

Minutes

CHISHOLM CREEK UTILITY AUTHORITY

April 27th, 2023

Park City Administration Building, Training Room, 1941 E 61st St N, at 4:30 PM

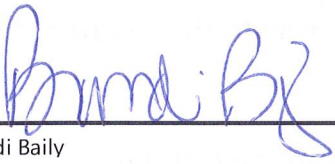
- 1) Call to Order
 - a) Brandi Baily called the meeting to order at 4:30 PM.
- 2) Roll Call
 - a) Brandi Baily called the roll, board members present were Emily Hamburg, Ray Mann, Justin Smith, Greg Davied, John Lehnherr. Others Present: John Annon, Doug Goetz, Russ Hazelwood, Sean Fox, and Anthony Kientz.
- 3) Adopt Agenda
 - a) Brandi Baily motions to add item 8D to review BlueCross BlueShield policy and authorize to sign.
 - b) Motion passes 6-0
- 4) Approve Minutes of February 23rd Meeting
 - a) Ray Mann motions to approve the minutes, John Lehnherr seconds. Motion passes 6-0.
- 5) Public Forum
 - a) None.
- 6) Reports
 - a) Commissioner Reports
 - i) John Lehnherr speaks on pretreatment policy being reactivated and packets have been sent out to businesses.
 - ii) Brandi Baily speaks on funding of EPA that was well attended and a success.
 - b) Utility Manager Report
 - i) Anthony Kientz reviews information in the meeting packet and reviews the events that have occurred since the packet was released. Nothing significant to report.
 - c) Wastewater Treatment Plant Performance
 - i) Anthony Kientz reviewed the wastewater plant performance for March and April. He reported all March exceedances to KDHE with explanations.
 - d) Water Treatment Plant Performance
 - i) Nothing significant to report.
 - e) Attorney Report
 - i) Russ Hazelwood reports that he was contacted by Bel Aire, and they want him to ask KDHE to change their position on the Consent Order deadline.

- f) Treasurer Report
 - i) Appropriations
 - (1)None.
 - ii) Financial Reports
 - (1)Brandi Baily reports that the Park City payment to BNY was sent back by the post office, so there was a delay in the payment posting to the financial reports.
- 7) Unfinished Business
 - a) Consider Wilson and Co.'s proposal for design changes.
 - i) Emily Hamburg motions to adopt the Wilson and company design proposal including change orders that were presented to the CCUA at the last meeting, on the condition that CCUA, Park City, and Bel Aire approve a cost-of -service cost sharing agreement for potable water and wastewater treatment no later than May 12th, 2023. Justin Smith seconds the motion. Motion fails 3-3, with Justin Smith, Greg Davied, and Emily Hamburg voting in favor, and Brandi Baily, John Lehnherr, and Ray Mann voting against.
 - ii) John Lehnherr motions to approve the Wilson and Co. design proposal including change orders that were presented to the CCUA at the last meeting and proceed with the plant upgrade. Ray Mann seconds the motion. Motion fails 3-3, with Brandi Baily, John Lehnherr, and Ray Mann voting in favor, and Justin Smith, Greg Davied, and Emily Hamburg voting against.
 - b) Finalize WWTP Upgrade Design for KDHE Consent Order.
 - i) Emily Hamburg motions that in light of Park City and Bel Aire announcing significant developments in their respective cities that will add significant demand for potable water and wastewater, the CCUA Attorney propose a plan to KDHE including a detailed timeline for further study of demand for potable water and wastewater that will better define to respective future needs of the CCUA plant. My proposed timeline is as follows: Each city provides a five-year forecast of their needs for potable water and wastewater to Wilson and Co., CCUA and the other city no later than September 30, 2023. Wilson and Co. will then provide a change order cost proposal to expand the plant to meet these stated forecasts, no later than November 30, 2023. As an alternative to the last action, Wilson and Co. can provide a change order cost proposal for the maximum size plant that can be built on the current plant site. Such proposal must clearly identify the estimated influent and effluent such plant expansion can accommodate, no later than November 30, 2023. Greg Davied seconds the motion. Motion fails 3-3, with Justin

- Smith, Greg Davied, and Emily Hamburg voting in favor, and Brandi Baily, John Lehnherr, and Ray Mann voting against.
- ii) Emily Hamburg motions that the CCUA attorney advise KDHE that CCUA will not be expanding the existing plant at this time, that no later than July 31, 2023, CCUA will have a pretreatment plan implemented and that the parties will be working hard to determine the source of the effluent created spikes above our permit and that the CCUA is doing everything from a technical and management perspective to ensure compliance. Justin Smith seconds the motion. Motion fails 3-3, with Justin Smith, Greg Davied, and Emily Hamburg voting in favor, and Brandi Baily, John Lehnherr, and Ray Mann voting against.
 - iii) Emily Hamburg motions that the CCUA attorney set up a meeting with KDHE as soon as possible to discuss the impasse of the CCUA Board and all CCUA Board Members be advised of that meeting 48 hours in advance so that all can attend. Greg Davied seconds the motion. Motion fails 3-3, with Justin Smith, Greg Davied, and Emily Hamburg voting in favor, and Brandi Baily, John Lehnherr, and Ray Mann voting against.
 - iv) John Lehnherr motions to move to executive session for 10 minutes with the board members and the CCUA lawyer, Greg Davied seconds the motion. Motion passes 6-0. The meeting will resume at 5:27 PM.
 - v) Brandi Baily announces that they are back from executive session at 6:00PM with no binding action taken.
 - vi) Justin Smith motions for a 5 min recess, Emily Hamburg seconds the motion. Motion passes 6-0. Meeting will resume at 6:05 PM.
 - vii) Brandi Baily announces that they are back from recess at 6:06 PM.
- c) Open proposals for WTP Control System RFP.
- i) Anthony Kientz announces that CCUA received 4 proposals in response to the RFP. The prices are as follows:
 - (1) MicroComm: \$485,322.99
 - (2) Wunderlich Malek: \$499,701
 - (3) ENGglobal: \$466,654.61
 - (4) TEC Systems Group: \$469,612
 - ii) The Board requests that the Technical Advisory Committee look at these proposals in depth and bring their recommendation to the Board at the May 25th meeting.
- d) Discuss Evergy Lot purchase.
- i) Justin Smith motions to pay for the Evergy Lot from the Capital Improvement Fund, John Lehnherr seconds the motion. Motion passes 6-0.
- 8) New Business
- a) Consider draft RFP for painting in basement of WTP.

- i) The Board indicated that they want to specify the warranty of the work in the RFP.
- ii) No action taken.
- b) Review draft 2024 budget.
 - i) Anthony Kientz reviews his budget process and some of the major items on the draft budget.
 - ii) The Board instructed Anthony to investigate replacing the Chevy Colorado.
 - iii) No action was taken.
- c) Review Utility Manager 6-Month performance evaluation.
 - i) Brandi Baily motions to increase Anthony Kientz's pay to \$75,000 effective March 26th, 2023. Justin Smith seconds the motion. Motion passes 6-0.
- d) Review the Blue Cross Blue Shield policy and authorize to sign.
 - i) Ray Mann motions to renew the policy, John Lehnherr seconds the motion. Motion passes 6-0.
- 9) Executive Session
 - a) Brandi Baily motions for a 15 min executive session with the Board and the CCUA lawyer. Emily Hamburg seconds the motion. Motion passes 6-0. The meeting will resume at 6:42 PM.
 - b) Brandi Baily announced that they are back from executive session at 6:54 PM. No binding action was taken.
 - c) Justin Smith motions to direct the CCUA attorney to invite the CCUA, Park City, and Bel Aire to a mediation to occur as soon as practically possible, to select a mediator and to invite up to 5 participants from each city. Ray Mann seconds the motion. Motion passes 6-0.
- 10) Adjournment
 - a) Ray Mann motioned to adjourn; Justin Smith seconds the motion. Motion passes 6-0. Meeting adjourned at 6:55 PM.

Minutes by Anthony Kientz

X 

Brandi Baily
Chairwoman