

AGENDA/MINUTES

CHISHOLM CREEK UTILITY AUTHORITY

February 24, 2022

Bel Aire City Hall, 7651 E. Central Park Ave. at 4:30PM

1. Call to Order
 - a. Brandi Baily called the meeting to order at 4:30 PM
2. Roll Call
 - a. Brandi Baily called the roll: Members present were Jack Whitson, Brandi Baily, Justin Smith, Kyle Nordick, Jim Benage, and Greg Davied. Also present: Jacob Coy, Utility Manager. Russ Hazelwood, attorney, was present later in meeting
3. Adopt Agenda
 - a. Jack Whitson made a motion to adopt the agenda, seconded by Jim Benage. Motion passed, 6-0
4. Approve Minutes of January 27th Meeting
 - a. Jim Benage made a motion to approve the January 27, 2022, minutes, seconded by Kyle Nordick. Motion passed 6-0.
5. Public Forum
 - a. None
6. Reports
 - a. Commissioner Reports
 - i. None
 - b. Utility Manager Reports
 - i. Jacob Coy: Only thing to add is there was a leaking decant valve on SBR 2, got it fixed yesterday.
 - ii. Jim Benage inquired about the solution to whatever was toxic that hit the nitrifiers. Jacob Coy stated they are looking into it - a test will be done next week. Brandi Baily inquired about the new designated spot for cigarette butts. Jacob Coy said there is a cigarette safe container by the side of the road, away from buildings. Brandi Baily inquired about damage, Jacob Coy confirmed only to the chemical storage cabinet. Brandi Baily asked if any items needed to be replaced. Jacob Coy, said there is not much stored in there, what was in there does not need to be replaced right away.
 - c. Attorney Reports
 - i. Russ Hazelwood was present later in the meeting and this was completed after the first executive session.
 - ii. Russ Hazelwood stated, "At the prior meeting we had discussed the fact that we had received a concerning email report from a former employee that raised certain issues about whether there were regulatory/compliance problems or public safety concerns. The board instructed me to hire an independent lawyer to go out and do the investigation. I did hire Alan Path; he is here today. He did conduct an investigation and discussed the topics of investigation with me and he concluded there is no material concern about regulatory compliance or

public safety and that some of the issues raised by the prior employee did not have proper cause or evidence to us."

d. Treasurer Reports

i. Appropriations

ii. Financial Reports

1. Kyle Nordick discussed the revision of December and the discrepancy that was found. Some numbers were moved around and corrected. Brandi Baily mentioned that on "other expense" on the profit/loss statement the interest expense is listed as "revenues" and should be moved. Brandi recommends following up on. Motion to accept treasurer's report by Jack Whitson, seconded by Justin Smith. Motion passed 6-0.

7. Unfinished Business

a. Office expansion quote from S&J construction

- i. Jacob Coy indicated this is the second quote and only other quote he could obtain out of five companies. Brandi Baily asked for an explanation for new members of expansion. Jacob Coy stated currently there is no break room, and he shares an office with Sara. This would be an extension off of the current building and would put an office, break room, and another restroom for women in it. Brandi Baily stated got another quote early fall and Jacob was sent back out. Brandi stated he has reached out to five different companies, and no one would reach back out for quotes - they are either too busy or didn't want to do the project. Brandi said it would be good for Sara to have her own restroom being the only female in the office and also having a breakroom for eating would be good. Brandi also stated that it would be good for Jacob Coy and Sara to have separate offices so if he needs to have a conversation with an employee, he wouldn't have to have Sara leave. Jim Benage, inquired about where in funds this comes out of. Jacob Coy stated on "Revenue/Expense Summary December 2021" it would come out of the "Capital Replacement Fund Balance". Brandi asked if would be needing to use those funds for any other items like vehicles, Jacob Coy said no. Justin Smith asked about drawings/sketches. Jacob Coy said the same sketch/drawings were used from prior quote. Justin Smith asked about timing, Jacob Coy said 5 to 6 weeks. Kyle Nordick and Justin Smith raised concern about 55% payment required prior to any work being finished. Brandi Baily asked about making a motion to approve and not put off any longer. Jim Benage made a motion to approve the bid from S&J Construction Services subject to clarification of terms of payment, if items 1 & 2 (55% Down & when concrete is finished) meant to be together as "item 1". If not, then subject to 35% down or time/material invoices being sent to CCUA for payment. Justin Smith seconded. Motion passed 6-0.

8. New Business

- a. PO#6380 - of \$4005.34 for replacement scroll compressor for Park City Oxygen injection from Powerex.
 - i. Jacob Coy indicated this is something that has to be replaced. Jack Whitson made a motion to approve the PO#6380, seconded by Jim Benage. Motion passed, 6-0.
- b. PO#6381 - Well pump removal, pump inspection, well rehabilitation, TV survey and Pump Re-installation of Park City well #1 by Layne Christensen Co. for \$14,815.00
 - i. Justin Smith made a motion to approve the PO#6381, seconded by Jim Benage. Motion passed 6-0.
- c. Review of CCUA Bylaws
 - i. Brandi Baily indicated she didn't like a tie being determined by a flip of a coin. Jim Benage asked Jacob Coy if CCUA's attorney, Russ Hazelwood, has reviewed. Jacob Coy said he has not. Jim Benage expressed concern over changing the Bylaws without an attorney reviewing first. Jim Benage made a motion to table the review of the CCUA Bylaws until CCUA's attorney has a chance to review, seconded by Justin Smith. Motion to table approved 6-0.
- d. Review Employee Handbook - Sick Leave Policy
 - i. Jim Benage is concerned about losing track of time. Brandi Baily suggested reducing the payout upon retirement down to a maximum of \$5,000.00 from \$10,000.00. Jim Benage recommends using it or losing it after some point. Brandi Baily doesn't want to completely wipe it out because it is an incentive. Jim Benage asked if there are currently any employees over 500 hours, Jacob Coy verified there is an employee retiring in December that has over 500 hours. Jim Benage said he doesn't want to affect him. Justin Smith is concerned this is incentivizing people to not use their sick leave, especially in today's times if people don't feel well, they need to stay home. Brandi Baily asked to table this until the next meeting and have Jacob Coy reach out to neighboring communities and see what their sick leave policies state. Justin Smith wanted to make sure that employees that have been with CCUA for a long time are not negatively affected by a policy change that is made, but he would like to see it revamped. Justin also stated he doesn't want to incentivize not using sick time. Jack Whitson stated he doesn't want the December retiree impacted. Justin Smith would like to see a week of carry-over, not five weeks. Brandi Baily motioned to table this until the next meeting.

9. Executive Session

- a. Executive Session #1
 - i. Action: This meeting will be for a period of 20 minutes to discuss legal, and personnel issues and the open meeting will resume at 5:15 PM. Request to invite in: CCUA attorney, hired attorney (Alan Path), and

council members. Jim Benage made a motion to approve the executive session, seconded by Kyle Nordick. Motion approved 6-0.

1. Brandi Baily states no binding action was taken

b. Executive Session #2

i. Action: Brandi Baily stated this meeting will be for a period of 10 minutes to discuss personnel issues of non-elected officials. Request to invite in: CCUA attorney and council members. Justin Smith made a motion to approve the executive session to discuss non-elected personnel issues for 15 minutes. The open meeting will resume at 6:06 PM.

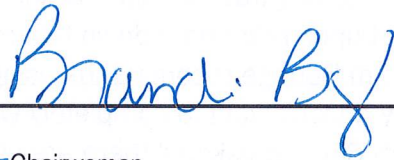
1. Brandi Baily states no binding action was taken

2. Jack Whitson made a motion to approve a 2% raise for Jacob Coy and will re-evaluate his situation for further raises in 6 months, retro-active for the raise back to January 1. Justin Smith seconded. Motion approved, 6-0.

10. Adjournment

a. Jack Whitson made a motion to approve, seconded by Jim Benage. Motion approved, 6-0.

Approved by the Board of Commissioners this 24th day of March 2022.



Brandi Bailey, Chairwoman

Baily