

TONTITOWN WATER & SEWER COMMISSION MEETING MINUTES 09-22-2009

1. **ROLL CALL** – All members were present, except Mike Zulpo who arrived during review of WWA lawsuit. Also present were Mick Wagner, Rebecca Bennett, Chuck Nickle, USI Engineering, and Mark Dossett, W&S Attorney.
2. **APPROVAL OF AGENDA** – A motion made by Brandt to approve agenda as written and 2nd by Goddard, motion passed unanimously.
3. **APPROVAL OF MINUTES FOR 09-01-09** – A motion made by Goddard to approve the minutes as written and 2nd by Brandt, motion passed unanimously.
4. **REVIEW FINANCIALS** – Wagner presented the financials stating that the gross profit is about \$36,000 under, mainly due to service fees. The expenses are in line with what has been discussed in the past. Sales tax has stabilized although still year to date 6% below budget. Professional fees include about \$17,000 due to the WWA litigation.

5. OLD BUSINESS

- A. **Review status of WWA lawsuit** – Dossett stated that the judge is going to order the parties to mediate. WWA attorneys have asked that this not be scheduled for sixty days. WWA has asked for a deposition of Gunderson and Wagner. WWA says that they don't know where their lines are and have no maps, but rely on long time employees. Wagner questioned if there would be any reason to not post WWA lines as we discovered from empirical evidence. Gunderson directed Wagner to post these as best he could find where they were. Dossett stated that the judge has inquired if TWU and WWA would consent to allow the case to be tried to the bench instead of a jury. Dossett recommended to the Commission to seek a jury trial.
- B. **Review sewer force main from Waste Management** – Wagner stated that revisions to the contract with WM have been sent back to Waste Management. Nickle stated that he has started picking out a route and gathering easements. If, within six months, easements have not been gotten, then TWU will condemn.

6. NEW BUSINESS

A. None

7. **COMMENTS FROM MANAGEMENT** – Wagner stated that TAFD shares the same shop with TWU. The West, North, and East fence around the shop has been taken down as if is not on the property line and provides not controlled access. A covered shed could be built in the back and TWU usage could be reduced to about a quarter of the building, since most of our equipment does

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not require climate control conditions. A foot chain link fence, equipped with laser security could be built around the yard area. Gunderson directed Wagner to continue with 1) site grubbing, 2) directing surveyor to locate property pins, and site excavation to allow all current ground to be utilized, and 3) get more details on best way to perhaps obtain about ½ acre additional property to allow for shed construction and store equipment.

Wagner stated that the tenants next door to the TWU office have moved out. The area is larger by 500 ft and would have a conference room, bigger customer service area, and a kitchen area. The rent is \$275 higher than what is currently being paid. A motion made by Baker to proceed in moving to the vacant space and 2nd by Brandt, motion passed unanimously.

- 8. COMMENTS FROM COMMISSIONERS** – Brandt asked if all of the manholes had been tested and passed.
Nickle confirmed that this was done before they went into use.
Wagner stated that the manholes are prefabricated and have settled. The entire system is being worked through to find leaks. To date only a couple of leaks that have been found. TWU now has it's own smoke testing equipment.
- 9. ADJOURN** – A motion to adjourn mad by Brandt and 2nd by Zulpo, motion passed.