

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

5/7/2013

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

Water/Wastewater
Division

Utilities
Department

Action Required:

Approving an amendment to the Intergovernmental Agreement with Northwest Arkansas Regional Planning to continue the Intergovernmental Working Group (IWG) cooperative regional efforts relating to the Second Statement of Joint Principles, the Stressor Response Study contained therein, and to monitor, evaluate, and report the likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas, with an authorized expenditure of up to \$40,000 for the agreement and a \$5,000 contingency.

\$ 45,000.00
Cost of this request

5400.5100.5314.00
Account Number

10027-1001
Project Number

\$ 69,856.00
Category / Project Budget

\$ -
Funds Used to Date

\$ 69,856.00
Remaining Balance

Phosphorus Reduction
Program Category / Project Name

Wastewater Treatment
Program / Project Category Name

Water and Sewer
Fund Name

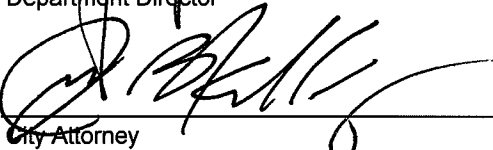
Budgeted Item XX

Budget Adjustment Attached


Department Director

17 APR 13
Date


73-12
Previous Ordinance or Resolution # 99-10
4/17/2012
Original Resolution Date: 6/1/2010
Original Contract Number: N/A


City Attorney

4-17-13
Date

Paul a. Becher
Finance and Internal Services Director

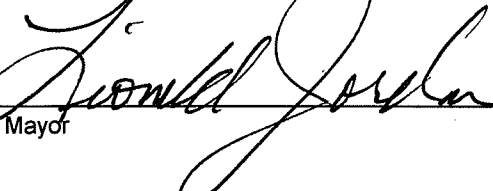
4-19-2013
Date

04-17-13 P01:31 RCVD
Received in City Clerk's Office



Chief of Staff

4-19-13
Date

Received in Mayor's Office



Mayor

4/18/13
Date

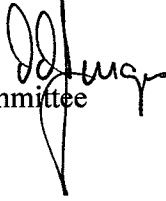
Comments:

www.accessfayetteville.org

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water and Sewer Committee



Date: April 17, 2013

Subject: Intergovernmental Agreement Amendment with Northwest Arkansas Regional Planning Relating to the Second Statement of Joint Principles, Stressor Response, and Monitoring Evolving Water Quality Issues

RECOMMENDATION

Staff recommends approval of an amendment to the Intergovernmental Agreement with Northwest Arkansas Regional Planning to continue the Intergovernmental Working Group (IWG) cooperative regional efforts relating to the Second Statement of Joint Principles, the Stressor Response Study contained therein, and to monitor, evaluate, and report the likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas, with an authorized expenditure of up to \$40,000 for the agreement and a \$5,000 contingency.

BACKGROUND

Coordinated through NWARPC, the Cities of Fayetteville, Springdale, Rogers, Bentonville, and Siloam Springs, and Washington and Benton Counties, have been working together in an effort to ensure our interests are fully represented in any future decisions that may be made by the Arkansas Department of Environmental Quality (ADEQ) and EPA Region 6 relating to phosphorus, future proposed changes to stream standards, and wastewater discharge requirements. Using an approved professional selection process, the group has hired several firms to conduct scientific evaluations and to facilitate the group's efforts. Siloam Springs has officially pulled out of the IWG as of September, 2012, but continues to remain active on the subjects involved.

Fayetteville's focus is that we are well into many activities that protect our watersheds generally and reduce nutrients very specifically. The Nutrient Reduction Plan, stream bank protection ordinance, low impact development ordinance, aggressive public education campaigns, evaluation of the stormwater utility, and strict stormwater management are all examples of efforts completed, underway, and programmed in the future. We believe these efforts can produce better results for water quality at significantly reduced cost compared to simply reducing the wastewater treatment permit limits.

DISCUSSION

This amendment updates the agreement and adds in a financial commitment to support the Stressor Response Study which is agreed to within the Second Statement of Joint Principles and Actions between Arkansas and Oklahoma relating to water quality in the Illinois River. This study will produce what Arkansas agencies have been requesting for decades- a scientific based determination of what the water quality standards should be in the Illinois River. This agreement will allow the IWG, through Northwest Arkansas Regional Planning, to provide a portion of the funds needed to fund the study. The study is estimated not to exceed \$600,000 total, and will be completed in approximately two years.

BUDGET IMPACT

\$69,856 is available in project 10027.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION RELATING TO THE SECOND STATEMENT OF JOINT PRINCIPLES, STRESSOR RESPONSE, AND MONITORING EVOLVING WATER QUALITY ISSUES, AUTHORIZING AN EXPENDITURE OF UP TO \$40,000.00 FOR THE AGREEMENT, AND AUTHORIZING A \$5,000.00 CONTINGENCY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the Second Statement of Joint Principles, stressor response, and monitoring evolving water quality issues, authorizes an expenditure of up to \$40,000.00 for the Agreement, and authorizes a \$5,000.00 contingency.

PASSED and APPROVED this 7th day of May, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**AMENDMENT 1 TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE
NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION**

This agreement is made this ____ day of _____, 2013 by and between the City of Fayetteville, Arkansas, hereinafter called City, and the Northwest Arkansas Regional Planning Commission, hereinafter called NWARPC.

WHEREAS, Springdale, Rogers, Fayetteville, Bentonville, Benton County, and Washington County have continued participation in a coordinated, cooperative regional effort to insure that the region's interests are fully represented in any future decisions that may be made regarding water quality matters, particularly as they relate to impending phosphorus standards; and

Whereas, Arkansas and Oklahoma, on February 20, 2013, entered into an agreement entitled "Second Statement of Joint Principles and Actions" conditionally extending for 3 years the original 10-year agreement associated with Oklahoma's phosphorus limits; and

Whereas the Second Statement of Joint Principles and Actions includes a Stressor Response Study to be funded by entities within the State of Arkansas

The City of Fayetteville Agrees To:

Add actions related to the Second Statement of Joint Principles and Actions, including providing an equal share of funding of up to \$40,000 per year for up to two years for the Stressor Response Study and other actions, to the scope of this Intergovernmental Agreement.

The Northwest Arkansas Regional Planning Commission Agrees To:


Add actions related to the Second Statement of Joint Principles and Actions, including the Stressor Response Study and other actions, to the scope of this Intergovernmental Agreement.

All elements of the base agreement remain in effect.

IN WITNESS WHEREOF, the City of Fayetteville and the Northwest Arkansas Regional Planning Commission have executed these presents by their respective authorized representatives, having been authorized to do so by appropriate resolution.

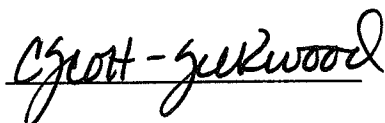
Northwest Arkansas Regional Planning Commission

City of Fayetteville


Director

Mayor

Witnessed By:



City Clerk

City Clerk