

A special called meeting of the City Council of the City of Iola was held on August 6, 2012 at 6:00 p.m., at the Iola Public Library Community Room, 218 E Madison, Iola, Kansas. The purpose of the meeting was to hold a public hearing for the budget, discuss and approve EPA Consent Agenda and Cedarbrook Property Water Usage

CALL MEETING TO ORDER

Mayor Shirley called the meeting to order at 6:00 p.m.

ROLL CALL

Mayor Shirley, Council Members Becker, Rowe, Stewart, Callahan, French, Kilby and Franklin were present. Also present was, Administrator Slaugh, Attorney Apt and City Clerk Hutton. Council Member Wicoff was absent.

PUBLIC HEARING BUDGET

Mayor Shirley opened the public hearing. As there were no comments from the public concerning the budget Mayor Shirley closed the public hearing.

ENVIRONMENTAL PROTECTION AGENCY (EPA) CONSENT AGREEMENT

Attorney Apt informed the council that the EPA penalty is a result of operations at Russell Stover's. Administrator Slaugh, Water Plant Superintendent, Toby Ross and himself negotiated with the EPA to come to this option. (agree to complete a Supplemental Environmental Project (SEP) in exchange for a reduced penalty from \$44,000 to \$12,000). Administrator Slaugh informed the group that the EPA would not allow a project that the city was required to do or one that was already being considered. They came up with a replacement of the 200HP motor that pumps the water from the water plant to the towers. The current pump pulls to much power all at once and causes a shock to the system. The estimated cost of \$40,000 for the pumps will be verified following a visit from an electrical engineer. The deadline for the project is June 30, 2013. Once it is completed the penalty will be reduced to \$12,000.

- Council Member Callahan asked when was it discovered that this pump was a problem for the system.
- Administrator Slaugh noted that the pump is from the 1980's, therefore it has been a problem for a long time.
- Motion made by Council Member Franklin to accept the agreement and authorize the Mayor to sign the agreement with the EPA.
- Council Member Rowe stated he would not be voting in favor of the motion because he feels that it is legalized extortion by the EPA. The city did nothing wrong and yet we are getting penalized.
- Council Member Callahan stated that the agreement does show that the city had plenty of opportunity to correct the issue and did not.
- Voting in favor of the motion were Council Members: Callahan, Kilby, Becker, Franklin, French, and Stewart. Voting against the motion was Council Member Rowe. Motion passed by a majority vote.

CEDARBROOK PROPERTY WATER USAGE

Administrator Slaugh gave an overview of the ponds in the Cedarbrook property. The Cedarbrook Golf Course currently has a pumping system out of one of the ponds on the city owned Cedarbrook property. They have currently pumped water from the two ponds on either side of the pumping system pond and have started to lay water lines on city property to be able to water the golf course out of the ponds. They want to dredge the pond north of the pumping system and make it deeper in order to catch more water.

- Council Member French asked if this was the same pond that was in the discussion when the senior housing was built? Assistant Administrator Schinstock noted that that pond is farther south, east of the ponds in question.
- Attorney Apt noted that the golf course currently has no right of way or easement on the city property to run the lines.
- Council Member Rowe asked why the city is giving them the water for free.
- Council Member Callahan asked why the golf course is not using the ponds on their property. Assistant Administrator Schinstock noted that they are indeed using those ponds also.
- Council Member French inquired about the water being pumped into the pond. Isn't this raw water from the rural water district? Administrator Slaugh stated that they do have the ability to pump untreated water into the ponds when required. Council Member French stated that he thinks an addendum to the agreement would be in order, they need to be following our codes concerning water lines being run within our city limits and if they want to dredge the pond at their expense we should allow them.
- Council Member Callahan stated the city needs to make sure that if we allow them to do these things that it won't interfere with future development.
- Attorney Apt noted that we should have the USDA look at the area so they can tell how to go about building a dam for the ponds and the size that would be most beneficial for the land and future development. Council Member Callahan noted we need to have an exit plan if in the future we have to fill the pond back in. We don't want the city bearing this cost.
- Council Member French made a motion to make an addendum to the plan looking at the impact on our property with them making the pond larger, allowing water lines per our code. Motion seconded by Council Member Stewart.
- Council Member Rowe asked Mayor Shirley and Attorney Apt how they were obtaining free water while on their watch. Attorney Apt stated that this is the first time this has occurred; in the past they were pulling water from the one pond of which was part water purchased from the water district. Voting in favor of the motion were Council Members: Rowe, Callahan, Kilby, Stewart, Franklin and French. Voting against the motion was Council Member Becker. Motion passed by a majority vote.

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ADJOURNMENT

6:33 p.m. Motion made by Council Member Stewart and was seconded by Council Member Kilby to adjourn the meeting. The vote was seven ayes. As the vote was unanimous, the meeting was declared adjourned.

Approved by the City Council of the City of Iola, Kansas this 13th day of August 2012.

Mayor, William A. Shirley

City Clerk, Roxanne Hutton