

# ARCH CAPE SANITARY DISTRICT MINUTES

20 September 2019

A quorum was present.

Sanitary Board: Ron Schiffman, President  
Darr Tindall, Vice President  
Chris Anderson  
Carl Matson  
Bill Campbell - (by telephone)

Excused absent: Debra Birkby (non-voting), Sanitary District Treasurer

Public: David Stockton  
Jeannie Stockton  
Charles Heward

Staff: Phil Chick, District Manager  
Steve Hill, Secretary

Mr. Ron Schiffman called the meeting to order at 6:50 pm.

**Public Comment:** None.

**Agenda & Consent Agenda:** Addition of an executive session to the agenda, and addition of DEQ Clean Water State Revolving loan Fund to the agenda Ms. Tindall moved acceptance of the agenda as amended and the consent agenda which was seconded by Mr. Anderson. Ms. Tindall, Mr. Anderson, Mr. Matson and Mr. Campbell voted yes. Mr. Schiffman abstained. Motion carried.

## Old Business:

**Membrane Replacement:** (Action) Mr. Chick reported that we would receive the new membranes at the end of October. Mr. Curt McLeod of Curran – McLeod recommended using Bob McEwan Construction as the sole source contractor for the current membrane replacement work given their experience in the initial installation, resulting in savings in cost and time. This will require a bid exemption process, as outlined in the attached memo from CMI Engineering.

Ms. Tindall moved acceptance of CMI's recommendation and the drafting of a resolution for consideration in the October meeting as the sole source contractor which was seconded by Mr. Anderson. All in favor. Motion carried.

Mr. Chick indicated that a notice announcing the intention to exempt the project from competitive bidding would be placed in the Daily Journal of Commerce.

**SCADA Update:** (Information) Mr. Chick indicated that the SCADA software upgrade work would occur in the second week of October.

Mr. Chick also said that he would be away from Arch Cape in the first week of October.

**Website:** (Information) Mr. Hill reported additional progress on his site as well as the 'sandbox' site with Streamline for comparison by the board. For either site, additional posting of minutes and director bio-sketches is needed. Mr. Hill expressed his appreciation for the photo contributions made by community members.

Mr. Anderson moved adoption of Mr. Hill's website for the districts which was seconded by Ms. Tindall. All in favor. Motion carried.

**Natural Hazard Mitigation Plan (NHMP):** (Information) Mr. Campbell indicated that a determination was being made by the county for the risks associated with eight (8) different types of natural disasters and the ways those risks could be mitigated.

**Wastewater Plant Access Road Easement:** (Information / Action)

**The Board entered into Executive Session to conduct deliberations with persons designated to negotiate real property transactions provided for by ORS 192.660 (2)(e) and to consider information or records that are exempt from disclosure by law, including written attorney advice provided for by ORS 192.660 (2)(f) at 7:10pm and ended executive session at 7:42pm**

The meeting was reconvened at 7:43pm

Mr. Anderson moved to have Mr. Chick request an engagement letter from the firm of Schwabe, Williamson & Wyatt regarding easement access to the wastewater treatment plant which was seconded by Ms. Tindall. All in favor. Motion carried.

**New Business:**

**Watershed Purchase - DEQ Clean Water State Revolving Loan Fund:** (Information) Interest was expressed in having the sanitary district apply for watershed purchase funding on behalf of the water district. The rules of the loan program do not permit water districts to apply, but the program is available to sanitary districts. An effort will be made to have the Department of Environmental Quality speak to this at the November 14 Forest Finance Committee Work Session.

**Reports:**

**Accounts Receivable:** Mr. Hill reported that receivables were in excellent condition.

**District Manager's Report:** (attached)

**Treasurer's Report:** None

**Board Comments:** Ms. Tindall expressed her appreciation for Mr. Hill's efforts with the website and Mr. Chick's work on the watershed purchase and easement issues.


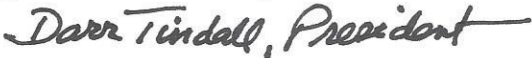
**September Agenda Items:** SCADA update, website update, membrane and screen replacement, resolution for single source contract for membrane installation, public records policy, and Schwabe.

**Public Comment:** None

The meeting was adjourned by Mr. Ron Schiffman at 7:52 pm.

Respectfully submitted,

  
Steve Hill

Attest   
for Mr. Ron Schiffman, President  


September 11, 2019

CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS  
6655 S.W. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223

Mr. Phil Chick, District Manager  
Arch Cape Sanitary District  
32065 East Shingle Mill Lane  
Arch Cape, OR 97102

**RE: ARCH CAPE SANITARY DISTRICT  
EXEMPTION FROM COMPETITIVE BIDDING  
FLAT PLATE MEMBRANE INSTALLATION**

Dear Phil:

As you are aware, the Sanitary District is in the process of replacing the Kubota Membranes at the Wastewater Treatment Facility and anticipate the membranes to be delivered in October. The effort to install the membranes is a specialized task that would benefit by using a contractor that is experienced with your system. As a result, we are recommending the District adopt findings to exempt this project from competitive bidding. This will permit the District to negotiate the work with Mike McEwan from Bob McEwan Construction.

Mike McEwan was the successful bidder (and the only bidder) on a publicly advertised project with similar project scope in 2013, when additional membranes were added to the treatment facility. His familiarity with the District and specialized experience in handling the membranes would benefit the District in time and cost savings and avoid potential conflicts in the installation.

A competitive bid exemption must comply with ORS 279C.335 (2) and OAR 137-049-0630 for construction of a public works improvement. The statutes permit the local contracting agency, the Arch Cape Sanitary District, to award a contract without competition upon adoption of findings that support negotiations with a contractor.

The District must give public notice of the competitive bid exemption in a publication with statewide circulation and provide a fourteen-day protest period before awarding the contract. We recommend the advertisement be placed in the Daily Journal of Commerce a minimum of 14 days prior to the regular October Board meeting.

The following is a sample text to be included in a notice published prior to negotiating a construction contract:

*In accordance with ORS 279C.335 and OAR 137-049-0630 the Arch Cape Sanitary District hereby provides notice that at the regular Board Meeting of \_\_\_\_\_, the Board intends to adopt findings to exempt from competitive bidding, a project to install flat plate membranes and a mixer unit at the Wastewater Treatment Plant.*

Mr. Phil Chick  
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*Any protests of this competitive bid exemption must be submitted by \_\_\_\_\_, addressed to the Arch Cape Sanitary District, Attn: Mr. Phil Chick, Manager, at 32065 East Shingle Mill Lane, Arch Cape, OR 97102.*

The following is suggested wording to adopt findings to support the competitive bid exemption at the Board meeting:

*“WHEREAS, the Arch Cape Sanitary District on (date of publication) published in the (name of publication) a notification of intent to exempt membrane and mixer installation at the Wastewater Treatment Filtration membranes from competitive bidding; and*

*WHEREAS, no protests were filed with the District in the time allotted per the statute; and*

*WHEREAS, pursuant to ORS 279C.335 it is the finding of the District that the project requires specialized experience for a successful installation; and*

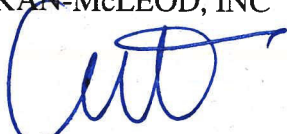
*WHEREAS, there is a very limited local contracting community that has the experience to install flat plate membranes, now therefore;*

*BE IT RESOLVED, pursuant to ORS 279C.335 it is the finding of the ARCH CAPE SANITARY DISTRICT that for reasons of specialized experience and previous performance, the public contract for installation of flat plate membranes and mixer unit at the Wastewater Treatment Plant are exempt from competitive bidding.*

The District has completed several sole source processes over the past 6 years as a result of having a very specialized treatment process. This is the first time the District has implemented the provisions from the statutes to exempt a public works project from competitive bidding. This project is relatively small and should be completed within a few weeks after award. A contractor should be under contract by late October to complete the installation.

Following advertisement and approval of the resolution the District will be able to negotiate the installation with Mike McEwan. This process will save time and minimize both construction and engineering costs.

Very truly yours,  
CURRAN-McLEOD, INC



Curt J. McLeod, PE

## Manager Report September 20, 2019

### SANITARY:

We received 1.9” of rainfall in August and the plant received 1.9 Million Gallons of wastewater influent.

The Biosolids field was mowed for the last time this year. Biosolids were hauled and spread in early September. We should hopefully not have to move biosolids again until late October.

Generators are scheduled for annual maintenance later this month.

Irrigation Site Work continues. Irrigation season will continue until November 1<sup>st</sup>.