

# **Rogers Waterworks and Sewer Commission**

**March 22, 2004**

## **Minutes**

The Rogers Waterworks and Sewer Commission held its regularly scheduled monthly meeting March 22, 2004, at 4:00 PM, in the Rogers Water Utilities Training Center. Commissioners in attendance were Donnie Moore, Jerry Pittman, Fred Wanger, and Dick McLelland. Lon Pepple was absent. Rogers Water Utilities staff in attendance were Tom McAlister, Mark Johnson, Joyce Johnson, Don Roberts, Mike Lawrence, Randy Goodwin, Judy Bridges, Everett Balk, Earl Rausch, and Stephen Ponder. Others in the audience were Philip Taldo, Brian Moore, John Moore, Kyle Weaver, Travis Greenway, and John Easterling. Chairman Moore called the meeting to order at 4:05 PM.

There was a motion by Pittman, second by Wanger, to approve the February minutes, as submitted. All in favor, motion carried.

Moore recognized Judy Bridges, RWU Office Manager. Bridges presented Randy Goodwin, RWU Meter Reader, with a certificate of appreciation for twenty years of loyal service to Rogers Water Utilities.

Moore recognized Joyce Johnson, RWU Controller. Johnson presented Judy Bridges with a certificate of appreciation for twenty-five years of service to Rogers Water Utilities.

Moore recognized Mark Johnson, PE, Utilities Engineer. Johnson presented the Commission with a report detailing the several projects in which the Commission had a pecuniary interest. Johnson said that the ground storage tank project was making progress. When asked, "When will the project be completed?" Johnson replied that the contract would run out of time in June.

Continuing, Johnson said that the New Hope Road widening project was waiting for the necessary easements and rights-of way acquisition to progress. He said that the widening of Pleasant Grove Road was held up for lack of plans from the City's engineer. Johnson reminded the Commission of the plan to extend a 24-inch water main along Pleasant Grove to tie to the existing transmission main near Bible Fellowship Church. The City was also planning to widen Pleasant Grove east to S. First Street this year, he said.

Moore recognized Philip Taldo, developer of the proposed Taldo Subdivision in SE Rogers. Taldo said that he purchased 120 acres from Razorback Farms last August,

for development purposes. Prior to that date, he had several contacts with City of Rogers officials, including Mark Johnson, to determine as closely as possible, the costs to develop the property. Taldo said that Johnson told him that the connection fees for water and sewer would be \$300 per living unit.

Continuing, Taldo said that his engineers had developed plans for a Planned Unit Development (PUD) after several meetings with the Planning Commission. The property had been annexed and rezoned. He planned a combination of single-family dwellings and duplexes, for just over 600 living units. When the engineering plans were submitted to the Planning Commission, his engineer was handed a letter from Mark Johnson that said there would be an additional \$330 sewer connection fee. Taldo said that he had not counted on such an additional cost (about \$200,000). Taldo asked that the requirement be waived, since he had already submitted his plans for approval.

There were several questions of Mr. Taldo, such as, “How many duplexes?” and, “How big will the houses be?” Taldo claimed that the proposed covenants would ensure a quality development for the City of Rogers.

“Were the lots presold?” McLelland asked. Taldo answered in the negative.

“Were there going to be soccer fields built by the developer?” Wanger asked. Taldo said that the City could use the storm water detention basins for that purpose, if they wished.

“Would Post Road go through the development to Old Wire Road?” someone asked. Taldo answered in the affirmative.

Turning to the staff, the Commission asked several questions. McAlister said that the \$330/unit sewer fee was arrived at by dividing number of acres (1200) in the water shed served by the 1998 Sewer Bond Project, Phase VIII, by the cost of the sewer extension (\$1.1 million), and assuming an average development of three units per acre. He said that this was similar to the cost allocation for sewer improvements in the Garrett Road area.

McAlister admitted that the cost recovery fee for the sewer extension had come along rather late in Mr. Taldo’s process, but that the Taldo Addition, as proposed, would effectively use all the capacity in the existing sewer main. He said that there were already other developers pushing to get plans approved for development, and that these would need to find another sewer source, unless the Commission laid a parallel sewer to the 1998 Bond Fund Sewer. McAlister also noted that there would be considerable costs to extend the off-site water into project.

Pittman asked Jason Kelley, Deputy City Attorney, for an opinion. Kelley said that the timing was unfortunate for Mr. Taldo, but the Commission had the right to levy whatever fees they thought were reasonable, as long as they were uniformly assessed to all developers.

Moored moved to the next agenda item, which had very much to do with Taldo's request. At issue was a proposed resolution to set cost recovery fees for sewer connections in the watershed served by the Phase VIII sewer project. Jason Kelley told the Commission that the state legislature had, at their last session, passed a law regarding impact fees that cities charged to developers and builders. While water and sewer connection fees were expressly exempt from the requirements of the statute, cost recovery fees probably were not exempt. Therefore, he said that he wanted to edit the proposed resolution and make sure there were no legal issues with it.

There followed a lengthy discussion regarding connection fees in general, and Mr. Taldo's request in particular. Mark Johnson said that he had problems talking to engineers and developers regarding future projects without knowing the specific details of impact fees in certain areas. McAlister said that the rate consultant, Tom Gould, owed the Commission a recommendation on connection fees, and the report would probably be available next month. Pittman said that perhaps some calculation could be developed to apply to all future developments. McLelland opined that there were not that many similar issues that came up, and preferred to treat each project individually, since each project was essentially unique.

Moore asked that the Deputy City Attorney make any changes to the resolution and present the issue at a special called meeting, as soon as possible.

Moore recognized Joyce Johnson again. Johnson presented the Commission with financial sheets for February 2004. She said that water revenues were up, since the new water rates became effective in February for water purchased in January. She said that the rebate from Beaver Water District was being amortized over the last six months of FY '04.

Moore announced that Lon Pepple, who was not present, had expressed his desire to continue to serve on the Commission. Pepple's term expired in February. There was a motion by McLelland, second by Pittman, to appoint Pepple to another term, subject to confirmation by the Rogers City Council. All in favor, motion carried.

The meeting adjourned at 5:07 PM.

Respectfully submitted,

To m S. McAlister, Acting Secretary  
Rogers Waterworks and Sewer Commission

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