

Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Wednesday, March 25, 2009 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:

Marshall N. Burgin, Mayor  
Michael Vice, Councilman  
Newton J. Lowe, Councilman  
Phillip Beeson, Councilman  
Katherine Smith, Council member

Canda L. Dimick, City Clerk

Guests: Bryan Phinney and Jeff Mansfield, Keller Associates; Susan Lorenz, Southeast Idaho Council of Governments and Robert Kowaliw.

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

Solar Project Contract	Bryan Phinney, Keller Associates presented the solar project contract draft for review. \$5,000 engineering fee for design.
Aerator Project Update	The MCC transfer went well. One old breaker had to be replaced. System is up and running. Electrical wires are out to the first two disconnects and will trench to cell two when the weather improves so that it doesn't create such a mess. The city has discharged to the river. Test results looked good. There were no NPDES permit violations. Engineers received and are reviewing the first pay application from American Electric which should be forwarded to the city within the next week.
Lava Mobile Estates Water Line Extension Project	Engineers have been working diligently with Johnson's Update Excavation to close out the project. Johnson's still need update to provide lien releases, compaction results and survey data for final record drawings.
Inflow/Infiltration Project Update	Engineers are having to make double the number of trips to Lava then anticipated because of the flow meter. Extra trips will need to be negotiated. The first flow meter did not have a cable to transmit documentation to the lap top so one had to be sent down, then there was a bad set of data which has been rectified. The data suggests everyones expectations. There are some big peaks where large volumes of flow have been dumped and areas where there is a steady flow of hot water. It was expressed that the city would have liked to see the project started earlier when weather was colder. Engineers explained Inflow/Infiltration Project Update that it would have been a

Minutes of the March 25, 2009 Special Council Meeting cont.

Inflow/Infiltration  
Project Update Cont.

challenge due to the amount of snow and ice over the man holes. Man holes could have been cleaned off. Suspensions were that there were a lot more infiltration for heating reasons when the weather was colder. Engineers have looked at the regional weather data and Lava's average temperatures is still cold enough that people shouldn't have turned their heating systems off. Snow melt so far hasn't impacted ground and surface water levels. The need for the second study as originally planned was questioned. Completing one study and cameraing the trunk line was suggested. The engineer's plans from the first set of readings is to identify which lines need to be cleaned and cameraed. Engineers are expecting to find some collapsed lines because of the amount of gravel and rocks being found in the man holes. Main trunk line will be tested April/May. First results should be done in mid April and plan is to start back up mid May. Flow data for the last month at the treatment plant needs to be looked at. Flows were up the last few days and it has been raining. Meter flow data from the water reservoir overflow line would be beneficial if available. Engineers explained that the biggest issue was that contracts have been a challenge and the understanding that city maintenance personnel would not be available when they are busy plowing snow. Mayor will talk with maintenance crew. Engineers feel that the data collected so far is beneficial. The second round of sampling will start May 15<sup>th</sup> involving areas where ground water infiltration is expected and the main in the alley behind the Home Hotel. Once the location of the infiltration has been identified, the city has the authority by law to enforce that it be removed from the system. There is no need to treat water that doesn't need to be treated. Dissolution is a major challenge for total suspended solids, BOD and nitrogen. Dissolution needs to be out for two reasons 1)the city is paying to pump, treat, store and get rid of it and 2)the city is not able to meet the discharge permit requirements.

Wastewater Treatment  
Contract

Ball needs to get rolling. Bryan Phinney, Keller Associates feel that there has been a communication problem. Engineers are waiting for marching directions and the city feels the directions have been given. Engineers have been working under the assumption that they needed to look at all options including mechanical treatment and that is why the process selection contract was generated. The city feels that the determination to get away from mechanical treatment was made several months ago. The June, 19, 2008 council minutes

Minutes of the March 25, 2009 Special Council Meeting cont.

Wastewater Treatment  
Contract Cont.

noted that mechanical treatment was discussed at that time. The city needs to make a choice to discharge to the river with a mechanical treatment plant or totally eliminate river discharge, retain the lagoon system and land apply year around. A third component has also been thrown in to look at irrigating city property that is a beneficial use such as a park or the golf course which is a Class B license requiring a filtration/disinfection or mechanical treatment plant system. A copy of the USDA Rural Development standard form agreement for professional engineering services was presented. Susan Lorenz, Southeast Idaho Council Governments, reported that it looks like the city could get the selection process study paid for 100% from rural development but the program doesn't start until April, 2009 and it is not known if they are going to require the standard form contract for it or not but it will have to be used for the construction loan/grant. The contract can not be modified. Modifications have to be made by a supplementary condition. The contract costs \$10,000 for the engineers to prep before it goes to the city's attorney or revised. Part of the \$21,000 selection process contract can be absorbed into the standard form contract with negotiations. Financing has been secured to start the design process. Susan advised council to proceed with the standard form contract with the assumption that the city is going to construct the land application system and still do the process selection study. If the study identifies a different option then modify the contract. Bryan Phinney feels that it is ludicrous for the city to stay in the river and go to mechanical treatment plan. The city needs to be in lagoons, land apply and get out of the river so the city never has to deal with EPA again. A treatment plant is going to cost more to build and maintain then a land application system. A \$9.6 million project scares everyone to death. Feelings are that the project is over designed and that is why the city is doing the inflow/infiltration study to shrink the project to save the tax payers some money. City officials will be legally obligated to stand up to users to force them to remove the excess water from the system or install a flow meter on the service line and charge them accordingly. The city can't afford to build the system for the excess capacity. Engineers are concerned with legal counsel if a place holder contract is executed with the possibility that it may change based on the outcome of a study. Engineers would prefer that the city select a process and forget about the study. Selecting the

Minutes of the March 25, 2009 Special Council Meeting cont.

Wastewater Treatment  
Contract Cont.

lagoons/land application option would still give the city the ability to look at three alternative land application sites including the golf course with pros, cons and variables. DEQ has made it very clear to SICOG that they were happy with the progress of the project. The timing of the federal appropriation award funding helped please them. The cons of a land application system is that DEQ prefers the city own the property if property is leased restrictions are very prohibitive and restricted on the property owner and there is a risk if the lease is ever terminated. A large lagoon has to be built big enough to store the water all winter. The city is going to become farmers. City employees have to be certified operators; they have to change the water, operate the facilities and take tests. Contracts will have to be let for someone to harvest the hay. There may be a problem if the harvester doesn't get the crop off in time for the next discharge. The harvested crops have to be tested and certified that they are being feed only to nondairy livestock. Supplemental water rights are needed. Soil tests have to be taken to monitor nutrients. If nutrients build up, DEQ shuts the site down. The site identified in the facility plan five miles West of town has no irrigation rights. The city needs to purchase a site with irrigation rights. The reason the site West of town was identified was on the anticipation that the city would be able to protect and transfer the Fish Creek irrigation water right. There is no three phase power to the site. The benefit of the distant site is that it is far enough out of town that would take a number of years before the site experiences any development encroachments and odor situation. Zoning restrictions were explored when the study was done. The agricultural zone permit land application use and that is one reason why the sites identified were chosen. The city needs to watch capital or life cycle costs, capital investment and long term maintenance of the facility and the best option is a land application site. If licensed operators have to upgrade they become attractive to other larger communities offering better wages and benefits. Lagoons are the least cost to operate and build long term. Land application is the best option for a small town and tourist influx doesn't upset them. No intermediate contract for land application site selection is necessary. Keller's has completed a review of the facility plan and are familiar with the project at no cost to the city as agreed. The city hasn't been billed for any services so far. The selection process

Minutes of the March 25, 2009 Special Council Meeting cont.

contract task 1 looked like it contradicts with the facility plan. Intentions were to take the facility study information and evaluate it to establish the design criteria. It was questioned what if the city can't acquire a land application site. City may have to pursue condemnation. Lava's system needs were compared to McCammon's new system. Growth rate in the study is very aggressive. The discharge water is a valuable resource. Motion was made by Councilman Beeson and seconded by Council member Smith to proceed with Keller Associates to design a lagoon/land application system with review up to three land application sites. Keller's committed to submitting monthly progress reports, in person or writing from now until final walk through and the facility is complete. Project update report will be a standing agenda item. Written reports will be submitted by the first Friday of every month. Engineers will start prepping the standard form contract for legal counsel review. The city's attorney is well aware of the contract document and there are pieces that cause heartburn for both agencies. Cutting legal costs were of interest. Keller's will provide a list of legal counsel recommendations for the city to contact if interested.

Sewer Hook Up

Robert Kowaliw was advised that he was not on the agenda. Discussion on his hookup is scheduled for discussion at the April 9, 2009 Regular Council Meeting.

Motion was made by Councilman Beeson and seconded by Councilman Vice to adjourn. All voted aye. Unanimous. Meeting adjourned at 6:57 p.m.

---

Canda L. Dimick, City Clerk

---

Marshall N. Burgin, Mayor