

# **Rural Water District No. 3**

## **Washington County, Oklahoma**

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17227 N. 129<sup>th</sup> E. Ave., P.O. Box 70, Collinsville, OK 74021-0070

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### **NOTICE REGULAR MONTHLY MEETING AND AGENDA FOR: RURAL WATER DISTRICT #3 WASHINGTON COUNTY BOARD OF DIRECTORS MINUTES**

**As required by Section 311, Title 25 of the Oklahoma Statutes, notice is hereby given that the Rural Water District #3 Washington County of Oklahoma will hold a Regular meeting on September 11, 2023 at 8:00 o'clock A.M., at 17227 N. 129<sup>th</sup> E. Avenue, Collinsville, Oklahoma, 74021.**

#### **I. CALL TO ORDER**

- 1. The meeting was opened with the pledge of allegiance to the flag.**
- 2. The meeting was called to order September 11, 2023, at 8:00 a.m.** Chairman Richard Kriege called roll: Vice-Chairman Bruce Hoover call, here, Secretary/Treasurer Robert Scott, here. Directors: Bill Jacobs, here; Gary Burd, here; Steve Cole, yes; Pat Liggett, here. There is a quorum present, and the meeting may proceed. Let the records show that the regular scheduled meeting of Rural Water District #3 Washington County, OK was called to order at 8:00 AM at 17227 N 129<sup>th</sup> E Ave in Collinsville, Oklahoma. Notice of the meeting was posted on the front door and drive-up window of the district office on September 6, 2023, at 4:00 PM. Also present is Jerry Gammill, District Manager; Chad Pennington, Field Supervisor; Dona Lewis Recording Secretary, David Dollar, Water PAQ Engineering and other interested parties. This meeting will be conducted by the requirements of the Oklahoma Open Meeting Act. Only items on the agenda will be addressed. Anyone wishing to address the board must call the district's office by Wednesday prior to the meeting date and have your name and the nature of your business placed on the agenda.
- 3. Correction, deletions or addition to the minutes of:**
  - a.** The Regular meeting of August 14, 2023. Bruce Hoover made the motion to approve the minutes as written. Gary Burd seconded. Robert Scott, yes; Bill Jacobs, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous.
- 4. Report of Secretary/Treasurer.** Robert Scott. In September we had 22 new taps and 49 transfers. We sold 31 new taps in August.
- 5. Report of District Manager.** Jerry Gammill. The report went out in the board packets. Materials on the 24" waterline, we did figure out we are missing the 42" casing and should be here anytime. Next item on the 96<sup>th</sup> St N and 129<sup>th</sup> E Ave, the Owasso waterline road widening projects, we did receive email plans. TOC's sample results were fine last month. The DBP 3<sup>rd</sup> quarter samples are usually the worse kind. Some results were higher but we wasn't out of compliance. We did have another request for information from the Tulsa economic development group. They have another group that is looking into potentially a space of 76<sup>th</sup> and Yale. Sont Lake Phase V, we have received plans and have been working on them. Everything except the Maintenance Bond. Magnolia Ridge Phase III, we did receive DEQ stamp approved plans. The Learning Experience, they had a pre-construction meeting

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with Chad back on the 24<sup>th</sup> of August. The Twill at Johnson Ranch, the tiny homes down on 129 E Ave south of 106<sup>th</sup> St N and north of Owasso Medical Park. They did not realize they hadn't sent us anything for review. The engineers only granted a 15' easement on the south side of tiny homes. Foster Creek on here for preliminary approval. We had a meeting regarding sludge removal. A gentleman with Barlett and West is working on and will get a proposal. We have had a couple of HR meetings trying to get the employee handbook and expense policies.

- a. **Field Manager.** Chad Pennington reports 2 field audits, 3 change out meter, 1 replaced can, 1 dirt work, 1 drop-in, 1 flush lines, forfeit, 11 leaks, 4 replaced lid, 0 lower cans, 1 MXU installed to be radio read, 1 checked pressure, 1 raise can, 3 get current readings, 14 radio read, 1 replaced setter, 0 shut off, 21 new taps, 8 miscellaneous, 0 zero usage. 75 work orders completed. 58 locked meters. The supply chain to our MXU's has been on back order for many months. I'm checking on going with a different kind of meters. Changing a whole meter system to another meter system. A different reader and reading system.
- b. **Office Manager.** Dona Lewis. We issued 201 work orders in August. We have had to estimate meters for a couple of months, The meter readers are not getting done with reading all the meters.

**6. Report of Attorney.** Nothing.

**7. Report of Engineer.** David Dollar. The developments I worked on are Hollow Creek Extended II, Foster Creek, The Learning Experience, Reserves at Owasso, Magnolia Ridge III, Sonic at 7520 Crossing, Stone Lake V and Smalygo Storage Facility. I'm currently working on the comments for the Cherokee Nations expansion of Scalone acres facility. Foster Creek, just north of 176<sup>th</sup> St N about a ½ mile. It's about ½ mile from our 16" waterline. Foster Creek's engineer has proposed a blended fire protection system with us. A private system with a tank, extra line, separate hydrants.

**8. Approval of accounts payable.** Steve Cole made the motion to approve. Bruce Hoover seconded. Robert Scott, yes; Bill Jacobs, yes; Gary Burd, yes, Pat Liggett, yes. Motion carried unanimous.

**9. Approval of new tap applications and transfers.** Robert Scott made the motion to approve. Bill Jacobs seconded. Gary Burd, yes, Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous.

**10. Approval and/or acceptance of new developments or line extensions.**

- a. Discussion and decision regarding The Reserve at Owasso 13 lots, 51.6 ac., a residential and commercial subdivision located on the north side of 106<sup>th</sup> St. North and between Hwy 169 and 145<sup>th</sup> W Avenue. Jason Emmett. We are doing a development just south of Tulsa Tech. on Hwy 169. We are in the process of platting this property and break it into 13 lots. There will be an apartment complex with about 300-400 units and everything south will be commercial uses. Estimated that lot 1 would be a hotel, a bank for lot 3 and automotive repair looking at one. David Dollar. The plan is to extend the 12" waterline down to 106<sup>th</sup> St N and all the way across to tie into the 12" waterline. My recommendation is you give them contingent approval. Robert Scott made a motion for contingent approval. Bill Jacobs seconded. Bruce Hoover, yes; Gary Burd, yes; Steve Cole, yes; Pat Liggett. Motion carried unanimous.
- b. Discussion and decision regarding Foster Creek, 70 lots, 66.9 ac. residential subdivision located on the east side of Garnett (113<sup>th</sup>) approximately ¾ mile north of 176<sup>th</sup> St North. Tabled. Steve Cole made a motion to table the item.

Bruce Hoover seconded. Robert Scott, yes; Bill Jacobs, yes; Gary Burd, yes; Pat Liggett, yes. Motion carried unanimous.

- c. Discussion and decision regarding a request by Developer, Mr. Smalygo pertaining to Storage Place fire hydrant. Bruce Hoover made a motion for Kyle Smalygo to set up an account with a monthly fee and not have to pay the membership fee and he will purchase and install the detector check and low flow side stream fire hydrant meter. A 20 X 20 private easement agreement will be owned by storage unit. Gary Burd seconded. Robert Scott, yes; Bill Jacob, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous.

#### **11. Developments/line extensions waiting final approval.**

- a. Discussion and decision regarding a Mark Allen Buick GMC, 2 lots, 40.29 ac., a Commercial Development located on the east side of Hwy 169 and south of 156<sup>th</sup> St. N. approximately ¼ mile. Bruce Hoover made a motion to approve. Bill Jacobs Seconded. Robert Scott, yes; Gary Burd, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous.

#### **12. Public Comments.**

### **II. OLD BUSINESS**

1. **Discussion and decision regarding the ODOT Hwy 11 project, J/P 24351(04) Construction, SSP-174B(058)SS J/P 24351(06)Utilities, STPY-174B(060)UT Washington County, SH-11.**
  - a. Discussion and decision regarding the approval of an invoice from Bartlett & West for engineering design. David Dollar. We have one invoice from Barlet & West totaling \$475,059.58 that is for effort through August 25<sup>th</sup>. If approved to date Bartlett & West would have been paid \$260,129.07. Total contract amount is \$300,000.00 that represents 86.7%. Your share of the invoice is \$236.08. It is my recommendation you approve this to pay. Bruce Hoover made the motion to approve. Pat Liggett seconded. Robert Scott, yes; Bill Jacobs, yes; Steve Cole, yes. Motion carried unanimous.
  - b. Discussion and decision regarding the easement acquisition and counteroffers from landowners. Plans are done.
2. **Discussion and decision on the proposed 24-inch water line alignment and easements.**
  - a. Discussion and decision regarding easement acquisition counteroffers from landowners. No updates. Ghormley may need to be condemned.
  - b. Discussion and decision on the bidding of Contract #1 – 24-inch Water Line Extension Project; North WTP to 166<sup>th</sup> Street North. David Dollar. We opened bids on our project last Wednesday September 6, 2023. The bids ranged from the lowest was \$366,000.00 and the highest was \$536,000.00. Creek Construction was the low bidder and Orr Construction was the second low at \$416,915.00. They are not immediately available for work but by the time we get the contract and bonds done they will be ready. Maybe start in the next forty-five day. The total job time is ninety days. It is my recommendation that you award the contract to Creek Construction for \$366,000.00. Bruce Hoover made the motion to approve. Robert Scott seconded. Bill Jacobs, yes; Gary Burd, yes; Steve Cole, yes. Motion carried unanimous.

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3. **Discussion and decision regarding the Tulsa County Road Widening project on 86<sup>th</sup> St N.**
  - a. Discussion, decision and updating regarding the Water Line Relocation Project along 86<sup>th</sup> Street North from US Hwy 75 to Memorial. David Dollar. They just submitted a new set of plans.
  - b. Discussion and decision regarding the approval of invoice from Bartlett & West for engineering design. David Dollar. There is one invoice for \$15,000.00 for effort through August 25, 2023. The is total paid to date is \$73,100.00 of total contract amount of \$140,000.00 which represents 52% of total contract amount. It's my recommendation you approve the invoices for payment. Bruce Hoover made a motion to pay the invoice. Steve Cole seconded. Robert Scott, yes; Bill Jacobs, yes; Gary Burd, yes; Pat Liggett, yes. Motion carried unanimous.
4. **Discussion and decision to create a committee to consider changes, corrections and updates To the By Laws, Rules and Regulations and other documents.** Bruce Hoover. Larry was here and has all the new changes. We just started working on the Rules and Regulations.
5. **Discussion, consideration and vote to hold an Executive Session pursuant to Title 25 O.S. Section 307 (B)(4), for the sharing of confidential communications between the District's Board of Directors and its attorney concerning pending investigation, claim, or action; Namely, SAIC vs Rural Water District No. 3, County, Washington County Case No. CJ-2010-467, if the Board of Directors, with the advice of its attorney, determines that disclosure will seriously impair the ability of the Board of Directors to process the claim or conduct the aforementioned pending investigation, litigation, and/or proceeding in the public interest.** Gary Burd made a motion to go into the executive session at 9:49. Robert Scott seconded. Bruce Hoover, yes; Bill Jacobs, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous. Gary Burd made a motion to come out of executive session at 10:07. Bruce Hoover seconded. Robert Scott, yes; Bill, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous.
6. **Vote on matters discussed in Executive Session in Agenda Item #5 above, including, without limitation, to vote to send settlement demand to SAIC (a/k/a, Benham Companies, a/k/a, Benham Engineering), and giving District Manager settlement parameters.** Pat Liggett made a motion to the offer of \$1,197,225. Steve Cole seconded. Bruce Hoover, yes; Robert Scott, yes; Gary Burd, yes. Motion carried unanimous.
7. **Discussion, consideration and possible vote on the following with respect to Rural Water District No. 3, Washington County, OK vs. Estate of Othel Trammel *et al.*, Tulsa County Case No. CJ-2022-3458:**
  - a. **Accept or file an exception to the Report of Commissioners.** Bruce Hoover made a motion to accept. Gary Burd seconded. Robert Scott, yes; Bill Jacobs, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried Unanimous.
  - b. **Vote to approve payment of amount stated in Report of Commissioners into the Court Fund, same being \$3,750.00 plus poundage in the approximate amount of \$37.50.** Gary Burd made a motion to approve. Bruce Hoover seconded. Robert Scott, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous.
  - c. **Vote to approve payment to the three Commissioners at the rate of \$1,125.00, or \$3,375.00 total.** Steve Cole made a motion to approve.

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Robert Scott seconded. Bruce Hoover, yes; Gary Burd, yes; Pat Liggett, yes. Motion carried unanimous.

- d. Approve any other matters needed and/or any other expenditures necessary to proceed with condemnation action.** Nothing.

### **III. NEW BUSINESS**

### **IV. ADJOURNMENT**

1. Gary Burd made the motion to adjourn at 10:11 a.m. Bruce Hoover seconded. Robert Scott, yes; Bill Jacobs, yes; Steve Cole, yes; Pat Liggett, yes. Motion carried unanimous.

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**Robert Scott – Secretary/Treasurer**  
**Notes by Dona Lewis**