

Rural Water District No. 1  
Ellsworth County, Kansas a/k/a Post Rock Rural Water District  
Regular Board Meeting Minutes  
March 17, 2020

At 6:35 pm, Chairman Brad Miller noting a quorum called the regular board meeting to order.

Directors present were Brad Miller, Ralph Larson, Martin Bland, Kayla Errebo (by telephone), Dave Gorrell (by telephone), Joel Christy (by telephone) and Howard Wehrman.

Director not present: Director Butch Teppe

Others Present: Leslee Rivarola (by telephone), and Sharon Condit.

Guest: None

At 6:36 pm, Chairman Miller called for a motion to revise the agenda to add Items 7, 8, 9, 10, & 11. The items added to the agenda are as follows: Executive Order 20-05 issued by Governor Kelly, formal written request by Mr. Joe Kramer of J-Six Enterprises for Consideration of Wholesale Water Rate, Engineering Proposal by Lamp Rynearson to Perform Water Treatment Plant Capacity Study, Discussion of Emergency Operations Plan in Response to COVID-19, and Request to Hire an Operator (Distribution). Director Larson made a motion to revise the agenda to add the above items. Seconded by Director Christy. Motion carried.

Ms. Condit requested the consent agenda be revised to add the Re-Organization Minutes. Chairman Miller called for a motion to amend the consent agenda items. Director Wehrman made a motion to add the Re-Organization Minutes to the Consent Agenda. Seconded by Director Larson. Motion carried.

At 6:42 pm, Chairman Miller called for a motion to approve the consent agenda items as presented. A motion was made by Director Bland to approve the consent agenda items. Seconded by Vice Chairman Gorrell. Motion carried.

At 6:45 pm, Chairman Miller called for Item number 2 on the agenda. Ms. Condit gave the financial report and called for questions. After a brief discussion on the Schwab-Eaton Invoice regarding the billing related to the Bushton project, which totaled \$1,794. The Board of Directors were not aware discussions with Bushton were still ongoing. It was the consensus of the Board to request additional information from Mr. Porter on the invoiced amount related to work on Bushton. Chairman Miller called for a motion to excluded \$1,794 from the Schwab-Eaton invoice. Director Bland motioned to exclude and not pay the portion of the invoice that included the Bushton project. Seconded by Director Wehrman. Motion carried.

Ms. Rivarola asked if the Triplett, Woolf & Garrettson invoice was included in the bills to be paid. Ms. Condit said, it was not. Ms. Rivarola requested the invoice be added to the bills to be paid. Chairman Miller called for a motion to add the invoice from Triplett, Woolf & Garrettson in the amount of \$837.50. Director Bland made a motion to add the invoice for Triplett, Woolf & Garrettson. Seconded by Chairman Miller. Motion carried.

Ms. Condit recommended the financial report be accepted and the bills to be paid, excluding the Schwab-Eaton Invoice on the Bushton Project and to include the final invoice from Triplett, Woolf & Garrettson, in the amount not to exceed \$102,754.27. A motion was made by Director Larson to accept the financial report and to pay the bills not to exceed the amount of \$102,754.27. Seconded by Director Bland. Motion carried.

At 6:55 pm, Chairman Miller updated the Board of Directors on the conversation Director Bland and him had with the District's contractor, Mr. Kenny Krueger, about the Avenue D Project. The Chairman briefed the Board on the contractor's quote for replacing 1 1/8<sup>th</sup> mile of pipe on Avenue D. After the update and a brief discussion, the item was tabled until the April meeting.

At 7:15 pm, Chairman Miller called for Item # 4 on the agenda. Ms. Condit explained the misunderstanding of the three quotes that were presented at the February 18<sup>th</sup> meeting of the total cost of the windows and doors replacement at the Water Treatment Plant. After a brief discussion, Vice Chairman Gorrell suggested this is a project that the District has needed to approve for quite some time, and he thought it should be approved by the board of directors. Chairman Miller called for a motion to approve the additional cost of the replacement of the glass on the southside of the Water Treatment Plant. Vice Chairman Gorrell made a motion to approve the additional funds needed to replace the glass on the southside of the Water Treatment Plant making the total cost of the project \$22,588.32. Seconded by Director Bland. Motion carried.

At 7:20 pm, Chairman Miller called for Item #5 on the agenda. Ms. Rivarola, Chairman Miller, and Director Bland gave an update to the Board of Directors on the meeting that was held with representatives from the City of Lucas. After a brief discussion and some questions, it was the consensus of the Board to work cooperatively with the City of Lucas to develop a Water Purchase Agreement that does not legally obligate the District to a specific amount of capacity and does not obligate the City of Lucas to a minimum amount of water to purchase. Chairman Miller called for a motion to work cooperatively to sell water to the City of Lucas. Director Wehrman made a motion to work with the City of Lucas on the terms and amount of water needed to solve the nitrate issues following these six general terms and subject to a water purchase agreement being executed by both parties. 1) City of Lucas would pay for any

engineering necessary to make the connection; 2) City of Lucas would pay recurring monthly meter fee; 3) City would be charged wholesale rate (Currently \$7.18/gallon); 4) District and City agree to work cooperatively to supply the water at the flow rate needed for Lucas to treat water for the removal of nitrates, currently that's 30 gpm, but both parties agree that if the District is unable to maintain that flow rate (infrastructure issue - temporary or long term); or plant treatment issue; or conservation issue; or any other regulatory reason imposed by KDHE that the District is not obligated to maintain that flow rate contractually. 5) If another large user were to request capacity that is tied up with this connection, District would give Lucas an opportunity to purchase/obligate contractually the capacity before selling it to someone else. If Lucas doesn't want to obligate contractually the capacity, the District is free to sell the water to another user, so long as we provide some kind of reasonable notice (in the spirit of cooperation) so Lucas can make other arrangements; 6) An initial review on the 1st anniversary of the Water Purchase Agreement. Seconded by Director Larson. Motion carried.

Following the above motion, it was discussed to hold a meeting with the City of Bunker Hill and a motion was made to extend the same offer to the City of Bunker Hill that was extended to the City of Lucas. Chairman Miller called for a motion. Director Bland made a motion to extend the same offer in concept to work cooperatively to the City of Bunker Hill to purchase water from Post Rock Rural Water District. Seconded by Director Wehrman. Motion carried.

At 7:45 pm, Chairman Miller called for Item #6 on the agenda. At the time of the meeting, Chairman Miller had no updates to the Osborne Rural Water District #2 project except that Chairman Tatkenhorst from Osborne RWD contacted Chairman Miller and requested to meet with members of the Post Rock RWD Board.

At 7:50 pm, Chairman Miller called for Item #7 on the agenda. Ms. Rivarola briefed the Board of Directors on Executive Order 20-05 that was put in place by Governor Kelly. The Executive Order, in summary prevents utility providers, such as the District, from terminating water service for Kansas citizens for non-payment.

At 7:55 pm, Chairman Miller called for Item #8 on the agenda. Ms. Rivarola briefed the Board of Directors on the formal written request received by Mr. Kramer for the Board to consider extending a wholesale water rate in the Water Purchase Agreement. Ms. Rivarola shared this is a Board decision, as there are no legal concerns from Mr. Luckman on a wholesale or retail rate structure. After a brief discussion, Chairman Miller called for a motion to sell water to J-Six Enterprises at a wholesale rate. Director Bland made a motion to direct Ms. Rivarola to draft a letter requesting Mr. Luckman to finalize the agreement with J-Six Enterprises and to inform Mr. Kramer that the Board voted to grant the wholesale rate. The motion was seconded by Director Christy. Chairman Miller called for a roll call vote. Directors Gorrell, Errebo, Christy, Bland, Wehrman and Larson vote yes to provide a wholesale rate. Chairman Miller voted no. Motion passed.

At 8:15 pm, Chairman Miller called for Item #9 on the agenda. Ms. Rivarola presented Water Treatment Plant Capacity Analysis Scope of Work that was put together by Lamp Rynearson and after a brief discussion, it was determined to table Item # 9 until the April meeting, citing concerns with the cost of the study and request to look at reducing the scope of services.

At 8:30 pm, Chairman Miller called for Item #10 on the agenda. Ms. Rivarola briefed the Board of Directors on the Emergency Plan of Operations and the affect the COVID-19 has had on the east side of the State. After a brief discussion, the Board made the decision close the facilities the public and to request employees implement social distancing and disinfecting/cleaning procedures at District facilities and within District vehicles.

At 8:40 pm, Chairman Miller called for Item #11 on the agenda. Mrs. Rivarola presented the Board of Directors with the idea of hiring an additional Operator to work in Distribution due to limited staffing and about the discussion of hiring a water treatment plant operator and she opened the floor for the discussion. No action taken in open session.

At 8:45 Chairman Miller called for a motion to recess into Executive Session. Director Bland made a motion to recess into Executive Session for sixteen (16) minutes to discuss non-elected personnel pursuant to K.S.A 75-4319(b) (1); further that all board members and Ms. Rivarola was included in the Executive Session. Director Teppe was absent. Seconded by Director Larson. Motion carried.

At 9:01 pm, the meeting reconvened in open session. No action taken.

At 9:05 Chairman Miller called for a motion to adjourn the meeting. Director Christy made a motion to adjourn the meeting. Seconded by Director Bland. Motion carried.

Meeting Adjourned at 9:05 pm.

Respectively Submitted:

  
\_\_\_\_\_  
Kayla Errebo, Secretary/Treasurer

4-21-2020  
Date