

The Council of the City of Wellington, Kansas, met in Special Session on April 27, 2016 at 4:30 p.m., in the City Council Room, City Administration Center, with Mayor Shelley Hansel presiding.

The Pledge of Allegiance was led by Mayor Hansel.

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

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

REPORTS OF CITY OFFICIALS

Federal Fund Exchange Supplemental Agreement. Director Jones presented the signed Master Agreement that was approved by Council last meeting between the City of Wellington and the Kansas Department of Transportation (KDOT) regarding the Federal-Aid Fund Exchange. He shared that KDOT has requested a supplement to the agreement to remove provisions of the Master Agreement that do not apply. He reported the staff has reviewed the request and has no issues with the change. However, KDOT is holding funds for the project until the requested change is put into place.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN SUPPLEMENTAL AGREEMENT NO. 1 TO THE FEDERAL-AID FUND EXCHANGE MASTER AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) was introduced and considered.

Council member Korte moved to adopt the resolution as presented. Council member Green seconded. Upon roll call vote, those voting "AYE" were Council members Etter, Green, Korte, Valentine and Wetta. There were no "NAY" votes. Number 5755 was assigned to this resolution.

Raw Water Issue. Mayor Hansel explained the reason for this meeting was to discuss updates on the raw water issue. She reminded everyone that this issue has been ongoing for at least 10 years. She had a conversation this week with a representative with the Kansas Department of Health and Environment (KDHE) who shared with Mayor Hansel that she felt both the City of Wellington and KDHE had dropped the ball by not adhering to a lot of the deadlines. She said although there is no excuse as to why this was not settled a long time ago, Mayor Hansel wanted it on record that KDHE acknowledged they were at fault, as well. She added that after Council member Wetta's motion last week, the goal was to not have these customer's water shut off on May 1st. The agreements made in the past was to provide free water to these customers in exchange for access to their property and to our water wells. She said we want to make sure our citizens are able to drink safe water.

Council member Wetta clarified that the intent of the motion was to not terminate water services to these customers on May 1st to allow the City time to work with KDHE.

Mayor Hansel continued that she was not able to arrange a trip to Topeka but instead spoke to them on the phone. Afterwards, she received an email outlining directives by KDHE. They are as follows:

1. KDHE plans to issue a Directive requiring the City to begin providing bottled water for drinking and cooking to the 13 homes currently connected to the raw water line. This will be effective 5/1/2016 and will remain in effect until advised by KDHE to stop.
2. KDHE would like to negotiate a Consent Order (CO) with the City within 30 days. The CO will establish a schedule for the City to comply with Drinking Water Regulations.
3. If the City does not wish to negotiate a CO, KDHE will issue an Administrative Order (AO).
4. Both the CO and AO will include civil penalties for failure to comply with the schedule.

Mayor Hansel explained that the homes are to continue receiving raw water but they are not to be consuming it. The bottom line is the bottled water. She added they can still bathe and/or do laundry or chores but no consumption of the raw water. She explained that the original intent was for KDHE to administer an AO, which would dictate what the City had to do. Instead, they are willing to sit together and work out a CO which is more of a plan that works for everyone. However, if we cannot work something out, an AO will be issued. Mayor Hansel added as of Sunday, May 1st, we will not face any fines as long as we provide bottled water to these customers and as long as we are willing to come to the table with the KDHE to create a CO. She is asking for a motion that we accept these four parameters and enter into a Consent Order with KDHE within the next 30 days.

Council member Etter asked if we would be providing delivery of the bottled water. Mayor Hansel replied that she would like to see the City Staff work on the details of the water – cases of bottled water we deliver daily versus looking at a contract with a water bottling and delivering company. Manager Eckert responded that he is needing some clarification on the 13 homes that the KDHE is saying we need to provide bottled water to because not all of them are hooked up to receive it where they would be consuming it. He explained that the State has a formula that they use to determine the correct amount of water each household requires for consumption based on various factors so that we know exactly how much we need to purchase and provide. He stated we will comply but we want to do it efficiently and correctly and will do whatever it takes. He would like to see someone reach out to the State and confirm numbers to ensure that the directive is very clear.

Director Newberry updated the Council that he has already began reaching out to both the KDHE on specific numbers and area bottling companies who would deliver in the customer's area. He is hoping to have some definitive answers as soon as tomorrow.

Council member Korte believes this is a good solution to the situation and will tide us over until we can get water wells drilled on land that will produce. She would like to leave it up to the City Management on how and who will receive the bottled water.

Council member Korte motioned to adopt the proposed plan with the KDHE and give the Staff permission to find method of bottled water delivery. Council member Green seconded the motion.

Council member Valentine asked what happened to the 2015 Capital Improvement Plan approval to put in water lines at the cost of \$150,000. He also wanted to know why and who made the decision to approve individual water wells. He is concerned this is a temporary solution to a problem that needs to be solved. He feels we need to decide what it will cost to run a line out there.

Manager Eckert replied that last year the City had the Professional Engineering Consultants (PEC) come in and do an estimate on what it would cost to run a line out there and the estimate, although he does not have number in front of him, he believes was over \$200,000 closer to \$300,000. They checked the statistics within the past couple of weeks and he would check the minutes to recent meetings but it was decided to do individual wells, as that would be cheaper.

Council member Korte commented that she recalls receiving recently an estimate of \$387,000 to build the line and regarding the \$150,000 it was set aside to do the project – it was never expected to be done for that price. The problem has to be solved some way and she believes it is better to have them drill their own wells than to have them put the \$387,000 line out there.

Council member Wetta stated he understood what Council member Valentine was saying but he felt there was no need to discuss people or plans through history because we can't go back and fix things that started in 1954. He would like to see us sit down at the table with the KDHE, which is what the motion will get us.

Council member Etter wants to make sure all issues surrounding the water supply are addressed, including easements, right of ways, upkeep, and making sure customers have good safe and clean water.

Upon roll call vote, those voting "AYE" were Council members Etter, Green, Korte, Valentine and Wetta. There were no "NAY" votes. The motion carried.

Manager Eckert informed the Council of his visit to KDHE in Wichita this past Monday. He attempted to call and ended up driving to Wichita to try and arrange a face-to-face meeting that day. They informed him this issue was going to need to go through their department in Topeka. When he returned to his office, KDHE was already calling him after discussing with Topeka, to arrange a telephone conversation with Mayor Hansel prior to Friday. That discussion occurred much faster on that same afternoon and resulted in the KDHE directive voted on today.

A motion to adjourn was seconded and carried.

Approved and filed this 3rd day of May, 2016.

Mayor

City Clerk