

Westmoreland City Council Meeting  
October 10, 2019 minutes

The Westmoreland City Council met for its monthly meeting at the Westmoreland Community Center on October 10, 2019.

Governing Body members present: Mayor, Mark Goodenow; Councilmembers Waide Purvis, Mark Jack and Jim Moore.

Governing Body members absent: Councilmembers Ashley Rice and Jim Smith.

City Staff present: Maintenance Supervisor, Robert Krohn; City Attorney, Summer Dierks; City Agent, Jeff Zimmerman and City Clerk, Vicki Zentner.

City Staff absent: City Treasurer, Teri Varriale.

Others present: Jim Bradley and Deanne Smith with Wellsprings of Westmoreland (AKA Westy Care Home); Resident Sue Hennigh; Property owner, Leonard Ebert and Cale Prater, reporter for *The Smoke Signal*.

There being a quorum present, Mayor Goodenow called the meeting to order at 7:00 PM.

*Additions/Deletions to Agenda:* Councilmember Moore requested a discussion on dead trees by held.

There being no further additions or deletions to the agenda, Councilmember Purvis moved to approve the amended agenda. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

*Approval of the September 12, 2019 minutes:* Councilmember Jack moved to approve the minutes of the September 12, 2019 council meeting as presented. Councilmember Purvis seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

*Approval of monthly bills:* Councilmember Moore inquired about the bill from Reed Company regarding repairs to the city's large dump truck. Maintenance Supervisor Krohn stated that the repairs had been discussed at the September 12, 2019 council meeting. Due to the road salt from the previous winter, there were several parts of the dump truck that needed to be repaired, including the springs and brake lines.

There being no further questions regarding the monthly bills, Councilmember Jack moved to approve the payment of the bills. Councilmember Moore seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

*Public Comments on non-agenda items:* Resident Sue Hennigh addressed the council regarding the previous discussion of the dead tree between her property and Leonard Ebert's rental. She stated that she would like to correct the minutes of the August 8, 2019 and September 12, 2019 minutes regarding a comment made by Councilmember Jack that she had been approached by the city about taking the tree down at that time and that she had stated that she didn't want it taken out due to it providing shade over her property and that the roots had been damaged later by the pouring of her driveway. She stated that the driveway was not dug deep enough to kill the roots and that the comments attributed to her about not taking the tree out had not been made by her, nor had she nor her husband ever been approached by anyone with the city about the tree.

Mrs. Hennigh stated that her property had been surveyed and the tree was not on their property. She would like to know who owns the tree in question and who would be liable if it came down on its own and causes damage to either her residence, vehicles or others. She felt the tree is a safety issue and hoped that the council would take the issue seriously and take action before damages are done. She would also like to be notified of the date and time that the tree would be taken down.

Councilmember Moore asked Mrs. Hennigh if she would be willing to pay anything towards the removal of the tree. Mrs. Hennigh stated that she had considered paying half of the estimate with Mr. Ebert paying half as well. Now, she wasn't so sure due to the incorrect statements attributed to her.

Mr. Ebert interjected that the tree was not his, that it belonged to the city and he was not willing to pay for its removal.

There was no more discussion at this time concerning the tree.

*Request for signage on East Campbell Street:* The resident that was requesting the signage was not present. However, after inquiring what the resident was wanting, City Clerk Zentner informed the council the resident was wanting a "Slow Children at Play" sign erected near the residence.

It was mentioned that since the city did not have any way to enforce the signage, the city should erect the requested signage.

*Pat Andel regarding N. Walnut ditch:* Mr. Andel was not present.

*Bob Stalder with Wellsprings of Westmoreland regarding drainage issue:* Mr. Stalder was not present, but Maintenance Supervisor Krohn informed the council that Mr. Stalder had asked him about the repairing of the retaining wall near the Care Home and who was responsible for it.

The council decided that Mr. Stalder would need to be present at a future council meeting to discuss this issue.

*Resolution #05-19 regarding refinancing of Care Home Bonds:* Councilmember Moore stated that the Care Home was wishing to refinance the original bonds issued so as to cut their payment in half. He stated the original bonds were for 2 million dollars and by refinancing them it would take them down to 1.2 million dollars for improvements, repairs and renovations. There would be no debt responsibility to the city.

Councilmember Jack moved to approve Resolution #05-19 regarding determining the advisability of issuing the city's health care facilities refunding and improvement revenue bonds to pay the costs of acquiring, constructing and equipping an existing assisted living and long-term care facility in the city and refinancing and refunding certain outstanding revenue bond issued by the city. Councilmember Purvis seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

*Information on Rural Water District #4:* Councilmember Moore asked the council for permission to work with the city attorney and the Rural Water District #4 board. He stated that a meeting was set between the city attorney, himself and the city auditor on Friday, October 11, 2019 to work on figuring out the total amount of repayment for the original agreement for providing water service to the city, and the total amount that was still due to them.

Councilmember Moore stated that he had previously asked Rural Water District #4's engineer to come and speak to the council about this issue and was told that it would cost the city \$250.00 an hour for him to come and speak to the council. The engineer also said he was not able to go into much detail with Councilmember Moore on the project and costs due to privacy issues.

Councilmember Moore stated that he would like to resolve the issue before the end of the next two (2) months as he was not running for council again this time.

*City Park restroom discussion:* Councilmember Moore moved to ask for at least two (2) bids for the erecting of outside restrooms at City Park. Councilmember Jack seconded

the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

*Revisiting of Wege's shed:* Councilmember Jack stated that it appeared Mr. Wege was working on putting a roof on the shed.

Councilmember Purvis said he was glad that at least some progress was being made.

*Ordinance #570 "...providing for the removal of trees and shrubbery on private property...":* Attorney Dierks stated that she had included a clause in the ordinance per the council's request authorizing the right of entry by city personnel for the purpose of assessing, maintaining, trimming or removing tree or shrubbery in a manner not inconsistent with the ordinance.

She also stated that the city was only liable for damages if they did not make sure the tree or shrubbery was safe from falling on sidewalks or streets. They would not be liable if the tree fell on a residence or vehicle parked at the residence.

Ms. Dierks recommended the council approve and vote on the ordinance.

Councilmember Moore moved to approve Ordinance #570 as recommended by the city attorney. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

(Deanne Smith exited the meeting at 7:30 PM followed by Jim Bradley exiting the meeting at 7:32 PM).

*Ordinance #571 "...providing for the demolition and site clearance of property...":* Councilmember Moore stated that Kansas Gas Service would not shut off the gas main unless they were informed that the structure was being totally demolished. He wanted to make sure that everyone would be safe, especially with natural gas leaks.

Maintenance Supervisor Krohn stated that part of the permit requirements was to assure that Kansas Gas was called by whomever was demolishing a structure with natural gas hooked up to it. If Kansas Gas is not called, along with other utility companies effected, a permit would not be issued for the demolition.

There being no further discussion, Councilmember Purvis moved to approve Ordinance #571 as presented. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

*City Agent:* Jeff Zimmerman wanted to thank the council and staff for the sympathy plant sent for his grandmother's funeral.

Mr. Zimmerman stated that jeeps were still at the residence at 405 N. 3<sup>rd</sup>; the yard at 502 E. Campbell had still not been mowed and the red shed at the Wege property was still in need of repair.

In regards to the shed, Mr. Zimmerman stated that since he is not a contractor, he had no authority to state if the shed was un-safe or not.

City Clerk Zentner will forward reports and paperwork to the city attorney regarding the jeeps and yard mowing violations.

Councilmember Moore stated that a simple letter asking residents to take care of violations should be sent first before the registered/certified letters were sent. He stated he thought this was being done as per the council's wishes. City Clerk Zentner stated that it would be done going forward.

Councilmember Moore informed Mr. Zimmerman that there were several cars behind a residence on State Street. Mr. Ebert stated he had been informed by his renter that they would be removed soon.

*Future Agenda Items:* There were no items discussed to be addressed in the future.

*Dead tree by Christian Church:* Councilmember Moore stated that there was an obvious dead tree on the property to the east of the Christian Church that was a safety issue.

Attorney Dierks stated that the new ordinance addressed this issue and that the property owner would need to have a letter sent to them by 1<sup>st</sup> class mail with a limit of ten (10) days for the removal of the tree.

City Clerk Zentner will send this letter out as soon as the city agent provides her with a report and pictures.

Attorney Dierks informed the council, Mrs. Hennigh and Mr. Ebert that if the tree that had been discussed earlier in the meeting were to fall in the street or on the sidewalk, the city would be liable. If it fell on a residence or a vehicle, then it became the liability of Mr. Ebert and or Mrs. Hennigh depending whose property the tree is on.

Mr. Ebert stated that he had contacted two (2) tree trimmers but neither one of them had returned his call. He also stated the tree was not his but the city's.

Attorney Dierks informed Mr. Ebert that if the tree was on his plat, it was his and he was responsible for its removal. If the city removes the tree, then the city would bill Mr. Ebert the cost of the removal.

Mr. Ebert exited the meeting at 7:53 PM.

## **Staff Reports:**

### Treasurer's Report-

Councilmember Purvis moved to approve the treasurer's report as submitted previously. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

### Maintenance Report-

Maintenance Supervisor Krohn reported the following:

#### UTILITIES

- Placed topsoil and seeded around residential water meters dug up when they were replaced with AMR water meters
- Liquid Engineering cleaned and inspected the water storage tank without finding any issues. It will be inspected/cleaned again in another 4-5 years as per KDHE.
- B & B Services completed yearly service of the valves at the vault.

#### STREETS

- Regraded, installed limestone retaining walls, and seeded ditches on Walnut and Skene.
- Estimate \$8,300.00 for concrete ditch liner only on Walnut and \$6,000.00 for concrete ditch liner only on Skene.

#### PARKS

- Mowed properties
- Installed four (4) new fire pits at the RV Park
- Winterized the plumbing for the ball diamond bathrooms and concession stand.

#### CEMETERY

- Laid out and installed boundary markers for lots that had not been set for a burial in one of the lots.
- Placed grass seed over burials.
- Opened/closed one (1) cremation burial.
- Mowed the property.

- Tri City Fencing will be looking/repairing the chain link fence on the north property line caused by the adjoining property owner catching it with a brush mower.

## POOL

- Mowed the property.
- Winterized the plumbing for the pool and pool house.
- Tri City Fence will be looking/repairing the decorative fence at the pool for repairs caused by patrons between the main pool and the baby pool.

## BUILDINGS

- Moved the brush burn pile site at the shop 20' allowing it and the recycling to be separated from the shop yard, with its own entrance, without causing any safety issues with the recycling trailer. Also installed gates for shop entrance to keep the public out of the shop yard after hours, making it a little more secure.

## PLANNING AND ZONING

- Issued two (2) violation letters for chickens without a permit at 105 N. Hwy 99 and 609 N. 1<sup>st</sup>.
- Issued a building permit for a garage at 201 North.
- Issued a building permit for an addition at 211 S. Walnut.

## EQUIPMENT

- KAN-EQUIP is making repairs to the backhoe locking mechanism to the boom so that it does not come unlatched while traveling and repairing the air conditioning system.

## MISC.

- Mowed out of compliance yard at 206 State.

All seven (7) authorized setters are done. There are seven (7) left for next year.

The Walnut Street ditch repairs are not holding due to the 3" rains recently. The engineer says there is more water coming down the ditch than previously thought. They want to do a drainage survey, but it will cost money.

Councilmember Moore stated he felt that the city needed to get bids for repairs and talk to the county to share in the costs. He wanted to know what could be done about

the water flowing across Main Street at the intersection. Krohn stated that an inlet would need to put in to slow the flow down.

Councilmember Moore moved to ask for bids for a ditch liner at N. Walnut and one at Skene. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

Krohn also stated that he would need to purchase retaining wall blocks for the burn pile. He estimated the cost being \$1,700.00.

Councilmember Purvis moved to allow Krohn to purchase retaining wall blocks not to exceed \$1,800.00 to be paid for out of the general fund. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

#### City Clerk's Report-

City Clerk Zentner read a thank you note from the Olsburg Pride regarding the recent poker run stop at City Park. They had used the park and the porta potty and sent the city a \$100.00 donation for letting them use the park and porta potty.

(Cale Prater exited the meeting at 8:07 PM)

#### Council Reports-

Streets-Councilmember Moore had nothing more to report.

Utilities-Councilmember Jack had nothing more to report.

Fire Department-Councilmember Jack stated that the fire department had purchased 15 sets of bunker gear (jackets and pants) that will be partially reimbursed to the city from the Forestry Grant.

Councilmember Jack stated that he had also talked to Fire Chief Smith about the testing of the fire hydrants times and thinks the issue of low water pressure is now taken care of.

Cemetery-Councilmember Purvis had nothing more to report.

Parks-Councilmember Purvis had nothing to report.

Mayor-Mayor Goodenow reminded the council and audience of the city's clean up day on Saturday, October 12, 2019.



City Attorney-Attorney Dierks informed the council that the damages to the new water meters cost can be billed to the landowner.

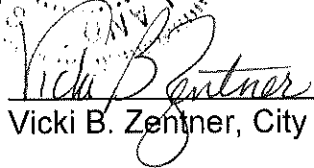
There being no further business brought before the council, Councilmember Purvis moved to adjourn the meeting. Councilmember Jack seconded the motion. The motion passed three (3) ayes to zero (0) nays with Councilmembers Rice and Smith being absent.

Mayor Goodenow declared the meeting adjourned at 8:12 PM.

Approved by the Governing Body on November 14, 2019.

Signed:   
Mark A. Goodenow, Mayor



  
Vicki B. Zentner, City Clerk