

# **Rogers Waterworks and Sewer Commission**

## **Minutes**

**May 19, 2003**

The Rogers Water and Sewer Commission held its regularly scheduled meeting at 4:00 PM, Monday, May 19, 2003, in the Rogers Water Utilities (RWU) Training Center. Commissioners in attendance were Don Moore, Jerry Pittman, Lon Pepple, and Fred Wanger. Dick McLelland was absent. Rogers Water Utilities staff in attendance were Tom McAlister, Mark Johnson, Mike Lawrence, Don Roberts, Tim Jacobs, Terry McCauley, Steve Ponder, Bill Thompson, William Evans, Joyce Johnson, and Earl Rausch. Others in the audience were John Moore, John Rutledge, Jim Fowler, David Fletcher, Jim Taylor, Bob Wright, Al Ekert, Chuck Nestrud, Joe Spivey, Jay Edwards, Jason Kelley, Mike Rowe, Gerald Fox, and Gary Carnahan. Chairman Moore called the meeting to order at 4:01 PM.

There was a motion by Pepple, second by Wanger, to approve the minutes of the April meeting as submitted. Pepple, Wanger, and Moore voted "aye". Pittman abstained. Motion carried.

Moore recognized Tom McAlister, RWU Manager. McAlister recognized Mike Lawrence, RPCF Manager, for fifteen years of dedicated service to RWU.

Moore recognized Don Roberts, Superintendent of Field Operations. Roberts recognized William Evans, Operations Team Leader, for twenty years of dedicated service to RWU and the citizens of Rogers.

Moore recognized Mike Lawrence. Lawrence recognized Bill Thompson, RPCF Operator, for fifteen years of service to RWU.

Moore recognized Mark Johnson, P. E., Utilities Engineer. Johnson presented the Commission with a brief summary of the status of the several Jobs in which the Commission had a pecuniary interest. Johnson said that the 1998 water and sewer bond projects were finally complete. He noted that the sewer project to the development known as Pleasant Crossing was also complete.

Johnson said that he and his staff were continuing to make design changes on the facilities relocation project along New Hope Road, He said that the Highway Department was beginning to stake rights-of-way, and were currently obtaining easements. Johnson said that that project would not start until next year.

Continuing, Johnson said that the ground storage tank contractor, Van Horn Construction, was ready to move on site and start moving some dirt. Johnson noted that the Health Department had necessitated some design changes, but the changes were minor, and would not effect the cost substantially. He said that the tank floor elevation was going to be lowered about six feet, and this change should save the Utilities some money.

Moore asked about the project time allowed for the tank job? Johnson said that contract allowed for 270 working days. He asked if lowering the tank would affect the Utilities' ability to fill it? Johnson said that filling the tank from system pressure was no problem. He said that the pumps specified would work with a lowered tank.

Moore recognized Jay Edwards of the Watkins Law Firm, who was representing his client, Jack Gates. Gates owned a septic tank service d.b.a. Rogers Septic. Edwards said that his client had been denied access to the Rogers Pollution Control Facility (RPCF) for the purpose of dumping septage. Edwards said his client had pled guilty to a charge of illegal dumping earlier in the year, and had paid his fine. He said that Gates was elderly, and relied on his ability to take septage to the area wastewater plants in order to make a living. Therefore, he asked the Commission to set aside the denial (or suspension? Edwards said he wasn't sure) of the RWU staff.

McAlister said Gates had no license to suspend or revoke. He said that Gates had not applied for a liquid waste transporter permit since 1996, and was curious why Gates wanted a permit to dump at the RPCF now?

Jason Kelley, Deputy City Attorney, said that the Commission had the right to overturn the staff denial, based on the facts they found at the meeting. He said that, if the Commission desired to overturn the staff decision, then a motion to do so would need to be made. Pittman said that he had no inclination to overturn the denial, and commended the staff for "following up on the matter". There was no motion to approve the suspension of the denial. Edwards' request to overturn the denial was effectively refused.

The Commission interviewed three bond underwriters to help with the proposed bond issue to pay for the ground storage tank and pump station. The three were: Crews and Associates, Morgan Keegan, and Stephens, Inc. Bob Wright and John Rutledge spoke for Crews and Associates. Jim Fowler spoke for Morgan-Keegan, and David Fletcher spoke for Stephens.

After all three firms were given a chance to make a short presentation, the Commission excused the firms and rated the firms by ballot. There was a motion by Pittman, second by Wanger, to hire Crews and Associates to handle its proposed \$4 million water revenue bond issue, by virtue of being voted the "first".

Chairman Moore recognized Gary Carnahan, P. E., Atkins Engineering. Carnahan represented Cooper Homes, developer of the proposed Cross Creek Addition, near Bellview and Garrett Roads. Carnahan said his client had purchased certain real property to develop, and approximately 15 acres lay in the Lowell service area, as delineated in a 2000 agreement between Lowell, Rogers, and Springdale. He said that Lowell and Springdale had no plans to serve this parcel, whereas Rogers would soon have water and sewer immediately adjacent, and that the property could be served by gravity sewer to a planned, large, area-wide sewer lift station, which his client was helping to fund. He noted that the three cities would all have to agree to move the boundary, in order for Rogers to serve the property.

Chairman Moore said that the City of Rogers had a good relationship with the City of Springdale, and did not want Springdale to think Rogers wanted to take their service area. Moore said that Lowell and Springdale would have to approve the boundary change first.

Jason Kelley noted that the other cities would probably say the same thing, leaving the developer with a "practical impossibility". He recommended the developer go to the Rogers Council first, to see if it was a possibility. There was a motion by Pittman, second by Wanger, to approve the extension of water and sewer services into the subject parcel, contingent upon the approval of all the affected parties. All in favor, motion carried.

The Commission interviewed two environmental attorneys to represent them to the state and federal agencies in the current disagreement over phosphorus. Al Ekert of the Quattlebaum firm, said he was the chief counsel for ADEQ for several years, and was very familiar with the situation with Oklahoma. Chuck Nestrud of Chisenhall, Nestrud, and Julian, said he was one of the first "environmental attorneys" in the state, and cited some of his client list. After the interviews, the Commission submitted ballots ranking the two lawyers. By virtue of his being voted "first" Chuck Nestrud was hired to work for the Commission and McAlister as necessary.

Due to the late hour, the meeting was adjourned without taking up the matter of the draft FY '04 budget or the April financial sheets.

The meeting adjourned at 6:45 PM.

Respectfully submitted,

Tom S. McAlister, Acting Secretary  
Rogers Waterworks and Sewer Commission

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