

Minutes
Bluff City Board of Mayor and Aldermen
Special Called Meeting
March 21, 2013

Mayor Wells called the meeting to order at 5:30 p.m.

Members present were Melvin Carrier, Robert Miller and Lon Gene Leonard.

Bryan Mullins and Sheena Cornwell were absent.

Also present: City Attorney Paul Frye and City Engineer Dave Wilson.

Prayer was given by Fred Lowry followed by the Pledge of Allegiance.

Mayor Wells opened the floor for Citizen Comments -- First Section. No comments.

Mayor Wells opened the floor for Discussion / action for sewer line extension Hwy 19-E for John Bland. City Engineer Dave Wilson discussed a letter in reference to the location of a sewer hookup located on Mr. Bland's property. Mr. Wilson stated that a tap was left at the bottom of his property which is approximately 170 to 200 feet from the building. Mr. Wilson stated that they tried to, by convenience, locate a tap where it is best for the customer to hook on, but at the time of the sewer project they worked on the impression that he (Mr. Bland) had not signed up for a tap. Mr. Wilson stated that at the time they did the minimum obligation of the work and left a tap at the bottom corner of the property. John Bland stated that he had tried to pay for the tap when they were offered for \$500 and was told that the service was not available. Mr. Bland stated that the quote Dave Wilson came up with would be \$12 per foot if the city did the work and his plumber could do it for \$11 per foot. Mr. Bland stated that he proposed to pay the \$500 tap fee and the \$1500 it will cost to go from his office to the tap and the city pay \$1,870 to run it from that point. Mr. Bland stated that Judy (Dulaney) told him that this would not happen that they would apply the tap fee toward the connect fee and he will pay all of it.

City Attorney Paul Frye stated that at the last meeting they had requested him to look into who would pay for the extension and the user would pay for the extension when they paid for the tap fee that would be applied to the cost and anything over the tap fee the user would pay. Mr. Bland stated that Judy had told him he could use anybody he wanted that the city did not have to do it. Mr. Frye stated that the city would have to approve that. Alderman Carrier stated that he had a letter from Mr. Wilson that stated that he recommends that the city extend the 4" service approximately 170 feet. Mr. Carrier stated that he felt that the city should do that. Mr. Carrier stated that he felt that we should deduct the amount that Mr. Bland had paid for his minimum bill from the tap fee. City Attorney Paul Frye stated that several people had paid that rather than connecting to the sewer and what the ordinance says is what they have to follow. Mr. Carrier stated that they were the governing body and they could change that. Mr. Frye stated that they would have to change it for everybody. Alderman Miller stated that it would have to go through 2 readings. Vice Mayor Leonard stated that this would drag it out 2 more months. Mr. Leonard asked Mr. Frye if what he was saying was if he pays the tap fee of \$1,970 we apply it to the cost with the city doing the work. Mr. Frye stated yes with the city doing the work or contracting it, and if there is anything above the tap fee, the customer would pay the difference. Mr. Bland stated that if they approve the extension he can have it started the next day. Mr. Frye asked him if he had paid the tap fee. Mr. Bland stated that Judy had told him he did not need to, he could go ahead and run the sewer line and if the line cost more than the tap fee he obviously did not have to write a check for \$1,950 because it is going to cost him \$3,400 to do it. Mr. Frye stated that he was going to have to pay the \$1,970 tap fee regardless and that amount would be credited on what the project costs. Mr. Bland stated that if he has the city do it then they can

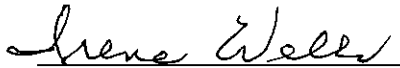
work with the credit thing but if he goes the private route then he will have to write him a check. Mr. Bland stated that Judy told him if he has his plumber do it then the city has no liability. Mr. Frye stated if the comptroller is okay with that he was fine with it. Alderman Carrier made a motion to have the city run the line to his property line and he pay a \$500 tap fee. Alderman Miller stated that the board lacks the authority to make up tap fees for people. Mr. Bland stated apparently we do not have the latitude in this board to make exceptions to the rule. City Attorney Paul Frye stated that State law will not allow you to do that, as we are audited and everybody pays the same tap fee. Alderman Carrier made another motion to have the city run the line to his driveway. Mayor Wells asked Mr. Frye if he said that that was not legal. Mr. Frye stated that was correct. There was no second. Alderman Miller made a motion that the property owners cost of extending the sewer line be deducted from the tap fee. Mr. Bland stated that if that was the best he could get then let's roll with it. Mr. Bland asked that he receive something in writing. Mr. Frye stated that it would reflect in the minutes of this meeting. Second by Vice-Mayor Leonard. Vote was as follows: Alderman Carrier-No, Alderman Miller-Yes, Vice Mayor Leonard-Yes. Motion failed. Mr. Bland asked Alderman Carrier to reconsider and vote yes.

City Attorney Paul Frye reported that they would need a motion to reconsider and Alderman Carrier would have to make the motion. Motion to reconsider was made by Alderman Carrier. Second by Alderman Miller. Vote was as follows: Alderman Carrier- Yes (Under protest) Alderman Miller-Yes, Vice Mayor Leonard- Yes. Motion carried.

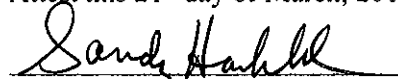
City Attorney Paul Frye reported that they now needed a motion to approve the project. Motion to approve was made by Alderman Miller. Second by Vice Mayor Leonard. All in favor.

Mayor Wells opened the floor for Citizen Comments- Second Section. No comments.

With no other business, Mayor Wells adjourned the meeting at 6:01 p.m.


Irene Wells, Mayor

Attest this 21st day of March, 2013


Sandy Harkleroad, City Clerk