

City of Fayetteville Staff Review Form

2022-0782

Legistar File ID

9/6/2022

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander

8/19/2022

WATER SEWER (720)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends a boundary adjustment to allow the City to provide water and sewer service to a small number of customers that are in the Fayetteville city limits but located in the Springdale service area.

Budget Impact:

N/A		N/A	
Account Number		Fund	
N/A		N/A	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	\$ -
Budget Adjustment Attached?	No	Budget Adjustment	\$ -
		Remaining Budget	\$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF SEPTEMBER 6, 2022

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff

FROM: Tim Nyander, Utilities Director

DATE: August 17, 2022

SUBJECT: Fayetteville/Springdale Water Service Boundary Change

RECOMMENDATION:

Staff recommends a boundary adjustment to allow the City to provide water and sewer service to a small number of customers that are in the Fayetteville city limits but located in the Springdale service area.

BACKGROUND:

Fayetteville and Springdale each operate a water distribution system within exclusive territories that were delineated in a Memorandum of Understanding (MOU) executed in 1967 by and between the Beaver Water District and its respective customer cities. The adjustment of the boundaries created by the MOU have been necessary from time to time so that each city can efficiently extend water service into areas where such service is not being provided, and the MOU contains provisions whereby the water service boundaries between two customer cities may be amended upon mutual consent of the affected cities.

DISCUSSION:

There are four parcels located near Albright Road and Crossover Road that are currently within the Fayetteville City Limits but are also within the Springdale Water and Sewer Service Boundary. It is requested that these parcels be taken out of the Springdale service area and placed inside the Fayetteville service area.

This item was approved by the Springdale Water and Sewer Commission on December 15, 2021 and approved by Resolution by the Springdale City Council on June 14, 2022.

This item was presented to the Water & Sewer Committee at its regularly scheduled meeting on August 9th, 2022, with a 3-0 vote to forward it to the City Council with a recommendation for approval. Staff requests the Mayor's signature on the attached agreement, which is signed by the Mayor of Springdale.

BUDGET/STAFF IMPACT:

There is currently no budget impact for this item. It will be the owner/developer's responsibility to construct water and sewer infrastructure to connect to Fayetteville's system.

Attachments:

Agreement

Boundary Map

Springdale Water & Sewer Commission Minutes

Springdale City Council Resolution

AGREEMENT

THIS AGREEMENT is made and entered into this 14th day of June, 2022, by and between the City of Fayetteville, Arkansas, hereinafter referred to as "Fayetteville," and the City of Springdale, Arkansas, hereinafter referred to as "Springdale."

WITNESSETH:

WHEREAS, the parties each operate a water distribution system within exclusive territories as delineated in a certain Memorandum of Understanding, executed in 1967 by and between the Beaver Water District and its respective member cities, hereinafter referred to as the "1967 Memorandum of Understanding;" and

WHEREAS, the cities of Fayetteville and Springdale recognize that an adjustment of the territorial boundaries created by the 1967 Memorandum of Understanding may be necessary from time to time so that each city can efficiently extend water service into areas where such service is currently not being provided; and

WHEREAS, Paragraph Number 20 of the 1967 Memorandum of Understanding contains provisions whereby the water service boundary between two member cities may be amended upon mutual consent of the affected cities; and

WHEREAS, the cities of Fayetteville and Springdale have a mutual desire to amend the current territorial boundary between the two cities; and

WHEREAS, the cities of Fayetteville and Springdale desire to cooperate and thereby advance and protect the interest of each by entering into this Agreement;

NOW THEREFORE, in consideration of the covenants and agreements herein contained, and adequacy and receipt of which is acknowledged, it is mutually understood and agreed by and between the parties hereto as follows:

SECTION 1 - DESIGNATION OF TERRITORY

Fayetteville and Springdale hereby agree that the water territory boundary between the two cities shall be amended to reflect a new boundary as depicted in Exhibit 1, attached hereto and incorporated in this agreement by reference and deemed to be a part hereof. The parties acknowledge that this is a modification to the territorial boundaries delineated in the 1967 Memorandum of Understanding, as well as subsequent amendments thereto. This boundary adjustment is deemed appropriate and necessary in view of the location of respective facilities owned by each party and the need to efficiently extend water service into areas where municipal water service is currently not being provided.

SECTION 2 - REAFFIRMATION OF EARLIER AGREEMENTS

Except as modified hereby, the parties otherwise reaffirm and ratify earlier agreements of the parties.

SECTION 3 - CONDITION OF AGREEMENT

This agreement is conditioned upon and subject to the necessary actions by the respective City Councils of the parties approving this agreement.

SECTION 4 - PLEDGE OF CONTINUED COOPERATION

Both parties renew and affirm their mutual pledge to cooperate in this and any future beneficial water service boundary adjustments in their collective effort to most efficiently and fairly serve Washington County customers.

SECTION 5 - EFFECTIVE DATE

The effective date of this agreement shall be the date in which its approval is voted by the last City Council and the other having already done so.

SECTION 6 - EXECUTION OF COUNTERPART

This agreement may be executed in one or more counterparts, each of which so executed shall constitute an original and all of which together shall constitute one and the same agreement. The parties further agree that, to avoid any misunderstanding, only those copies of Exhibit 1 which bear the signature of both of the respective mayors of Fayetteville and Springdale, may be relied upon.

SECTION 7 - BINDING EFFECT

This agreement shall be binding upon and inure to the parties hereto, their successors and assigns.

SECTION 8 - ENTIRE AGREEMENT

This agreement, including the Exhibit hereto, constitutes the entire agreement between the parties. Except as referenced in Section 2, there are not and shall not be any verbal statements, representations, warranties, undertakings or agreements between the parties and this agreement may not be amended or modified in any respect except by written instrument signed by both parties hereto.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto the date and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By _____

Lioneld Jordan, Mayor

Attest:

Kara Paxton, City Clerk

CITY OF SPRINGDALE, ARKANSAS



Doug Sprouse, Mayor

By

Attest:



Denise Pearce, City Clerk

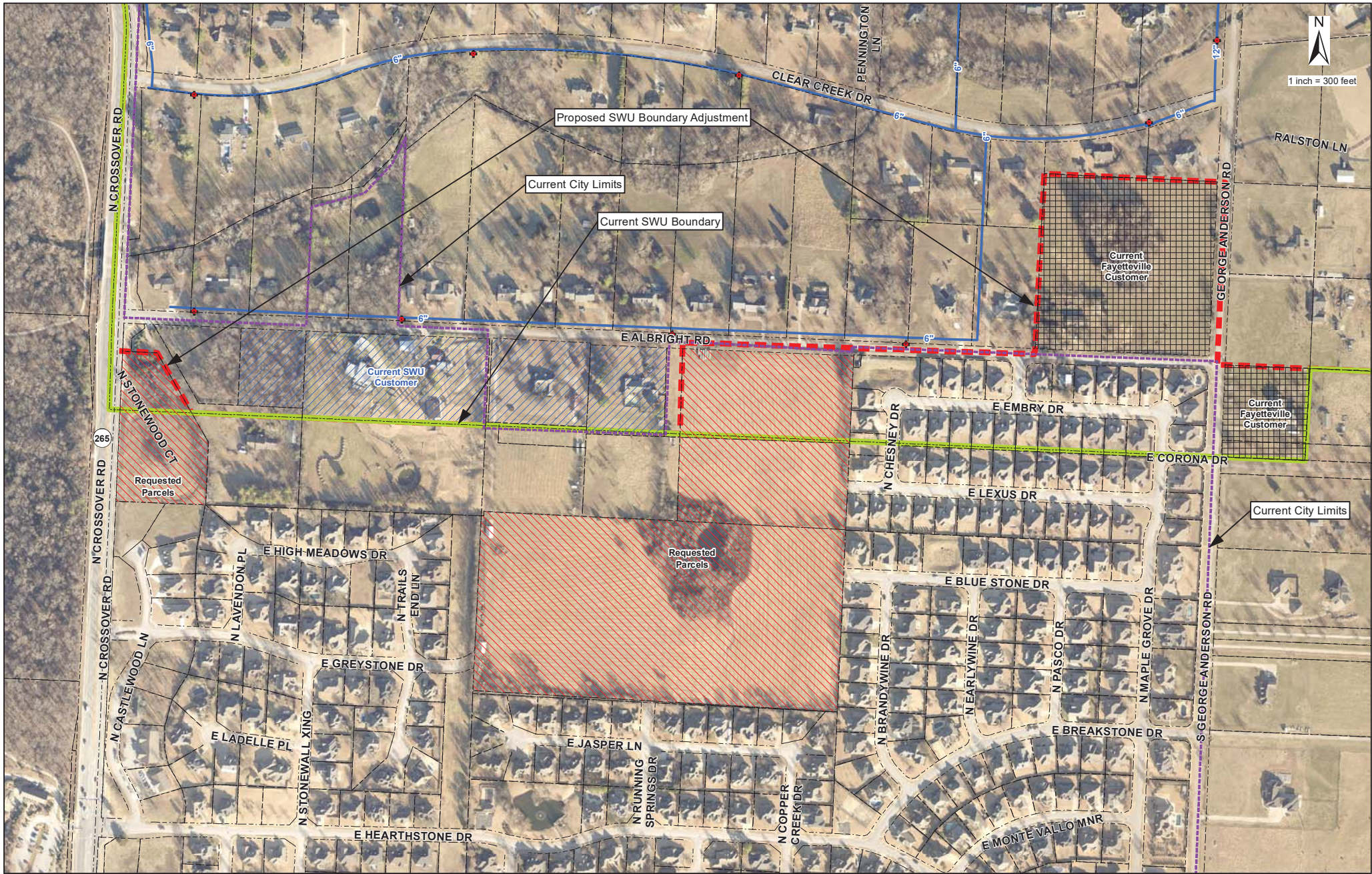


EXHIBIT I

Springdale

Johnson

Fayetteville

• 2001

CITY OF FAYETTEVILLE

BY _____

MAYOR

BY _____

CITY OF SPRINGDALE

BY _____

MAYOR

BY _____

CURRENT SCHEDULE/FAYETTEVILLE SERVICE BOUNDARY
BASED ON MONITORING DATA FROM THE TUG CRUISE

BEGINNING AT THE CONFLUENCE OF CLEAR CREEK AND

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. The investigator will then gather information about the problem and the people involved. This information will be used to determine the scope of the investigation and the resources needed.

2. The second step is the collection of evidence. This is done by the investigator who will go to the scene of the crime and collect any physical evidence that may be present. This evidence will be used to build a case against the suspect.

3. The third step is the analysis of the evidence. This is done by the investigator who will examine the evidence and determine if it is relevant to the case. This analysis will be used to determine the guilt or innocence of the suspect.

4. The fourth step is the presentation of the evidence. This is done by the investigator who will present the evidence to the court. This presentation will be used to prove the case against the suspect.

5. The fifth step is the verdict. This is the final decision made by the court. The verdict will be based on the evidence presented and the laws of the state.

THENCE, SOUTH ALONG THE CENTERLINE OF ARKANSAS STATE HIGHWAY 285 TO A POINT 115 FEET SOUTH OF THE CENTERLINE INTERSECTION OF ARKANSAS STATE HIGHWAY 285 AND ALBRIGHT ROAD; THENCE, EAST APPROXIMATELY 80 FEET TO THE EAST CORNER OF THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY 285; THENCE, NORTH 69° 38' ON EAST ALBRIGHT ROAD TO THE INTERSECTION OF EAST ALBRIGHT ROAD AND THE CENTERLINE OF THE CENTERLINE OF ALBRIGHT ROAD; THENCE, EAST ALONG A LINE 333 FEET SOUTH AND PARALLEL WITH ALBRIGHT ROAD TO THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 17 NORTH, RANGE 30 WEST; THENCE, EAST ALONG THE CENTERLINE OF EAST ALBRIGHT ROAD TO THE INTERSECTION OF EAST ALBRIGHT ROAD AND THE CENTERLINE OF THE CENTERLINE OF ALBRIGHT ROAD; THENCE, EAST ALONG THE CENTERLINE OF SECTION 18 OF TOWNSHIP 17 NORTH, RANGE 30 WEST; THENCE, FOLLOWING THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18 OF TOWNSHIP 17 NORTH, RANGE 30 WEST TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18 OF TOWNSHIP 17 NORTH, RANGE 30 WEST; THENCE, EAST ALONG THE CENTERLINE OF SECTION 18 OF TOWNSHIP 17 NORTH, RANGE 30 WEST TO THE INTERSECTION ROAD AND EAST ALBRIGHT ROAD; THENCE, EAST TO A POINT BEING 333 FEET EAST OF THE

[illegible]

NORTH
SCALE: 1" = 1500'

SCALE: 1" = 1500'

LEGEND

 EXISTING SPRINGDALE CITY LIMITS EXISTING FRISTERVILLE CITY LIMITS
 EXISTING JORDON CITY LIMITS  AVOIDANCE AREA
 EXISTING SERVICE BOUNDARY LINE AVOIDANCE TO BOUNDARY LINE

RESOLUTION NO. 60-22

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE CITY OF FAYETTEVILLE CONCERNING THE WATER TERRITORY BOUNDARY BETWEEN THE TWO CITIES.

WHEREAS, the City of Springdale and the City of Fayetteville entered into a Memorandum of Understanding in 1967 with the Beaver Water District;

WHEREAS, an adjustment of territorial boundaries created by said Memorandum of Understanding is necessary from time to time so that each city can efficiently extend water service into areas where such service is currently not being provided;

WHEREAS, the Memorandum of Understanding contains provisions whereby the water service boundary between two member cities may be amended upon mutual consent of the affected cities;

WHEREAS, the water territory boundary between the City of Springdale and the City of Fayetteville was previously amended on October 24, 2006, by Resolution No. 201-06; and

WHEREAS, the City of Springdale desires to cooperate with the City of Fayetteville to amend the current territorial boundary between the two cities by entering into an Agreement, a copy of which is attached hereto as Exhibit "A" and made a part hereof as though set out herein word for word.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to enter into an agreement with the City of Fayetteville to adjust the territorial boundaries created by the 1967 Memorandum of Understanding, and amended by Resolution No. 201-06.

PASSED AND APPROVED this 14th day of June, 2022.


Doug Sprouse, MAYOR

ATTEST:


Denise Pearce, CITY CLERK

APPROVED:


Ernest B. Cate, CITY ATTORNEY

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

November 12, 2021

Springdale Water and Sewer Commission
Heath Ward, Executive Director
526 Oak Ave
Springdale, AR 72764

Also via Email to:

Springdale Water and Sewer Commission
Rick Pulverenti
rpulverenti@springdalewater.com

Crouch, Harwell, Fryar & Ferner, PLLC
Charlie Harwell
charwell@nwa.law

City of Springdale
Ernest Cate
ecate@springdalear.gov

Fayetteville Water and Sewer Services
Corey Granderson
cgranderson@fayetteville-ar.gov

**RE: Amendment to Water and Sewer Service Boundary Agreement Between
Fayetteville and Springdale, Arkansas**

Dear Mr. Ward:

My name is Will Kellstrom and I have been hired to obtain an amendment of the Water and Sewer Boundary between Fayetteville and Springdale. Specifically, I am requesting that four parcels which are currently within Fayetteville City Limits, but Springdale Water and Sewer Boundary be taken out of the Springdale service area and placed inside the Fayetteville service area.

There are two areas of land which we are proposing be moved. One is comprised of Washington County Parcel Nos. 765-13212-800, 765-24093-000, both owned by John and Leslie Nooncaster and Parcel No. 765-24091-000, owned by Nooncaster Vineyards, Inc. (hereinafter "the

Nooncaster Parcels”). The other is comprised of only Parcel No. 765-13208-001, owned by Cadence Ridge, LLC (hereinafter the “Cadence Parcel”). GIS Screenshots of both the Cadence and Nooncaster Parcels showing boundary lines and Fayetteville utility lines have been enclosed with this letter.

The purpose of requesting that the service boundary be changed is to allow the owners/developers of the parcels to connect to Fayetteville Water and Sewer services because there is not adequate connectivity to Springdale utilities to allow the subject properties to be fully developed. A GIS Screenshot showing the service boundary and nearby Springdale utility lines has been enclosed with this letter as well.

As for the Nooncaster Parcels, there is currently a Springdale six-inch (6") water line along Albright Road, but there are no Springdale sewer lines to which the landowner could connect. Indeed, all of the homes in this area of Springdale are on septic. As shown on the GIS screenshot of the Nooncaster parcel, there are Fayetteville eight-inch (8") sewer lines and six-inch (6") water lines along Greystone Dr. and Blue Stone Dr. which could be connected to if the Nooncaster Parcel was in the Fayetteville service boundary. As for the Cadence Parcel, there is neither Springdale water or sewer to connect to. As shown on the screenshot of the Cadence Parcel, there are Fayetteville six-inch (6") water and eight-inch (8") sewer lines to the South to connect to in the cul-de-sac where N. Castlewood Ln. terminates. It is noteworthy to mention that the service boundary actually bissects the Cadence Parcel.

I have previously reached out to Rick Pulverenti, Ernest Cate, Charlie Harwell and Corey Granderson of Fayetteville Water and Sewer Services regarding this request, and they have each been copied on this letter. Please let me know what I need to submit in order to accomplish this request.

Thank you for reviewing this request. If you have any questions, feel free to contact me at wkellstrom@watkinslawoffice.com or at 479-636-2168.

Sincerely,

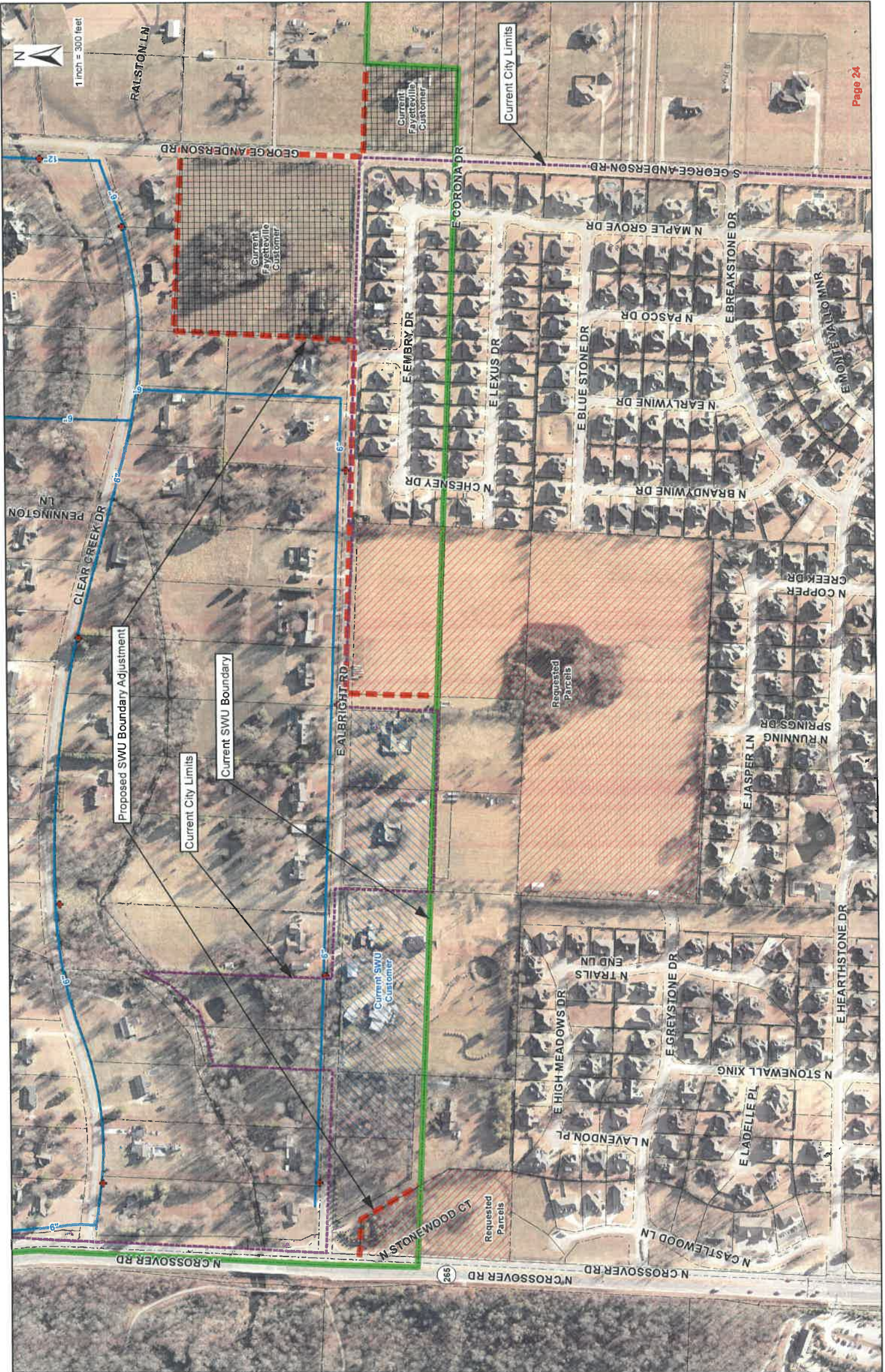
WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

WK:

pc:



**MINUTES OF
SPRINGDALE WATER AND SEWER COMMISSION MEETING
December 15, 2021**

1. Call to Order – Chair Chris Weiser

Chair Chris Weiser called the meeting to order at 10:00 a.m. on Wednesday, December 15, 2021, in the commission chambers of the Walter Turnbow Administration Building, Springdale Water Utilities, 526 Oak Avenue, Springdale, Arkansas.

2. Roll call – Leanna Hollingsworth

Roll call was answered by: Chair Chris Weiser, Vice-Chair Al Hanby (via Zoom), Secretary Paul Lawrence, Commissioner Lynn Carver (via Zoom), and Commissioner J. Max Van Hoose.

Staff members attending: Executive Director Heath Ward, Chief Operating Officer Rick Pulvirenti, Director of Administration and Human Resources Kim Patulak, Distribution Director Shawn Dorman, Technical Services Director Tim Hawkins, Wastewater Facilities Director Jennifer Enos, Director of Finance Chris Clark, Executive Secretary Leanna Hollingsworth, and Financial Analyst Jose Banderas (via Zoom). Also attending: Legal Counsel Charles Harwell; Will Kellstrom with Watkins, Boyer, Gray & Curry, PLLC; Jason Appel with ESI; Jesse Fulcher with Rausch Coleman; Brad Hammond with Olsson; Laurinda Joenks with the *Northwest Arkansas Democrat Gazette*; and Alaina Siebels Guillen with Leadership Springdale.

Chair Weiser stated that the commission will go into executive session at the end of the meeting.

3. Consent Items – Chair Chris Weiser

A motion was made by Vice-Chair Hanby to approve consent items as presented which included: a) Minutes of the November 17, 2021 commission meeting, b) Financial statements and bills paid – November 2021, c) Management report – November 2021, and d) Revision to Policy Bulletin No. 67 – Employee health insurance coverage. The motion was seconded by Secretary Lawrence. Motion carried.

4. Water and sewer service boundary agreement amendment request – Will Kellstrom – Watkins, Boyer, Gray & Curry, PLLC

Will Kellstrom addressed the commission on behalf of his clients regarding a service boundary adjustment for property they own on Albright Road and Crossover Road. His clients are requesting to connect to the city of Fayetteville's water and sewer lines for four parcels that are in the city of Fayetteville but within Springdale's water service boundary. Springdale Water has a 6-inch water line in the area, but no sewer. If the boundary adjustment is approved by the commission and the city of Fayetteville, it will need to be presented to Arkansas Natural Resources Commission (ANRC) to adjust the boundary in accordance with the State Water Plan. Chief Operating Officer Rick Pulvirenti stated there

is also property on Embry Drive that is in Springdale's service area, but is served by Fayetteville. He would like to work with the city of Fayetteville to get that area cleaned up as well as two residences near the Blessings Golf Course on Highway 112 that are served by Springdale but in Fayetteville's service area. Chair Weiser stated the commission has a long history working with Fayetteville and Rogers. Chief Operating Officer Pulvirenti stated the boundary adjustment will probably go to city council because of the memorandum of understanding with respect to Beaver Water District. If approved there will be some expenses involved with ANRC for the boundary adjustment, legal counsel fees, staff's time, and other miscellaneous fees. Mr. Kellstrom stated his clients are agreeable to pay the expenses involved. Secretary Lawrence made a motion to move forward with the request. The motion was seconded by Vice-Chair Hanby. Motion was approved.

5. Request authorization to participate in water and sewer main line extensions for the Cottages Subdivision – Rick Pulvirenti

Chief Operating Officer Pulvirenti received a letter from Jason Appel with ESI requesting the commission's participation in water and sewer main line extensions for the Cottages Subdivision owned by Rausch Coleman. The subdivision will be located south of Highway 412 East and west of Eupeil Lane. The master plan recommends that a 12-inch water main and 15-inch sanitary sewer main be installed with the development in lieu of 8-inch mains. Staff has worked with ESI on bids they received for the water and sewer improvements in the subdivision. The commission's estimated cost to upgrade the lines is \$200,000. The actual cost will be determined upon construction. Commissioner Van Hoose made a motion to authorize staff to work with ESI for commission participation. Vice-Chair Hanby seconded the motion. Motion passed.

6. Consider bids received for the annual CIPP Project – Rick Pulvirenti

Two bids were received on November 30th for the annual CIPP project. The low bid was submitted by Insituform Technologies, LLC in the amount of \$2,082,127.00. SWU's estimate is \$2,328,288.41. The contract includes a clause which allows the contract to be extended for another one-year period if all parties are agreeable. Chair Weiser asked if the wastewater treatment facility has seen any results from the CIPP work done thus far. Wastewater Facilities Director Jennifer Enos stated each storm event is different so it's hard to say. Executive Director Ward stated the plant used to see a lot of sharper spikes and is still getting I&I, but it is slowing down. Technical Services Director Tim Hawkins stated there has been a tremendous improvement at the Johnson Lift Station. Chair Weiser stated he is proud of the organization to continue to make improvements in the system. Commissioner Carver made a motion to adopt the resolution which approves the bid and contract with Insituform. The motion was seconded by Secretary Lawrence. Motion accepted. The resolution was number 25-21.

7. Discuss property owner request for participation of water and sewer main line extensions along the Dixieland Road Project – Rick Pulvirenti

The city is planning to extend Dixieland Road from Apple Blossom Avenue to Wagon Wheel Road. The utility tries to get water and sewer lines along new thoroughfares where it makes sense from the standpoint of the utility as a whole. There are only four property owners in the area of the planned improvements. Chief Operating Officer Pulvirenti stated it did not make sense to him for the utility to spend \$1 Million to a water line to benefit four property owners. It is not needed for distribution of water in the area because there is an existing 24-inch water line along Wagon Wheel Road as well as a 16-inch water line along Apple Blossom Road, and a 16-inch water line just along to the east that traverses the area. One property owner, McFryar, LLC is trying to get water and sewer to a six-acre tract between Graham Road and Wagon Wheel Road. McFryar is asking for the ability to work with the commission for the work by putting it in the bid of the city to see what it bids. They are willing to pay for the work, but will reserve the right to either do the work or not depending on the prices. Pulvirenti has talked with the city and they are agreeable to that concept to include the work in their bid. Pulvirenti is asking for the commission's permission to move in that direction to build a water and sewer line to serve the McFryar property at their expense. The utility would like to get sewer across Apple Blossom to the south side at Dixieland during the Dixieland Road project. If it works out for the developer, staff will work with Legal Counsel Charles Harwell to prepare a contract for reimbursement from the property owner. The commission agreed with the request and instructed staff to proceed.

8. Consider annual bids received for chemicals used at the Wastewater Treatment Facility – Jennifer Enos

Wastewater Facilities Director Jennifer Enos stated that bids were opened on December 2nd for chemicals used at the Wastewater Treatment Facility. Twenty-one packets were sent out and eight responded. A bid was received for every chemical used at the wastewater facilities. Polydyne submitted the highest bid per pound for liquid polymer, but the lowest price per ton. Their product requires fewer pounds per ton to thicken the sludge compared to the liquid polymer from Solenis. Even though the bid price from Solenis is lower, the cost per ton to use their polymer is higher with Solenis. Enos is recommending Polydyne as the lowest cost per ton. The low bid from Brenntag Mid-South for liquid chlorine increased 161.7%. They reached out to staff this year and said they would no longer honor the bid price that they provided last December because their prices have gone up so high. They stated the utility could either take the prices they gave the commission or declare force majeure and not provide that product. The wastewater plant has to have chlorine so Brenntag was told whatever price they charge is what will be paid. There is a concern with product availability. Enos received a commitment from Brenntag to review the prices in March and if prices have dropped, they have offered to lower the price. Commissioner Carver made the motion to approve the bids as recommended for each chemical. Commissioner Van Hoose seconded the motion. Before the vote, Commissioner Van Hoose asked a few questions. The motion was then approved. (Copy of bid tabulation attached to minutes)

9. Progress report on construction projects – Rick Pulvirenti

The Clear Creek and Butterfield Coach Lift Station upgrades are currently out for bid. Staff has received Health Department approval for both projects, so staff is moving forward with the upgrades. There are certain contractual obligations for cost sharing for both lift stations. Contracts for the pumps are available to sign today. Staff has been working with the switch gear company to develop a package that the utility can get on time so that modifications can be made. The commission is currently under contract with Hill Electric for the Ball generator and miscellaneous modifications. After talking with Hill Electric, staff discussed the possibility of issuing a change order for Hill Electric to do the electrical work necessary to get the 105 HP pumps on line by the end of summer. There is a possibility staff could do a change order and put an allowance in the change order for the Clear Creek Lift Station so that they basically hire Hill Electric who is already working on the lift station. Brad Hammond with Olsson stated the estimated cost for the first phase is \$1,035,000. Olsson has looked at the proposal and with suppliers of the switch gear. Pulvirenti is not ready to do this now because there are a few things to be done. The issue has been discussed with Legal Counsel Harwell, but he needs to look at the contract. A pre-bid conference is scheduled for January 4th to go through the plans with bidders. Pulvirenti asked that the commission give the Executive Director authorization to make the ultimate decision on a \$1 Million contract if in the best interest of the commission and approved by the commission and Legal Counsel. Secretary Lawrence made the motion to authorize the Executive Director to sign the change order if approved. Commissioner Van Hoose seconded the motion. Before the vote, Commissioner Carver asked if staff is saying with the time that it would take staff to come to a decision about what direction to move and the time it would take to notify all of the commission to get together for a vote, that much time might cause a drastic change. Pulvirenti stated it would potentially delay the bid opening for at least an additional month which would delay the project. The lift station upgrades must be completed by August due to the contractual obligations. Commissioner Carver stated it makes her uncomfortable to approve something of this magnitude without having information about the details and is the commission setting a precedence. Commissioner Carver stated she would vote for the request based on what was presented. Legal Counsel Harwell stated this issue doesn't set a precedence because the commission maintains the authority ultimately to decide on an ad hoc basis whether it is in the best interest of the commission. The commission votes on these things based on the information presented. If the situation comes up again the commission will have that opportunity again to make a decision. The commission is not giving carte blanche to the Executive Director to make and sign change orders. Due to supply chain issues this may happen again, but the commission can base their decision on it at that time. After the discussion, the motion was then approved.

40th Street Waterline Extension City Bond Project – The project is essentially complete

Gene George 24" Waterline City Bond Project – The project is essentially complete.

64th Street Waterline Extension City Bond Project – Construction on the street improvements continues.

Cooper Drive Waterline Project (SWU) – The project is complete. Staff and Legal Counsel Harwell continue to work with the construction company and a disgruntled property owner regarding a claim on the project.

Ball Generator and Misc. Electrical Modifications (Engineering) – Hill Electric has asked for a small extension to their contract.

Sewer Annual Maintenance CIPP 2019 (SWU) (WO#3) – Insituform is working at Park and Caudle lining the sewers under the new road.

Sludge Drying Facilities – Staff is working with the engineer and manufacturer trying to complete the project. Wastewater Facilities Director Jennifer Enos stated that Huber is at the wastewater facility today wrapping up their portion of the project. The dryer is running 24/7. Liberty is doing a great job keeping up with the sludge hauling. Staff is looking at possibly giving up the leased truck after the first of the year.

Annual Manhole Rehabilitation 2020 (SWU) – The project is moving forward.

Nob Hill Water (Est. Const. \$750,000) – Crews are trying to resurrect an old defunct 12-inch water line that was put in for a proposed development in 2008 that traverses from the bridge to the Nob Hill tank. That development was never completed. Crews were able to find an existing bore in place that crossed the old Highway 412 at the tank. The water line stopped short of the bore. Hopefully plans will be developed in the next few months to present to the commission in order to bid the project.

Gene George Blvd. Water and Sewer Project – The project will be moved to the top of the current construction projects.

West Side Water Study (Est. Const. \$28.2 Million) – A route has been chosen and staff is working with the engineer to develop plans.

Emma Avenue Water and Sewer Relocation-RGW Realignment (Eng.) – Pulvirenti is unsure of the status of the project. Additional fire hydrants will be added to beef up fire protection.

Bethel Heights Remediation – The EID document and thirty-day notification for a public meeting is underway. The public meeting is scheduled for the second week of January as required for the loan.

Damaged Overhead Pipe WWTF – Contracts are in hand from the contractor. The pipe will have to be made for the project.

Benton Farm Pump Station Upgrade (Est. Const. \$4.6 Million) – Staff is working with the city of Lowell for their presentation to the city council scheduled in January.

Johnson Force Main Improvements – The project is on hold, but it is shovel ready.

Spring Creek Interceptor Engineering (Est. Const. \$22 Million) – The project is on hold. Staff is working on the last couple of easements.

Pulvirenti stated staff is working with TischlerBise on the economic analysis. Meetings are planned for January to look at cost for growth. Some of the projects will be brought forward, most notably the Spring Creek Interceptor. Several hundred apartments are planned downtown.

WWTF Clarification Improvements-Engineering (Est. Const. \$34.7 Million) – The plans are essentially 95% complete. Staff is working with the engineer.

WWTF Master Plan – The project is moving forward.

10. Comments from staff, legal counsel, and commissioners – Chair Chris Weiser

Executive Director Ward announced that Wastewater Operations Supervisor Paul Frisbie received the Wastewater Manager of the Year Greater than 5,000 Population Award at the December meeting of the Northwest District of the Arkansas Water Works & Water Environment Association.

11. Confirmation of date and time for the next commission meeting scheduled for January 19, 2022 at 10:00 a.m. – Chair Chris Weiser

The next meeting was scheduled for January 19, 2022 beginning at 10:00 a.m. The meeting will be open for the public to attend in person as well as conducted via Zoom. Secretary Lawrence will be unable to attend the meeting.

Chair Weiser adjourned the meeting at 11:10 a.m. to enter into executive session to discuss a personnel matter.

Chair Weiser called the meeting back to order at 11:27 a.m. He stated that no action was taken and there will be no action taken.

12. Adjournment – Chair Chris Weiser

Chair Chris Weiser adjourned the meeting at 11:28 a.m.

Respectfully submitted,

Paul E. Lawrence Jr., Secretary