

**MINUTES OF THE
GRANT COUNTY SANITARY SEWER DISTRICT
NOVEMBER 2024 MEETING**

The November 2024 Meeting of the Grant County Sanitary Sewer District was called to order on November 21, 2024, at 3:00 p.m. at the District Headquarters, One Farrell Drive, Crittenden, Kentucky. Present at the meeting were the following: Commissioners Rodger Bingham, Robert Worthington, Greg Powell and Michael Duley. Also present were HR Director Ashley Dyer, Dianne Cook, Counsel Thomas R. Nienaber, HMB Professional Engineers, Inc., Mr. Benton Hanson, and Superintendent Paul Harp. Chairman Charles Givin was absent. Commissioner Robbert Worthington served as acting Chairman.

The first order of business was a review of the District's October 2024 Minutes. After discussion, upon motion of Greg Powell and second by Michael Duley, it was unanimously,

“RESOLVED: the October 2024 Minutes be approved as attached.”

The next order of business was a review of the October 2024 Warrants, Maintenance and Operating Account and Profit and Loss Statement. After discussion, upon motion of Greg Powell and second by Rodger Bingham, it was unanimously,

“RESOLVED: the October 2024 Warrants, Maintenance and Operating Account and Profit and Loss Statements 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 gave an update on the status of the Garrison litigation. Mr. Nienaber reported that there was a hearing on the Plaintiff's Motion for Summary Judgment (“MSJ”) on Wednesday, November 20, 2024. Essentially, no one showed up and nothing was accomplished. There was no settlement discussion at that time. The City of Crittenden's Attorney stated that they would follow up with their previous offers of settlement. Mr. Nienaber reviewed with the Commissioners the latest settlement proposal and the District's response. Mr. Nienaber stated that while the parties in this litigation are close, there still is no final agreement. Mr. Nienaber reported that he informed the City of Crittenden's attorney that under no circumstance would the District agree to pay the Plaintiff's attorney's fees (estimated at \$15,000.00), and/or the maintenance bill for the current dam face at \$16,500.00. Mr. Nienaber explained this to Michelle Cheek, the District's insurance company appointed counsel. Michelle Cheek did explain that our policy with KLC is a “no consent” policy which basically means the insurance provider can settle a case even if the insured (i.e., Grant County Sanitary Sewer District) does not agree with the settlement. Mr. Nienaber stated that he would keep everyone informed.

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2. Mr. Nienaber gave an update on the PFAS litigation. Nothing has occurred in that proceeding since the last meeting.
3. Mr. Nienaber gave a report on the status of medical marijuana laws in Kentucky and their potential impact on the District. Mr. Nienaber shared with the Commissioners his letter and accompanying magazine article published in KACO's monthly newsletter as attached.
4. Mr. Nienaber reported that he has spoken with Robert Miller regarding the COSS Study. At this time, Mr. Miller suggested that the District hold off on conducting its COSS Study until more information regarding project costs, construction timelines and the like are confirmed.
5. Mr. Nienaber discussed the HMB Engineering Services Agreement status. Mr. Hanson submitted a revised Agreement consistent with Mr. Nienaber's comments. The current estimated cost for engineering services is approximately \$1,035,350.00. After discussion, upon motion of Rodger Bingham and second by Michael Dukey, it was unanimously,

"RESOLVED: that Vice Chair Robert Worthington be and he is hereby authorized to execute the attached Engineering Services Agreement between the District and HMB Professional Engineers, Inc., for the WWTP Project. Chairman Givin be and he is hereby authorized and directed to execute any and all other necessary documentation."

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

1. Mr. Hanson shared with the Commissioners HMB's updated and revised opinion of probable Project costs for the WWTP Project (attached). Currently, the estimated cost for the project is \$8,000,000.00 (\$9,000,000.00 with engineering costs included). Engineering services would be in the approximate amount of \$1,035,350.00. The attached Cost Estimate reflects the impact (as well as can be expected) additional costs as a result of BABA compliance. The attached Cost Estimate also includes increases (materials, labor, etc.) since the last cost estimate was issued 18 months ago. Mr. Hanson commented that cost increases for wastewater treatment plants usually lag behind normal inflationary patterns. Although Mr. Hanson does expect some cost increases in the near future, they should not be as dramatic as those experienced in the recent past. Mr. Nienaber requested an estimated timetable as to plan completion and the like. Mr. Hanson stated that the plans and drawing should be ready for submittal to DOW by August, 2025. Approval of plans and drawings by DOW should be accomplished by December, 2025.

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A PSC Application should be ready for filing in February, 2026. Mr. Hanson reported that the current funding sources for the WWTP Project (rounded) are:

- a. Kentucky Infrastructure Authority - \$8,300,000.00
- b. Clean Water Fund I - \$115,000.00
- c. Clean Water Fund II - \$189,000.00
- d. KYWWATERS - ?
- e. District Contribution - ?

Mr. Hanson encouraged all Commissioners to contact their respective legislators for funding through the KYWWATERS program. Mr. Hanson also stated that there are loans available through KIA to fund the engineering design and planning for the project. These funds are available with a 5-year amortization at 2.5% interest. These are all loans with no debt forgiveness. These loans do not qualify for the 42% forgiveness.

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

1. Superintendent Harp reviewed with the Commissioners his Monthly Report as attached.
2. Superintendent Harp reported that the Eades Lift Station is in need of significant repair and/or replacement. He received an estimate from Smith & Loveless for a total replacement of \$135,000.00. Superintendent Harp reported that this particular Lift Station is approximately 40 years old and has more than adequately performed over the years. Its life expectancy is for all purposes over. Superintendent Harp stated that there are alternatives to complete replacement. One alternative would be to install an immersible grinder pump at a cost of approximately \$66,000.00. Superintendent Harp also stated that if the District made some minor repairs (\$15,000.00 to \$20,000.00), we could probably extend the life of the Eades Lift Station for another 5 to 10 years. Overall, Superintendent Harp recommends that the District put in a new Lift Station as opposed to repair. After discussion, Superintendent Harp will gather cost estimates for all options and report at the next meeting. Mr. Nienaber stated that if the District is going with a more expensive version (i.e., over \$40,000.00), the project would need to be advertised and bid. Mr. Hanson stated that when making a decision on replacement, safety considerations for employees should be a significant factor in the overall design and construction.

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

1. Ms. Dianne Cook submitted to the Commissioners the District's proposed next year Budget as attached. She requested that everyone review the Budget and be prepared to take final action at the next meeting. Anyone having questions regarding the budget should contact either Dianne Cook or Debbra Dedden at Morris & Bressler.
2. The next scheduled meeting is December 19, 2024.

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3.
There being no further business to conduct, upon motion and second, the meeting was adjourned.

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BY: 

CHARLES GIVIN, CHAIRMAN

ATTEST:



GREG POWELL, SECRETARY