

# CITY OF GENESEE

Location: 235 W Chestnut Street, (Fire Station) Genesee, ID 83832

**CITY COUNCIL**

**March 14, 2023**

**SPECIAL COUNCIL MEETING**

**MINUTES**

**6:00 PM**

**CALL TO ORDER** –Mayor Hermann called the Special City Council meeting to order at 6pm

**ROLL CALL:** Present at the meeting were Council Members: Bill Krick, Nyla Roach, Jesse Aherin, Cody Bailey; Public Works Director Dustin Brinkly, City Clerk/Treasurer Debi Zenner, City Attorney Jennifer Douglass, and City Engineer Ryan Rehder

**VISITORS:** Pat Aherin and Chance Hobbs-Digwell Idaho

**CITIZEN COMMENTS:** None

**WATER UPDATE** (Ryan Rehder): Lots of progress on the Well House, at the site. Electrical equipment has been ordered. The pump will be here in April and hopefully everything else will be done by then. Well 8 is now tied into the existing system, we just need to get everything connected inside the Well House, but good progress overall. Once the pump is installed, there will be finishing touches and hopefully the new Well will be online end of May, first part of June. We've applied for additional funding as well. Well #9 planning will be soon, hoping at the next Council meeting we can discuss. We'll also talk about the best location for a true redundancy Well. Water testing looks good so far; no arsenic, no uranium, water quality is really good. **Waste Water Project Update:** Waste water project went out to bid three weeks ago. Currently, we are scheduled to open bids on the 20<sup>th</sup>, but will issue an addendum to push it out a week and will reissue the plan set, because of one minor grading issue and to add back up power (generator). There is a lot of interest in this project. The sequencing of the project will be up to the awarded contractor, but the contract will be awarded in segments; base bid and three bid alternates.

## **UNFINISHED BUSINESS:**

**Reconsideration of denial of septic system of 806 Genesee Avenue-Trent Souders** – At our February 21<sup>st</sup> meeting, we heard from Jennifer, who discussed Mr. Souders email with code references. John sent tonight's meeting agenda to Mr. Souders, but did not hear back. Jennifer would like to hear from Council, their opinions on why they would vote to reconsider or deny. Bill: Mr. Souders sent an email and his reasons to approve based on State codes. They do not pertain to his situation however, so Bill doesn't see any reason to change the original decision. Deciding factor is City Code states: if your property is within 200' of the City's sewer hookup, you are required to tap into it. Cody feels our code is clear and the property owner should be required to hook into the City's sewer. Jesse also discussed the City code and feels the same, even if the owner chooses to build further away, the sewer line is still within 200' of the property. Motion made by Bill, seconded by Nyla to uphold the denial for the septic system at 806 Genesee Avenue;

**ROLL CALL VOTE: Krick, Aherin, Bailey, Roach; AYES, motion carries**

**EXECUTIVE SESSION:** Motion made by Cody, seconded by Jesse, to go into Executive Session under Idaho Code 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; at 6:31pm; **ROLL CALL VOTE: Krick, Aherin, Bailey, Roach; AYES, motion carries**

Motion made by Cody, seconded by Nyla, to come out of Executive Session and back into Regular Session at 6:43pm;

**ROLL CALL VOTE: Krick, Aherin, Bailey, Roach; AYES, motion carries**

**NEW BUSINESS:**

**Discussion and approval or denial of Digwell Idaho's request for extension and final payment:** Chance Hobbs, from Digwell Idaho, wanted an opportunity to explain the delays and reply to complaints regarding the time it took to complete the drilling of Well #8. Three specific events caused the delays. The Well borehole fell apart at 260', which presented different options to the engineers. The equipment needed didn't exist and had to be manufactured, which took a lot of time. Some of the manufactured equipment broke or was faulty, causing more delays in trying to locate broken pieces at the 400' level. Chance felt there was a loss of approximately 42 days. In showing the City they were committed to finish, they left the drilling rig there. Chance wanted Council to know they worked hard and made decisions they felt were right at the time. He was in constant communications with Ryan and Ed, from Mountain Waterworks. Chance wanted the City to know and understand why the delays happened and felt they were outside of his control. In the end, he feels the Well is a quality Well, but is also upset there were so many delays.

Cody discussed the change orders and felt Digwell had the opportunity to extend the time on the orders but didn't. Additional time was not requested, which caused a lot of frustration communicating to our citizens.

Mayor Hermann said on the days they were drilling, they didn't work full days. He would make a point to drive up and it seemed they consistently started around 10am and were done by 3pm.

Jesse asked Chance to explain the change orders. Chance said he was working with Ed and felt Ed was taking care of the change orders on his end. Chance wasn't aware the delay days weren't on the change orders, but did have conversations with Ed and Ryan about it. Chance thought there were two different change orders that added extra time because of the issues with the well hole and the supply chain delays.

Bill had conversations where he was promised a January 1 start date, and then February came, March, etc., and it just kept getting delayed. Bill feels the costs the City incurred, need to be covered during this time. Chance explained, he was in the area of another job, so he worked there and by the time they got back to Genesee, they just got started and the piece broke off, which caused them having to have the tool built, which caused more delays. The supply chain and time delays were out of his control.

The 35K the City feels Digwell should compensate, Chance would push back on that because he incurred costs as well. The extra equipment costs were expensive, and time consuming. The contract is still open, so costs haven't been finalized. Chance proposed the 35K be split three ways; Mt Waterworks, Digwell and the City.

Bill feels Council needs time to further discuss, as the information Chance gave needs to be taken into consideration. But the City also incurred quite a bit of extra engineering costs as well that needs to be considered.

Motion made by Bill, seconded by Cody to table until our April 18, 2023 Council meeting; **ROLL CALL VOTE: Krick, Aherin, Bailey, Roach; AYES, motion carries**

**ADJOURNMENT:** Motion made by Cody seconded by Bill to adjourn at 7:35pm **VOICE VOTE: AYES, motion carries.**



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John Hermann, Mayor



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Debi Zenner, City Clerk/Treasurer