

SPECIAL CITY COMMISSION MEETING MINUTES

Monday, May 16, 2011 Time: 7:00 PM

MINUTES, WHICH ARE PUBLIC RECORD, ARE NOTES TAKEN TO PROVIDE A SUMMARY MEMORANDUM OF MEETINGS OR HEARINGS AND CONTAIN ALL OFFICIAL ACTIONS TAKEN. MINUTES ARE NOT INTENDED TO BE A WORD FOR WORD OR VERBATIM TRANSCRIPTION OF THE MEETING.

CALL TO ORDER: Vice Mayor Marjorie Zander
PRAYER: Vice Mayor Marjorie Zander
PLEDGE OF ALLEGIENCE: Vice Mayor Marjorie Zander
QUORUM CHECK:
Vice Mayor: Marjorie Zander
Commissioners: Blanch Parker
Gabe Green

ABSENT:
Mayor: Frank Ogborn
Commissioner: Roberta Lopez

STAFF:
City Manager: John Glanzer
City Attorney: Allan H. Kaye
Minutes Recorder: Mary T. Flickinger

I. PUBLIC HEARING

A. Baskerville-Donovan, Inc. – Draft – Facilities/Capital Financing Plan

Janet McAfee, Vice President Operations, Angie Brewer & Associates, read into the record, that the purpose of this Public Meeting is to discuss and consider adoption of the City of Archer Wastewater System Facilities Plan and Capital Financing Plan. Once adopted, the City may have the opportunity to avail itself of low-cost SRF grant and loan funds for construction of all or part of the project. Adoption of these plans is a requirement to gain eligibility for the SRF program. It does not commit the City to using SRF funding, nor does it commit DEP to offer SRF funding. Janet McAfee described the proposed Wastewater System Project and went on to state that the City intends to conduct a rate study to establish the rates required for the anticipated debt as a result of this project. A preliminary estimate of potential system user rates is up to approximately \$116 per month, per customer, which would cause great hardship to utility system users. Grant funding will be applied to reduce this potential rate to a financially acceptable level. Nothing in the actions tonight is committing the City to proceed with this project if sufficient grant funds are not obtained to make the project affordable. Janet McAfee stated that we are here tonight to request approval of Resolution 2011-06, adopting the Facilities Plan and the Capital Financing Plan.

Commissioner Parker asked Attorney Kaye for his comments on the information presented.

Attorney Kaye stated that this is an important decision, and proposed waiting until all five Commissioners are available for the vote. Attorney Kaye stated that the City still does not have a signed contract, and he would feel more comfortable if this was in place.

Commissioner Parker asked City Manager Glanzer if he recommended the approval of the Resolution.

City Manager Glanzer recommended approving the Resolution. City Manager Glanzer stated that when we come to a decision to move forward with the project, all Commissioners must be satisfied that we have done everything we can to get available grant monies and we have to wait another year to get funding, we need to take the time to do this. If the pre-construction loan is not approved, all work stops and the City will have to take out a loan against its revenues to pay for the services expended to this point. If we wait a month to pass this Resolution, we could put the October grant cycle in jeopardy.

Commissioner Green asked Janet McAfee how their time-line will be affected if the approval is delayed tonight.

Janet McAfee stated that this is a separate planning requirement that has to be done so that we are eligible for grant funding in October and delay is a definite concern.

Commissioner Green asked Janet McAfee for the latest date that they could wait for this to be approved by.

Janet McAfee recommended that it be approved tonight, partly because it is not connected with the application process or to the USDA, which is the contract issue.

Commission Green asked Attorney Kaye for the approximate time required for getting the contract finalized.

Attorney Kaye strongly recommended for the City to have a contract in place before moving forward. The City has completed many contracts in the past and the Commission has never moved forward without a contract in place. Attorney Kaye stated that he is waiting for Baskerville-Donovan to accept our language in the contract.

Wayne White, Baskerville-Donovan, stated that Rural Development had to review the document. The last time they came before the Commission, they moved forward with a couple of attachments to the existing contract which gave them permission to prepare the Facilities Plan and the loan application agreement and begin the design process. Wayne White stated that he was under the impression that they had a contract with the City to move forward.

Vice Mayor Zander stated that she is not comfortable going against Attorney Kaye's recommendations and she would like for Commissioner Lopez to be present, even if Mayor Ogborn is not available.

II. CITIZENS COMMENTS

Larry Hellman, citizen, commented that he was concerned about pushing the approval back, and if there would be enough time to get the grant money. If the City waits until next year, there might be a lot of other cities applying due to the economic times.

Attorney Kaye stated that there is no signed contract in place to do any of this work and he is uncomfortable doing anything without a signed contract. Attorney Kaye stated that he has not signed off on any contract as of this juncture.

Wayne White stated that he will have the contract back to the City, with the changes made, by the close of business this Wednesday.

Attorney Kaye proposed that if City Manager Glanzer has the signed contract, and the signed attachments to the contract, he might be able to approve the contract for tonight's action by the Commission.

A five minute recess was requested while Attorney Kaye and City Manager Glanzer reviewed the contract. The meeting was called back to order by Vice Mayor Zander.

City Manager Glanzer stated that it was found that Attorney Kaye's signature was inadvertently left off when the document was approved. Attorney Kaye will not approve any amendments to the contract because he did not sign the contract.

Commissioner Lopez joined the Commission meeting in progress and asked for an update on what had taken place tonight.

City Manager Glanzer recapped that the Facilities Plan was presented to the Commission and Attorney Kaye was asked for his opinion on the document. Attorney Kaye stated that because there was no signed contract, he could not approve any action tonight. Attorney Kaye stated that if he could review the contract and the two attachments, he may be able to approve the actions that the Commission is requesting tonight. In reviewing the contract, it was found that there was no signature page with Attorney Kaye's signature on it.

Commissioner Lopez asked if Attorney Kaye was aware of this. Attorney Kaye stated that he never had a final draft of the contract.

The consensus of the Commission was to continue this action at the next Commission Meeting on May 23, 2011.

MOTION made by Commissioner Green to continue this action at the next the Commission Meeting on Monday, May 23, 2011.

SECOND made by Commissioner Parker.


MOTION CARRIED 4-0

III. MOTION TO ADJOURN

With no further business to discuss, Vice Mayor Zander called for a motion to adjourn the meeting.

MOTION made by Commissioner Parker to adjourn the meeting.

SECOND made by Commissioner Lopez.


City Manager John Glanzer


Vice Mayor Marjorie Zander