

WASHINGTON CITY COUNCIL MINUTES
Regular Meeting –City Hall
November 7, 2022

1. Call to order by Mayor Ryan Kern.

2. Roll Call.

Present: Ryan Kern, Mayor
Jerry Fuhrken, Council Member
Theresa Herrs, Council Member
Terry Morse, Council Member
Carolyn Pinnick, Council Member
Absent: Roxanne Schottel, Council Member
Staff Present: City Administrator Carl Chalfant
Denise Powell, City Clerk
Others: Cynthia Scheer, Washington County News
Pete Sherlock, Rotary Club
Russ Slater, Morrowville, Horse Soldier Dedication
Ron Nutz, Rotary Club, Horse Soldier Dedication
Nicole Bauman, Marysville
Austin Tillery, Marysville

3. Citizens Comments.

None.

4. Minutes.

Motion to approve the minutes of the regular meeting held October 3, 2022, and adjourned minutes of October 11, 2022, by Pinnick and seconded by Herrs.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

5. Appropriations Ordinance.

Motion to approve Appropriations Ordinance 2022-11 by Herrs and seconded by Pinnick.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

6. Rotary Horse Soldier Dedication Request.

Motion to approve the Loudspeaker/Sound Amplifier permit, Street Use permit and waive vendor permits for the Horse Soldier Dedication November 19, 2022 sponsored by the Washington Rotary by Pinnick and seconded by Fuhrken.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

7. Unsafe Structure Hearing.

Motion to open the public hearing to determine if certain structures located at 210 W 5th Street, in Lots 5 and Six in Block Thirty-two in the City of Washington is unsafe, dangerous or unfit for human use or habitation by Morse and seconded by Fuhrken.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

City Administrator Carl Chalfant had pictures available of the property and stated upon inspection the structure was severely damaged by fire and is uninhabitable.

Nicole Bauman and Austin Tillery, owners on record of the property, were present. Bauman stated she is moving three hours away and doesn't want the property and doesn't have the money to tear down the house. Tillery will have her attorney visit with the City's attorney about options.

Motion to close the public hearing to determine if certain structures located at 210 W 5th Street, in Lots 5 and Six in Block Thirty-two in the City of Washington is unsafe, dangerous or unfit for human use or habitation by Pinnick and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

Motion to approve Resolution 2022-06, A RESOLUTION FINDING THAT THE STRUCTURES LOCATED IN LOTS FIVE (5) AND SIX (6), IN BLOCK THIRTY-TWO (32) IN THE CITY OF WASHINGTON, KANSAS, WITH A PHYSICAL ADDRESS OF 210 W. 5TH STREET, IN THE CITY OF WASHINGTON, WASHINGTON COUNTY, KANSAS, ARE UNSAFE AND DANGEROUS AND A BLIGHTING INFLUENCE ON SURROUNDING PROPERTIES AND DIRECTING THAT THE STRUCTURES BE REMOVED AND THE PREMISES MADE SAFE AND SECURE, by Pinnick and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

8. Executive Session Attorney/Client Privilege.

Executive session was not held.

9. Kansas Gas Franchise Ordinance.

Motion to adopt Ordinance No. 819, AN ORDINANCE, granting to Kansas Gas Service, a Division of ONE Gas, Inc., and its successors and assigns, a natural gas franchise, prescribing the terms thereof and relating thereto, providing definitions of terms, prescribing a franchise fee, providing terms and conditions for the use of public rights-of-way, requiring advance notice of work and duty to repair, providing for indemnification and a hold harmless agreement, providing for rules and regulations, prescribing insurance requirements, reserving certain rights, providing for revocation and termination, providing for an acceptance of the terms of the franchise, providing for a reopener, providing for notice of annexations, prescribing relevant governing law, providing for transfer and assignment of the franchise, providing for points of contact and notifications, providing for an agreement to renegotiate, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof by Pinnick and seconded by Herrs.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

10. 2022 Audit & 2024 Budget.

Motion to authorize the Mayor to sign the engagement letter with Shipley CPA, LLC, for the 2022 Audit at a cost of \$8,700; 2024 Budget at \$1,450 and single audit at \$6,500 by Herrs and seconded by Fuhrken.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

11. Eric Gepner Request.

Consensus of the Council is to approve the permit for acknowledgement of location purposes only for Eric Gepner, owner of Eric's Automotive, for a 250-pound Liquified Petroleum Gas Storage Tank for his business located at 205 W 1st Street. City Administrator Carl Chalfant stated the tank must be installed to the NFPA 58 standards.

12. Christmas Lighting Contest.

Motion to approve the 2022 Christmas Lighting Contest with the following prizes:

1st Place – 100% off the customer's electric portion of their utility bill due on February 10, 2023;

2nd Place – up to \$50 off the customer's electric portion of their utility bill due on February 10, 2023;

3rd Place – up to \$25 off the customer's electric portion of their utility bill due on February 10, 2023 by Herrs and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

13. Rotary Memorandum of Understanding.

The request by Rotary Club of Washington, Kansas for a Memorandum of Understanding between the City of Washington, Kansas and Rotary Club of Washington, Kansas, for the pickleball court was tabled.

14. Law Enforcement Contract.

Consensus of the Council was to the notify the Washington County Sheriff of the City's intent to renew the Law Enforcement Contract for 2023.

15. Hayground Lease.

Motion to accept the bid and authorize the mayor to sign the lease agreement effective upon acceptance of bid from Ryan Nelson in the amount of \$125.00 for one year for haying rights on approximately 6 acres more or less on the W ½ of the NE ¼ of 33-2-3 which terminates on December 31, 2023 by Pinnick and seconded by Fuhrken.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

16. EMS Rates/Resolution 2022-07.

Motion to adopt Resolution 2022-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WASHINGTON, KANSAS AMENDING THE FEE SCHEDULE AS REQUIRED OR ALLOWED BY THE CITY CODE by Herrs and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

17. Advance Insurance.

Motion to approve 2023 renewal of the Advance Insurance Policy increasing the employee life insurance from \$10,000 to \$15,000, short-term disability and accidental death insurance by Herrs and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

The purchase of the Employee Assistance Program was tabled to the December meeting.

18. Health Insurance.

Motion to pay fulltime employee/spouse/children/family 2023 health insurance premiums of BCBS Platinum SG 500/25 Option A health insurance plan and employee only dental allowing employees the option to add spouse/children/family dental with the employee paying the difference by Herrs and seconded by Fuhrken.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

Motion to reimburse employees for 2023 Medicare premiums for Medicare eligible employees and their spouses who are not enrolled in the City's BCBS plan structure by Herrs and seconded by Pinnick.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

19. AFLAC.

Motion to update City's AFLAC plan year to 1/1/2023 through 12/31/2023, and authorize the City Clerk to execute a Payroll Account Acknowledgement reflecting the same by Pinnick and seconded by Herrs.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

20. KDOT User Agreement.

Motion to approve the Kansas Department of Transportation Communication System Infrastructure Radio Shared-User for Talkgroups Agreement as presented by Herrs and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

21. Holidays.

Motion to give fulltime employees the Friday after Thanksgiving off and close at Noon on Friday, Dec. 23, 2022, with employees receiving paid days off by Morse and seconded by Herrs.

Vote: Ayes: Theresa Herrs
Terry Morse
Carolyn Pinnick
Nay: Jerry Fuhrken

22. Executive Session.

Motion to enter into executive session to discuss employee evaluation and job performance for non-elected personnel to include the Mayor, Council, and City Administrator to resume in the Council chambers at 8:30 p.m. by Herrs and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

Motion to give street/water/wastewater laborer #1 a 50 cent per hour wage increase effective on the first full pay period following six-month probationary date of November 12, 2022 by Pinnick and seconded by Morse.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

23. Water Pay Request.

Motion to approve and authorize Mayor Ryan Kern to sign Contractor's Application for Payment No. 2 from Sargent Drilling in the amount of \$58,394.12 by Herrs and seconded by Fuhrken.

Vote: Ayes: Jerry Fuhrken
Theresa Herrs
Terry Morse
Carolyn Pinnick

24. Easement.

KSDS Assistance Dogs, Inc., will be granting the City an easement for the purpose of relocating a power pole guy anchor on their property.

25. Golf Course Request.

City Attorney Elizabeth Hiltgen reviewed applicable statutes with Russell Shipley, principal & managing director of Shipley, CPA, about the golf course request for the City to enter into a lease purchase for construction of a new golf cart shed. According to Hiltgen, the City is the owner of the real estate, so there would be no issues with respect to the City being the entity to enter into a lease purchase agreement for the acquisition/construction of a new golf cart shed at Cedar Hills Golf Course. With the City being the Lessee under any proposed agreement, the obligated periodic payments would need to come from the City, resulting in the need for an additional agreement with Cedar Hills regarding payment to the City. The debt payment would be made by the City. The City would seek the bids for the work/material following the procurement policy.

Chalfant would ask golf course for materials.

26. City Administrator Report.

a) **Storm Sewer Bids.** No action was taken on bids received for installation of the storm sewer at Crest and W 2nd Street to 3rd Street at the October 10th council meeting. The project will be rebid after the first of the year.

- b) **Power Plant Operator.** Staff will start placing ads for the hire of power plant operator once the job description is updated. City Administrator Chalfant would like the employee to enroll in the KMU Power Plant Technology program, two years of online courses tailored to the needs of the operator and engine type. The program is 240 hours of instructional contact time which focuses on training workers who are new to electrical generation as well as currently working in the field. Cost is \$500 per quarter/per student with a total program cost of \$4,000.
- c) **Compost Site Permit.** Caroline Scoville, EMT, submitted the update for the compost site permit for 2023 and it was approved.
- d) **Ambulance Board.** Washington County Commissioners previously requested the ambulance board create a survey regarding funding associated with a county wide service. The ambulance board met with the commissioners on Monday, November 7, 2022, to discuss the results. The results were given to the council for review.
- e) **KDOT 36 Project.** KDOT had asked for an estimate on street repair for damage done by big truck traffic on side streets. Staff prepared an estimate and forwarded it on to KDOT. Staff has not heard back from KDOT on how much they will reimburse city for damage to streets due to truck traffic.
- f) **Transformer Relocation Power Plant.** City Administrator is proposing to obtain quotes for a pad mount transformer to be placed on the new pad in the substation south of the power plant in the coming year. Currently, staff is going to place the three pole mount transformers located on the pole on the north side of the power plant on the substation pad. Staff has temporarily relocated the entrance wire coming from these transformers to allow room for the cooling towers and exhaust for the new engines, but again, this is temporary. This is not an ideal resolution, as it appears cobbled together and unprofessional. Staff proposes placing a pad mount to make this safer and much more professionally done. It is going to take approximately one year to get a pad mount transformer here. This transformer would be big enough to carry the requirements at the power plant for the boiler and meet the electric load at the water plant. This would be an electric distribution expense.

Council Member Jerry Fuhrken asked “how much money we going to put into power plant to make it right?” The people he talks to are asking him that question. “Where is the cutoff line?” Chalfant believes everything is under control. He stated there was damage done to the power plant roof when the exhaust was removed. Staff called the contractor who installed the roof to give an estimate on repair. As the roof is now, the warranty is voided.

- g) **Water Plant Electric Entrance.** Staff is proposing running conduit under Park Road from the substation at the power plant to the west wall of the water plant with new entrance wire. The transformers relocated from the north side of the power plant into the substation will handle the load of the water plant. This would alleviate the replacement of the poles and wiring currently feeding the water plant that are in extremely bad condition. This would be done in 2023 and would be paid for from the water fund.
- h) **Drainage Waterway at Lagoons.** It was brought to the attention of the City Administrator that the waterway along the east side of the city’s lagoons had silted in and breached, which caused a very large ditch to be washed across a field owned by Dale Keesecker, running east from the city lagoons. Staff will obtain an estimate for dirt work to clean and consider building a levy with the excess dirt from the silt. The work needs to be done before spring.
- i) **Tree.** There is a tree located above a power line along the south side of Gary & Danielle Stone property (19 N B Street) on a city owned piece of property that is too tall for any of our equipment to reach. If it comes down, it will take out a long stretch of power lines. Staff recommends requesting bids from a professional tree service to cut the top out of the tree with the City taking it down the rest of the way.

- j) **Employee Retirement.** A retirement reception will be held from 2 to 4 p.m. Thursday, December 29, 2022 at City Hall for Rick Applegarth, power plant operator.
- k) **Transformers.** Jason Throm, line superintendent was informed by Matt Miles, of Environmental Compliance, at a recent audit that the EPA regulations are cracking down on physical leaking transformers and implementing hefty fines. The City has several new and used transformers at the City's stockpile that need oil tested to determine if they have PCBs. If they do have PCBs, they will require disposal, if not they will need rebuilt. Some of the transformers are also not 4160 compatible.
- l) **Playground Committee.** Notes from the Playground Committee were given to the Council for review.
- m) **Water Project.** Brian Foster, engineer with BG Consultants, notified the City that Andy Jones with Orr Wyatt will be in town in the next two weeks to correct the curb and gutter at 1st and D Streets.
- n) **Line Superintendent Report.** City Administrator Chalfant pointed out information on Line Superintendent Jason Throm's report regarding the condition of the buried electric line at Colonial Acres. He stated staff plans to order wire and replace the second leg before there are issues with it.

27. City Clerk Report.

- a) **Electric Contract.** Council discussed the fuel adjustment reflected by the new electric rates and electric contracts at the last council meeting. Staff visited with Darren Prince, KMEA, and part of the increase in the recent fuel adjustment is due to the cost of natural gas which ultimately increases the price of electricity. Prince reached out to Neal Daney, KMEA, about the City's current contracts.

Council was given a copy of a pie chart that reflects the allocations and the expiration dates of the City's utility contracts. The City contracts 65% of their load and buys 35% off the open market. According to Daney, "the two contracts that are looming are GRDA and your summer peaking product. They are working on a GRDA replacement with other fixed energy product, large scale solar, and community solar options. There will be more to come as we get into 2023. They will also look to replace the City's summer peaking product, however, now is not a good time to extend that product with the higher than usual natural gas/energy prices. They are watching the market and the City's portfolio and will reach back out with opportunities later this year and into 2023."

- b) **Blue Valley Telecommunications.** Staff received a call on Tuesday, November 1, 2022, from Angie Armstrong, community & customer relations director with Blue Valley Telecommunications, stating Blue Valley was the recipient of four USDA grants and will be installing fiber internet in the City of Washington.
- c) **Washington Chamber of Commerce.** A letter from the Washington Chamber of Commerce in reference to the Mark Nutsch Horse Soldier Monument/9-11 Memorial Dedication was given to the Council.
- d) **North Central Regional Planning Commission.** Staff recently met with Deb Ohlde, NCRPC, about the city's street project. Ohlde pointed out the KDOT cost share is limited to \$1.5 million. The City's match on \$1.5 million would be \$225,000 which ONLY covers construction, not design or inspection.

Consensus of the Council was to proceed with application for a KDOT grant and do the project in phases. Staff will contact Ohlde, to seek North Central Regional Planning Commissions assistance on the grant at a cost of \$500.

- e) **Power Plant Engine Financing.** Staff received notice from EMC Insurance that they wanted to close the claim on the power plant engine and make final payment. Final payment in the amount of \$332,552.50 was received Nov. 7th.
- f) **Reports.** The Washington County Senior Citizens Meal Site September 2022 financials and Fire Department minutes of September and October 2022 were given to the Council for review.

28. Council Reports.

Morse.

- a) **Campground.** Morse stated he would like to see the City offer for free one or two nights' stay to campers at the campground. Morse brought in an old flyer where the City used to offer a free will donation for the first 72 hours and charged \$7 per night following.
- b) **Groundskeeper.** Morse expressed his desire to hire a groundskeeper.

Fuhrken.

- a) **Street Patching.** Fuhrken asked how street patching was coming and why staff is not filling all the potholes in the whole street. Chalfant stated staff has been working on them and that he just had a conversation about filling all the potholes in a street while they were there. It was also noted that F Street by Herra Machine has blown out again.

Meeting to adjourn by Pinnick and seconded by Fuhrken.

Vote: Ayes: Jerry Fuhrken
Theresa Herra
Terry Morse
Carolyn Pinnick

Meeting adjourned at 9:18 p.m.

Denise M. Powell, City Clerk