

Rogers Waterworks and Sewer Commission

October 17, 2011

Minutes

The Rogers Waterworks and Sewer Commission held its regularly scheduled meeting at 4:00 PM, Monday, October 17, 2011, in the Commission Room of the Rogers Water Utilities Administration Building. Commissioners present were Don Kendall, Roger Surly, Jene` Huffman-Gilreath, Guy Cable, and Travis Greene. Rogers Water Utilities staffers in attendance were Tom McAlister, Mark Johnson, Joyce Johnson, William Evans, Johnny Lunsford, Robert Moore, Earl Rausch, and Dan Grelle. Others in attendance were Deputy City Attorney Jim Clark, Derrel Smith, Virginia Rivers, and Don Carter. Chairman Greene called the meeting to order at 4:01 PM.

Greene recognized Virginia Rivers, 1415 W. Sycamore Street. Rivers recounted her several contacts with members of the Rogers Water Utilities over the past week. She said that (Sewer System Field Team Leader) Billy Tyler told her that he would need to dig up her back yard to work on a sewer. Rivers said Tyler told her that a minimal section of her bamboo rear privacy fence would be removed. When she came home from work that night, she said her back yard looked like “a war zone”. She said that there was a huge “hole” in her bamboo, and a lot of mud and ruts in her yard. Now, she could see into her back neighbor’s yard and vice versa. Rivers said she called Tyler’s supervisor, Johnny Lunsford, and was told “sorry”, but the Utilities were not responsible for the damage to the bamboo privacy “fence”, since it was on the utility easement. Rivers then called Tom McAlister, Utilities Manager, who came out the next day. She said McAllister offered to put down some sod and offered to put hay bales in her yard to provide a visual barrier temporarily. She said that McAlister’s response was unsatisfactory, so she came to the Commission for relief. She had taken several photos with her phone, and showed them to the Commission.

In response, Lunsford showed the Commission pictures of the back yard and the bamboo before and after the excavation and subsequent cleanup effort. He said that his men would need to go back and fill in areas where the soil had settled, and fix the chain link fence that his crews had taken down for the excavation.

Rivers again said that she wanted something to fill the hole in her privacy fence. She said that she had been misled by Tyler, and his superiors (Lunsford and McAlister) were waffling on their previous statements.

Kendall said he thought RWU should fix the yard, and come up with some sort of visual barrier off the easement.

Cable said that he was concerned about the cost, and did not want to give the staff or Mrs. Rivers a “blank check”. He added that he did not know why the Commission was hearing this matter, since the bamboo was obviously on the utility easement, and therefore “at risk” to all the utility companies.

Jim Clark, Deputy City Attorney, showed the Commission a copy of the City of Rogers standard utility easement form, which prohibits the planting of trees on utility easements, and that trees would not be paid for in case of damage or removal by the City or the utility companies.

Surly asked how much sod would be required. Don Carter, Mrs. Rivers’ yard man, estimated enough to cover a strip about thirty feet by seventy feet.

Finally, Kendall asked McAlister to come up with a plan to satisfy Mrs. Rivers with cost estimates, for the Commission to consider next month. McAlister said that he would.

There was a motion by Greene, second by Huffman-Gilreath, to approve the August minutes (there was no September Commission meeting). All in favor, motion carried.

Greene recognized Mark Johnson, Utilities Engineer. Johnson recognized Dan Grelle, Engineer Technician, for twenty years of faithful service to Rogers Water Utilities and the citizens of Rogers.

Greene recognized Joyce Johnson, Utilities Controller, Johnson presented the Commission with financial reports for August and September, two good months for RWU, owing to the strong demand for water in the face of the drought of June and July. Johnson presented the Commission with another spreadsheet by which she predicted that the Water Department and the Sewer Department would exceed budget projections for net revenue for FY’12. She presented another spreadsheet showing the relative employee raises given to RWU employees versus City of Rogers employees over the past five years. The RWU raises were lagging well behind the City of Rogers, she said. Johnson reminded the Commission that the FY ’12 budget called for a three percent employee raise for half the year (starting in January). Therefore, since the Rogers Water Utilities revenues were higher than anticipated, she said that the Commission could afford to give the RWU employees a raise.

How much is a one percent raise? Surly asked. Johnson said that, with taxes, a one percent raise amounted to \$26,000.

There was a motion by Kendall, second by Huffman-Gilreath, to approve a three percent raise for the RWU employees, effective January 2012. All in favor, motion carried.

Greene recognized Mark Johnson again. Johnson presented the Commission with a spreadsheet detailing the projects in which the Commission had a pecuniary interest. He said that he received a list of about fifty street projects from the City of Rogers to be funded by the anticipated sales tax bond issue.

Greene asked if Johnson had enough manpower forces to deal with the inevitable facilities adjustments necessitated by street projects. Johnson said that it was his intent that the RWU Engineering Division perform all engineering design for water and sewer relocations/adjustments required. He said that the street design consultants had to submit a design before he could know which facilities would need to be moved. Also, additional right-of-way was usually required to be purchased by the City. Johnson said, that, if need be, the Commission could always hire the street/drainage consultant to perform engineering design.

Greene recognized Tom McAlister, Utilities Manager. McAlister said that the five cities of NWA had formed a loose partnership over a year ago to tend to the region's best interests in light of a threatened Total Maximum Daily Load (TMDL) study from the EPA. The five cities had all contributed \$20,000 each to hire a consultant to protect the cities' interest, and the Intergovernmental Work Group (IWG) made up of the five major cities of NWA had hired a consulting attorney and engineers to guide the IWG. Now, the original \$100,000 was spent, and the IWG and the NWA Council estimated that another \$40,000 per city was necessary to aid the State of Arkansas in its efforts to change the Oklahoma Scenic River total phosphorus limit and to pay the University of Arkansas to run simulations of the TMDL model, and perform sensitivity analyses and uncertainty analyses of the model. It was estimated that it would take about \$320,000 in consulting fees through next summer. McAlister said that the first \$20,000 from Rogers was split between the Commission and the City Council. McAlister said that he had \$60,000 in the budget for the effort, and he asked the Commission for \$40,000 to continue the effort.

There were several questions from the Commission. How much longer would this (legal opposition to the Oklahoma Scenic Rivers total phosphorus limit and the threat to reduce phosphorus discharges from wastewater treatment plants) last? McAlister said that the last legal hassle between Oklahoma and Arkansas lasted about ten years, but those legal fees were paid for by Fayetteville and Beaver Water District. McAlister repeated his assertion that the Oklahoma Scenic Rivers phosphorus criterion was artificially low and unattainable in a watershed like the Illinois River in Arkansas. The cities of NWA must challenge the EPA and Oklahoma's assertion based on the flawed total phosphorus limit, and maneuver for a political solution.

McAlister said that the original \$100,000 from the cities of the IWG had been spent through the Northwest Arkansas Planning Commission. He said that the IWG was ready to make a change in consultants. He said that he was pleased to see the NWA Council take a leadership role, growing and expanding the number of entities who would contribute to the effort.

There was a motion by Huffman-Gilreath, second by Greene, to ask the City for half of the forty thousand dollars, to be paid if the other cities reciprocated in kind. All in favor, motion carried.

Greene recognized David Cauldwell, Business Manager for the Rogers School District. Cauldwell explained that the school district needed to build a large elementary school in southwest Rogers/western Lowell. He said that the District had purchased ten acres in Rogers on Mount Hebron Road, but later decided that additional land would be required. To that end, the District made an offer on six adjacent acres in Lowell, south of the water service boundary between Springdale and Rogers. First National Bank of Rogers, which held an additional 173 acres in the Springdale water service boundary, also requested water and sewer services from Rogers. Therefore, Cauldwell asked the Commission to approve Resolution No. 12-02, which recommended Amendment No. 9 to the Rogers City Council, which included the School's six acres and the Bank's 173 acres, more or less. There was a motion by Huffman-Gilreath, second by Kendall, to adopt Resolution No. 12-02. Greene, Kendall, Surly, and Huffman-Gilreath voted "aye". Cable abstained. The motion carried.

The meeting adjourned at 5:20 PM.

Respectfully submitted,



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