

**MINUTES OF THE  
GRANT COUNTY SANITARY SEWER DISTRICT  
JUNE 2021 MEETING**

The June 2021 Meeting of the Grant County Sanitary Sewer District was called to order on June 24, 2021, at 3:00 p.m. at the District Headquarters, One Farrell Drive, Crittenden, Kentucky. Present at the meeting were the following: Chairman Charles Givin, and Commissioners, Rodger Bingham, Danny Northcutt, Robert Worthington, and Leo Saylor. Also present were HR Director Ashley Dyer, Dianne Cook, Mr. Christopher Stewart and Mr. Benton Hanson of HMB Professional Engineers, Paul Harp, Brian Simpson, and Counsel, Thomas R. Nienaber.

The first order of business was a presentation by Chamberlin, Owen & Co, PSC, Certified Public Accountants, Ms. Patty Edgely, to review the District's Annual Audit for the year ending December 31, 2020 (attached). Copies of the Annual Audit were distributed to all Commissioners. Ms. Edgely stated that the Audit Opinion is an unmodified Opinion with the highest level of assurance given. She stated that all Financial Statements of the District fairly represent in all material respects the respective financial condition of the District as of December 31, 2020. She reported that there are no matters involving internal control over financial reporting and operations which were considered to be material weaknesses or significant deficiencies in internal controls as set by government auditing standards. There were no issues of non-compliance with bond covenants, debt agreements, and/or Kentucky Revised Statutes. Ms. Edgely gave a complete review of the Audit. Overall, Ms. Edgely reported that the District is in very good financial condition. After considerable discussion, upon motion of Rodger Bingham and second by Robert Worthington, it was unanimously,

“RESOLVED: that the annual audit as presented by Chamberlain, Owen & Co, Certified Public Accountants, be and the same is hereby accepted.”

The next order of business was a review of the May 2021 Minutes as attached. After discussion, upon Motion of Rodger Bingham and second by Robert Worthington, it was unanimously,

“RESOLVED: that the May 2021 Minutes be and the same are hereby approved as attached.”

The next order of business was a review of the May 2021 Profit and Loss Statement and Warrants as attached. After discussion, upon motion of Leo Saylor and second by Danny Northcutt, it was unanimously,

“RESOLVED: that the May 2021 Profit and Loss Statement and Warrants, be and the same are hereby approved as attached.”

The next order of business was a report by Counsel Thomas R. Nienaber as follows:

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1. Mr. Nienaber gave an update on the Garrison litigation currently pending in the Grant Circuit Court. A meeting was held on-site on Tuesday, June 22, 2021, with Mr. John Wagner, appointed counsel to represent the District by Cincinnati Insurance Company, Superintendent Simpson, and Paul Harp. Mr. Wagner is in the process of preparing a Motion to Dismiss the District from the litigation. Mr. Nienaber explained in detail the underlying basis of the litigation. Briefly, a property owner on Crittenden Drive (Garrison) has sued the District and several other entities regarding the question as to who has the legal obligation to maintain and repair the Waller Drive Dam at Harvesters Subdivision. The District has an Access Easement to its Lift Station which is located on the Garrison property. The Garrisons are alleging that the District has “abused and/or misused the Easement” which has caused significant damage to the dam. Garrison’s allegations are unfounded and will not be substantiated by an investigation of the facts. Mr. Nienaber reported that he does not see any liability on the part of the District. Oddly, the City of Crittenden is not a party to the litigation. This seems odd in that the most significant portion of the dam serves as a roadway (i.e., Waller Drive) accessing the entire Harvesters Subdivision. Although Mr. Nienaber has not conducted a title examination to determine the exact ownership of the real estate under Waller Drive, if Harvesters Subdivision was developed in the normal course, the real estate under Waller Drive would have been turned over through dedication or otherwise to the City of Crittenden. If that is the case, Mr. Nienaber believes the City of Crittenden should be in the litigation. Mr. Nienaber inquired as to whether or not the District should direct Mr. Wagner to join the City of Crittenden as a party defendant to the litigation. After considerable discussion, it was agreed that the City of Crittenden should be made a party. Mr. Nienaber will inform Mr. Wagner accordingly.
2. Mr. Nienaber inquired as to the status of the Equalization Tank Project. Mr. Hanson reported that the final plans and specifications are complete and have been submitted to the Division of Water for review and approval. Those plans and specifications should be approved prior to the next scheduled meeting. Mr. Nienaber inquired as to the status of financing. He reported that there has been no formal commitment from KACo regarding the financing of this Project. Submittal of request for approval of financing is contingent upon so many factors that have yet to be decided, which include the amount of stimulus funding which would be applied to the Project; total cost of the Project; and the like. Everyone acknowledged the approval process and its current status.
3. Mr. Nienaber reported that the Management Agreement with the Bullock Pen Water District has been forwarded to the Public Service Commission. Final action by the Public Service Commission has not yet been received.

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4. Mr. Nienaber reviewed with the Commissioners the newly enacted KRS 61.870 to 61.884 commonly referred to as the "Open Records Act" ("ORA"). Mr. Nienaber reviewed with the Commissioners his June 21, 2021 letter outlining the significant changes to ORA (attached). Mr. Nienaber stated that he would prepare a set of Rules and Regulations for adoption by the District as required by KRS 61.876(1) for review and approval by the District.

The next order of business was a report by HMB Professional Engineers, Inc., Mr. Benton Hanson as follows:

1. Mr. Hanson reported on the status of the Equalization Tank Project.
2. Mr. Hanson reported that project profiles have been submitted to Kentucky Infrastructure Authority ("KIA") and NKADD for review and action. The two projects included in the District's project profile are:
  - (1) Equalization Tank Project; and
  - (2) Indian Hill Subdivision Line Replacement.

Superintendent Simpson reported that he has a meeting scheduled with Grant County Judge Executive Chuck Dills next week to see if Grant County would have available funding for the Equalization Tank Project.

Commissioner Northcutt inquired as to whether or not the District has received payment from the City of Crittenden for the property improvement project. Superintendent Simpson reported that the City of Crittenden has issued a check for the grant to Bullock Pen. Bullock Pen is going to issue a check to the District for its share of the grant.

3. Paul Harp reported that the electric panels for the Waller Road Pump Station will cost (combined) approximately \$16,000.00. Commissioner Northcutt inquired as to whether or not the District needs to replace the electric panels at this time. Mr. Harp reported that the District should move forward on the Waller Road Pump Station Improvement. The second pump station improvement could wait. Mr. Harp also reported that it does not appear as though the supplier of the electric panels would offer any cost savings if the District were to purchase both panels at one time. After discussion, upon motion of Danny Northcutt and second by Rodger Bingham, it was unanimously,

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“RESOLVED: that the District move forward with the electric panel improvements at the Waller Road Lift Station at a cost of approximately \$12,000.00.”

The next order of business was a report by Office Manager Dianne Cook as follows:

1. She reported that the next meeting is scheduled for July 15<sup>th</sup>. There being conflicts, the Bullock Pen Water District has scheduled its meeting for July 21, 2021. After discussion, upon motion and second, the next regular monthly meeting should be held July 21, 2021. Dianne Cook is hereby directed to make the appropriate notices.

There being no further business to conduct, upon motion and second, the meeting was adjourned.

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BY:   
CHARLES GIVIN, CHAIRMAN

ATTEST:

  
DANNY NORTHCUTT, SECRETARY