

Bullock Pen Water District  
Minutes  
September 18, 2025

**MINUTES OF THE  
BULLOCK PEN WATER DISTRICT  
SEPTEMBER 2025 MEETING**

The September 2025 meeting of the Bullock Pen Water District was called to order on September 18, 2025, at the hour of 1:00 p.m. Those in attendance were Superintendent Paul Harp, Chairman Charles Givin, Commissioners Bryan Slaughter, William Wethington, Andrea Walton, and Rodger Bingham. Also present were Counsel Thomas R. Nienaber, HMB Professional Engineers, Inc., Mr. Benton Hanson, and Ashley Dyer.

The first order of business was a review of the August 2025 Minutes. Commissioner Slaughter asked if he could add an amendment to the Minutes. Specifically, Mr. Slaughter wants the Minutes to reflect that Senator Gex Williams wanted smaller Water Districts throughout the state to shut down their Water Treatment Plants. Superintendent Harp stated that he interpreted Senator Williams' comments to mean that Senator Williams wanted small water plants to shut down to consolidate with other Districts. Commissioner Wethington wanted clarification. It is his understanding that Senator Williams wants smaller Water Districts throughout the state to consolidate Water Treatment Plants and not consolidate the actual Water Districts. Commissioner Walton stated that she interpreted Senator Gex Williams' comments to mean he wants Districts to share in funding for new Water Treatment Plant projects. All Commissioners agreed that Senator Williams wants regionalization. Chairman Givin stated based upon comments made by Robert Miller in his meeting with Chairman Givin, he believes that the Water District already is a regional Water District. After several comments and considerable discussion, it was agreed that the Minutes be amended to add "Senator Gex Williams commented that there are 180(±) Water Districts in the 120 counties in the state. Senator Williams wants regionalization of Water Districts and that Water Treatment Plants be consolidated and not Districts."

After considerable discussion, upon motion of Bryan Slaughter and second by Andrea Walton, it was unanimously,

"RESOLVED: that the August 2025 Minutes be approved as amended."

The next order of business was a review of the August 2025 Profit and Loss Statement and Warrants. After discussion, upon motion of William Wethington and second by Andrea Walton, it was unanimously,

"RESOLVED: the August 2025 Warrants and Profit and Loss Statement be and the same are hereby approved as attached."

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Chairman Givin recognized two visitors, Michelle Ballard and Dot Soutar. Chairman Givin inquired as to whether they had any comments and both stated no. Superintendent Harp stated that he spoke with Jason Chastine who intended to come to discuss Charles Givin Drive and Carla Court issues. Superintendent Harp stated that Mr. Chastine was not going to be present.

The next order of business was a report by Counsel Thomas R. Nienaber as follows:

1. Mr. Nienaber gave a report on the status of the Garrison litigation. Mr. Nienaber shared with the Board a memo from Michelle Cheek and James Womack dated September 12, 2025. Therein, Michelle Cheek recounted her phone conversation with Mr. Brandon Voelker, counsel for the City of Crittenden. Mr. Nienaber reported that as a follow-up to Michelle Cheek's memo, he spoke with her on the phone. Apparently, Mr. Voelker had no knowledge of any prior settlement negotiations which have occurred between the District and the City of Crittenden. This is rather odd in the sense that there have been two previous Mediation sessions wherein settlement was in fact discussed. Ms. Cheek reported that she told Mr. Voelker that the impediment to any final resolution is the City of Crittenden's demand that the District and the Grant County Sanitary Sewer District take over responsibility for any future erosion or stability issues with the dam. I expressed to Ms. Cheek that this is totally unacceptable. Ms. Cheek also discussed with Mr. Voelker the fact that the Kentucky Department of Dam Safety has **not** issued any report or come to any conclusion that there are dam stability issues at this point. Indeed, Ms. Cheek spoke with the individual who penned the original report regarding the dam. He confirmed with Ms. Cheek that no such conclusions have been made. Ms. Cheek reported that Mr. Voelker suggested the parties collectively pay for an expert to test the dam's stability. Ms. Cheek believes this would appease Mayor Purcell moving forward. Mr. Voelker was going to discuss that issue with the Mayor and get back to Ms. Cheek. As Ms. Cheek summarized in her memo, "it seems like we are talking in circles." I concur with her analysis. It does not seem to me that under any circumstance, Mayor Purcell and the City of Crittenden would be satisfied with any type of arrangement as settlement. With that conclusion, I recommended to Ms. Cheek that the District approve settling this matter for trial. With the foregoing said, the Board concurred with my conclusion and authorized Mr. Nienaber to contact Michelle Cheek to move forward in obtaining a trial date. Mr. Harp stated that it is his understanding that the City of Crittenden will take over the dam if the District uses exclusively the "Garrison Easement" which extends over the driveway to the residential lot occupied by the Garrisons. Mr. Harp stated that this would be problematic in that the District needs full access to the Waller Drive Lift Station on an emergency basis. If indeed an emergency arose, and the Garrisons had cars (or some other impediment) in the driveway, the District would be prevented from accessing the Waller Lift Station. That is unacceptable. Mr. Nienaber will report at the next meeting.
2. Mr. Nienaber reported that there have been no new developments in the PFAS litigation.

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3. Mr. Nienaber reported that Stoll, Keenon & Ogden, Mr. Gerald Wuetcher, signed the Engagement Letter, as did the District. Mr. Nienaber stated that there was a meeting earlier in the week with Mr. Wuetcher, Chairman Givin, and Superintendent Harp.
4. Mr. Nienaber reported that the PSC entered an Order establishing a new proceeding before the PSC. This proceeding is being handled by Mr. Gerald Wuetcher. Mr. Nienaber reported that the City of Crittenden has intervened in the case. Commissioner Wethington inquired into why the City would intervene. Mr. Nienaber stated that by intervening, the City of Crittenden will be entitled to receive all information entered into the Record in that proceeding. Intervention also authorizes the City of Crittenden to request information. Superintendent Harp reported that he is in the process of filing a Response to the PSC's Request for Information.
5. Mr. Nienaber reported that an informal meeting was held with Superintendent Harp, Chairman Givin, and Robert Miller regarding his Financial Analysis. Commissioner Wethington inquired as to whether or not the preliminary Financial Analysis is complete. Mr. Nienaber reported that Robert Miller has prepared a preliminary Analysis which is not yet complete. Chairman Givin stated that once the Financial Analysis is complete, he would like to call a Special Meeting of the District to discuss the Financial Analysis. This would give Robert Miller the opportunity to walk the District through the Financial Analysis. It would also allow the public-at-large to attend and ask questions. Commissioner Wethington inquired into whether or not this report is from KRWA. Mr. Nienaber stated that Robert Miller is associated with KRWA, however, his financial analysis is being conducted as an independent unbiased analysis. Commissioner Wethington stated that he wants to see a copy of the report before it is made public. He wants to insure that the Report covers all issues. Mr. Nienaber stated that in his preliminary meeting with Robert Miller, the District was assured that the analysis was being conducted on an independent basis and that it would cover all issues. Mr. Nienaber stated that he will contact Robert Miller to see if a copy of the final Financial Analysis can be reviewed by the District before it is disclosed to the public-at-large.
6. Superintendent Harp reported on an issue which has come up at the Sherman Mobile Home Park ("MHP"). Specifically, Superintendent Harp shared with the Board several pictures of trees which are growing next to meters and over water mains within the MHP. There are approximately 6 trees (mature) that are interfering with meters and water lines at the MHP. These trees were planted over existing water lines several years ago and/or adjacent to existing meters. They were not planted by the District. Superintendent Harp inquired as to who is responsible for removing the trees and fixing the meters and water line. Mr. Nienaber inquired as to whether or not the District has an Easement for the water line and/or the water meters. Superintendent Harp shared with the Board a plat of the MHP. It does not appear as though there are any dedicated easements on the plat. Superintendent Harp stated that he visited the Grant County Clerk's office to see if there was an independent Easement recorded. He could not find one. Superintendent Harp stated that he wants the trees removed so that the water meters and main water line can be

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maintained. The 6 trees are mature and would require removal by professionals. The District does not have the manpower or equipment to remove the trees. Mr. Nienaber stated that he would recommend the District inform the MHP owner that they are responsible for removing the trees. Superintendent Harp stated that he would like them to remove the trees to about 2 to 3 feet above ground. The District will take care of removing the remainder of the tree and tree stump as this would require special attention. Commissioner Wethington inquired as to whether or not the District could reroute the water lines. Superintendent Harp indicated that this option would probably not be feasible as part of the main line is under the existing streets. A considerable discussion followed. Thereafter, upon motion of William Wethington and second by Rodger Bingham, it was unanimously,

“RESOLVED: that the District extend to the MHP owner the option to enter into a compromised settlement as follows:

- a. The MHP shall remove 6 trees at the MHP cost.
- b. The trees should be cut to 2’ to 3’ above ground in order for the District to remove the stumps at District cost.
- c. The District will repair the main water line and relocate meters and lines, as necessary at the District’s cost.
- d. The MHP should be required to execute all appropriate Easements for recording in the Grant County Clerk’s Office insuring appropriate easements for water lines and meters.
- e. Should the MHP reject this settlement proposal, the District would take the position that the MHP is responsible for all costs of line repair/replacement; meter repair/replacement; and all tree removal.”

The next order of business was a report by HMB Professional Engineers, Inc., Mr. Benton Hanson, as follows:

1. Mr. Hanson had nothing new to report.

The next order of business was a report by Superintendent Harp as follows:

1. Superintendent Harp shared with the Board his monthly Superintendent Report as attached.
2. Superintendent Harp reported that he attended a phone conference meeting with Fish & Wildlife representatives and representatives from Kentucky Engineering Group. Fish & Wildlife said that nothing has happened since the last meeting. Everyone is waiting for Robert Miller’s financial analysis.
3. Commissioner Wethington inquired as to water levels at Bullock Pen Lake given the recent drought. Superintendent Harp stated that pool levels at Bullock Pen Lake are

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consistently between 760.8 and 761 feet. This is 1” to 4” below pool level. Apparently, the severe drought which the area is experiencing has not had any significant effect on lake levels.

4. Superintendent Harp reported that he has placed an order for a new District service truck. It is a Chevrolet 3500 pick-up. It is being purchased through the State Purchasing System.
5. Commissioner Slaughter stated that he has heard there were several taste and odor complaints from District customers. Superintendent Harp confirmed that issue. He stated that water quality has not been affected. He replaced a carbon feeder at the WTP to address the issue. Superintendent Harp reported this issue emphasizes the fact that the District needs a new WTP. The raw water pump currently being used at the WTP is a small replacement pump. The primary raw water pump is running very slow. If something were to happen to the WTP of a more serious nature, the District could encounter issues providing water to its customers. Superintendent Harp reported that he has emergency plans in place. He indicated that there is a submersible raw water pump on site. He is going to pull it out of storage to see if it would offer any solution to the current raw water pump issue.
6. Superintendent Harp reported that he heard from a developer who wants to develop a tract of real estate behind Grant County Oil at the Crittenden interchange. Superintendent Harp stated that he contacted the developer and invited them to attend our next monthly meeting for the purpose of determining if the District could provide water service. Superintendent Harp commented that there was an issue with the Grant County Sanitary Sewer District. Apparently, someone informed Judge Executive Chuck Dills that the Grant County Sanitary Sewer District told the developer that there was not sufficient sanitary sewer service available for any development. This “rumor” is unfounded. Superintendent Harp reported that the Grant County Sanitary Sewer District is going to invite the developer to its next regular meeting to discuss the proposed development and the availability of sanitary sewer service.

The next order of business was a report by Ashley Dyer. Amy Ruark was absent.

1. Ms. Dyer reported that she received word from Chamberlin & Owen that the fee for the upcoming year-end annual audit is going to increase from \$14,200.00 (2024 rate) to \$17,000.00 to \$18,000.00 (2025 rate). Ms. Dyer reported that the last RFP was issued approximately 3 or 4 years ago. Ms. Dyer read some of the reasons which Chamberlin and Owen had cited for the increase in cost. Mr. Nienaber also stated that he has heard from other governmental entities that the cost of required annual audits is increasing. Mr. Nienaber stated that there are very few accounting firms that will get involved in conducting required annual audits for governmental entities citing additional regulations; required accounting procedures; lower rates which can be charged; etc. Mr. Nienaber stated that the District conducted an RFP several years ago and only received one

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response, that being Chamberlin & Owen. After considerable discussion, upon Motion of William Wethington and second by Bryan Slaughter, it was unanimously,

“RESOLVED: that the District prepare a Request for Proposals seeking responses from qualified certified public accountants to conduct the District’s upcoming required annual audit. Mr. Nienaber is hereby authorized to prepare an RFP for that purpose.”

Mr. Nienaber stated that Chamberlin & Owen conducts governmental entity annual audits for several governmental entities in the Northern Kentucky area. Mr. Nienaber cautioned the District that if an RFP is advertised, Chamberlin & Owen could conceivably elect not to respond thereby leaving the District without a qualified auditor.

4. Ms. Dyer reported that the next meeting is scheduled for October 23, 2025.

There being no further business to conduct, upon motion and second, the meeting was adjourned.

BULLOCK PEN WATER DISTRICT

BY:   
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CHARLES GIVIN, CHAIRMAN

ATTEST:

  
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WILLIAM WETHINGTON, SECRETARY