

NOTICE: Agenda posted at Bethany City Hall, Warr Acres City Hall and the office of the Bethany/Warr Acres Public Works Authority, Friday, March 1, 2024, at or before 9:00 a.m.

MINUTES

BETHANY/WARR ACRES PUBLIC WORKS AUTHORITY
BETHANY CITY HALL

TUESDAY
MARCH 5, 2024
9:00 A.M.

This meeting was given in accordance with applicable State Statues. Chairman Lloyd called the meeting to order at 9:00 a.m.

ROLL CALL

Present

Absent

Chairman Lloyd
Vice-Chairman Elizabeth Gray
Vice-Secretary Roger Godwin
Secretary Pamela Ramirez

STAFF PRESENT

Jason Horton, General Manager
Sean Fairbairn, Trust Engineer
Johnny Blassingame, Trust Attorney

OTHERS PRESENT

Lesa LaMar, Deputy City Clerk
Michael Vaughn, Finance Director

2. APPROVE THE MINUTES OF THE BETHANY/WARR ACRES PUBLIC WORKS AUTHORITY MEETING OF FEBRUARY 6, 2024.

A motion was made by Godwin seconded, by Gray to approve the minutes of the Bethany/Warr Acres Public Works Authority meeting of February 6, 2024. Poll vote: Yea's: Ramirez, Gray, Lloyd, Godwin. Motion approved.

3. APPROVE THE MINUTES OF FEBRUARY 20, 2024, SPECIAL MEETING OF THE BETHANY-WARR ACRES PUBLIC WORKS AUTHORITY.

A motion was made by Godwin, seconded by Gray to approve the minutes of the Bethany/Warr Acres Public Works Authority Special Meeting of February 20, 2024. Poll vote: Yea's: Gray, Lloyd, Godwin. Abstain: Ramirez. Motion approved.

4. REPORT OF WRIGHT WATER CORPORATION CONCERNING ONGOING GENERAL MANAGEMENT OF BLUFF CREEK WWTP.

General Manager Jason Horton reported that he believes there is a design flaw in the motive pumps. The jets are two feet away from the suction line of the motive pump. When air is pushed in from the blowers it is sucking the air into the motive pumps. This is creating mini explosions. There are a few chips on two of the motive pumps that have been installed due to this. A representative from Sulzer is coming out along with the regional manager along with a technician on the 11th to evaluate. Cowan will be here also on the 11th to meet with them. We cannot plug this because the jets taper from a 4 inch down to a two inch and the plugs that are available taper the opposite. There may have to be special modifications. With air getting in they are not getting good flow and cannot do what it is designed to do. Without the flow of the motives, we have 2 to 3 weeks left on #3 before it will start turning septic, that is why we have Sulzer flying in from Sweden to get this fixed quickly. 2 new impellers have been ordered and we are repairing what we have to get back up and going. This should all be covered under warranties. Jason reported that he believes this has caused problems in the past because these were specked just like the old motive pumps. Jason also reported that with Cowan's permission, he would permanently plug these front two jets and after he will take a strap and put around. Permission from Cowan is needed to not void the warranty. We have ordered air reliefs from Oklahoma Contractors so the air will automatically be released if it enters the induction line.

The plant needs to purchase a track loader. The one we presently have is 30 years old. It has been evaluated and needs approximately \$40,000 in repairs. We have been renting one to go in the basin due to the leaks in the old one that is an aquatic endangerment. Jason presented the board with paperwork on a used John Deer 331 in the amount of 85,00000 . A new John Deer is 86,144.40 and is also on state contract. Only a little over 1,144.40 difference between new and used. His recommendation is to place this on the next agenda for a vote for the purchase of a new track loader that also has a 60-month warranty and a 2,000-hour warranty to be purchased from CL Boyd.

Godwin asked if the attorney could start putting together an agenda packet and sending it out to the board before meetings with all material included for the next meetings.

5. ENGINEER'S REPORT.

Mr. Fairbairn reported that he submitted an engineering report to ODEQ on February 28th and they have confirmed receipt of the report. ODEQ's review process is two to three months. Cowan has been working with Wright Water on the sludge management plan to get the FEB cleared out so we can submit that to ODEQ for approval.

The EPA requires an emergency response plan and we have been working on a draft for your approval.

6. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL OF DRAFT BLUFF CREEK WASTEWATER TREATMENT PLANT EMERGENCY RESPONSES PLAN.

Mr. Fairbairn informed the board that the EPA requires an emergency response plan, and it must be renewed every five years. The key part of the plan that is needed for the board to review is the chain of command as far as communication from Wright Water to the cities. He also asked the board to review if something is to be communicated to the public what that process is. Mr. Fairbairn requested this item to be placed on the next agenda for approval.

7. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL OF PROPOSAL AND AGREEMENT FOR ENGINEERING SERVICES RELATED TO IMPROVEMENTS PLANNED FOR THE BLUFF CREEK WWTP.

There was discussion as to Bethany having to pay the fines that incurred by ODEQ if they did not approve the financing of the loan to bring the plant into compliance. Godwin stated he does not think that Warr Acres should incur the fine since they have done their part to correct the issues. Attorney Blassingame stated that he would review the trust documents and email the City of Bethany attorney today.

A motion was made by Godwin, seconded by Ramirez to table this item pending approval of COB securing financing. Poll votes: Yea's: Ramirez, Godwin, Lloyd, Gray, Schmidt. Motion approved.

8. FINANCE REPORT.

Deputy City Clerk Lesa LaMar reported to the board that the Lowe's bill was incurring late payment charges. Lowe's in the past has removed those charges for us, however, since the first of the year they will no longer remove the fees. Our meetings are monthly and then after checks are mailed out, it takes up to two weeks for the credit to get posted to the account. In talking with Lowe's, they suggested we make an ACH payment to prevent it taking the check so long to post. She stated that she set up the account to make payments online. She did not even think about the fact that the board required two live signatures to send out checks. Lesa informed the board that she had made the last few online and wanted to know if she could continue online payments or mail the checks in with the late payment fee each month.

After discussion she was directed by the board to make the payment and print the confirmation then bring that to council for two signatures on the payment that has been made.

The financial report was presented by Finance Director Michael Vaughn. This report is through February and included as Exhibit "A". On our budget revenues and expenditures, he has included the 5-million-dollar loan proceeds and corresponding expenditures. In the actuals it includes the 900,522.39 that we will be reimbursed from the loan. Under capital outlay it says plant rehab project you will see this number. Once we are reimbursed that money will show up in revenue. We expect reimbursement by tomorrow in our bank account.

Godwin reported a phone call from a customer that pays Warr Acres sewer, Bethany water and they pay an ambulance fee on both bills.

Finance Director Vaughn stated the city that they are physically located in is who should be collecting the ambulance fee.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL FOR THE PAYMENT OF CLAIMS.

A motion was made by Ramirez, seconded by Gray to approve the payment of claims. Poll votes: Yea's: Ramirez, Godwin, Lloyd, Gray. Motion approved.

10. TRUST ATTORNEY'S REPORT.

Attorney Blassingame confirmed the items to be added to next month's agenda. He also noted that he is awaiting ODEQ response to the engineering plans.

11. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH THE LAW FIRM OF DEWITT PARUOLO MEEK FOR LEGAL SERVICES RELATED TO PURSUING CIVIL CLAIMS AGAINST INDIVIDUALS RESPONSIBLE FOR CONDITIONS AT BLUFF CREEK WWTP THAT LED TO ODEQ ADMINISTRATIVE COMPLIANCE ORDER AND SUBSEQUENT CONSENT ORDER.

There was discussion of the cost of this to know how to budget for the following year.

A motion was made by Godwin, seconded by Ramirez to approve the professional services agreement with the law firm of DeWitt, Paruolo & Meek for legal services related to pursuing civil claims against individuals responsible for conditions at Bluff Creek WWTP that led to ODEQ administrative compliance order and subsequent consent order. Yea's: Gray, Ramirez, Godwin, Lloyd. Motion approved.

12. OLD OR NEW BUSINESS.

The Plant Manager, Jason Horton reported that he received a letter about a lawsuit concerning flushable wipes. He wanted Attorney Blassingame to look into the case. Attorney Blassingame noted that the letter states that by doing nothing we receive the benefits of the settlement in the form of business practice modifications. There will be no payment issued. Attorney Blassingame will confirm this.

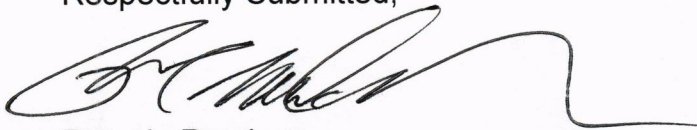
Gray stated that a councilmember of Bethany has requested that we give a report periodically regarding the trust.

13. CALL TO THE PUBLIC.

None

Chairman Lloyd adjourned this meeting of the Bethany-Warr Acres Public Works Authority at 9:57 a.m. There were no objections.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'P. Ramirez', with a long horizontal flourish extending to the right.

Pamela Ramirez
Secretary