

Bolivar Utility Board
January 4, 2017

The Bolivar Utility Board met in regular session Wednesday, January 4, 2017, at the Bolivar Municipal Center with the following attendance:

Present:	Jerry Wilhite, Chairman	Also Present:	Clyde Dellinger, Director
	Joe Clark		Cliff Henson, Manger
	Larry Crawford		Barrett Stevens, Mayor
	Paul Fuller		Shelia Dellinger, Clerk
	Todd Lowe		Wes Clayton, Attorney
			Steve Wyatt, MTAS Consultant
			Julian McTizic, Councilmember

Chairman Wilhite called the meeting to order and asked if there were any corrections to the minutes. There being no correction, Mr. Crawford moved, seconded by Mr. Clark to approve and dispense with the December 7, 2016, minutes as presented. All voted "Aye."

Chairman Wilhite introduced Mr. Steve Wyatt, MTAS Utility Operations Consultant, and thanked him for attending this meeting.

Chairman Wilhite informed the board he had been asked to attend the December 13, 2016, Bolivar City Council meeting to represent the Bolivar Utility Board on an issue that was being discussed on sewer pumps. Mr. Jimmy Sain asked to be on the agenda to discuss an ongoing problem he was having with his sewer pump, which is located on his property. Chairman Wilhite stated each councilmember was sent a copy of the policies and was given a complete list of all the sewer pumps in the city. Mr. Sain requested the City of Bolivar Utility Department should take the responsibility for all sewer pumps in the City of Bolivar. After a long discussion, several councilmembers asked the attorney's to research these policies and have the Utility Board make a decision what could be done.

At this time Chairman Wilhite asked Mr. Wes Clayton, BUD Attorney, to report what the legal issues were with the City of Bolivar maintaining pumps on private property. Mr. Clayton stated he had discussed this issue with Mr. Maroney, attorney for City of Bolivar, who contacted the attorney with MTAS. To summarize, if the city wants to assume responsibility for the sewer pumps, it will be necessary to change the city code. This decision could also expose the city to liability for the same to the owners with sewer pumps outside the proposed subdivision. It would also mean the city could lose the authority to require connection to the sewer system in the future. Finally, depending on grants that the City may have received, this action would need to be approved by the Comptroller or grants to the City could be in jeopardy.

Mr. Steve Wyatt was asked if he had other information to add to what had been reported. Mr. Wyatt stated MTAS attorney has summarized it very well. Most all cities try to stay away from this liability. Mr. Crawford asked if the city was in error by allowing pumps to be

installed and was the city responsible to make sewer available so a pump would not have to be used. It was explained that the property owners of the four lots on Meadowbrook Drive knew they could not connect directly to the city sewer without a pump because of the gravity flow. The owners were told by the subdivision developer they would have this available when Phase II of the project was completed. Plats were presented showing this was approved by the City of Bolivar Administrator, Jimmy Sain, dated August 31, 1998.

Mayor Stevens asked if anyone had researched how much it would cost to replace and repair one of these pumps. Mr. Cliff Henson, Manager, stated he had spoken with one of the local plumbers and it would cost approximately \$1,400 to replace and install a new pump and there would be an additional \$800 charge if it had to be pumped out first.

Chairman Wilhite recommended the policy remain as written. Mr. Crawford stated he felt like we did not need to jeopardize anything to do with the bond issues and grants. Mayor Stevens asked Mr. Wyatt what his opinion would be. Mr. Wyatt stated he had a problem with any utility taking care of a homeowners pump.

After further discussion, Mr. Crawford made a motion based on the facts, legal issues, and opinions, to leave the policy as it is. The liability of acquiring easement, expenses, bond issues and possibility of losing grant money could be detrimental to the utility department. Mr. Fuller seconded the motion. All voted "Aye."

Mr. Dellinger informed the board they did not receive any bids on the shoring equipment this month due to the holidays. Bids will be opened next month.

Gas prices for the month of January increased to .74 cents. This is the highest prices we have had since December 2014.

Mayor Steven informed the board he felt it was time to begin considering appointing a new Director for the Bolivar Utility Department. He stated Mr. Clyde Dellinger will be retiring effective May 3, 2017. Mayor Stevens is recommending Cliff Henson who is now the Manger of BUD and has all the qualifications and over 30 years of service with the City of Bolivar. The board will meet Thursday, January 5, 2017, to discuss this appointment.

There being no further business, Mr. Clark moved, seconded by Mr. Fuller to adjourn the meeting. All voted "Aye."

Attest: