S. Barrington Road. Wagner stated that the dead end line on S. Barrington can either be capped off or the line be extended to loop into another water line. Phillips presented a proposal for different loops. One would be to run an eight inch line down Taldo to tie into the eight inch line for \$260,000. Another option would be running an eight inch line partially down Taldo Loop and tie it into the dead end line on S. Barrington for \$115,000. The next option would be to run an eight inch line down S. Barrington to Taldo Loop for \$275,000. Zulpo stated that customers won't be gained by going across to Taldo Loop. Wagner stated that two customers would be gained. Wagner suggested that a two inch line could be built across to Taldo instead of an eight inch. Developers can't use anything less than an eight inch, but the Water Department can for incremental improvements. Wagner requested that Phillips prepare proposals for a two inch, six inch and eight inch line for more review. Three more areas were reviewed that could be looped. These are as follows 1) Harmon to Eldridge, 2) Dale Rouse to Brush Creek, and 3) Sabatini to N. Maestri.

Wagner stated that the chlorine monitor equipment is now in place. This will be continuously monitoring all water received from Springdale at Jones Road.

Wagner stated that any carwash connected to sewer must have an oil separator and inspection portals. Springdale's contract with Tontitown for sewer, states that Tontitown shall adopt a sewer use code and enact an ordinance which Tontitown did in 2007. Springdale has the right to inspect any facility with oil separators at any time. The carwash owned by Mike Zulpo has an oil separator, but no inspection portals. Commissioner Zulpo has been reminded twice that his facility does not comply with the specifications as set forth in the W&S specification as adopted and last revised in September of 2008. Zulpo stated that the pit is deep and he will have to install extenders for the inspection portals. Wagner requested that a deadline of 8/15/09 be given for Zulpo to do this. Zulpo stated that he isn't sure if he will put the carwash back into service, but if he does he would like to look into getting a smaller

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meter. The W&S Commission agreed that Zulpo be given until August 15<sup>th</sup>, 2009. If the inspection portals haven't been installed by that time, this carwash will be disconnected from sewer and will if connected later an additional charge of \$1,500 will be required to reconnect to the sewer because Zulpo failed to connect properly by the September 2008 deadline which allowed existing businesses to connect for \$1000 rather than the standard \$2500 access fee.

8. **COMMENTS FROM COMMISSIONERS** – Brandt asked how much water was used during the monthly line flushing program, Wagner stated that 124,000 gallons.

Zulpo stated that when loops are put in the size of line shouldn't be downsized. If it is cost effective, at least a six inch line should be put in. Wagner agreed and stated that there may not be much of a difference between a six inch and an eight inch.

Gunderson asked about the discussions with AEP. Wagner stated that instead of using 700 gallons per minute, they have decided they will be using 50 gallons per minutes. Once there four inch meter was taken out of use, it became property of Tontitown Water. Gunderson stated that the law regarding Solid Waste past due collection will go into effect July 31<sup>st</sup>. Wagner suggested that Dossett get with WWA's attorney to see what notifications should be given when customers need to be turned off. Gunderson congratulated Zulpo's daughter on winning the most votes for Queen Concordia.

9. **ADJOURN** – A motion made by Zulpo to adjourn, motion passed unanimously.