

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan



Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith

**City Council
Special Meeting Minutes
August 25, 2005**

A Special Meeting of the Fayetteville City Council was held on August 25, 2005 at 4:45 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, Deputy City Clerk Gina Roberts, Staff, Press, and Audience.

ABSENT: Alderman Rhoads

Pledge of Allegiance

New Business:

Mid-America Environmental Solutions Remediation Services Contract: An ordinance waiving competitive bidding, increasing the amount authorized for clean-up costs to \$270,000.00, approving a Contract/Work Plan Agreement not to exceed \$270,000.00 with Mid-America Environmental Solutions, Inc., and approving a budget adjustment of \$225,000.00.

City Attorney Kit Williams: The first ordinance that went out did not include the \$55,000 contingency that was requested. I redrafted the ordinance and have given you a copy. I will read the redrafted ordinance.

City Attorney Kit Williams read the ordinance.

David Jurgens Water and Sewer Maintenance Superintendent: The amount that was originally authorized for this project was \$70,000 and at that time it wasn't certain whether this

would be considered a hazardous material spill or not. It turns out that it does have to be considered a hazardous material spill. It is not like we are working with something that is really dangerous or hazardous but this product is listed as a hazardous material.

We think this cost will be the maximum cost for the contractor. I recognize that I am asking for a large contingency, the reason for that is that we may have to do some stream sampling and ground water monitoring wells, the contingency is to cover those potentials. I have discussed this with ADEQ and OMI. ADEQ said this type of spill normally runs in the \$250,000 to \$300,000 range. ADEQ thought the prices that we received were definitely competitive and that changing contractors would be a mistake since we have a work plan in place and we have a permit from a hazardous material landfill site in Illinois. I think this is a reasonable cost for what we have to do.

I apologize for having to call a special City Council meeting but we have a big hole in the ground and the more water that gets into that hole lends to a potential problem with ground water, so we need to continue to work as fast as we can.

Alderman Reynolds: When Mr. Davis was here and we met on this he felt like \$70,000 was the most that we were going to spend on this. He was told that most of the site was not hazardous. So why all of a sudden are we spending \$200,000 more?

David Jurgens: I was not involved with the discussions at that point, but in talking to the contractor, OMI and ADEQ the \$70,000 was based off the waste not having to be hauled to a hazardous landfill and not having to have certified hazardous material employees on site. That was the optimistic view point, that this site would not be deemed a hazardous material work site. \$115,000 of this amount is for transportation to the landfill because you have to have a hazardous material licensed CDL operator and the landfill disposal itself. You have to haul it to a landfill that will accept this waste.

Alderman Reynolds: Is Peoria Illinois the people that tested the soil or did OMI test it here?

David Jurgens: We tested the soil here and then we sent the soil sample results to Peoria, Illinois for them to determine if they could accept this material into their landfill. A hazardous material landfill doesn't accept every hazardous material.

Alderman Reynolds: How many tons are we talking about that have to be shipped to Peoria, Illinois?

David Jurgens: The maximum estimate is 500 tons. We have hauled 90 tons thus far and we are estimating no more than 400 more having to go.

Alderman Reynolds: That's just the Gregg Avenue site?

David Jurgens: Yes sir. One of the reasons that we estimated this high is because the tank under ground will float from ground water if we don't anchor it down, we are down to the concrete slab that is under ground, that is the anchor for the tank. Once we break that slab we

will see what we are running into. We are hoping that we are not going to see very much below that. What we have seen so far is that the contamination didn't go out laterally into the soil; it all seems to have gone down. This is a time and material contract so we will only be paying for the actual work performed.

Robert Ferrell: It seems like we talked about repairing these tanks at a Water and Sewer meeting. How many tanks are there?

David Jurgens: We have four other tanks that are not petroleum products, three are on the Noland Plant site and one of them is at the lift station in Farmington. We are looking at, in the next CIP budget, having all of those removed or if we have funds left over in this tank removal project we may then come forward and ask you to use the left over funds to go out for bids to remove those tanks. There are no indications of any contamination at any of those tanks.

Robert Ferrell: They have all been inspected?

David Jurgens: They all have leak detection, they all meet all the requirements and there has been no indication of any problems but we still want to get those things out of the ground.

Robert Ferrell: On one of the tests it stated, in the water there was a trace amount that was above the standard. In subsequent testing if you test it two more times and you don't see any amounts in there, is that a good sign that it may not cost as much or is the testing going to have to be on going?

David Jurgens: That is going to depend on what we work out with ADEQ and will be part of the closure report. ADEQ will then make their determination of whether we need to do further stream sampling or ground water sampling.

Alderman Reynolds: Where are we going to get this \$325,000?

David Jurgens: We are pulling this out of Fund Balance.

Alderman Marr: If 400 tons is the maximum that you think we will have, when you started the presentation you talked about a significant contingency because of unknown cost, you then further explained it and it seems like you have taken into account the worst case scenario. Why do we need the contingency amount?

David Jurgens: The contingency is in case we have to do stream sampling which may have to be done for one year or ground water monitoring wells and ground water sampling which may also possibly be done for one year. It is a project contingency for related work that might need to be completed by other firms to determine if there is any residual contamination that will be determined by ADEQ at a future date.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Rhoads** was absent.

City Attorney Kit Williams read the ordinance.

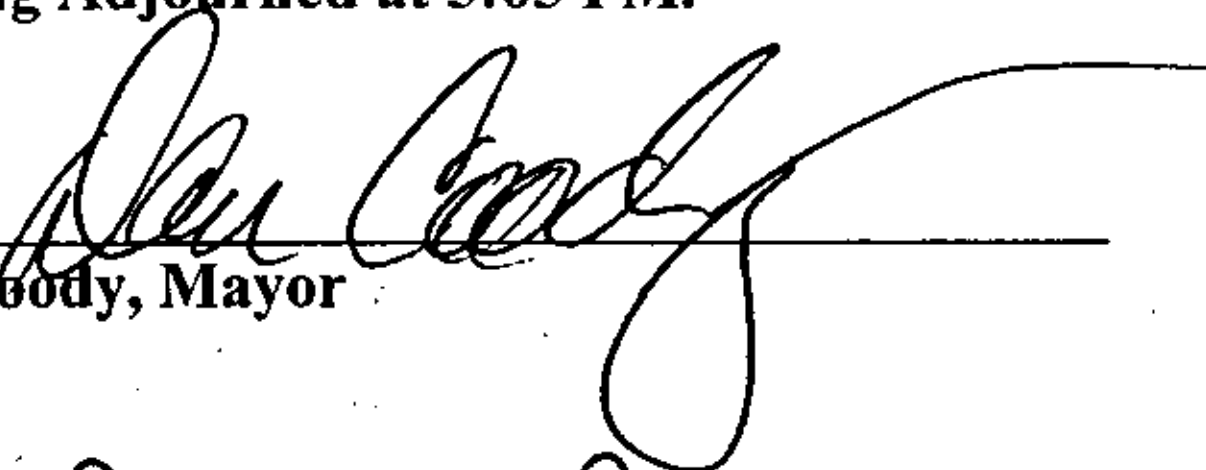
Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 4746 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 5:05 PM.



Dan Coody, Mayor



Sondra Smith, City Clerk/Treasurer