

The Council of the City of Wellington, Kansas, met in Special Session on February 24, 2016 at 12:00 p.m., in the City Council Room, City Administration Center, with Mayor Shelley Hansel presiding. Mayor Hansel called the special meeting to discuss raw water user issues.

The Pledge of Allegiance was led by Mayor Hansel.

Council members Bill Butts, Kip Etter, Jan Korte, Kelly Green, and Vince Wetta were present at roll call. Council member Jim Valentine was absent at roll call.

Members of the Staff present were City Attorney Mike Brown, Finance Director Shane Shields, City Clerk Carol S. Mericle, Utility Director Jason Newberry, City Manager Roy Eckert, and Public Works Director Jeremy Jones.

#### **REPORTS OF CITY OFFICIALS**

City Manager Roy Eckert explained the Raw Water issue: the City of Wellington, in some instances, has been providing raw water to residents outside of the city limits. As many as ten years ago, the state of Kansas asked us to cease this practice but they did not push the issue until a few months ago; therefore, they have ordered that all users of raw water must disconnect by May 1, 2016. In order to make that happen, he is asking for the authority to work with individuals and reach agreements without having to come back to the Council with each instance.

Attorney Mike Brown explained more about how the agreements and leases of raw water to users works and how the Kansas Department of Health and Environment (KDHE) is stating we must cease this practice. He further explained that Roy is asking for approval to negotiate with users. He added we have been trying to work out something with KDHE but the employee we have dealt with for many years has recently retired so they are no longer willing to work with the City.

Manager Eckert continued to explain that May 1<sup>st</sup> is the cutoff date and if services are not disconnected, we will be fined.

Director of Utilities Jason Newberry added that this is the reason for the urgency, to give the customers as much time as we can to deal with this issue. He said we have to shut these customers off and they will no longer have water to their residences as of May 1<sup>st</sup> unless they come up with another means of establishing water service.

Council member Korte asked if we are sure the City will continue to keep authority to use the wells on an individual's property.

Attorney Brown responded that was what we were trying to accomplish with the negotiations. He added we own the easements so if that happens, we may have to cap the well.

Mayor Hansel commented that she understood there may be raw water users that we have not identified and asked how we were going to handle that issue.

Manager Eckert responded that we can monitor water flows and find out if there is usage; he believes in the past there have been taps that we did not permit. He added that our crews are watching very closely and they do a wonderful job. He said we want to be fair to all users of raw water and we will work with them and we have resources set aside to make that happen.

Council member Butts asked if the City anticipated any customers being difficult in the negotiations.

Attorney Brown responded that although we know that could happen, the users understand that this is not a problem that the City created. We advised them about 7 years ago about the KDHE issue, and now we have a May 1<sup>st</sup> deadline that we are stuck with.

Mayor Hansel asked if there was a cap on the amount that we are offering users and wanted to know where that money was coming from.

Financial Director Shane Shields replied that there was \$150,000 budgeted in the year 2016 for a project to address the raw water issue. He explained that the money is in the Capital Improvement Fund but it can also be used to negotiate agreements with users.

Council member Vince Wetta moved to approve the City Manager have the authority to negotiate a settlement with the raw water customers in order to comply with the KDHE mandate. Council member Korte seconded. The motion carried.

Council member Green asked about the time frame in reaching these agreements.

Manager Eckert responded as quickly as possible because we do have to have it resolved and we don't want any of the customers going without water.

Manager Eckert asked Utility Director Newberry to talk about the scheduled maintenance with Westar Energy on their transmission lines to the City of Wellington. He explained it was a success and that the Electric Departments did a great job. He stated the gas turbine ran great, and our guys were on top of it immediately. He added they found a few things we could do better and we are going to make those adjustments for next time, but everything worked great. We had no disruption in service.

Mayor Hansel and Manager Eckert commented on the great job our electric employees did. Mayor Hansel reminded everyone about the regular Council sessions on March 1<sup>st</sup> and the work session on March 7<sup>th</sup>.

A motion to adjourn was seconded and carried.

Approved and filed this 1st day of March, 2016.

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Mayor

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City Clerk