

North Powder City Council Special Meeting
February 17, 2021
7PM Wolf Creek Grange

Attendance: Mayor Mike Wisdom, Councilors Mike Morse (Big Mike), Joyce Lawyer, and Vicki Townsend, City Recorder Beth Wendt, Brett Moore & Treyton Moore from Anderson, Perry & Associates, Grant Administrator Nick Ducote Grant, and community member Dave Hoene.

Mayor Mike called the meeting to order and the Pledge of Allegiance was said.

Mayor Mike noted that the only thing on the agenda was the Wastewater Project. Brett briefly explained the project. There are some pipes in the collection system that need some work and a little bit of work at the lagoons. We are going to quit discharging to the river and will build a wetland to store the water on the 11 acre parcel the City acquired just north of the lagoon site. The wetland will actually only cover about 7 acres. The remaining ground will be for wetland mitigation area and dykes. We will store water in the winter and it will evaporate in the summer. Preliminary plans have been submitted to DEQ. They understand the issues associated with wetlands and cultural resources evaluation work. The City has federal funds through HUD so we should be able to fully fund construction with grant funds. We also plan to remove bio-solid accumulation from the lagoons. Once the new pond is built one of the existing ponds will be dried up and cleaned out, then the same will be done with the remaining pond. Vicki noted that when that was done several years ago, they put "Visqueen" on the bottom of the pond. Brett didn't think it had been compromised. Vicki wondered how long DEQ would allow a wetland. Brett explained that we currently have an EPA permit to discharge to the river. It's a Federal permit and they are renewed every 5 years. The Clean Water Act from the 1970s, amended in the 80s, required that new pollutants be added to the list every few years so the permit changed to accommodate the additions. We actually started dumping into the North Powder River, but because of rule changes, we are now dumping to the Powder River. Rules have changed again so we'll stop dumping to the river and we'll have a State permit. The Federal government won't have anything to do with it because the water won't go into a federal waterway anymore. The State permit is called a Water Pollution Control Facility Permit. It will be renewed every 10 years and there are no requirements to add pollutants or other things to monitor. It should last a long time. DEQ will still be involved, but EPA will not.

In review, the plan is done and basically approved by DEQ. The design is done but we have some minor comments to address after we get all of the permits. The two issues outstanding are the wetland delineation and mitigation and cultural resources. The Army Corp of Engineers don't have a claim to the wetland so they don't care, but the Department of State Lands (DSL) wants jurisdiction so we have to mitigate for the wetland. They disagree with the way the wetlands were mitigated in the proposed design. DSL feels that the wetlands won't develop because the water making the wetlands is from flood irrigation and it's too risky to mitigate that way. Brett felt it would be more costly to argue the issue with DSL than it would be resolve it and move forward. He felt the best option would be to mitigate the wetlands as payment in lieu. One of the concerns is that when we build the access road it will cut off the irrigation water to the wetland. Brett thought we could put some larger rock underneath to make it porous so the water can flow through. There are several locations where we need to move water through so culverts are not practical. Nick interjected that we were originally told the grant wouldn't pay the fee and it would have to come from City coffers. However, we have since discovered that CDBG will pay the fee. If DSL feels there could be a risk in the future, it would be a win-win situation to have CDBG pay the fee and take care of the situation. We wouldn't have to have studies and analysis done for the next several years. If we have to monitor for the next 5 years or more, the City would be on the hook for the monitoring. Brett reiterated that the evaporation pond will be a lined pond so water won't seep into the ground. Mayor Mike added that water to the wetland will be treated, the same as water to the river. Brett said we'll have a sump pump to pump water back to the lagoon if it doesn't evaporate in a wet year. There will also be a

fountain in the pond to help with evaporation. Vicki wondered if it would help improve water quality by moving it back and forth. Brett said yes, but we shouldn't have to do that on a normal year. Beth clarified that the payment in lieu would be a one-time only payment. She wondered if the payment would guarantee approval from DSL. Brett said if they take the money, they will approve the application. There are two options, one for about \$26,000 and the other is \$46,000. The \$46,000 option includes mitigation for around the access road. Brett didn't think there was enough risk to justify paying \$46,000. Nick commented that even though the risk is low, he felt it was worth mitigating for both areas because there is room in the grant for it. Beth verified that if the road were to wash out at some point in the future, the City would be responsible for mitigation and we wouldn't have grant money to pay it. Mayor Mike remarked that once the grant is closed, the City has to take ownership of the project. Vicki wondered how much of the project the grant would cover. Nick thought we might have to pay a BOLI fee of about a tenth of a percent of the construction cost and the special audit cost. The City already paid for the property. Vicki asked if there were grants to keep the wetland going once it is established. Nick said it would be complicated because it is a sewer system and we don't want people on the property and on the dykes. Brett said the water fowl around Ladd Marsh has almost tripled since the wetland was established. Brett noted that the Council needed to decide whether to pursue payment in lieu and if so, do we go with the \$26,000 payment or \$46,000 which includes the wetlands on one side of the entrance road. The risk is very low, but if we can use grant money, it might be worth going for the higher amount. The only real unknown to the project is the cost to remove the sludge from the bottom of the lagoon. It has been surveyed so we know how much is there and Brett is confident that we could fit it in the construction cost. Nick interjected that we will also have contingency money. He didn't see a downside to mitigating for both sides of the road, especially since it is grant money. Brett noted that it will be a competitive bid process. There will be a cost savings because DEQ just approved a new liner that will cost about half of what was originally estimated. Joyce asked if we missed the deadline for grant application this spring. Brett explained that we need to make this decision in order to get permits in hand. We also have to get the cultural resources permit. Nick noted that we will miss the February deadline. The next application deadline is the end of September and the funds will be awarded about December, so construction won't start until spring of 2022. The real holdup now is the cultural resources. A pedestrian survey was done and a site was found. It was indeterminate of what it is exactly so it requires further work to figure it out. The Tribes and SHPO have identified the need to mitigate for impact. The next step is to enter into a Memorandum of Agreement (MOA) with SHPO and the affected tribes. It won't stop the project. DEQ has been understanding and is holding off approval because once they approve the plans we have a limited time to complete the project. Beth asked who would write the monitoring report required by the MOA. Brett suggested we have the Archeologist do it and the MOA will terminate with the completion of construction and when the artifacts are curated and put in a museum. Once the MOA is terminated, there won't be any reports. There are 4 tribes that claim jurisdiction in the area, Coleville, Nez Perce, Umatilla, and Warm Springs. Until the MOA is negotiated, there is not much to do until September, other than to approve the payment in lieu for the wetland mitigation. Joyce made a motion to authorize a payment in lieu to DSL for wetland mitigation in the amount of \$46,665.71. Vickie seconded and all were in favor.

Meeting adjourned at 8PM.

Respectfully submitted,

Attest:

Beth Wendt
City Recorder