

**West Jackson County Utility District
7200 McCann Road
Biloxi, Mississippi 39532
November 18, 2021**

Regular Meeting

MINUTES

1.0 Call Meeting to Order:

The West Jackson County Utility District (WJCUD) convened the scheduled board meeting November 18, 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. Bryan David,	Secretary/Treasurer, WJCUD
Ms. Joan Strayham	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
Ms. Laura Davis	Accountant, WJCUD
Ms. Amanda Parisi	Assets Manager, WJCUD
Ms. Whitney McCarra	Bookkeeper, WJCUD
Ms. Donna Catalanatto	Admin Asst., WJCUD
Mr. Gerrod Kilpatrick	Machado Patano
Mr. Jason Polite	Machado Patano
Mr. Kevin Yates	Ward Engineering

Members of the Public:

2.0 Pledge of Allegiance

3.0 Change to Meeting Agenda

Pull 6.4 Cook Road Sewer, (Schedule 1)
Add 7.6 Board Meeting Dates

4.0 Community Input

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 – 65 / \$627,672.83**
- 5.5 Leak Credits**
- 5.6 Grinder Station Approvals**

Mr. David made a motion, seconded by Ms. Strayham, approving the Consent Agenda as presented. Motion passed unanimously.

6.0 Old Business

6.1 Water Well Project

Ms. Strayham made a motion, seconded by Mr. David, approving DNP, Inc. Pay Application 7 in the amount of \$171,356.25 and Pay Application 8 in the amount of \$86,117.50 as recommended by Machado Patano. Motion passed unanimously.

6.2 Water Facilities Plan, Phase 4 Contract A

Mr. David made a motion, seconded by Ms. Strayham, approving CB Developers Inc., Contract A Pay Application 6 in the amount of \$55,272.84 as recommended by Machado Patano contingent upon approval from MDOH for currently reimbursable items. Motion passed unanimously.

6.3 Water Facilities Plan, Phase 4, Contract B

Mr. David made a motion, seconded by Ms. Strayham, approving CB Developers Inc., Contract B Pay Application 6 in the amount of \$236,684.36 as recommended by Machado Patano contingent upon approval from MDOH for currently reimbursable items. Motion passed unanimously.

6.4 Cook Road Gravity Sewer, (Schedule 1)

Pulled

6.5 Settlement Agreement with John Tomsik

This item will be discussed in Executive Session.

Discussion occurred regarding sewer concerns on Moreton Place.

7.0 New Business

7.1 Wastewater Facilities Plan, Phase 3, SRF Loan C280-870-05

Kevin Yates described the project relating to SRF Loan C280-870-05.

Mr. David made a motion, seconded by Ms. Strayham, to approve and execute the loan documents relating to SRF Loan C280-870-05 in the amount of \$2,550,000.00 and authorizing the General Manager to execute any and all documents necessary for this purpose. Motion passed unanimously.

7.2 Wastewater Facilities Plan, Phase 4, SRF Loan C280-870-06

Jason Polite described the project relating to SRF Loan C280-870-06.

Mr. David made a motion, seconded by Ms. Strayham, to approve and execute the loan documents relating to SRF Loan C280-870-06 in the amount of \$9,614,962.00 and authorizing the General Manager to execute any and all documents necessary for this purpose. Motion passed unanimously.

7.3 Acquisition of Easement – PIDN 06110023.000

Mr. David made a motion, seconded by Ms. Strayham, authorizing the acquisition of an easement across PIDN 06110023.00 at or below the appraised value, and adoption of a resolution and order of condemnation in the event that cannot be accomplished. Motion passed unanimously.

7.4 Acquisition of Easement – PIDN 07155014.000

Ms. Strayham made a motion, seconded by Mr. David, authorizing the acquisition of an easement across PIDN 07155014.000 at or below the appraised value, and adoption of a resolution and order of condemnation in the event that cannot be accomplished. Motion passed unanimously.

7.5 Amendment of Capital Improvement Plan

Ms. Strayham made a motion, seconded by Mr. David, approving an amendment to the FY 2022 Capital Improvement Plan. Motion passed unanimously.

7.6 Board Meeting Dates

Mr. David made a motion, seconded by Ms. Strayham, approving a change to the District's regularly scheduled board meeting dates as follows:

Our monthly utility board meetings are on the second and fourth Thursdays of every month at 9 A.M., unless otherwise stated.

Only one meeting in November and December (3rd Thursday) due to holidays.

Motion passed unanimously.

8.0 Correspondence

Included for the Board's review was the following:

- WJCUD letter (2021 10 28) to MDEQ regarding FY 2021 Single Audit & Response Form
- WJCUD letter (2021 10 28) to MDOH regarding FY 2021 Single Audit & response Form
- Waring Oil email (2021 10 27) to WJCUD regarding Emergency Fuel Supply
- MDOH letter (2021 09 30) to WJCUD regarding Amended DWSIRLF Loan Agreement, #L300156-08-01
- WJCUD letter (2021 11 10) to J.C. Planning Department regarding REZONE 08-221-00068 Rezone request on April Bayou

9.0 District Operations

9.1 Attorney Report

Updates were given on the following:

- Executive Session will be needed

9.2 Manager Report

Updates were given on the following:

- ❖ Billing Summary attached for October 2021
 - \$762,647.14 (compared to \$738,842.09 in October 2020)
 - 8,121 active customers (compared to 8,026 in October 2020)
- ❖ Water Production - October 2021
 - 53.485 MG Production
 - 47.684 MG metered water sold
 - 4.08 MG estimated water to maintain water quality via flushing
 - Less than 3% loss
- ❖ MDOH Annual Inspection
 - Scored 5 of 5
 - Equivalent connections = 9,826; Design Capacity = 11,730
 - Percent of Design Capacity = 83.8%
- ❖ 811 Workshop in Biloxi
Attended by Scott Ramsay, Amanda Parisi and two locator techs
- ❖ Sample Site Locations @ Connections to JCUA

❖ Plat for Purchase of 1.57 Acre Parcel from Jackson County (downsized acreage)

10.0 Executive Session – If So Move

Mr. David made a motion, seconded by Ms. Strayham, to go into closed session to determine whether executive session is necessary and proper. Motion passed unanimously.

Mr. David made a motion, seconded by Ms. Strayham, to stay in executive session to discuss: Tomsik litigation and JCUA litigation. Motion passed unanimously.

Mr. David made a motion, seconded by Ms. Strayham, to approve Tomsik revisions to the agreement for the sale and purchase of easement in full and final settlement of an eminent domain claim made by the District against Tomsik in relation to PIDN 03610460.000. Motion passed unanimously.

Ms. Strayham made a motion, seconded by Mr. David, to return to open session. Motion passed unanimously.

11.0 Other Business

12.0 Adjournment

A motion was made by Mr. David, seconded by Ms. Strayham, to adjourn the meeting at 10:47 A.M., November 18, 2021. Motion passed unanimously.



Bryan David
SECRETARY/TREASURER, WJCUD

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. 7** for the amount of **\$171,356.25** and **Pay Application No. 8** for the amount of **\$86,117.50** as recommended by Machado 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 Applications 7 and 8 are 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 Strayham, seconded by David, and the following vote was recorded:

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

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 18th day of November, 2021.

Mike Montgomery
Mike Montgomery, Chairman

ATTEST:

Amanda M Parisi



ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, “the District”) has entered Contract A with CB Developers, Inc. (hereinafter, “CBD”) relating to Water Facilities Plans, Phase 4; and

WHEREAS, Staff requests Board consideration and approval of **Pay Application No. 6** for the amount of **\$55,272.84** as recommended by Machado Patano, contingent upon approval by the Mississippi Department of Health for currently reimbursable items; 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 6 is hereby approved and authorized, contingent upon approval by the Mississippi Department of Health for currently reimbursable items.

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 David, seconded by Strayham, and the following vote was recorded:

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

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 17th day of November, 2021.

Mike Montgomery
Mike Montgomery, Chairman

ATTEST:

Amanda M Paris



ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") has entered Contract B with CB Developers, Inc. (hereinafter, "CBD") relating to Water Facilities Plans, Phase 4; and

WHEREAS, Staff requests Board consideration and approval of **Pay Application No. 6** in the amount of **\$236,684.36** as recommended by Machado Patano, contingent upon approval by the Mississippi Department of Health for currently reimbursable items; and

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

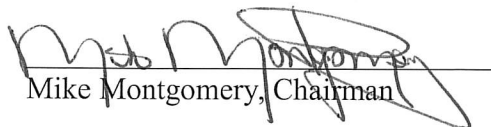
IT IS THEREFORE ORDERED by the Board of Commissioners of West Jackson County Utility District, that Pay Application 6 is hereby approved and authorized, contingent upon approval by the Mississippi Department of Health for currently reimbursable items.

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

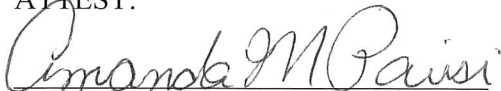
The motion to approve the foregoing Order was made by David, seconded by Strayham, and the following vote was recorded:

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

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 18th day of November, 2021.


Mike Montgomery, Chairman

ATTEST:


Amanda M. Parisi



STATE OF MISSISSIPPI
COUNTY OF JACKSON

AGREEMENT FOR THE SALE AND PURCHASE OF EASEMENT


John S. Tomsik (hereinafter "Seller"), and the West Jackson County Utility District (hereinafter "Purchaser"), hereby agree to the sale and purchase of the property described herein upon the terms and conditions set forth.

1. Property Description. A 0.22 acre Permanent Easement for a gravity sewer line, and a 0.05 acre Temporary Construction Easement on the property identified as Tax Parcel No. 03610460.000, and as described on the plat and survey attached hereto and incorporated herein.
2. Consideration. Thirty One-Thousand One Hundred Ninety and No/100 Dollars (\$31,190.00). In addition, Purchaser agrees to construct a 4" gravity sewer service to terminate with a cap at the edge of the easement when the gravity sewer main construction occurs. Purchaser also agrees to construct a ^{2.0" Ø37} water service to terminate at curb stop at the edge of Lemoyne Boulevard right-of-way when property development occurs. Tapping costs for both utility lines will be provided by Purchaser. Purchaser will waive the capacity/connection fees for both utility lines. ~~_____~~
up to 2" for water and 4" for sewage
3. Closing Date. Closing shall be at mutually convenient time within thirty (30) days from the date of this Agreement. Time is of the essence.
4. Installation. Purchaser agrees to use its best efforts to disturb the property as little as possible, and to return it, as near as possible, to the condition it was prior to the installation of the sewer line.

5. Environmental. It is understood and agreed between the parties that a portion of the property through which said easement crosses may be classified as wetlands, and that in the use of the easement, the Purchaser shall comply with all governmental regulations pertaining thereto and shall hold Seller harmless from any damages arising out of the use of such easement.

6. Full Consideration. It is agreed between the parties that the consideration named herein is in full, complete and final payment and settlement of any other claims or demands for damages accrued, accruing or to accrue to Seller, his heirs, assigns, or legal representatives, for an on account of the construction of the proposed sewer line or utility lines, change of grade, water damage, and/or any other damage, right or claim whatsoever.

AGREED, this the 15th day of OCTOBER, A.D., 2021.



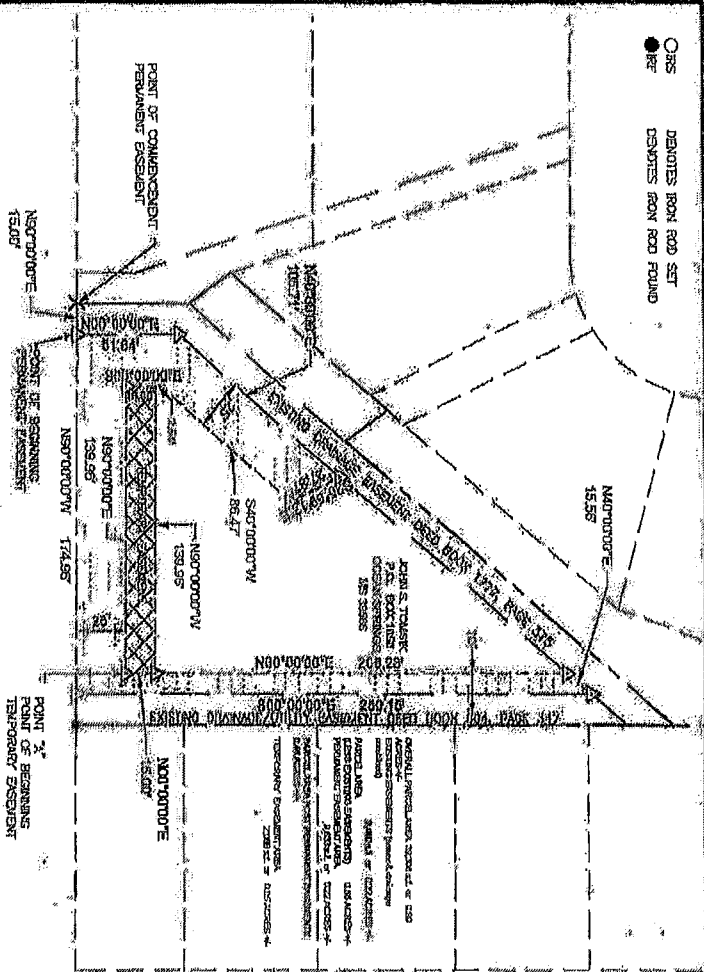
JOHN T. HANNAH, P.E. GENERAL MANAGER,
WEST JACKSON COUNTY UTILITY DISTRICT,
PURCHASER

AGREED, this the 26 day of October, A.D., 2021.



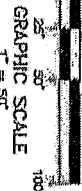
JOHN S. TOMSIK, SELLER

O/S
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 DENOTES IRON ROD FOUND



TEMPORARY EASEMENT

A Temporary Easement is hereby granted to the Jackson County Tax Parcel 035104501000 and being located in Jackson County, Tennessee, to the Jackson County Tax Parcel 035104501000 and being located in Jackson County, Tennessee, for the purpose of installing and maintaining a sewer line. The easement shall be in accordance with the plat hereon and shall terminate when the sewer line is installed and maintained.



REFERENCE MATERIAL

JACKSON COUNTY GS WEBSITE
 DEED BOOK 1085, PAGE 224

EASEMENT DESCRIPTION

A sewer easement across Jackson County Tax Parcel 035104501000 and being further described as follows:

Beginning at the south end of the road located in Jackson County, Tennessee, and being more particularly described as follows:

The easement shall be in accordance with the plat hereon and shall terminate when the sewer line is installed and maintained.

SURVEYOR CERTIFICATION

BEARINGS SHOWN ON THE PLAT OF THIS SURVEY ARE TRUE BEARINGS BASED UPON GPS OBSERVATIONS USING EARL DUDLEY VRS FOR NET GPS NETWORK.

THIS IS TO CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND DELINEATED THE SAME AS A CLASS "B" SURVEY. SURVEY COMPLETED ON 05/06/2021.

PAUL ANTHONY TILES PLS. #3172

DATE

PREPARED BY



McHardy Pittano
 516 Poplar Ave., Suite 100
 Jackson, Tennessee 39201
 Phone: 661-222-5555
 Fax: 661-222-5556
 Email: info@mpsurvey.com

SEWER EASEMENT AND DESCRIPTION
 PREPARED FOR: WEST JACKSON COUNTY
 UTILITY AUTHORITY
 FOR TAX/PARCEL: 035104501000
 JACKSON COUNTY
 TENNESSEE

SD-01

ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") intends to construct pollution control facilities; and

WHEREAS, in order to fund these improvements, the District has elected to utilize state revolving loan funds in the amount of \$2,550,000.00; and

WHEREAS, to access these funds, the attached loan documents must be executed; and

WHEREAS, the Board of Commissioners hereby finds that approval and execution of the loan documents is in the best interests of the District;

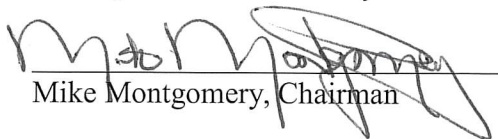
IT IS THEREFORE ORDERED by the Board of Commissioners of West Jackson County Utility District, that the SRF C280-870-05 loan documents are hereby approved.

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 David, seconded by Strayham, and the following vote was recorded:

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

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 18th day of November, 2021.


Mike Montgomery, Chairman

ATTEST:


Amanda M. Parisi



ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") intends to construct pollution control facilities; and

WHEREAS, in order to fund these improvements, the District has elected to utilize state revolving loan funds in the amount of \$9,614,962.00; and

WHEREAS, to access these funds, the attached loan documents must be executed; and

WHEREAS, the Board of Commissioners hereby finds that approval and execution of the loan documents is in the best interests of the District;

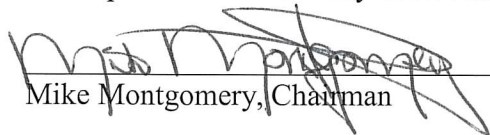
IT IS THEREFORE ORDERED by the Board of Commissioners of West Jackson County Utility District, that the SRF C280-870-06 loan documents are hereby approved.

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

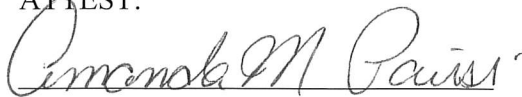
The motion to approve the foregoing Order was made by David, seconded by Strayham, and the following vote was recorded:

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

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 18th day of November, 2021.


Mike Montgomery, Chairman

ATTEST:





ORDER NUMBER _____

WHEREAS, the West Jackson County Utility District (hereinafter, "the District") adopted a Seven Year Capital Improvement Plan (hereinafter, "the Plan"); and

WHEREAS, Staff requests Board consideration and approval of an amendment to the Plan as indicated in the support documentation; and

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

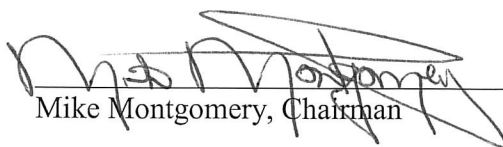
IT IS THEREFORE ORDERED by the Board of Commissioners of West Jackson County Utility District, that the attached amendment of the Plan is hereby approved and authorized.

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

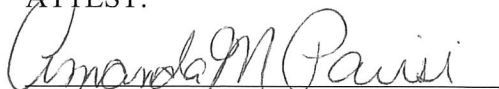
The motion to approve the foregoing Order was made by Straham, seconded by David, and the following vote was recorded:

Chairman Montgomery _____
Commissioner Spiers Absent
Commissioner Straham _____
Commissioner Westfall Absent
Commissioner David _____

WHEREUPON, the Board of Commissioners of West Jackson County Utility District, declared the motion carried and the Order adopted this the 18th day of November 2021.


Mike Montgomery, Chairman

ATTEST:





JACKSON COUNTY, MISSISSIPPI
WEST JACKSON COUNTY UTILITY DISTRICT

RESOLUTION AND ORDER TO CONDEMN

Upon careful consideration, the West Jackson County Utility District (hereinafter "District"), acting by and through its Board, has determined it to be in the best interests of the residents of the District and the County to acquire certain easement rights from private landowners whose property is located within District limits to provide enhanced utility services. To accomplish this project, the District finds it necessary to acquire for public use a portion of PIDN 06110023.000, being a 4,171 square foot easement from Narcissie Payton, or their successors in title, and/or other parties interested in said property, as shown on the plans for said project, which plans are made a part hereof by reference.

Being unable to agree with the owner(s) and/or other parties interested in said property, the District, after solemn due consideration, does hereby declare said property necessary for the public use, and orders that it be condemned. Further, the District authorizes and requests its attorneys and/or other professionals to institute any and all condemnation proceedings necessary to acquire the property described herein for the public use referenced.

The above and foregoing Resolution and Order to Condemn was introduced by David, seconded by STRAYHAM and was adopted by the following vote, to-wit:

Yeas:
Bryan David
Joan Strayham
Mike Montgomery

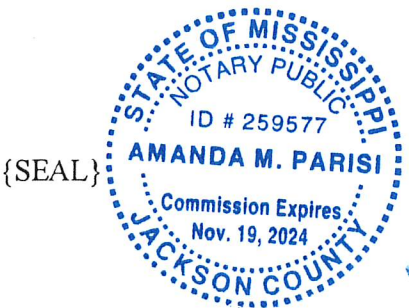
Nays:

Absent:
Curtis Spiers
andy westfall

The Chairman hereby declared the Motion carried and the Resolution and Order to Condemn was adopted, this the 18th day of NOVEMBER, A.D., 2021.

Mike Montgomery
Chairman

Amanda M Parisi
Notary Public



JACKSON COUNTY, MISSISSIPPI
WEST JACKSON COUNTY UTILITY DISTRICT

RESOLUTION AND ORDER TO CONDEMN

Upon careful consideration, the West Jackson County Utility District (hereinafter "District"), acting by and through its Board, has determined it to be in the best interests of the residents of the District and the County to acquire certain easement rights from private landowners whose property is located within District limits to provide enhanced utility services. To accomplish this project, the District finds it necessary to acquire for public use a portion of PIDN 07155014.000, being a 4,319 square foot easement from Bich Thi Nguyen and Sally S. Nguyen, or their successors in title, and/or other parties interested in said property, as shown on the plans for said project, which plans are made a part hereof by reference.

Being unable to agree with the owner(s) and/or other parties interested in said property, the District, after solemn due consideration, does hereby declare said property necessary for the public use, and orders that it be condemned. Further, the District authorizes and requests its attorneys and/or other professionals to institute any and all condemnation proceedings necessary to acquire the property described herein for the public use referenced.

The above and foregoing Resolution and Order to Condemn was introduced by Strayham, seconded by David, and was adopted by the following vote, to-wit:

Yeas:
Bryan David
Jean Strayham
Mike Montgomery

Nays:

Absent:
Curtis Spiars
Andy Westfall

The Chairman hereby declared the Motion carried and the Resolution and Order to Condemn was adopted, this the 18th day of NOVEMBER, A.D., 2021.



[Signature]
Chairman

Amanda M Parisi
Notary Public