

PROCEEDINGS OF THE
CITY COUNCIL SPECIAL MEETING
OF THE CITY OF LOWELL
THURSDAY, OCTOBER 6, 2016

1. **CALL TO ORDER; ROLL CALL**

The Meeting was called to order at 6:00 p.m. and City Clerk Susan Ullery called roll.

Present: Councilmembers Mike DeVore, Jim Hodges, Jeff Phillips, and Mayor Jeff Altoft. Lowell Light and Power Boardmembers Perry Beachum, Jim Salzwedel, Tina Cadwallader, Andrew Schrauben and Chair Greg Canfield.

Absent: Councilmember Teelander (arrived at 6:22).

Also Present: City Manager Mike Burns, Lowell Light and Power General Manager Steve Donkersloot, City Clerk Susan Ullery and City Attorney Richard Wendt.

2. **EXCUSE OF ABSENSE(S)**

IT WAS MOVED BY PHILLIPS and seconded by HODGES to excuse the absence of Councilmember Teelander.

YES: 9. NO: 0. ABSENT: 1. MOTION CARRIED.

3. **APPROVAL OF THE AGENDA.**

IT WAS MOVED BY BEACHUM and seconded by CADWALLADER to approve the agenda as corrected.

YES: 9. NO: 0. ABSENT: 1. MOTION CARRIED.

4. **IF YOU WISH TO ADDRESS AN AGENDA ITEM, PUBLIC COMMENT FOR EACH ITEM WILL OCCUR AFTER THE INITIAL INFORMATION IS SHARED ON THE MATTER AND INITIAL DELIBERATIONS BY THE PUBLIC BODY, PUBLIC COMMENT WILL OCCURE BEFOE A VOTE ON THE AGENDA ITEM OCURS.**

5. **DISCUSSION REGARDING THE LOWELL ENERGY AD, LLC (“LEAD”) BIOSOLIDS DIGESTER FACILITY ODOR ISSUE – VOTE ACTION TO BE TAKEN.**

Lowell Energy AD LLC Attorney James Rosloniec provided an overview of the plan that was submitted on Friday, September 30, 2016 to address the odor mitigation actions that will be taken.

Rosloniec believed there were four purposes of the plan. First, address the odor problem and second, establish a deadline of November 1, 2016. On November 2, 2016 there will be either no

odor or the plant will be shut down. The third purpose needs to focus on preventing reoccurrence's with a risk assessment plan and the fourth purpose of the plan is to put in place requirements that will go into the power purchase agreement. The lease with the City of Lowell will address specifically what the remedies are if there is another occurrence of odor.

Rosloniec provided an overview of the plan as well as odor mitigation actions. Based on Webster's testing and analysis, Webster recommended several actions; purchase a VX Carbon Absorber, covers for the wastewater treatment plant tanks, installing duct work, electrical work, and provide Lowell Light & Power and City of Lowell with weekly updates.

The next section of the plan involves what will happen if there are still odors after the November 1, 2016 deadline. If there are unforeseen reasons that there are still odors, the operations will be shut down by November 2, 2016. If there are maintenance issues or an unforeseen event LEAD shall notify the City of Lowell and Lowell Light and Power within 48 hours. If the odor can be eliminated within 7 days, LEAD shall take all actions necessary to do so. If LEAD determines that the odor cannot be eliminated in 7 days, operations will be shut down as described.

The requirement of Section IV shall be confirmed in an amendment to the lease between LEAD and the City of Lowell and the Power Purchase Agreement between LEAD and Lowell Light and Power.

The odor control system being installed is expected to reduce odors to the point where they will no longer be detectable beyond the property boundary under normal operating conditions.

Webster will complete air dispersion modeling that will show the predicted odor impact after the proposed odor mitigation efforts are implemented.

The enclosures over the IFAS tanks will be made with a wood frame and have a life span of 5 to 8 years. If Lowell Light and Power purchases the biodigester and wastewater pretreatment facility, LEAD will install an enclosure with a metal frame that will have a lifespan of 15 to 20 years.

A risk assessment/operational plan will also be put in place on or before November 1, 2016 and a final plan will be completed before January 1, 2017. Rosloniec also noted additional odor mitigation actions will be taken as well. LEAD and the City of Lowell will meet no later than December 15, 2016 to discuss the discharge of wastewater into the City of Lowell wastewater treatment facility.

LEAD acknowledges that the obligations outlined in the plan are binding upon LEAD.

The Boardmembers of Lowell Light and Power and the Lowell City Council had a lengthy discussion and raised several concerns and questions.

City Attorney Richard Wendt suggested a statement be put into place stating that LEAD will provide prompt notice within 48 hours to its neighbors within 300 feet and anyone else who wishes to be notified. Rosloniec stated this could be placed in the risk assessment plan.

Northrup noted a list of the neighbors will be established. It was noted the public should notify the police department if there are any complaints.

Boardmember Schrauben questioned what “unforeseen circumstances” includes. Rosloniec stated this includes technical failures as well. This will be incorporated into the risk management plan. Rosloniec stated this will be specific in the operations manual. They will work on a draft of the manual and then come back with further discussion.

Schrauben also referred to Section VI “Dispersion Model” and requested specific times for testing be included. Wendt suggested wording be placed in the operating manual that testing will be done in such months as the board designates. Boardmember Beachum wanted testing every month for the first six months and then quarterly.

Pamela Krzysik of 617 Howard and Diane Smith of 618 Lafayette spoke of their concerns.

Boardmember Cadwallader wanted testing done in June, July and August.

Lowell Light and Power General Manager Steve Donkersloot believed the plan has improved significantly and he supported it.

City Manager Mike Burns also believed the plan is much better. He noted complaints should be forwarded to the police department.

Wendt reviewed the key points of discussion as follows:

- Section IV(b) – Move “e” up to “a”. Not only would LEAD notify the City Manager and Lowell Light and Power but would notify anyone within 300 feet and also anyone else who has requested to receive such notice within 48 hours.
- Section V – under operating condition other than those upon the occurrence of “b” and “c”.
- Section VI – “b” – Monthly testing for eight consecutive months and then thereafter semi-annually on specific dates as approved annually by Lowell Light and Power. Rosloniec suggested testing monthly for 12 months. Canfield suggested testing begin in November. Testing will be made available to the public.
- Section VII – as determined by an independent engineer mutually accepted by LEAD and the Board of Light and Power but in no event if the City shall exercise its option it shall be replaced.
- Registering of complaints can be provided in the procedures.

IT WAS MOVED BY BEACHUM and seconded by SALZWEDEL to accept the plan with the changes as presented by City Attorney Richard Wendt.

YES: Boardmembers Canfield, Beachum, Salzwedel, Schrauben and Cadwallader.

NO: None. ABSENT: None. MOTION CARRIED.

6. COUNCIL/LIGHT AND POWER BOARDMEMBER COMMENTS.

Boardmember Beachum suggested the Light and Power Board and City Council meet quarterly.

Boardmember Cadwallader was excited to move forward. The complaints need to be forwarded to the police department.

Boardmember Schrauben thanked the citizens for their input and patience.

Mayor Altoft thanked Rosloniec, Northrup, Burns, Donkersloot and Wendt for all their work.

IT WAS MOVED BY HODGES and seconded by DEVORE to adjourn at 8:16 p.m.

IT WAS MOVED BY BEACHUM and seconded by SALZWEDEL to adjourn at 8:17 p.m.

DATE:

APPROVED:

Jeff Altoft, Mayor

Susan Ullery, City Clerk

Greg Canfield, Chair