

**West Jackson County Utility District
7200 McCann Road
Biloxi, Mississippi 39532
May 27, 2021**

Regular Meeting

MINUTES

1.0 Call Meeting to Order:

The West Jackson County Utility District (WJCUD) convened the scheduled board meeting May 27, 2021 at the WJCUD general office building, 7200 McCann Road, Biloxi, MS. The meeting was called to order by Mr. Mike Montgomery, Chairman of the Board at 9:00 A.M., and it was determined that a quorum was present. A notice was posted informing the public of the meeting time. The following individuals were present:

Mr. Mike Montgomery	Chairman, WJCUD
Mr. Joe Bannister	Secretary, WJCUD
Mr. Bryan David	Commissioner, WJCUD
Mr. Andy Westfall	Commissioner, WJCUD
Mr. Josh Danos	Board Attorney, WJCUD
Mr. John Hannah	General Manager, WJCUD
Mr. Scott Ramsay	Operations Manager, WJCUD
Ms. Lori Goforth	HR Manager – Exec Admin. Asst., WJCUD
Mr. Gerrod Kilpatrick	Machado Patano
Mr. Jason Polite	Machado Patano

Members of the Public:

2.0 Pledge of Allegiance

3.0 Change to Meeting Agenda

Add 7.4 Customer Residing at 14104 Cerro Verde Drive
7.5 Customer Residing at 9705 Daisy Vestry Road

4.0 Community Input

None.

5.0 Consent Agenda

- 5.1 Reading of Previous Minutes**
- 5.2 Financial Reports**
- 5.3 Purchase Requisitions**
- 5.4 Docket of Claims Lines 1 – 32 / \$213,730.62**
- 5.5 Leak Credits**
- 5.6 Grinder Station Approvals**

Mr. David made a motion, seconded by Mr. Westfall, approving the consent agenda. Motion passed unanimously.

6.0 Old Business

6.1 Emergency Repairs Contract (<\$50,000)

Mr. Bannister made a motion, seconded by Mr. David, awarding the Emergency Services and Equipment Contract for repairs less than \$50,000 to Bottom 2 Top Construction, LLC as the lowest and best bid. Motion passed unanimously.

6.2 Misc. Utility construction & Emergency Repairs (>\$50,000)

Mr. Westfall made a motion, seconded by Mr. Bannister, awarding the Miscellaneous Utility Repairs Contract for repairs greater than \$50,000 to Bottom 2 Top Construction, LLC as the lowest and best bid. Motion passed unanimously.

6.3 Water Facilities Plan, Phase 4

Tabled.

6.4 Water Well Project

Mr. Bannister made a motion, seconded by Mr. David, approving DNP, Inc. Pay Application 2 in the amount of \$156,750.00 as recommended by Machado Patano. Motion passed unanimously.

7.0 New Business

7.1 Contract for Legal Services for Land Acquisition Assistance

Mr. Westfall made a motion, seconded by Mr. David, approving the letter of representation with Pittman Howdeshell, PLLC for legal services for Land Acquisition Assistance. Motion passed unanimously.

7.2 Acquisition of Easement from Benedict Cousins

Mr. David made a motion, seconded by Mr. Westfall, approving the purchase of 1.07 acres of real property as presented in supporting documents at or below \$3,204.00. Motion passed unanimously.

7.3 Eminent Domain Filings

Mr. Westfall made a motion, seconded by Mr. David, to direct Pittman Howdeshell to move forward with acquisition of certain real property referenced in the support documentation, through eminent domain or otherwise. Motion passed unanimously.

7.4 Customer Residing at 14104 Cerro Verde Drive

Mr. David made a motion, seconded by Mr. Westfall, to settle a disputed and doubtful claim with the lessee at 14104 Cerro Verde relating to water and sewer charges by reducing the past charges by \$711.55. Motion passed unanimously.

7.5 Customer Residing at 9705 Daisy Vestry Road

The General Manager informed the Board of an issue at 9705 Daisy Vestry Road that resulted in the customer incurring a large plumbing bill. The Board directed the General Manager to reach out to the customer.

8.0 Correspondence

Included for the Board's review was the following:

- WJCUD Punch List (2021 05 14) to Jackson County Planning Commission regarding Talla Point Phase 2
- Dennis Stieffel letter (2021 05 14) to WJCUD regarding Talla Point Phase 2
- WJCUD letter (2021 05 14) to Jackson County Planning Commission regarding Talla Point Phase 2

9.0 District Operations

9.1 Attorney Report

Updates were given on the following:

- None.

9.2 Manager Report

Updates were given on the following:

- Site Visit of Operations Manager, Scott Ramsay, and Operations Supervisor, Kevin Milstead to Memphis Equipment Company
- Review of Water Capacity and System Demand Spreadsheet

- Schematic Overall: Wastewater Facilities Plan for S. Cedar Grove, N. Cedar Grove and Porteaux Bay areas
- JCUA notification of floating solids and great at their Pump Station #21
- 2” Residential Water Meter Customers
- Elevated Tank Delay / Well Capacity Numbers

10.0 Executive Session – If So Move

None.

11.0 Other Business

12.0 Adjournment

A motion was made by Mr. David, seconded by Mr. Westfall, to adjourn the meeting at 10:38 A.M., May 27, 2021. Motion passed unanimously.



Joe Bannister
SECRETARY/TREASURER, WJCUD

ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") previously solicited competitive bids relating to the provision of Emergency Services and Equipment for Miscellaneous Utility Repairs less than \$50,000.00; and

WHEREAS, two submissions were received for these services; and

WHEREAS, the low bidder was Bottom 2 Top Construction, LLC, as indicated on the attached bid tabulation; and

WHEREAS, Staff reviewed the relevant qualifications and bids, and recommended awarding this contract to Bottom 2 Top Construction, LLC as the lowest and best bid; and

WHEREAS, the Board of Commissioners found that Bottom 2 Top Construction, LLC submitted the lowest and best bid, and awarded the contract to that entity; and

WHEREAS, since that award, a contract has been prepared to formalize the engagement;

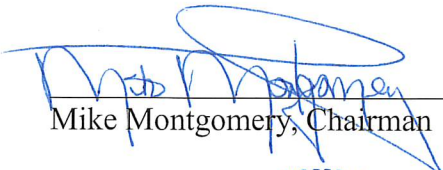
IT IS HEREBY ORDERED by the Board of Commissioners, that the attached contract with Bottom 2 Top Construction, LLC for Emergency Services and Equipment for Miscellaneous Utility Repairs less than \$50,000.00 is hereby authorized and approved.

IT IS FURTHER ORDERED that the General Manager is authorized to execute any and all documents necessary for this purpose.

The motion to approve the foregoing Order was made by Bannister, seconded by DV, and the following vote was recorded:

Chairman Montgomery Yes
Commissioner Spiers Absent
Commissioner Bannister Yes
Commissioner Westfall Yes
Commissioner David Yes

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 27th day of May, 2021.


Mike Montgomery, Chairman

ATTEST:


Amanda M. Paris



ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") previously solicited competitive bids relating to the provision of Services and Equipment for Miscellaneous Utility Repairs exceeding \$50,000.00; and

WHEREAS, two submissions were received for these services; and

WHEREAS, the low bidder was Bottom 2 Top Construction, LLC, as indicated on the attached bid tabulation; and

WHEREAS, Staff reviewed the relevant qualifications and bids, and recommended awarding this contract to Bottom 2 Top Construction, LLC as the lowest and best bid; and

WHEREAS, the Board of Commissioners found that Bottom 2 Top Construction, LLC submitted the lowest and best bid, and awarded the contract to that entity; and

WHEREAS, since that award, a contract has been prepared to formalize the engagement;

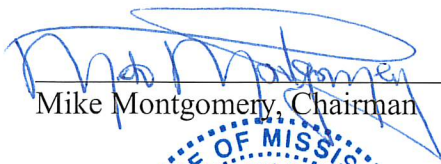
IT IS HEREBY ORDERED by the Board of Commissioners, that the attached contract with Bottom 2 Top Construction, LLC for Services and Equipment for Miscellaneous Utility Repairs exceeding \$50,000.00 is hereby authorized and approved.

IT IS FURTHER ORDERED that the General Manager is authorized to execute any and all documents necessary for this purpose.

The motion to approve the foregoing Order was made by Westfall, seconded by Bannister, and the following vote was recorded:

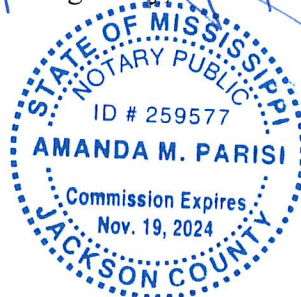
Chairman Montgomery Yes
Commissioner Spiers Absent
Commissioner Bannister Yes
Commissioner Westfall Yes
Commissioner David Yes

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 27th day of May, 2021.


Mike Montgomery, Chairman

ATTEST:


Amanda M. Parisi



ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") has entered a contract with DNP, Inc. relating to the construction of water wells within the District boundaries; and

WHEREAS, Staff requests Board consideration and approval of **Pay Application No. 2** for the amount of **\$156,750.00** as recommended by Machdo Patano; and

WHEREAS, the Board of Commissioners hereby finds that approval of this request is in the best interests of the District;

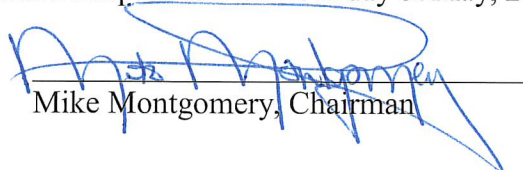
IT IS THEREFORE ORDERED by the Board of Commissioners of West Jackson County Utility District, that Pay Application 2 is hereby approved and authorized.

IT IS FURTHER ORDERED that the General Manager is authorized to execute any and all documents necessary for this purpose.

The motion to approve the foregoing Order was made by Bannister, seconded by David, and the following vote was recorded:

Chairman Montgomery YES
Commissioner Spiers Absent
Commissioner Bannister YES
Commissioner Westfall YES
Commissioner David YES

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 27th day of May, 2021.


Mike Montgomery, Chairman

ATTEST:

Amanda M Parisi



ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") intends to acquire certain parcels of real property for various projects throughout the District; and

WHEREAS, some of these acquisitions may require the District to exercise the power of eminent domain;

WHEREAS, the law firm of Pittman Howdeshell, PLLC has offered to provide legal services necessary to acquire these properties on a case-by-case basis, pursuant to the attached representation letter; and

WHEREAS, the Board of Commissioners hereby finds that retention of Pittman Howdeshell, PLLC as outlined in the representation letter is in the best interests of the District;

IT IS THEREFORE ORDERED by the Board of Commissioners of the West Jackson County Utility District that retention of Pittman Howdeshell, PLLC pursuant to the terms of the representation letter is hereby approved.

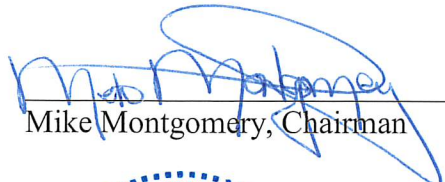
IT IS FURTHER ORDERED that Pittman Howdeshell, PLLC be authorized to move forward with acquisition of any and all properties previously ordered by the Board to be acquired by eminent domain;

IT IS FURTHER ORDERED that the General Manager is authorized to execute any and all documents necessary for this purpose.

The motion to approve the foregoing Order was made by Westfall, seconded by David, and the following vote was recorded:

Chairman Montgomery Yes
Commissioner Spiers Absent
Commissioner Bannister Yes
Commissioner Westfall Yes
Commissioner David Yes

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 27th day of May, 2021.


Mike Montgomery, Chairman

ATTEST:


Amanda M. Parisi



ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District seeks to acquire an interest in certain real property for a temporary construction easement and a permanent utility easement; and

WHEREAS, West Jackson County Utility District has identified 1.07 acres of real property (hereinafter, "the Property"), more specifically identified in the attached appraisal summary, that will be acceptable for this purpose; and

WHEREAS, pursuant to Mississippi law, purchase of real property requires the establishment of Just Compensation; and

WHEREAS, Mississippi Code Annotated Section 43-37-3 provides the process for acquisition of real property and requires a public entity to obtain an appraisal before the initiation of negotiations; and

WHEREAS, West Jackson County Utility District has obtained an appraisal of such an easement on the parcel at issue, a summary of which is attached herein and which has been delivered to the property owner; and

WHEREAS, based on the appraisal, West Jackson County Utility District finds it is in the best interests of the District to establish Just Compensation for an easement on the above property in the amount of \$3,204.00; and

WHEREAS, the Board finds that the amount of \$3,204.00 is equal to or less than the fair market value of the Property; and

IT IS HEREBY ORDERED by the West Jackson County Utility District, that "Just Compensation" for an easement across the relevant property in the amount of \$3,204.00 is hereby established, and the General Manager is hereby authorized to move forward with acquiring an easement on the Property for an amount at or below this amount.

IT IS HEREBY ORDERED by the Board of Commissioners that the General Manager is authorized to execute any and all documents required to close this transaction.

IT IS FURTHER ORDERED that Bordis & Danos, PLLC is authorized to conduct the closing.


IT IS FURTHER ORDERED that the General Manager is authorized to execute and any and all additional documentation required for this purpose.

The motion to approve the foregoing Order was made by David, seconded by Westfall, and the following vote was recorded:

Chairman Montgomery
Commissioner Spiers
Commissioner Bannister
Commissioner Westfall
Commissioner David

Yes
Absent
Yes
Yes
Yes

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 27th day of May, ~~2020~~ 2021


Mike Montgomery, Chairman

ATTEST:





ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, “the District”) intends to acquire certain interests in parcels of real property for various projects throughout the District; and

WHEREAS, some of these acquisitions include the interests described in the attached documentation;

WHEREAS, the law firm of Pittman Howdeshell, PLLC has been retained to assist in acquisition of properties such as these; and

WHEREAS, the Board of Commissioners hereby finds that acquisition of certain interests in these properties is in the best interests of the District;

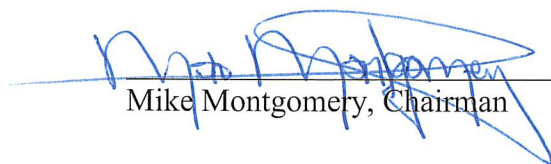
IT IS THEREFORE ORDERED by the Board of Commissioners of the West Jackson County Utility District that Pittman Howdeshell, PLLC is hereby authorized and approved to acquire the interests specified in the attached documentation pursuant to the approved retention letter.

IT IS FURTHER ORDERED that the General Manager is authorized to execute any and all documents necessary for this purpose.

The motion to approve the foregoing Order was made by Westfall, seconded by David, and the following vote was recorded:

Chairman Montgomery Yes
Commissioner Spiers Absent
Commissioner Bannister Yes
Commissioner Westfall Yes
Commissioner David Yes

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 27th day of May, 2021.


Mike Montgomery, Chairman

ATTEST:



