

**MINUTES OF THE
GRANT COUNTY SANITARY SEWER DISTRICT
NOVEMBER 2022 MEETING**

The November 2022 Meeting of the Grant County Sanitary Sewer District was called to order on November 17, 2022, at 3:00 p.m. at the District Headquarters, One Farrell Drive, Crittenden, Kentucky. Present at the meeting were the following: Chairman Charles Givin, Vice-Chairman Robert Worthington, and Commissioners, Leo Saylor, Rodger Bingham, and Greg Powell. Also present were HR Director Ashley Dyer, Dianne Cook, Mr. Benton Hanson and Mr. Christopher Stewart of HMB Professional Engineers, Counsel Thomas R. Nienaber and Superintendent Paul Harp.

The first order of business was a review of the October 2022 Minutes. After discussion, upon motion of Robert Worthington and second by Leo Saylor, it was unanimously,

“RESOLVED: that the October 2022 Minutes be approved as attached.”

The next order of business was a review of the October 2022 Profit and Loss Statement and Warrants as attached. After discussion, upon motion of Leo Saylor and second by Rodger Bingham, it was unanimously,

“RESOLVED: that the October 2022 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:

1. Mr. Nienaber reported that he and Debbra Dedden had met on November 15, 2022, to finalize the draft of the Public Service Commission Rate Increase Application (“Application”). Mr. Nienaber reported that there were a few minor revisions to the previous application. No substantive changes were made. With the foregoing said, Mr. Nienaber requested that the District approve the filing of the final draft of the Application. After considerable discussion, upon motion of Robert Worthington and second by Greg Powell, it was unanimously,

“RESOLVED as follows:

- 1) Chairman Givin be and he is hereby authorized to execute and sign any and all documents necessary to implement the filing of the Application with the Public Service Commission. Any and all other representatives of the District are further authorized to execute any and all documents necessary to file the Application.
- 2) Mr. Nienaber is hereby directed to file the Application with the Public Service Commission.”

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2. Mr. Nienaber discussed the status of the Garrison litigation. Superintendent Harp reported that Grant County Sanitary Sewer District employees were using the originally platted access Easement located on Lot 229 of the Harvester's Subdivision, Section Six. He stated that the current homeowner of Lot 229 has issues with the Grant County Sanitary Sewer District using that platted Easement. Superintendent Harp also reported that he believes there is a utility shed and a swimming pool constructed on the Easement impeding access. Superintendent Harp stated that it does not matter to the Grant County Sanitary Sewer District which Easement is used for access to the Waller Lift Station. However, whichever access Easement is used, unrestricted access must be available. Superintendent Harp reported that the current property owner also requested that a gate be placed at the drive where the Grant County Sanitary Sewer District has been accessing the site in the recent past. Superintendent Harp stated that he would welcome the placement of a gate at the street to limit access to the Waller Lift Station. After discussion, it was recommended that Mr. Nienaber contact the District's counsel (Mr. Jeff Mando) currently representing the District in the Garrison litigation explaining this situation.
3. Mr. Nienaber inquired as to any responses to the District's Request for Qualifications for CPA's to conduct the District's annual audit. Ashley Dyer stated that she had sent out approximately 10 letters. Only one response was received, that being the District's current annual auditor.
4. Mr. Nienaber reported on Sales Tax Revisions to KRS 139.470. Mr. Nienaber reviewed with the Commissioners his November 10, 2022 report (attached) that explains many of the changes. Mr. Nienaber stated that effective January 1, 2023, the District may only exempt residential customers from sales tax on sanitary sewer bills. Previously, most residential dwellings, whether occupied by the owner or not, were exempt from sales tax. After January 1, 2023, a homeowner is only entitled to Sales Tax Exemption for sewer service to their personal residence which serves as their primary place of domicile. For example, if a customer owns a primary residence and three rental homes, the rental homes are not exempt from sales tax. In order to qualify for Sales Tax Exemption after January 1, 2023, a new customer must sign a Declaration for Domicile ("DOD"), and the District must keep the executed DOD on file for every new meter. If a customer cannot sign a DOD, or will not sign a DOD, then they must be charged sales tax. Mr. Nienaber gave a detailed summary and report on the sales tax changes. He also reported that the seminar which he attended sponsored by KRWA had very helpful information regarding these new sales tax provisions. If anyone in the office has any issues or questions relating to the effect of the Sales Tax Changes, KRWA would be more than happy to

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attempt to answer them. Mr. Nienaber did report that there are a number of issues that have not as yet been clarified with respect to the new sales tax changes. KRWA will continue to update everyone on those changes.

5. Mr. Nienaber reported on the status of the Grant County Sanitary Sewer District Ordinance No. 01-2008-613 issue with the City of Crittenden. Mr. Nienaber reviewed with the Commissioners his November 10, 2022 letter (attached) that was sent to the City of Crittenden, Mayor James Purcell. Based upon Superintendent Harp's investigation and the interpretation of the Grant County Sanitary Sewer Ordinance No. 01-2008-613, there is no validity to the Mayor's insistence that the three residences on Violet Road tap into the District's sanitary sewer system.

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

1. Mr. Hanson gave an update on the Wastewater Facility Plan ("WFP"). Mr. Hanson reported that all of the tables and exhibits for the WFP are complete. He is hopeful that the WFP will be submitted to the District for review and final action by the next meeting.
2. Mr. Stewart reported that additional Clean Water Grants ("Grants") should be coming available next year. He believes that the Grants will be able to be applied to the WFP cost. Mr. Stewart reported that the existing project profile for the WWTP Project needs to be updated. He is hopeful that grant monies can be applied for the design and engineering of the WWTP Project. Chairman Givin inquired as to whether or not the District needs to take any action with respect to next year grant monies. Mr. Stewart stated that the District should identify grant applications for planning, design, and engineering. Mr. Stewart is hopeful that the District can apply all of the grant monies for that purpose and for the WFP. HMB will assist the District in applying for any new grants.

The next order of business was a report by Superintendent Harp as follows:

1. Mr. Harp reviewed with the Commissioners his monthly Superintendent Report as attached.
2. Mr. Harp reported that the Waller Road Lift Station electric panel has been installed.

The next order of business was a report by Dianne Cook and Ashley Dyer as follows:

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1. Ashley Dyer shared with the Commissioners the draft budget. She requested that the Commissioners review the draft budget and be prepared to take final action at the next meeting.
2. Ms. Dyer reported that the next meeting is scheduled for December 20, 2022. Dianne Cook and Ms. Dyer are hereby directed to make all appropriate notifications for this change of the regular meeting.

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

GRANT COUNTY SANITARY SEWER DISTRICT

BY: 

CHARLES GIVIN, CHAIRMAN

ATTEST:



for LEO SAYLOR, SECRETARY