

WASHINGTON CITY COUNCIL MINUTES
Regular Meeting – City Hall
November 6, 2023

1. Call to order by Mayor Ryan Kern.

2. Roll Call.

Present: Ryan Kern, Mayor
Mary Ann Crome, Washington
Terry Morse, Council Member
Carolyn Pinnick, Council Member
Roxanne Schottel, Council Member

Absent: Jerry Fuhrken, Council Member

Staff Present: Carl Chalfant, City Administrator
Denise Powell, City Clerk
Elizabeth Baskerville-Hiltgen, City Attorney
Caroline Scoville, Fulltime EMT

Others: Cynthia Scheer, Washington County News
Helena Jensen, Morrowville, arrived at 6:33 p.m.
Lilly Buchli, Washington, arrived at 6:33 p.m.

3. Citizens Comments.

No Citizens Comments.

4. Minutes.

Motion to approve the minutes of the regular meeting held October 2, 2023, and special meeting of October 23, 2023, as corrected by Schottel and seconded by Morse.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

5. Appropriations Ordinance 2023-11.

Motion to approve appropriations ordinance 2023-11 by Schottel and seconded by Pinnick.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

Helena Jensen, Morrowville, and Lilly Buchli, Washington, arrived at 6:33 p.m.

6. EMS Staffing Variance

Motion to authorize staff to move forward with requesting a variance from staffing regulations through the Kansas Board of Emergency Medical Service by Crome and seconded by Morse.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

Caroline Scoville, full-time EMT, joined the Council meeting by phone to discuss the potential of applying for a variance from staffing regulations from the Kansas Board of Emergency Medical Service. The variance was just approved this year allowing persons trained in approximately an 8-hour course to be added as additional staff for up

to 12 months. There is the possibility the variance could be extended for additional 12 months. If approved it could be of significant benefit to the service. A pay scale would have to be discussed.

7. Code Violations.

Discussed formal code violations at 321 W 5th and 110 W College and 112 West College. City Administrator Carl Chalfant will obtain and present his findings to the city attorney.

8. AFLAC.

Motion to update City’s AFLAC plan year to 1/1/2024 through 12/31/2024, and authorize the Mayor to execute a Payroll Account Acknowledgement reflecting the same by Pinnick and seconded by Morse.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

City Attorney Elizabeth Hiltgen advised staff when sending the executed copy back to indicate, “attached find a copy of the AFLAC Payroll Account Acknowledgement Agreement for the 1/1/2024 through 12/31/2024 enrollment period authorized by the City Council and signed by the Mayor at the November 6, 2023 meeting.”

9. Law Enforcement Contract.

Motion to authorize staff to notify Law Enforcement of its intent to renew the contact for 2024 by Pinnick and seconded by Crome.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

10. PowerLoad Purchase.

Motion to purchase MTS PowerLoad with floor plate, Power Load Compat Upgrade Kit and ProCare Cot Upgrade or Install plus shipping from Stryker not to exceed \$31,571.86 to be paid out of the Ambulance Reserve Fund by Pinnick and seconded by Morse.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

Motion to approve installation of the Stryker PowerLoad system from Stephenson Automotive Excellence not to exceed \$1,400 all to be paid out of the Ambulance Reserve Fund by Crome and seconded by Schottel.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

11. 2023 Audit/2025 Budget.

Motion to authorize the Mayor to sign the engagement letter with Shipley CPA, LLC, for the 2023 Audit at a cost of \$8,950; 2025 Budget at \$1,500 and single audit at \$6,500 by Schottel and seconded by Crome.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

12. Justin Svanda Request.

Consensus of the Council is to allow Justin Svanda to use the ESB meeting room the second Sunday of each month from 4 p.m. to 5 p.m. for Boy Scout meeting.

13. Cereal Malt Beverage License.

Motion to approve 2023 cereal malt beverage license for Family Dollar Inc. by Schottel and seconded by Pinnick.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

14. Health Insurance.

Motion to pay the total premium for fulltime employee/spouse/children/family 2024 health insurance premiums of BCBS Classic SG Choice 1 health insurance plan and employee only dental as presented, and allow employees the option to add spouse/children/family dental with the employee paying the difference by Schottel and seconded by Crome.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

Motion to reimburse employees for 2024 Medicare premiums for Medicare eligible employees and their spouses who are not enrolled in the City's BCBS plan structure by Schottel and seconded by Crome.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

15. Advance Insurance Policy.

Motion to approve 2024 renewal of the Advance Insurance Policy providing employee life, short-term disability and accidental death insurance as presented by Schottel and seconded by Morse.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

16. Christmas Lighting Contest.

Motion to approve the 2023 Christmas Lighting Contest with the following prizes:

1st Place – 100% off the customer's electric portion of their utility bill due on February 10, 2024;

2nd Place – up to \$50 off the customer's electric portion of their utility bill due on February 10, 2024;

3rd Place – up to \$25 off the customer's electric portion of their utility bill due on February 10, 2024 by Morse and seconded by Schottel.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

17. Power Plant Lease Purchase Request.

Motion to approve payment of a bill of KMEA Mid-States in the amount of \$27,721.61 to be paid through the UB&T engine lease purchase by Morse and seconded by Crome.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

At the request of the Council, City Administrator Carl Chalfant will ask Mike Schmaderer, KMEA Mid-States president, for the estimate on completing the wiring on the new engines at the power plant he stated he would have for the November Council meeting.

18. Hay Ground Bid.

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 \$120.00 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, 2024 by Pinnick and seconded by Schottel.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

19. Water Project Pay Request.

Motion to approve and authorize the mayor to sign Water Project pay request including Contractor's Application for Payment No. 2 from Ohlsen Right of Way & Maintenance, Inc. in the amount of \$11,609.17; BG Consultants for \$2,804.50 and North Central Regional Planning Commission for \$1,750.00 by Schottel and seconded by Pinnick.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

Utility Service Company did the inspection on the water tower per contract. Staff lowered the water level in the tower and the inspection showed three areas that needed to be touched up. Seaver Williams, BG engineer, received correspondence stating the city didn't drain tower so work could be done at time of inspection. The correspondence received from Utility Service Company gave two options, one draining the tower and the other lowering the tower. There was no indication the tower had to be drained so work can be done or there would be an additional expense. The correspondence with the engineer stated the work should be done with no cost to the city.

20. Playground Committee.

Motion to reappoint Rachel Tegtmeier to the playground committee by Crome and seconded by Schottel.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

City Attorney Elizabeth Hiltgen stated she received an email from Leathers & Associates inquiring what direction the city was wanting to go. Hiltgen said she would respond that the Council and Committee are still exploring options.

Consensus of the council is to notify the playground committee to move forward with looking at a new playground structure.

21. Additional Street Repair.

Motion to approve the milling and overlay of the intersection of 6th and E Street and Colonial Drive at a cost not to exceed \$65,000 to be paid out of the Sales Tax Fund by Pinnick and seconded by Crome.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

22. City Attorney Report.

a) **Cellular Tower.** James Cardinal, site acquisition specialists, forwarded the city's request of proposed changes to Verizon. City Attorney Elizabeth Hiltgen stated she had not heard back from Cardinal.

23. City Administrator Report.

a) **Washington County Historical Society Request.** Staff received a request from Dale Hiesterman, Washington County Historical Society, looking for a couple doors for the museum. After looking around in old city hall, Hiesterman determined two doors from there would work and he picked up the doors October 23.

b) **Delinquent Accounts.** Last month Council had a question regarding a specific delinquent utility account that was included in the list, and whether it was billed to the landlord. It was not, because the ordinance allowing for landlord liability was not adopted until 2013, and the account was terminated in 2011.

c) **Christmas Decorations.** Staff has been preparing Christmas decorations to be hung. The garland with lights that go down the poles is shot. Staff was asked to contact the City of Russell who was looking at getting rid of their old decorations.

d) **Crop Damage Industrial Park.** The extension of utilities in the City's industrial park resulted in crop damage of 50.2 bushel of beans. The tenant sold beans from the same property at \$13 per bushel. A check in the amount of \$652.60 will be issued to the tenant.

e) **PFAS Testing.** PFAS testing has been completed on all three wells. Results were sent Napoli Shkolnik, attorneys at law, for review.

f) **Employment Openings.** Staff has not received any applicants for open positions following all of the advertisements. Staff will advertise for the positions again.

g) **Industrial Park Utility Extension.** Ohlsen's completed the utility extension project in the Industrial Park with cleaning up, landscaping, and seeding being done October 25, 2023.

h) **Street Repair.** Asphalt Specialist pulled into town October 31, 2023, to start working on street repairs, and will be working on D Street, Grove Street, and 8th Street.

i) **USD 108 Job Shadow.** Two USD 108 students job shadowed city staff in multiple departments on Monday, Tuesday and Wednesday. They attended the Council meeting as well.

24. City Clerk's Report.

- a) **KMEA.** Staff was recently notified by KMEA that effective October 1, 2023, KMGAs has contracted with WoodRiver Energy for supply, scheduling, and management of our gas supply portfolio. Due to the nature of the billing and payment terms with WoodRiver they will be moving to a Net 20 Days as the due date of payments starting with the invoice that will be issued in October.
- b) **Personnel Policy.** Consensus of the Council was to continue employee sick and vacation leave rather than converting to personal time off. Also, discussed paying registration fees and meals for employee and elected official spouses attending meetings and the consensus was no.
- c) **Holidays.** As per the personnel policy the City will be closed for Thanksgiving, Thursday, Nov. 23 and Friday, Nov. 24; Christmas Day, Monday, Dec. 25; and New Year's Day, Monday, Jan. 1, 2024.

Consensus of the Council was to give \$50 in scrip to fulltime employees and \$30 to parttime employees for Christmas.

d) **KDOT Cost Share Agreement.**

Staff received the KDOT Cost Share Program Agreement as well the Civil Rights Act and Contractual Provisions Attachment incorporated into the Agreement for the East 2nd Street Project which was sent to City Attorney Elizabeth Baskerville-Hiltgen for review. The Council authorized the Mayor to sign the agreement at the March 6, 2023, Council meeting.

City Attorney Elizabeth Hiltgen wanted to make sure the Council is aware of:

1. The cost allocation/responsibility for KDOT is 74% of the actual cost of construction. The City is responsible for 26% of actual cost of construction PLUS 100% of actual costs after KDOT's limit of \$1.5 is reached, as well as 100% of preliminary engineering, right-of-way acquisition and utility adjustment, and any costs that KDOT does not consider integral to the project.
 2. The City is obligated to keep an accounting of all costs, including all "Non-Participating Costs" (not deemed integral to project or reimbursed by KDOT) paid by the city directly to any outside party and all costs that will not be reimbursed by KDOT (engineering, utility adjustments, etc.) and keep records for at least a period of 5 years after final payment.
 3. Any Agreement entered into with a "Consultant" (engineering firm or other entity retained to provide services) must contain certain language acknowledging KDOT as third-party beneficiary (required language is in the Agreement).
 4. City is responsible for the design.
 5. Responsible for removal of hazardous waste materials discovered within the project area.
 6. General indemnification to KDOT by the City and also by contractors retained by the City
 7. City is responsible for providing construction engineering services, and for letting of bids for the project upon concurrence by KDOT- Performance bond required of contractor.
 8. Responsible for maintenance after completion of the project.
 9. Must commence the project upon receipt of Notice to Proceed and complete within 2 years of when Notice is received, and must let the project no later than 6 months after February of 2025.
 10. Design plans must be submitted to KDOT by a licensed engineer and full set retained for a period of at least 5 years.
 11. Responsible for removal of encroachments per final design (plus not allow future encroachments) and right-of-way acquisition and utility relocation per final design.
 12. Responsible for temporary and permanent traffic control.
 13. Project is subject to recapture for a period of 10 years.
- e) **Code Violations.** Council members agreed at the September Council meeting it was time to get serious about code violations. City Clerk received a list from four council members which was provided in a spreadsheet. Staff was asked to inspect and take pictures of the properties and determine if a violation exist. If so, proceed per the city's code in alleviating the violations.

f) Reports.

Reports. The Washington County Senior Citizens Meal Site September 2023 financials and October Fire minutes were given to the Council for review.

25. Reports.

Carolyn Pinnick. Received citizen complaint about dogs running loose on West 5th Street and it went after mail carriers. Pinnick was asked to have the citizen come to city hall and file an official complaint.

Motion to adjourn by Schottel and seconded by Crome.

Vote: Ayes: Mary Ann Crome
Terry Morse
Carolyn Pinnick
Roxanne Schottel

Adjourned at 8:37 p.m.

Denise M. Powell, City Clerk