

# LEAVENWORTH WATER DEPARTMENT

## MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

HELD ON APRIL 22, 2013

A regular meeting of the Board of Directors of the Leavenworth Water Department was held at 5:00 PM on Monday April 22, 2013 at the Leavenworth Water Department South Plant located at 982 N Highway 5, Lansing, Kansas 66043.

---

### ATTENDANCE

#### Directors in Attendance

Howard Kirk, Chairman  
Teresa Wood, Member  
Greg Kaaz, Member

#### Directors Absent (Excused)

Michael Bogner, Secretary  
Richard Gervasini, Member

#### Staff in Attendance

John Kaufman, Department Manager  
Lesia Hegeman, Finance Manager  
Dennis Baragary, Sr., Distribution Manager  
Patrick Garrett, Jr., Distribution Supervisor  
Jeff Arnold, Plant Superintendent  
James Adams, North Plant Superintendent  
Gary Simanowitz, South Plant Superintendent  
Kayla Manning, Staff Engineer

#### Others in Attendance

None

---

### CALL TO ORDER

Chairman Kirk called the meeting to order noting that a quorum was present.

---

### MINUTES

Upon motion of Director Kaaz, seconded by Director Wood the minutes were adopted with a correction made by Director Kaaz to include his comments that future construction bid documents should: (a) include a statutory bond (unless required otherwise by state or federal requirements); (b) state the project is tax exempt; and (c) distinguish between working days versus calendar days, it was ...

**RESOLVED (No. 14180)**, that the amended minutes of the April 8, 2013 Board Meeting are hereby approved.

---

**BOARD MEMBER ITEMS**

Director Kaaz

- Requested all board packet material be sent by the close of business on Friday before each board meeting.
- Requested the Board agenda be posted on the website by Friday before each board meeting and future board packets be posted to a secured website.
- Requested a new Organizational Chart and a new credit card /cash policy proposed by the next meeting.

Director Wood

- Bank signature cards need to be updated.
- 

**PUBLIC COMMENT**

There was no public comment.

---

**CONSIDERATION OF  
PAYROLL  
DISBURSEMENTS**

Upon motion of Director Wood, seconded by Director Kaaz, and unanimously adopted, it was ...

**RESOLVED (No. 14181)**, that the regular payroll for the period ending April 30, 2013 amounting to gross pay of \$77,687.80 (composed of Federal Tax Withheld - \$7,891.83; FICA Withheld - \$5,718.05; State Tax Withheld - \$2,659.68; KPERS Withheld - \$3,370.85; P.E.D.C. - \$2,869.83; Insurance - \$2,539.08; United Way - \$90.50; EQ-Flex - \$2,470.04; Misc. - \$1,015.00; Direct Deposits - \$49,062.94, and including the following overtime amounts: Distribution – 68.50 hours @ \$2,103.03, North Plant – 13.50 hours @ \$370.27 and South Plant – 8 hours @ \$253.98 be approved and disbursements made from the Revenue Fund for their respective amounts.

---

**CONSIDERATION OF  
SPECIAL CLAIMS**

Upon motion of Director Kaaz, seconded by Director Wood, and unanimously adopted, it was ...

**RESOLVED (No. 14182)**, that the Board approved the Special Claims on the Revenue fund totaling \$563595.50, and the checks be drawn on the Revenue Fund for their respective amounts

---

**CONSIDERATION OF  
SPECIAL/SPECIAL CLAIMS**

Upon motion of Director Wood, seconded by Director Kaaz, and unanimously adopted, it was ...

**RESOLVED (No. 14183)**, that the Board approved the Special/Special Claims on the Revenue fund as follows: KDHE \$25.00, Chamber of Commerce/Women’s Div \$25.00, Cash Account \$122.01, Walmart Community \$297.26 and John Kaufman \$102.27 that the checks be drawn on the Revenue Fund for their respective

amounts.

---

**CONSIDERATION OF  
MARCH FINANCIAL AND  
INVESTMENT REPORT**

Upon motion of Director Kirk, seconded by Director Kaaz, and unanimously adopted, it was ...

**RESOLVED (No. 14184)**, that the Board approved the March Financial and Investment Report.

---

**ADMINISTRATION  
UPDATE**

**HR Update**

1. **North Plant Operator Position.** Mr. Shawn Higgins was hired as a new Operator at the North Water Treatment Plant. His start date will be May 1<sup>st</sup>.
2. **North Assistant Superintendent Position.** Chris Finan accepted the position of Assistant Superintendent at the North Water Treatment Plant. Chris will replace James Zielinski, who will retire in on April 30, 2013.
3. **North Plant Lead Operator Position.** Josh Visocky accepted the position of Lead Operator at the North Water Treatment Plant. Josh will replace Chris Finan who was promoted to the Assistant Superintendent position.
4. **Retirement of James Zielinski.** Per his wishes, there will be no retirement acknowledgement or celebration for James Zielinski.

**Software and Computers**

Four new Dell computers and screens were ordered for the Water Treatment Plants. They will be configured with the Windows 7 operating system and Office 2013.

---

**PROJECT UPDATES**

**Stage 2 Disinfection Byproduct (DBP) Study**

A test to reduce THM's at the North Plant during the spring runoff by raising the pH began recently. Initial laboratory results have been received and other results are pending.

**Well Field Access Road Reconstruction**

Bids were received for the project on April 19th. The bid results will be presented to the Board for consideration.

**Radial Collector Well Feasibility Study**

There is no change in the status of this project. *A cost estimate for the collector well feasibility study was requested from Black & Veatch.*

**Southern Star Gas Line Installation**

There is no change in the status of this project. *A draft term sheet is being prepared for use in developing an agreement between Southern*

*Star and the Water Department for the gas line installations and easement.*

**GIS System and Field Devices**

*There is no change in the status of the field device project. Staff is beginning to consider factors and options for GIS field devices. Factors to consider include life cycle, rugged vs non-rugged devices, full insurance replacement, batteries and chargers, capital cost, operating cost, and outer shell protection. Device options include, but are not limited to, iPad and Droid tablets and small laptops. Staff will consult with the City Public Works, Police, and Fire Departments; and other area water providers.*

**Well Cleaning RFP**

*There is no change in the status of this project. An RFP will be prepared in the coming weeks to clean wells 3A, 5, and 7. 2*

**South Plant VFD Study**

*There is no change in the status of this project. Staff is considering options to install a variable-frequency drive system at the South Plant for one of more high-service pumps.*

**VA Water Main Connections and Metering**

*There is no change in the status of this project. The Veterans Administration (VA) is planning to construct a new 8-inch service line that will connect to the Water Department's 10-inch transmission line on K-5 (Muncie Road). The installation will include a south metering station. The existing north metering station needs to be modified to prevent the bypass of water for high usage and fire flows. The VA is performing the necessary design work.*

**Backup Generators**

A cost estimate was received from Capital Electric for natural gas backup generators at the water treatment plants, booster pump station, and river intake. The combined cost for the purpose of budgeting is approximately \$4.3MM. A copy of the cost estimate is attached.

**Fairfield Inn**

There is nothing new to report on the status of this City project.

**Shop Area Security Fence and Gates**

There is nothing new to report at this time.

**Other Projects**

The status of other projects is summarized below.

Main Replacements	Project Status
<ul style="list-style-type: none"><li>Shawnee Street (from Esplanade to 6th Street) and Esplanade (from Shawnee to Delaware)</li></ul>	All work between 5th and 6th Streets was completed. Work between 3rd and 4th Street will begin upon completion of the main relocation project on Limit Street between 15th and 20th.

- Delaware Street (from 13th Street to 16th Street) The project will begin in the spring or summer. Additional plan and profile work is being done along 13th Street to relocate the water main away from a new city storm sewer.
- 16th Street (from Santa Fe to Thornton Street) The project will begin in the spring or summer.
- Miami Street (from 8th Street to 10th Street) The project will begin in the spring or summer.
- Franklin Street (from Ohio to Kansas) The project will begin in the spring or summer.
- 3rd Street at Three-Mile Creek The project will begin in the spring or summer.
- 17th and Thornton 6-Inch Water Main The project will begin in the spring or summer.
- Stove Factory Lofts Water Mains and Hydrants There is no project schedule.

City Road and Bridge Projects	Project Status
-------------------------------	----------------

- |  |   |
|--|---|
| • 2nd Avenue and Limit Street Bridge Replacement and Road Realignment  | An RFP for horizontal directional drilling was prepared and distributed to local contractors for response. Only one bid was received. |
| • Limit Street Bridge Replacement at 15th Street and Road Widening from 15th to 20th Street                  | An RFP for horizontal directional drilling was prepared and distributed to local contractors for response. Only one bid was received. |
| • 2nd Street Bridge Replacement  | EPA/KDHE approval of the construction work is pending due to contaminated soil.   |
| • Storm Sewer Upgrade, Curb, and Sidewalk 2nd Street Bridge Replacement from 13th St. Terrace to 17th Street | Nothing to report at this time.   |
| • City Sidewalk and Street Overlay Projects  | Nothing to report at this time.   |

Other Projects	Project Status
----------------	----------------

- |                                  |   |
|----------------------------------|---|
| • Radio-Read Meter Installations | Delivery of about half of the meters occurred in March. |
|----------------------------------|---|

**ELECTION OF BOARD OFFICERS**

Re-organization of the Board was tabled.

**CONSIDERATION OF BIDS TO REPLACE WATER MAINS ALONG LIMIT STREET**

Upon motion of Director Kirk, seconded by Director Kaaz, and unanimously adopted, it was ...

**RESOLVED (No. 14185)**, that the Board approved Rylie Equipment & Construction Co. of Kansas City, Kansas for Project 2 (Limit Street HDPE Directional Boring Main Relocation at 15<sup>th</sup>-20<sup>th</sup> Street) with a not to exceed price of \$25,000.00; and Project 1 (Limit Street HDPE Directional Boring Main Relocation at 2<sup>nd</sup> Ave) with a not to exceed price of \$50,000.00.

**CONSIDERATION OF BIDS TO RECONSTRUCT WELL**

Upon motion of Director Kirk, seconded by Director Wood, and unanimously adopted, it was ...

**FIELD ACCESS ROAD**

**RESOLVED (No. 14186)**, that the Board approved A. F. Van Fleet Excavating bid at \$75,960.00, which was the low bid. The bids ranged from \$75,690.00 to \$160,000.00.

---

**GENERAL MANAGER'S  
REPORT**

**Lime Softening**

The Water Department has been lime-softening water since 1948 and discharging the lime residuals into the Missouri River from the North Plant since that time. An application for a National Pollutant Discharge Elimination System (NPDES) discharge permit application for the North Plant was submitted to KDHE in the late 1990s pursuant to the Clean Water Act (CWA), but the Kansas Department of Health and Environment (KDHE) has not acted upon the application.

Many water-treatment plants (WTP) along the Missouri River use lime to soften the water for municipal and other beneficial purposes. Lime softening also helps remove organics from the water thereby reducing the formation of potentially harmful disinfection by products. Lime softening produces a solid precipitant that is the chemical equivalent of limestone, which is a naturally-occurring rock along the Missouri River below Gavins Point Dam. Those treatment solids, along with other intake water solids are typically discharged back to the Missouri River. NPDES permitting of these facilities has been sporadic but generally allowed such practices to continue so long as adverse environmental impacts were not caused by the lime solids discharge. The acceptability of this approach is echoed in the 1999 Policy Memorandum prepared by the Agency and sent to the affected state environmental agencies in Missouri, Iowa, Nebraska, and Kansas that were assessing case-specific technology-based limitations for such facilities under the applicable federal rules. Consistent with the 1999 Policy Memorandum, EPA approved the lime solids discharge for the NPDES permit issued to Missouri American Water Company – Central Plant serving the City of St. Louis in 2011.

The Iowa Department of Natural Resources (IDNR) recently proposed that the City of Council Bluffs' Narrows water treatment plant eliminate its lime softening solids discharge to the Missouri River even though this discharge is fundamentally identical to the Missouri American discharge and is not adversely affecting the river. IDNR based its decision to impose this removal requirement solely on the position that federal law mandates this result because it is technically feasible. This proposed action, however, ignores EPA rules that allow consideration of the lack of environmental benefit, the net detriment to the environment that will be caused by requiring treatment, and the significant cost associated with requiring treatment. These are important factors that were considered in the Missouri American permit decision. IDNR is also seeking EPA's support for a more restrictive and costly interpretation of the existing rules.

The Missouri River Public Water Supply Association (MRPWSA) is a regional organization comprised of more than a dozen water utilities that divert water from the Missouri River for municipal and other beneficial uses. MRPWSA was formed in 1961 to promote wise water and land related resource management that protects the interests of its member utilities and their customers. The Water Department is an active member of MRPWSA along with other water utilities from Omaha, NE to St. Louis, MO.

MRPWSA is concerned that EPA may be considering a change to the current reasonable policy in favor the IDNR approach. Other states that issue NPDES permits to members of the association are in the process of evaluating the necessary NPDES requirements. While Iowa may seek a more restrictive approach, based on in-state or state law concerns, the applicable federal rules should not produce radically different NPDES permitting requirements for essentially identical discharge settings and de minimis river impacts.

MRPWSA requested a meeting with EPA to review the circumstances under which the member facilities can expect effluent limitations requiring limited treatment and the circumstances under which the removal of lime softening solids would be required by the applicable federal rules. That meeting was held on March 15th at the EPA Region VII office in Lenexa with Karen Flourney, Glenn Curtis, and other EPA Region VII staff.

Discussions were frank and largely constructive regarding the factors that may be considered in deciding whether or not removal of lime solids by all Missouri River WTP discharges is required under the Clean Water Act (“CWA”) technology-based provisions. However, statements made by Region VII staff in attendance appeared to differ significantly from its historical position and EPA’s national approach to technology-based requirements where water quality benefits (or lack thereof) have been considered. This dichotomy leaves MRPWSA confused on how to proceed. As such, MRPWSA may request further clarification on the factors that may be considered by the delegated states in developing the permits applicable to Missouri River WTP facilities.

There is no EPA promulgated guideline for the discharge of lime residuals from WTPs into the Missouri River. The permitting of such facilities is undertaken pursuant to the CWA best professional judgment (“BPJ”) authority (40 CFR 125.3) on a “case-by-case” basis. States with an approved NPDES program are provided a significant degree of deference in exercising their BPJ authority. Such discretion (following consideration of the relevant federal rule factors with site-specific considerations) has in the past resulted in determinations that lime solids removal was not, on balance, a good environmental decision for the Missouri River facilities. States have also, in several instances, sought a change in discharge configuration or the manner in which such solids are discharged to avoid any near discharge impacts. These all appeared to be reasonable approaches

that avoided wasting local resources if ecological benefits were not anticipated.

In responding to the petition of the Natural Resources Defense Council regarding CWA secondary-treatment technology-based requirements, EPA itself justified its denial to establish national standards for nutrient reduction on the basis that the water quality benefits were too variable to justify the expenditure. The degree of water quality benefits has similarly been used as a basis for EPA's national decision-making regarding effluent guidelines for industries. As such, it is inconsistent that MRPWSA and the States are now informed that such factors are not pertinent for BPJ permitting that is supposed to be implementing the same CWA statutory standard. Due to the confusion, MRPWSA may request EPA's clarification of its position regarding the factors that may be considered in the permitting of the MRPWSA's members under a BPJ framework. MRPWSA also believes that the States must be aware of the flexibility that is otherwise available in requiring WTP's to achieve compliance with federal law.

Accordingly, many MRPWSA members believe that EPA should identify its existing regulatory requirements with respect to the following questions and they should identify the regulatory notice(s) that informed the public of the adoption of the requirement.

- A. *Do the federal BPJ regulations allow states to consider the environmental benefits/detriments (including those related to water quality) that will occur in deciding whether/how BPJ requirements will be established under 40 C.F.R. § 125.3?*
- B. *If a diffuser has been installed (as a number of MRPWSA members have already done) that addresses aesthetic concerns otherwise associated with narrative water quality standards, can the permit writer consider the effect of such diffuser in evaluating the environmental benefits/detriments of requiring treatment?*
- C. *If the state determines that treatment of the discharge is feasible but would produce a net environmental detriment, can a permit be issued without requiring treatment?*
- D. *Where treatment is deferred, may a state impose "best management practices" to ensure that the pollutant discharge is reasonably controlled, including the modification of the discharge outfall?*

This information is important because MRPWSA members need to justify recommended facility improvements to their rate base. An adopted federal restriction would serve this purpose. A billion dollars is at stake for the Missouri River facilities (*i.e.*, estimates by three facilities alone indicates a \$500 million/plus cost). A meeting the MRPWSA membership is scheduled for Tuesday, April 23rd at 11:30 AM to discuss this matter further and a response to EPA.



### **Water Conservation Plan**

Governor Brownback and the State Water Office have asked each water provider in the state to develop a workable water conservation plan. The State Water Office also provided some guidance on preparing water conservation plan.

The Water Department has a “Water Conservation Plan” that was developed in 1998. However, the plan actually addresses Water Department response to acute shortages of water, which could be caused by drought or any natural or manmade event that would prevent the delivery of potable water to our customers. The record drought of 2012 demonstrates the Water Department is fully capable of meeting the water demands of its customers, at least in the short term (next 5 to 10 years).

A water conservation plan is more than a plan to respond to acute water shortages. Properly written, it seeks to reduce water use by all customers on a continual basis thereby reducing demands on the diversion, treatment, and distribution systems.

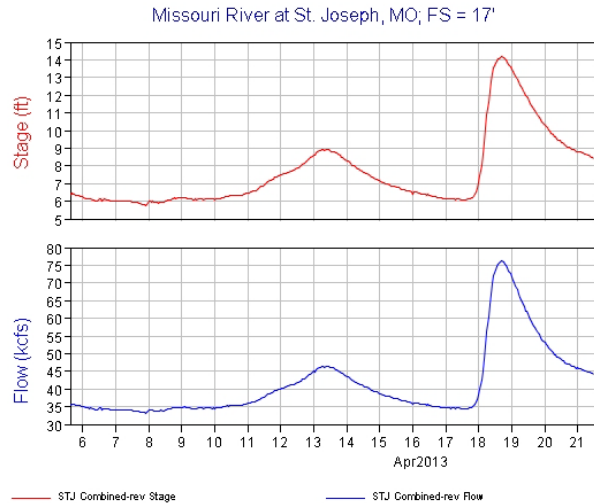
The Water Department’s Water Conservation Plan is being reviewed and modifications will be recommended to the Board in the coming weeks. Meanwhile, the national weather service is forecasting minor flooding of the Missouri River in the Leavenworth area.

### **Water Treatment Plant Operations**

During the first 20 days of April 2013, 82,768,100 gallons were pumped into the water-distribution system from both treatment plants. Demand ranged from about 3.54 MDG to 4.72 MGD and averaged nearly 4.14 MGD. The total volume of treated water pumped into the water distribution system from both water treatment plants from January 1<sup>st</sup> through April 20<sup>th</sup> of 2013 was 437,917,300 gallons.

- a. **North Plant:** During the first 20 days of April, the North Plant produced 42,254,000 gallons and met about 51% of the total system demand by producing from 2.07 to 2.20 MGD and averaging about 2.11 MGD for the month.
- b. **South Plant:** During the first 20 days of April, the South Plant produced 40,514,100 gallons and met 49% of the total system demand by producing from 1.35 to 2.60 MGD and averaging nearly 2.03 MGD.

The current flow in the Missouri River at Leavenworth is about 45k cfs, as measured at St. Joseph, Missouri. According the National Weather Service, the Missouri River may exceed flood stage (20 feet) at Leavenworth in the coming days due to recent rains and upstream snow melt.



**Water Distribution Operations**

Since the previous Board meeting on April 8, 2013 the following water-distribution activities occurred:

- a. New Water-Service Connections: none
- b. Service Kills, Relocations or Repairs: none
- c. Valves and Fire Hydrants (new and replacements): Replaced a broken Ford valve at 1429 Kiowa
- d. Waterline Breaks: three

2-inch (2)	4-inch (0)	6-inch (1)	8-inch (0)	10-inch (0)	12-inch (0)
1003 N. 8th & 1716 Pawnee	none	1214 Cherokee	none	none	none

- e. Service Renewals without Main Replacements: one at 2101 Maple Ave.
- a. Service Transfers to New Replacement Mains: six at 502, 507, 510, 518, 520, and 531 Shawnee in conjunction with the new main replacement.
- f. Radio-Read Installations: 95
- g. Large Meter Replacements: none
- h. Meter Relocations: none
- i. Main Replacements: A 6-inch cast-iron (CIP) water main (circa 1882) was replaced by pipe bursting along Shawnee Street between 5<sup>th</sup> and 6<sup>th</sup> Streets with 8-inch high-density polyethylene pipe (HDPE).

---

**MEETING ADJOURNED**

There being no further business to come before the Board, Chairman Kirk adjourned the meeting.

Approved \_\_\_\_\_ 2013

\_\_\_\_\_, Chairman

\_\_\_\_\_, Secretary